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**SENATE COMMITTEE ON  
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**  
Senator Steven Glazer, Chair  
2023 - 2024 Regular

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**Bill No:** SB 314 **Hearing Date:** 3/21/23  
**Author:** Ashby  
**Version:** 2/6/23  
**Urgency:** No **Fiscal:** Yes  
**Consultant:** Scott Matsumoto

**Subject:** County of Sacramento Redistricting Commission

**DIGEST**

This bill establishes the Citizens Redistricting Commission for Sacramento County (CRCSC) to be tasked with adjusting the boundary lines of the supervisorial districts of Sacramento County, as specified.

**ANALYSIS**

Existing law:

- 1) Requires the Board of Supervisors of each county, following each federal decennial census, to adopt boundaries for all of the supervisorial districts of the county so that the supervisorial districts are substantially equal in population as required by the United States Constitution.
- 2) Requires population equality to be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data are available, as specified.
- 3) Requires each Board of Supervisors to adopt supervisorial district boundaries that comply with the United States Constitution, the California Constitution, and the federal Voting Rights Act of 1965 (VRA).
- 4) Requires each Board of Supervisors to adopt supervisorial district boundaries using the following criteria as set forth in the following order of priority:
  - a) To the extent practicable, requires supervisorial districts to be geographically contiguous, as specified.
  - b) To the extent practicable, requires the geographic integrity of any local neighborhood or local community of interest, as defined, to be respected in a manner that minimizes its division.
  - c) To the extent practicable, requires the geographic integrity of a city or census designated place to be respected in a manner that minimizes its division.

- d) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, requires supervisorial districts to be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.
  - e) To the extent practicable, and where it does not conflict with the criteria listed above, requires supervisorial districts to be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
  - f) Prohibits the county from adopting supervisorial district boundaries for the purpose of favoring or discriminating against a political party.
- 5) Requires each Board of Supervisors, before adopting a final map, to hold at least four public hearings at which the public is invited to provide input regarding the composition of one or more supervisorial districts, as specified.
  - 6) Authorizes a county, general law city, school district, community college district, or a special district to establish an independent redistricting commission, an advisory redistricting commission, or a hybrid redistricting commission by resolution, ordinance, or charter amendment, subject to certain conditions.
  - 7) Defines an “advisory redistricting commission” to mean a body that recommends to a legislative body placement of the district boundaries for that legislative body.
  - 8) Defines a “hybrid redistricting commission” to mean a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law.
  - 9) Defines an “independent redistricting commission” to mean a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.
  - 10) Establishes a procedure for a government of a county to adopt a charter by a majority vote of its electors voting on the question. Provides, generally, greater autonomy over county affairs to counties that have adopted charters.
  - 11) Provides that counties that have adopted charters are subject to statutes that relate to apportioning population of governing body districts.
  - 12) Establishes a Citizens Redistricting Commission in Fresno, Kern, Los Angeles, and Riverside counties, and an Independent Redistricting Commission in San Diego County, and charges each commission with adjusting districts of supervisorial districts after each decennial federal census, as specified.

This bill:

- 1) Provides for the creation of the CRCSC, and tasks the CRCSC with adjusting the boundary lines of Sacramento County’s supervisorial districts in the year following

the year in which the decennial federal census is taken.

- 2) Requires the CRCSC to be created no later than December 31, 2030, and in each year ending in the number zero thereafter.
- 3) States that the selection process is designed to produce a commission that is independent from the influence of the Sacramento County Board of Supervisors (Board) and reasonably representative of the county's diversity.
- 4) Requires the CRCSC to consist of 14 members. Requires the political party preferences of the CRCSC members, as shown on the members' most recent affidavits of registration, to be as proportional as possible to the total number of voters who are registered with each political party in Sacramento County, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. Provides that the political party or no party preferences of the CRCSC members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. Requires at least one CRCSC member to reside in each of the five existing supervisorial districts of the Board.
- 5) Requires each CRCSC member to meet all of the following qualifications:
  - a) Be a resident of Sacramento County.
  - b) Be a voter who has been continuously registered in Sacramento County with the same political party or unaffiliated with a political party and who has not changed political party affiliation for five or more years immediately preceding the date of their appointment to the CRCSC.
  - c) Has voted in at least one of the last three statewide elections immediately preceding their application to be a member of the CRCSC.
  - d) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess an ability to comprehend and apply the applicable state and federal legal requirements.
  - e) Possess experience that demonstrates an ability to be impartial.
  - f) Possess experience that demonstrates an appreciation for the diverse demographics and geography of Sacramento County.
- 6) Provides that within the 10 years immediately preceding the date of application to the CRCSC, neither the applicant, nor an immediate family member of the applicant, may have done any of the following:
  - a) Been appointed to, elected to, or have been a candidate for office at the local, state, or federal level representing Sacramento County, including as a member of the Board.

- b) Served as an employee of, or paid consultant for, an elected representative at the local, state, or federal level representing Sacramento County.
  - c) Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing Sacramento County.
  - d) Served as an officer, employee, or paid consultant of a political party or as an appointed member of a political party central committee.
  - e) Been a registered federal, state, or local lobbyist.
- 7) Permits an interested person meeting the qualifications specified above to submit an application to the county election official to be considered for membership on the CRCSC. Requires the county election official to review the applications and eliminate applicants who do not meet the specified qualifications.
- 8) Requires the county election official to select 60 of the most qualified applicants, taking into account the relevant requirements, and to make their names public for at least 30 days. Prohibits the county election official from communicating with a member of the Board, or an agent for a member of the Board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants. Permits the county election official, during this period, to eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the specified qualifications.
- 9) Requires the county election official to create a subpool for each of the five existing supervisorial districts in Sacramento County. Requires, at a regularly scheduled meeting of the Board, the Auditor-Controller of Sacramento County to conduct a random drawing to select one commissioner from each of the five subpools established by the county election official, and to then conduct a random drawing from all of the remaining applicants to select three additional commissioners.
- 10) Requires the eight selected commissioners to review the remaining names in the subpools of applicants and to appoint six additional applicants to the CRCSC. Requires the six appointees to be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that the CRCSC reflects the county's diversity, including racial, ethnic, geographic, and gender diversity, provided that formulas or specific ratios are not applied for this purpose. Requires the eight commissioners to consider political party preference, selecting applicants so that the political party preferences of the members of the CRCSC are as proportional as possible to the registered voters in the county, as detailed above.
- 11) Requires the CRCSC members to apply the requirements of this bill in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.
- 12) Provides the term of office of each member of the CRCSC expires upon the appointment of the first member of the succeeding commission.

- 13) Provides that nine members of the CRCSC constitute a quorum and that nine or more affirmative votes are required for any official action.
- 14) Prohibits the CRCSC from retaining a consultant who would not be qualified as a CRCSC applicant due to any of the disqualifying criteria described above in 6). Provides, for this purpose, that the term “consultant” means a person, whether or not compensated, retained to advise the CRCSC or a CRCSC member regarding any aspect of the redistricting process.
- 15) Requires each CRCSC member to be a designated employee for purposes of the conflict of interest code adopted by Sacramento County, as specified.
- 16) Requires the CRCSC to establish single-member supervisorial districts for the Board pursuant to a mapping process using the following criteria as set forth in the following order of priority:
  - a) Requires districts to comply with the United States Constitution and requires each district to have a reasonably equal population with other districts for the Board, except where deviation is required to comply with the federal VRA or allowable by law.
  - b) Requires population equality to be based on the total population of residents of the county as determined by the most recent federal decennial census for which specified redistricting data are available.
  - c) Prohibits an incarcerated person from being counted towards the county’s population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance existing law, and that database is made publicly available.
  - d) Requires districts to comply with the federal VRA.
  - e) Requires districts to be geographically contiguous.
  - f) Requires the geographic integrity of any city, local neighborhood, or local community of interest, as defined, to be respected in a manner that minimizes its division to the extent possible without violating the requirements above.
  - g) Requires, to the extent practicable, and where this does not conflict with higher priority criteria detailed above, districts to be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.
- 17) Prohibits the place of residence of any incumbent or political candidate from being considered in the creation of a map, and prohibits districts from being drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

- 18) Requires the CRCSC to comply with the Ralph M. Brown Act (the state's open meetings law).
- 19) Requires the CRCSC, prior to drawing a draft map, to conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district. Permits the CRCSC, in the event any state or local health order prohibits large gatherings, to modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. Requires the CRCSC, if the commission modifies the location of a hearing, to provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. Requires the CRCSC, to the greatest extent practicable, to provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Permits methods for providing in-person participation to include, but not be limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.
- 20) Requires the CRCSC, after drawing the draft maps, to do both of the following:
  - a) Post the map for public comment on Sacramento County's website.
  - b) Conduct at least two public hearings to take place over a period of no fewer than 30 days.
- 21) Requires the CRCSC to establish and make available to the public a calendar of all public hearings and requires the hearings to be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.
- 22) Requires the CRCSC to post the agenda for the public hearings at least seven days before the hearings. Requires the agenda for a meeting conducted after the CRCSC has drawn a draft map to include a copy of that map.
- 23) Requires the CRCSC to arrange for the live translation of a hearing held pursuant to this bill in an applicable language if a request for translation is made at least 24 hours before the hearing. Provides that an "applicable language" means a language for which the number of residents of Sacramento County who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.
- 24) Requires the CRCSC to take steps to encourage county residents to participate in the redistricting public review process. Provides that these steps may include:
  - a) Providing information through media, social media, and public service announcements.

- b) Coordinating with community organizations.
  - c) Posting information on Sacramento County's website that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the CRCSC.
- 25) Requires the Board to take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software equivalent to what is available to the CRCSC members.
  - 26) Requires the Board to provide for reasonable funding and staffing for the CRCSC.
  - 27) Requires all records of the CRCSC relating to redistricting, and all data considered by the CRCSC in drawing a draft map or the final map, to be public records.
  - 28) Requires the CRCSC to adopt a redistricting plan adjusting the boundaries of the supervisorial districts and to file the plan with the county election official by the map adoption deadline set forth in existing law for county supervisorial maps, as specified. Prohibits the CRCSC from releasing a draft map before the date set forth in existing law for county supervisorial draft maps, as specified. Provides that this plan is subject to referendum in the same manner as ordinances.
  - 29) Requires the CRCSC to issue, with the final map, a report that explains the basis on which the CRCSC made its decisions in achieving compliance with the criteria described above.
  - 30) Prohibits a CRCSC member, for a period of five years beginning from the date of appointment to the commission, from holding elective public office at the federal, state, county, or city level in this state.
  - 31) Prohibits a CRCSC member, for a period of three years beginning from the date of appointment to the commission, from holding appointive federal, state, or local public office, serving as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or registering as a federal, state, or local lobbyist in this state.
  - 32) Defines "immediate family member," for the purposes of this bill, to mean a spouse, child, in-law, parent, or sibling.
  - 33) Defines "community of interest," for the purposes of this bill, as a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Provides that communities of interest do not include relationships with political parties, incumbents, or political candidates.
  - 34) Makes findings and declarations that a special law is necessary because of the unique circumstances facing Sacramento County.

## **BACKGROUND**

California Citizens Redistricting Commission. In 2008, voters approved Proposition 11, creating the California Citizens Redistricting Commission (CCRC), and gave it the responsibility for establishing district lines for the Assembly, Senate, and Board of Equalization. In 2010, the voters approved Proposition 20 and gave the CCRC the responsibility for establishing lines for California's districts for the United States House of Representatives, and made other changes to the procedures and criteria to be used by the CCRC. The CCRC consists of 14 registered voters, including five Democrats, five Republicans, and four others, all of whom are chosen according to procedures specified in Proposition 11.

Local Redistricting. Prior to 2017, counties and general law cities were able to create advisory redistricting commissions, but were not able to create independent commissions with the authority to establish district boundaries. Instead, the authority to establish district boundaries for a local jurisdiction was generally held by the governing body of that jurisdiction. Charter cities are able to establish independent redistricting commissions that have the authority to establish district boundaries because the California Constitution gives charter cities broad authority over the conduct of city elections and over the manner for which municipal officers are elected. As a result, a number of California charter cities established redistricting commissions to adjust city council districts following each decennial census. Counties and general law cities did not have that authority in the absence of express statutory authorization.

Legislative Authority for County Redistricting Commissions. The Legislature has created independent redistricting commissions for five counties: Fresno, Kern, Los Angeles, Riverside, and San Diego,

The Legislature also authorized (but did not require) counties and general law cities to establish redistricting commissions. SB 1108 (Allen), Chapter 784, Statutes of 2016, authorized two different types of commissions: independent commissions and advisory commissions. SB 1108 generally provided cities and counties with the discretion to determine the structure and membership of an advisory or independent redistricting commission. However, it did establish minimum qualifications for commission membership. While SB 1108 imposed few restrictions and requirements on advisory commissions, it did subject members of independent commissions to extensive eligibility requirements and post-service restrictions.

Legislative Authority for Other Local Entities. SB 1018 (Allen), Chapter 462, Statutes of 2018, extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts. The bill also relaxed some of the eligibility requirements for members of independent commissions and eased one of the post-service restrictions on those members in an effort to expand the pool of individuals who are available to serve on such commissions. SB 1018 also allowed for the creation of hybrid commissions, subject to the same restrictions and requirements as independent commissions.

Political Party Preferences. If chaptered, the commission makeup will be required, as shown on the members' most recent affidavits of registration, to be as proportional as possible to the total number of voters who are registered with each political party



preference in Sacramento County, as determined by registration at the most recent statewide election. According to the October 24, 2022 Report of Registration, the Secretary of State reported the following for Sacramento County:

<b>Party Preference</b>	<b>Registered Voters (Total: 865,225)</b>
Democratic	397,482 (45.94%)
Republican	214,331 (24.77%)
American Independent	35,858 (4.14%)
Green	3,996 (0.46%)
Libertarian	11,428 (1.32%)
Peace and Freedom	5,360 (0.62%)
Unknown	4,543 (0.53%)
Other	5,975 (0.69%)
No Party Preference	186,252 (21.53%)

If no party preference is shown on a voter registration affidavit, then the county election official designates the voter's party preference as "Unknown" and is treated as a "No Party Preference" voter. If you take these numbers into consideration and use them to calculate the potential commission party preference composition, Democrats would have 6 or 7 members, Republicans would have 3 or 4 members, No Party Preference voters would have 3 to 4 members when only using No Party Preference voters and when combining Unknown and No Party preferences, and the remaining party preferences between 0 and 1 member.

### **COMMENTS**

- 1) According to the author: Electoral districts must be created fairly with equal representation as their guide. The establishment of independent redistricting commissions is a cornerstone to government ethics and transparency. By establishing an Independent Citizens Redistricting Commission in Sacramento County, we can better ensure that Sacramento County's district lines accurately reflect the various communities represented and provide much needed transparency to the redistricting process.
- 2) Need for the Bill. In the materials provided to the committee by the author's staff, in 2021, the Sacramento County Board of Supervisors drew their own district lines. They held hearings and took public comment, but ultimately made the final decision themselves as to what their own areas of representation would be.

Additionally, Sacramento County's process left several organized groups feeling unheard. For example, one vocal constituency that repeatedly pled to remain whole was the Asian American and Pacific Islander (AAPI) community. Ultimately, the Sacramento County Board of Supervisors voted 4-1 to adopt a supervisorial district map that fractured the AAPI communities of South Sacramento County, splitting them between supervisorial districts.

- 3) Double Referral. If approved by this committee, SB 314 will be re-referred to the Senate Committee on Governance and Finance.

**RELATED/PRIOR LEGISLATION**

SB 52 (Durazo) of 2023 would require an independent redistricting commission for charter cities with a population of at least 2,500,000 people to adjust the district boundaries for the city council, as specified. SB 52 is currently pending in this committee.

AB 1248 (Bryan) of 2023 would require a county, general law city, charter city, school district, or community college district that contains over 300,000 residents to establish an independent redistricting commission to adopt district boundaries after each federal decennial census, as specified and unless certain conditions are met. This bill is currently awaiting consideration in the Assembly Committee on Elections.

AB 1307 (Cervantes), Chapter 403, Statutes of 2022, created a Citizens Redistricting Commission in Riverside County, as specified.

AB 2030 (Arambula), Chapter 407, Statutes of 2022, created a Citizens Redistricting Commission in Fresno County, as specified.

AB 2494 (Salas), Chapter 411, Statutes of 2022, created a Citizens Redistricting Commission in Kern County, as specified.

AB 849 (Bonta), Chapter 557, Statutes of 2019, revised and standardized redistricting criteria, procedures, and requirements that counties and cities must follow when they adopt or adjust the boundaries of electoral districts used to elect members of the jurisdictions' governing bodies. AB 1276 (Bonta), Chapter 90, Statutes of 2020, made a number of technical and clarifying changes to law governing local government redistricting that were inadvertently left out of AB 849 (Bonta).

AB 1724 (Salas) of 2019 would have required general law cities and counties to establish independent redistricting commissions that are modeled after the CRC. AB 1724 was held in the Assembly Committee on Elections and Redistricting.

SB 139 (Allen) of 2019 would have required a county with a population of 400,000 or more to establish an independent redistricting commission to adopt the county supervisorial districts after each federal decennial census. SB 139 was vetoed by the Governor with the following message:

*This bill requires a county with more than 400,000 residents to establish an independent redistricting commission tasked with adopting the county's supervisorial districts following each federal decennial census.*

*While I agree these commissions can be an important tool in preventing gerrymandering, local jurisdictions are already authorized to establish independent, advisory or hybrid redistricting commissions. Moreover, this measure constitutes a clear mandate for which the state may be required to reimburse counties pursuant to the California Constitution and should therefore be considered in the annual budget process.*

SB 1018 (Allen), Chapter 462, Statutes of 2018, extended the authority to adopt redistricting commissions to school districts, community college districts, and special districts, relaxed some requirements for members of independent commissions, and allowed for hybrid commissions.

AB 801 (Weber), Chapter 711, Statutes of 2017, revised the membership of the County of San Diego's Citizens Redistricting Commission to a 14-member commission charged with adjusting the boundary lines of the districts of the Board of Supervisors.

SB 958 (Lara), Chapter 781, Statutes of 2016, established an independent Citizens Redistricting Commission in the County of Los Angeles to adjust the boundary lines of the districts of the county's Board of Supervisors.

SB 1108 (Allen), Chapter 784, Statutes of 2016, authorized a county or a general law city to establish a redistricting commission.

SB 1331 (Kehoe), Chapter 508, Statutes of 2012, established an Independent Redistricting Commission in the County of San Diego and stipulated, among other things, that only retired state or federal judges were eligible to serve on the commission.

### **POSITIONS**

**Sponsor:** Author

**Support:** Queer Democrats of Sacramento

**Oppose:** None received

**-- END --**