



Common Cause New Legislation Briefing: Senate Bill 1108 (2016)

LOCAL REDISTRICTING COMMISSIONS

Summary:

Every ten years, cities and counties must redraw their council and supervisorial districts to ensure they remain substantially equal in population. This process, known as “redistricting,” is mandated by the U.S. Constitution. Without redistricting, population shifts over time could cause districts within a jurisdiction to have vastly different populations, causing the residents of more populous districts to be unfairly underrepresented.

In most jurisdictions, the city council or board of supervisors is responsible for redistricting. In the last redistricting cycle in 2011, to increase public participation and transparency, many jurisdictions created citizen commissions to recommend new district lines; under prior state law, such commissions could be advisory only. However, several charter cities, based in their home rule powers under the California Constitution, went a step further and created independent commissions with the power to adopt district boundaries to help depoliticize the redistricting process. In 2012, San Diego County sought and received a special legislative exemption to establish its own independent commission.

With the success and popularity of the state Citizens Redistricting Commission and similar commissions in charter cities, many local jurisdictions have become interested in creating local redistricting commissions of their own. In 2016, the Legislature by a strong bipartisan vote passed Senate Bill 1108 (Allen) to authorize general law cities and counties to establish independent commissions. Beginning January 1, 2017, any general law city or county may now, if it wants to, adopt an independent commission by enacting a resolution or ordinance that meets certain minimum criteria.

Why adopt an independent redistricting commission?

There are several reasons why jurisdictions opt to establish independent redistricting commissions:

- ★ **Increased Citizen Participation & Transparency:** Citizen commissions are a direct way to involve the community in redistricting. Commissions are required to have more public hearings and provide greater notice of proposed maps than a local legislative body. Proposed district boundaries must be considered, debated, and adopted in public, with opportunities for community input at every stage of the process.
- ★ **Depoliticize Redistricting:** Commissions can help depoliticize redistricting and increase public trust in the process. Under political control, redistricting can be a source of infighting on a governing board as members fight over neighborhoods or community assets. Political redistricting can also be used to accomplish political ends, for example where a majority of the board draws another member out of their district or places two members into the same district.
- ★ **More Representative Districts:** Compared with legislative bodies, studies find that independent commissions generally draw districts that are more compact, less gerrymandered, and more representative of communities of interest and minority populations.

Which jurisdictions have independent redistricting commissions?

To date, eight cities and two counties have established independent redistricting commissions:

- Berkeley
- Chula Vista
- Escondido
- Los Angeles County
- Modesto
- Oakland
- Sacramento
- San Diego
- San Diego County
- San Francisco

What are the requirements of Senate Bill 1108?

SB 1108, which added Sections 23000 to 23003 to the state Elections Code, authorizes any city or county to establish an independent redistricting commission by resolution or ordinance. A city or county that wishes to establish a commission must determine the number of commissioners and their method of selection from among the qualified residents who apply. The resolution or ordinance establishing a commission must comply with certain criteria, outlined below, to ensure the commission is transparent, engages the public, and is politically impartial.

Commission Transparency and Public Engagement

- Hold at least four public hearings
- Publish a draft of the final map for public comment at least seven days before adoption
- Subject to the Public Records Act
- Subject to the open meeting requirements of the Brown Act

Commission Impartiality

- Commissioners cannot all be members of the same political party
- Commission cannot discriminate against incumbents or challengers in drawing lines

Commissioner Qualifications & Post-Service Restrictions

- Must be a resident of the jurisdiction
- Cannot, in 8 years prior to appointment, have been a local candidate, campaign staff, major campaign donor (\$500+), lobbyist, or political party officer
- Cannot, while serving, participate in local campaigns
- Cannot, for 4 years after serving, be appointed to local office, be staff to a local elected official, receive a non-competitively bid contract, or register as a local lobbyist
- Cannot, for 10 years after serving, run for local elected office

Interested in setting up a commission?

With the 2020 Census and subsequent redistricting approaching, the University of the Pacific's McGeorge School of Law and California Common Cause have set up a joint program to assist local governments interested in starting their own redistricting commissions. Please visit www.yourlines.org for more information regarding local redistricting law; sample redistricting ordinances from across the state; best practices recommendations; and model ordinance language.

If you are interested in having a presentation on local redistricting, would like help with drafting a redistricting ordinance, or would like other technical assistance, please contact:

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