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DIVISION 21. STATE AND LOCAL REAPPORTIONMENT [21000 - 23004] (*Division 21 enacted by Stats. 1994, Ch. 920, Sec. 2.*)

CHAPTER 6.5. County of San Diego Independent Redistricting Commission [21550 - 21553] (*Chapter 6.5 added by Stats. 2012, Ch. 508, Sec. 1.*)

21550. (a) As used in this chapter, the following terms have the following meanings:

- (1) "Board" means the Board of Supervisors of the County of San Diego.
- (2) "Clerk of the Board of Supervisors" means the Clerk of the Board of Supervisors of the County of San Diego.
- (3) "Commission" means the Independent Redistricting Commission established by subdivision (b).
- (4) "Immediate family member" means a spouse, child, in-law, parent, or sibling.

(b) (1) There is, in the County of San Diego, an Independent Redistricting Commission. The commission shall be created no later than December 31, 2020, and in each year ending in the number zero thereafter. 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.

(2) 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.

(c) The commission shall be comprised of 14 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 Diego 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 preferences of the commission members are not required to be exactly the same as the proportion of political 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. Commissioners shall each meet the following qualifications:

- (1) Be a resident of the County of San Diego.
- (2) Be a voter who has been continuously registered in the County of San Diego with the same political party preference or with no political party preference and who has not changed the voter's political party preference for five or more years immediately preceding the date of the voter's appointment to the commission.
- (3) Have voted in at least one of the last three statewide elections immediately preceding the voter's application to be a member of the commission.
- (4) Within the 10 years immediately preceding the date of application to the commission, neither the applicant, nor an immediate family member of the applicant, has 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 the County of San Diego, 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 the County of San Diego.
 - (C) Served as an employee of, or paid consultant for, a candidate for office at the local, state, or federal level representing the County of San Diego.
 - (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.

(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 Diego.

(d) An interested person meeting the qualifications specified in subdivision (c) may submit an application to the Clerk of the Board of Supervisors to be considered for membership on the commission. The Clerk of the Board of Supervisors shall review the applications and eliminate applicants who do not meet the specified qualifications.

(e) (1) From the pool of qualified applicants, the Clerk of the Board of Supervisors shall select 60 of the most qualified applicants, taking into account the requirements described in subdivision (c). The Clerk of the Board of Supervisors shall make public the names of the 60 most qualified applicants for at least 30 days. The Clerk of the Board of Supervisors 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 60 most qualified applicants.

(2) During the period described in paragraph (1), the Clerk of the Board of Supervisors may eliminate any of the previously selected applicants if the clerk becomes aware that the applicant does not meet the qualifications specified in subdivision (c).

(f) (1) After complying with the requirements of subdivision (e), the Clerk of the Board of Supervisors shall create a subpool for each of the five existing supervisorial districts of the board.

(2) (A) At a regularly scheduled meeting of the board, the Clerk of the Board of Supervisors shall conduct a random drawing to select one commissioner from each of the five subpools established by the clerk.

(B) After completing the random drawing pursuant to subparagraph (A), at the same meeting of the board, the clerk shall conduct a random drawing from all of the remaining applicants, without respect to subpools, to select three additional commissioners.

(g) (1) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants to the commission.

(2) The six appointees 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 eight 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).

(Amended by Stats. 2019, Ch. 29, Sec. 80. (SB 82) Effective June 27, 2019.)

21551. (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) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

(d) (1) The commission shall not retain a consultant who would not be qualified as an applicant pursuant to paragraph (4) of subdivision (c) of Section 21550.

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

(e) Each commission member shall be a designated employee for purposes of the Conflict of Interest Code adopted by the County of San Diego pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(Amended by Stats. 2018, Ch. 92, Sec. 67. (SB 1289) Effective January 1, 2019.)

21552. (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 is 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) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is 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. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where it does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) 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).

(2) (A) Before the commission draws a map, the commission shall 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.

(B) In the event any state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including 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, but are not 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.

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

(A) Post the map for public comment on the internet website of the County of San Diego.

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

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). 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.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) 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 24 hours before the hearing.

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

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

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

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of San Diego 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.

(7) 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.

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

(9) 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.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the Clerk of the Board of Supervisors by the map adoption deadline set forth in subdivision (a) of Section 21501. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (d) of Section 21508.

(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 subdivisions (a) and (b).

(Amended by Stats. 2020, Ch. 90, Sec. 8. (AB 1276) Effective January 1, 2021.)

21553. A commission member shall be ineligible for a period of five years beginning from the date of appointment to hold elective public office at the federal, state, county, or city level in this state. A commission member shall be ineligible for a period of three years beginning from the date of appointment to hold appointive federal, state, or local public office, to serve as paid staff for, or as a paid consultant to, the Board of Equalization, the Congress, the Legislature, or any individual legislator, or to register as a federal, state, or local lobbyist in this state.

(Added by Stats. 2017, Ch. 711, Sec. 4. (AB 801) Effective January 1, 2018.)