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SB-977 County of San Luis Obispo Redistricting Commission. (2023-2024)

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Senate Bill No. 977

CHAPTER 450

An act to add Chapter 6.2 (commencing with Section 21520) to Division 21 of the Elections Code, relating to elections.

[Approved by Governor September 22, 2024. Filed with Secretary of State September 22, 2024.]

LEGISLATIVE COUNSEL'S DIGEST

SB 977, Laird. County of San Luis Obispo Redistricting Commission.

Existing law requires the board of supervisors of each county, following each decennial federal census, and using that census as a basis, to adjust the boundaries of any or all of the supervisorial districts of the county so that the districts are as nearly equal in population as possible and comply with applicable federal law, and specifies the procedures the board of supervisors must follow in adjusting those boundaries. Existing law establishes redistricting commissions in certain counties, and charges them with adjusting the supervisorial district boundaries for those counties.

This bill would establish the Citizens Redistricting Commission in the County of San Luis Obispo, which would be charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of San Luis Obispo in accordance with specified criteria. The commission would consist of 11 members who meet specified qualifications. The bill would require each commission member to attend all public hearings and meetings of the commission to the greatest extent practicable, and would create specified procedures by which the commission may remove a member for substantial neglect of duty, gross misconduct of office, inability to discharge the duties of the office, or if it is later discovered that the commission member did not meet the required qualifications at the time of appointment or no longer meets those qualifications while serving on the commission. The bill would provide that if the commission is unable to act because it does not have 7 voting members to constitute a quorum, then the county elections official must fill the vacancies to bring the commission to 7 voting members, as specified. By increasing the duties on local officials, the bill would impose a state-mandated local program.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of San Luis Obispo.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 6.2 (commencing with Section 21520) is added to Division 21 of the Elections Code, to read:

CHAPTER 6.2. County of San Luis Obispo Citizens Redistricting Commission

21520. As used in this chapter, the following terms have the following meanings:

(a) "Board" means the Board of Supervisors of the County of San Luis Obispo.

(b) "Commission" means the Citizens Redistricting Commission in the County of San Luis Obispo established pursuant to Section 21521.

21521. There is, in the County of San Luis Obispo, a Citizens Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.

21522. (a) The commission shall be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

(b) The selection process is designed to produce a commission that is independent from the influence of the board and reasonably representative of the county's diversity.

(c) The commission shall consist of 11 members. The political party preferences of the commission members, as shown on the members' most recent affidavits of registration, shall be as proportional as possible to the total number of voters who are registered with each political party in the County of San Luis Obispo, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. However, the political party or no party preferences of the commission 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. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

(d) Each commission member shall meet all of the following qualifications:

(1) Be a resident of the County of San Luis Obispo.

(2) Be a voter who has been continuously registered in the County of San Luis Obispo with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the commission.

(3) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the commission.

(4) Be subject to and meet the conditions set forth in subdivisions (c) and (d) of Section 23003.

(5) 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.

(6) Possess experience that demonstrates an ability to be impartial.

(7) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of San Luis Obispo.

(e) An interested person meeting the qualifications specified in subdivision (d) may submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.

(f) (1) From the pool of qualified applicants, the county elections official shall select up to 60 qualified applicants, taking into account the requirements described in subdivision (c). The county elections official shall make public the names of up to 60 qualified applicants for at least 30 days. The county elections official shall not communicate 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 up to 60 qualified applicants.

(2) During the period described in paragraph (1), the county elections official may eliminate any of the previously selected applicants if the county elections official becomes aware that the applicant does not meet the qualifications specified in subdivision (d).

(g) (1) After complying with the requirements of subdivision (f), the county elections official shall create a subpool for each of the five existing supervisorial districts of the board.

(2) At a regularly scheduled meeting of the board, the clerk of the board or designee of the County of San Luis Obispo shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.

(h) (1) The five commissioners selected under subdivision (g), at a separate public meeting, shall review the remaining names of applicants, interview the finalists for appointment, allow public comment, and appoint six additional members to the commission, without respect to the subpools.

(2) In order to be appointed, an applicant must receive the vote of at least three of the five selected commissioners.

(3) The six additional commissioners shall be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that the commission reflects the county's diversity, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose. The five selected commissioners shall also consider political party preference, selecting applicants so that the political party preference of the members of the commission complies with subdivision (c).

21523. (a) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Seven members of the commission shall constitute a quorum. Seven or more affirmative votes shall be required for any official action.

(d) To the greatest extent practicable, each commission member shall be present for all public hearings and internal meetings of the commission.

(e) (1) The commission shall require a consultant, before delivering advice to the commission or a commission member, to disclose to the commission potential or actual conflicts of interest.

(2) For the purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding the redistricting process.

(f) (1) Except as permitted by paragraph (2), commissioners shall not communicate with any individual or organization regarding redistricting matters outside of a public meeting.

(2) This subdivision does not do either of the following:

(A) Restrict the commission from communicating with the staff of the legislative body of the local jurisdiction regarding administrative matters of the commission.

(B) Restrict a commissioner from directly communicating with another commissioner, commission staff, legal counsel, or consultants retained by the commission.

(g) (1) The commission shall create bylaws or other rules of procedure for the purpose of conducting orderly meetings and communication.

(2) The bylaws shall include provisions to address both of the following:

(A) How the commission will fill a vacancy following the resignation or removal of a commission member.

(B) The process for the commission to remove a commission member that is consistent with Section 21526.

(h) Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of San Luis Obispo pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

21524. (a) The commission shall 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:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C.

Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall 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 described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be 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 with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) The commission shall adopt election district boundaries using the criteria set forth in Section 21130.

(b) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(c) Before the commission draws a map, the commission shall conduct at least five 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.

(d) In the event any state or local health order prohibits large gatherings, the commission may 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. If the commission modifies the location of a hearing, it shall 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. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include 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.

(e) After the commission draws a draft map, the commission shall do both of the following:

(1) Post the map for public comment on the website of the County of San Luis Obispo.

(2) Conduct at least three public hearings to take place over a period of no fewer than 30 days.

(f) The commission shall establish and make available to the public a calendar of all public hearings described in subdivisions (c) and (e). Hearings shall 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.

(g) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in subdivisions (c) and (e) at least seven days before the hearings. The agenda for a meeting required by subdivision (e) shall include a copy of the draft map.

(h) (1) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 72 hours before the hearing.

(2) For purposes of this section, an "applicable language" means a language for which the number of residents of the County of San Luis Obispo who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

(i) The commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include:

(1) Providing information through media, social media, and public service announcements.

(2) Coordinating with community organizations.

(3) Posting information on the website of the County of San Luis Obispo 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 commission.

(j) The commission shall ensure that all outreach materials, public notifications, agendas, and content on its website, including instructions for testifying and submitting written public testimony, are translated in all applicable languages.

(k) The board shall 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 to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(l) The board shall provide for reasonable funding and staffing for the commission.

(m) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(n) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (f) of Section 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivision (a).

21525. A commission member shall not do any of the following:

(a) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to a candidate for an elective office of the County of San Luis Obispo.

(b) Be a candidate for an elective office of the County of San Luis Obispo if either of the following is true:

(1) Less than five years has elapsed since the date of the member's appointment to the commission.

(2) The election for that office will be conducted using district boundaries that were adopted by the commission on which the member served, and those district boundaries have not been subsequently readopted by a commission after the end of the member's term on the commission.

(c) For four years commencing with the date of the person's appointment to the commission:

(1) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the County of San Luis Obispo.

(2) Receive a noncompetitively bid contract with the County of San Luis Obispo.

(3) Register as a lobbyist for the County of San Luis Obispo.

(d) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the County of San Luis Obispo.

21526. (a) The commission may only remove a commission member for substantial neglect of duty, gross misconduct in office, causing the commission to be unable to discharge its duties with seven affirmative votes, or if it is later discovered that the commission member did not meet the required qualifications, as set forth in subdivision (d) of Section 21522, at the time of appointment or if the commission member no longer meets those required qualifications while serving on the commission.

(1) A commission member who is subject to removal shall not vote on their own removal.

(b) Prior to removal pursuant to subdivision (a), a commission member is entitled to receive all of the following from the commission:

(1) The reasons for their proposed removal, in writing.

(2) At least one week's written notice of the public meeting where the commission will vote on their proposed removal.

(3) The opportunity to respond to or rebut the reasons for their removal in writing and at the public meeting described in paragraph (2).

(c) The commission may employ legal counsel in seeking removal of a commission member pursuant to this section.

(d) The decision of the commission to remove a member pursuant to this section is final, nonappealable, and is not subject to judicial review.

21527. If the commission is unable to act because it has fewer than seven voting commission members, within one month of such determination that the commission cannot act, the county elections official shall select a replacement from the pool of remaining qualified candidates from the initial commission member selection process. To the greatest extent practicable, the newly selected commission member shall have the same political party preference as the commission member who vacated their position.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the County of San Luis Obispo.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.