
WHAT'S NEW WITH REDISTRICTING!

*Introduction to the Legal Requirements, Census Delays,
and other challenges in the time of COVID-19*

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What is Redistricting?

- ▶ Article 1, Section 2 of the U.S. Constitution mandates an accurate counting of the nation's population every ten years, also known as the "Census."
- ▶ Once the Census Data is collected and analyzed, it is distributed to the States and other governmental entities.
- ▶ Jurisdictions across the state and country will begin "redistricting" to ensure that all persons receive as close to equal representation as possible in government.
- ▶ Local redistricting is the process of redrawing the boundaries of local election districts, including cities, counties, school districts, and other special districts.

Supervisory Redistricting

- ▶ California Election Code section 21500: Following each federal census, the Board of Supervisors “shall” adjust the boundaries of any or all supervisory districts of the county so that the supervisory districts are substantially equal in population as required by the U.S. Constitution.
- ▶ Unlike Congressional Districts, local electoral districts do not require perfect equality – some deviation is acceptable to serve valid governmental interests.
- ▶ Total deviation less than 10% presumptively constitutional. (Caveat: the presumption *can* be overcome!) Let’s aim for about 5%!

Redistricting in 2021

- ▶ Under new California rules and federal case law, redistricting will be very different from 2011.
- ▶ Additional interpretations and guidance from Federal courts regarding population equality, gerrymandering, etc.
- ▶ AB 849 (2019) – Cal. Legislature passed “FAIR MAPS” Act
“Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act”
- ▶ AB 1276 (2020) – modifying AB 849, with additional changes and legal requirements.

Commissions: Who draws the lines?

- ▶ Before 2016: state law permitted cities and counties to create an advisory “committee” of residents of that jurisdiction. Authority to establish the final boundaries held by governing body of that jurisdiction.
- ▶ SB 1108 (2016): permitted a county or city to establish two different types of commissions: *independent or advisory*. But, this came with onerous requirements for those serving on independent commissions.
- ▶ SB 1018 (2018): added “*hybrid*” commissions and made amendments to SB 1108.
- ▶ Elections Code § 23002: Advisory Redistricting Commissions.
- ▶ Elections Code § 23003: Independent and Hybrid Commissions.

Overview of Major Changes

- ▶ Timing: Must be finished with Redistricting Process and the Board of Supervisors must adopt a map by December 15, 2021, which is 174 days before the next general election.
 - ❖ If not completed by this date, the County loses jurisdiction, and the Superior Court will take over.
- ▶ Hearings: law now requires at least four public hearings
 - ❖ At least one before draft maps are drawn**
 - ❖ At least two after draft maps are drawn
 - ❖ At least one on a Saturday, Sunday, or after 6pm Monday through Friday
- ▶ Public Outreach: must encourage public participation through a variety of media, live translations, publications of notices, etc.
- ▶ Recordkeeping: record every public comment, webpage maintained for 10 years in multiple languages, save all draft maps, etc.

Preview of AB 849

- ▶ Applies only to Cities and Counties
- ▶ Establishes criteria “in the following order of priority”:
 - ❖ Federal criteria: equal population and Voting Rights Act
 - ❖ State criteria: “to the extent practicable” supervisorial lines must demonstrate:
 - ✓ Geographic Contiguity, share a common border
 - ✓ **Geographic integrity of local neighborhoods or “communities of interest” to minimize divisions**
 - ✓ Integrity of City or census designated places (CDPs) geography to minimize division
 - ✓ “Easily identifiable and understandable” by utilizing natural and artificial barriers, streets, or county boundary lines
 - ✓ Geographical compactness
 - ✓ Not favoring or discriminating against a political party

More to
Come at
Next
Meeting

Role of ARC Commissioners

- ▶ Conduct public outreach through informational sessions to encourage public participation
- ▶ Serve as “eyes and ears” of the Supervisors to hear public input from the community, especially as public will be permitted to submit maps
- ▶ Help identify and define our neighborhoods and “communities of interest” in Santa Cruz County
- ▶ Ultimately, recommend to the Board of Supervisors one or more maps to be adopted with the supervisorial boundaries for the next 10 years!

Challenge #1: Lateness of Census Data

- ▶ Public Law 94-171: enacted by Congress in Dec. 1975, requires the Census Bureau to provide states with data needed for redistricting.
- ▶ In 2011, Summary Files with official data were provided in Feb/March 2011.
- ▶ Estimated 2021 timeline:
 - ❖ “Legacy Data” (raw numbers) to States: Mid/Late August 2021
 - ❖ Official tabulated “user-friendly” data to States: Sept. 30, 2021
 - ❖ State will need to adjust data, including apportioning incarcerated persons to their home counties: est. Oct. 30, 2021
 - ❖ Once counties receive data, 7-day “waiting period” before county releases proposed map(s) for consideration by Board of Supervisors.

Challenge #2: The COVID Transition Period

- ▶ COVID Guidelines Changing Day by Day from Federal, State, and Local Authorities
- ▶ Waiting for California Dept of Public Health to issue revised “Indoor Gathering Guidelines”
- ▶ Need to take into consideration:
 - ❖ Masking Guidelines
 - ❖ Social Distancing
 - ❖ Changing legal rules for meetings under the Brown Act