

REDISTRICTING COMMISSIONS: STRUCTURES, CRITERIA & CONSIDERATIONS

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California

Common Cause

MAJOR POLICY CONSIDERATIONS(1/3)

Commission Type

1. **Independent** commissions have the power to independently adopt new district maps. The local governing board does not approve, and cannot amend, the commission's maps.
2. **Advisory** commissions provide recommendations for election district boundaries, which the governing board may adopt, modify, or ignore. Advisory commissioners are also appointed by incumbents.
3. **Hybrid** commissions are a blend between independent and advisory commissions. Generally, the commission will have the power to adopt new district maps, but only after receiving some level of input from the governing board. For example, in Chula Vista, the commission adopts new district boundaries, but must consider city council objections before doing so.

Selection Method

- ▶ Political Appointment
- ▶ Independent Appointment
- ▶ Random Draw & Commission Appointment

MAJOR POLICY CONSIDERATIONS (2/3)

Commission Composition: enough members that reflect diversity of jurisdiction; alternates; rep from each district.

- ▶ California has considered three composition models:
 - ▶ (1) 5/5/4 split between the largest political party, the second largest political party, and others/decline to state (the method used at the state level);
 - ▶ (2) a partisan split roughly proportional to the voter registration of the county (the method used in SD and LA Counties);
 - ▶ (3) leaving partisanship out of IRC bill language completely (the method used in Carlsbad and Sacramento).

Commissioner Qualifications:

1. Applicants should be required to meet minimum, objective commissioner qualifications to exclude persons who are highly likely to appear or be politically biased.
2. At minimum, local political candidates and elected officials in that jurisdiction, their immediate family, and their campaign staff should not be eligible for appointment to the commission.
3. Applicants should also be evaluated based on subjective criteria, including their collegiality, ability to be impartial, and relevant experiences or skills.
4. Commissioner qualifications should not be so strict that most civically active persons are ineligible for appointment.

MAJOR POLICY CONSIDERATIONS (3/3)

- ▶ During & Post-Service Restrictions
- ▶ *Ex-Parte* Communications
- ▶ Public Participation & Community Transparency
- ▶ Administration
- ▶ Removal & Replacement

LOCAL INDEPENDENT COMMISSIONS IN THE BAY AREA

- ▶ Berkeley (random selection)
- ▶ Oakland (open & competitive application process)
- ▶ Sacramento (open & competitive application process)
- ▶ Menlo Park (open & competitive application process)
- ▶ Santa Clara (open & competitive application process)
- ▶ **San Francisco** (political/independent appointment)

- ▶ *Random and Self-Selection Method*
 - ▶ This typically entails, in the following order: **1)** the vetting and whittling down of the applicant pool by non-electeds and/or non-partisan bodies (e.g., City Clerk, an ethics commission or a selection panel of retired judges or democracy experts) to a reasonable number of qualified applicants, **2)** a random drawing of a portion of the qualified applicants who will sit on the commission, and **3)** democratic selection of the remainder of the commissioners (likely via application review and interviews and a consensus vote) by the randomly selected commissioners.

JURISDICTIONS WE RECOMMEND LOOKING AT AS IRC MODELS

- ▶ **City of Long Beach**
 - ▶ **Los Angeles County**
 - ▶ **San Diego County**
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- ▶ All three of these jurisdictions have an open application process. There is a sound argument that an open application process is best in that it better fosters a commission that is diverse (in expertise, culture, race, political preference) and reflective of the electorate.
 - ▶ San Diego County and LA County independent redistricting commissions led two of the fairest, most participatory, and best-functioning local redistricting processes that we monitored during the 2021 redistricting cycle, out of 60+ jurisdictions.

Jurisdiction	# of Commissioners	Map Vote Threshold	# of Commission Applications	Map Deadline (self-imposed)
City of Long Beach	<p style="text-align: center;">13</p> <p>With 2 alternatives who may fully participate in deliberations, but have no vote.</p>	<p style="text-align: center;">9 out of 13</p>	<p style="text-align: center;">400</p> <p>https://www.longbeach.gov/globalassets/redistricting/media-library/documents/reports/063020-demographic-breakdown</p>	<p style="text-align: center;">March 8, 2022</p>
LA County (SB 958 in 2016)	<p style="text-align: center;">14 (no alternates)</p>	<p style="text-align: center;">9 out of 14</p>	<p style="text-align: center;">735</p>	<p style="text-align: center;">March 2, 2022</p>
SD County (AB 801 in 2017)	<p style="text-align: center;">14 (no alternates)</p> <p>8 applicants are randomly-selected. Those randomly selected applicants select the final 6 commissioners.</p>	<p style="text-align: center;">9 out of 14</p>	<p style="text-align: center;">291</p> <p>https://www.sandiegocounty.gov/content/sdc/redistricting/IRCQualified.html</p>	<p style="text-align: center;">February 17, 2022</p>

MAJOR IRC THEMES FROM THE 2021 REDISTRICTING CYCLE & RECURRING RECOMMENDATIONS

- ❖ IRCs are better than legislative bodies, or advisory commissions drawing the lines.
- ❖ IRCs, not City or County staff, should hire staff and consultants.
 - ▶ City/County staff can provide support on the procurement process, but selecting a demographer is a HUGE choice that should be made in public after public input. That can only happen after the commission is up and running.
- ❖ IRCs should receive stipends.

SOME RECOMMENDATIONS FOR SAN FRANCISCO (1/2)

The City Charter

- ▶ The San Francisco Charter lacks clarity on the order of priority for redistricting criteria, which creates opportunities where community testimony and input is not central to the process.
- ▶ The FAIR MAPS Act created new standards for city and county redistricting that are designed to enable communities of interest to better engage in the process, creating transparency and trust between local government and community members. Among its provisions, the FAIR MAPS Act established a set of substantive redistricting criteria for cities to follow, in ranked order, when drawing new district lines. Central to this order of principles is communities of interest preservation.

Amend the Selection Method from Political Appointments to an Open and Competitive Application Process

The public application system should be well-advertised and reach diverse communities, as well as specific qualifications and protections against conflicts of interest (limits on recent campaign contributions, limits on running for office).

SOME RECOMMENDATIONS FOR SAN FRANCISCO (2/2)

Budget

Guarantee minimum funding for the commission to ensure proper functionality of the commission and robust resources for language support.

Timeline

- ▶ Sufficient time and a public timeline set a strong foundation for a fair, transparent, and equitable process. Every city resident benefits when redistricting has the necessary time and resources for all the steps, including member applications and selection, training, community outreach and education, public input and feedback, and mapping.

Transparency & Public Engagement

- ▶ Ordinances frequently include specific requirements for transparency and public participation. Common requirements include holding a minimum number of hearings in different locations around the jurisdiction; requiring maps to be published for a week or longer before being adopted; and allowing the public to submit written comments and draft maps.
- ▶ Mandate the recording and posting of all meetings and codify remote public participation as an option for all meetings.

QUESTIONS?

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