



# COUNTY OF HUMBOLDT

For the meeting of: 3/16/2021

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File #: 21-273

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**To:** Board of Supervisors

**From:** Clerk/Recorder

**Agenda Section:** Departmental

**SUBJECT:**

2021 Redistricting Process and Changes in Elections Code

**RECOMMENDATION(S):**

That the Board of Supervisors:

1. Receive staff report;
2. Consider changes in Election Code that govern redistricting;
3. Implement a redistricting plan of action to complete the county's redistricting project by December 15, 2021; and
4. Direct staff to issue a Request for Proposal (RFP) to initiate the process of contracting with a redistricting consultant to ensure the county completes the 2021 redistricting project by the deadline.

**SOURCE OF FUNDING:**

General Fund.

**DISCUSSION:**

Supervisory districts are based on population, and state and federal law requires that district boundaries be adjusted after each federal census to ensure each district has about the same number of people and that districts are reflective and representative of the electorate. (U.S. Const. amend. XIV, Section 2; Elections Code, Section 21500 *et seq.*) Federal census data is collected in years ending in zero. The 2020 census data collection has been delayed due to numerous obstacles resulting in delayed data delivery to counties. Census data was originally scheduled to be released to the county on April 30, 2021. Delivery of census data has been delayed two additional times and is now expected to be received by the county in late October 2021.

California Elections Code has significantly changed how redistricting must be conducted in 2021. In 2019 and 2020, the California Legislature passed AB 849 (Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act of 2019) and AB 1276 consecutively, revising Elections Code, Section 21500 *et seq.* The legislation established new process parameters for redistricting and included changes affecting timeline and meeting requirements, decision-making

authority, and process requirements. Effects are discussed below.

### **Timeline**

Pursuant to Elections Code Section 21501(2), supervisorial district changes must be applied to elections management system by December 15, 2021, for the Statewide Primary Election on June 7, 2022. Attachment 1 shows the timeline for completing the redistricting project.

Pursuant to Elections Code Section 21507.1, the county must hold an aggregate minimum number of four hearings or workshops, including at least one pre-map hearing or workshop and two post-map hearings or workshops. The fourth hearing or workshop can occur pre-map drafting or post-map drafting. One of the four meetings must be held on a weekend day or after 6 pm on a weekday. Pre-map hearings and workshops may be held prior to census data being delivered to the county in October, 2021; post-map hearings and workshops must be held between November-December 2021, after census data is delivered and proposed district maps are drafted. Pursuant to Elections Code Section 21501(a)(2) final maps must be adopted no later than November 16, 2021 to meet the November 17, 2021 deadline. The Office of Elections needs a minimum of 16 business days to update district changes in the elections management system before December 15, 2021. (Attachment 1 provides a 2021 redistricting project timeline.)

### **Commission Authority**

Previously, Elections Code Section 21502 prescribed that a supervisorial redistricting commission be formed consisting of the county's district attorney, assessor, and elections official or alternate members. This provision was repealed by the recent legislation.

Currently, the Board of Supervisors must enact a redistricting commission for the county's redistricting project, which does not include elected officials and government employees. Elections Code Section 23001. The purpose of the redistricting commission is to increase community engagement, depoliticize the redistricting process, and ensure district lines drawn best represent the people of Humboldt County. The Board must establish one of the following three types of redistricting commissions to guide the county's redistricting efforts:

- 1. Independent Commissions:** Independent commissions function separately from the Board of Supervisors to review and approve district maps. Qualifications for serving on an independent commission are designed to ensure political neutrality and are outlined in Elections Code, Section 23003. Independent commissions are adopted to depoliticize the redistricting effort.
- 2. Advisory Commissions:** Advisory commissions function under the authority of the Board of Supervisors to review and recommend Board approval of maps. The following people are prohibited from serving on an advisory commission: elected officials of the local jurisdiction, family or staff members of an elected official, and paid campaign staff members of an elected official. Your Board may impose additional requirements for commissioners. Advisory commissions are adopted to increase community participation.
- 3. Hybrid Commissions:** Hybrid commissions are a blend of independent and advisory commissions that review and recommend Board of Supervisor's approval of two or more maps. Your Board must accept one of the proposed maps. Qualifications for serving on an

independent commission are designed to ensure political neutrality and outlined in Elections Code, Section 23003. The hybrid commission reserves the right to reject amendment requests by the Board.

Pursuant to Elections Code, Section 23001, the Board of Supervisors may establish its chosen type of commission by Board Order, Resolution, or Ordinance.

The Board of Supervisors may select commission members in a variety of ways. The four primary methods employed for selected commissioners are summarized below and differ based on the degree to which they remove the Board of Supervisors from the selection process:

- **Political Appointment:** The Board of Supervisors has two options for making political appointments to an advisory redistricting commission: (1) each Board member can appoint a commissioner; or, (2) the Board solicits community member applications and uses a set criteria to collectively select commissioners. The political appointment system, option one, enables commissioners to act as a proxy for the Board member who elected them.
- **Independent Appointment:** The Board of Supervisors may conduct an open application process and appoint a selection committee to choose commissioners based on pre-determined criteria.
- **Random Draw & Commission Appointment:** The Board of Supervisors may conduct an open application process and appoint an independent selection committee to create a sub-pool of qualified candidates based on pre-determined criteria. Selected commissions are then chosen at random from the sub-pool.
- **Retired Judges:** The Board of Supervisors may form a selection commission consisting of retired judges selected by random draw. The select commission would make appointments based on pre-determined criteria.

The selection committee must consider a variety of eligibility qualifications when selecting commissioners to ensure commissioners are politically independent and knowledgeable about the county's diverse communities. Common preferred qualifications include possessing relevant analytical skills, knowledge of the county's diverse communities, ability to be impartial, and ability to work collaboratively with others. Although independent and hybrid commissions have a more extensive list of qualifications than advisory commissions, all commissions prohibit the following people from serving: current elected officials, government employees, or government board members; recent political candidates or their family; or, political party officials, major local campaign donors, or registered lobbyists. *See* Elections Code Sections 23002-23003.

### **Process Requirements**

The FAIR MAPS Act of 2019 is crafted to increase community engagement. Process requirements will require involvement by several county departments.

#### Community Engagement

A critical component of the county's 2021 redistricting effort is community education and

engagement. Increased community engagement in the project will ensure communities of interest (a term used for groups of people who share common social, cultural, racial, economic, geographic, or other concerns) are considered and that redistricting lines best serve the people of Humboldt County. The Board of Supervisors is required to take steps to encourage residents of underrepresented communities and non-English speaking communities to participate in the redistricting process. *See* Elections Code Section 21508. Some steps required include using media outlets, local government agencies, civil rights and civic engagement groups, and other community groups and organizations to provide information to communities throughout the county. The Board of Supervisors must also make public meetings accessible to all participants by holding in-person meetings in facilities that comply with Americans with Disabilities Act (ADA) standards, online viewing options with closed caption, and live translation language services when requested within 72 hours of a public hearing or workshop. Recordings or written summaries of public hearings and workshops must be published to the established redistricting webpage within two weeks of taking place.

### **Retaining a Redistricting Consultant**

Federal and state laws guiding redistricting are complex. These complexities are amplified by COVID-19 related obstacles in conducting public meetings and disseminating information throughout the county and sufficiently engaging the public in the redistricting process to learn about the needs of communities of interest. Additionally, delays in census data release have condensed the time frame to complete the redistricting process.

Retaining a redistricting consultant provides many benefits. Redistricting consultants provide subject matter expertise to effectively navigate the complex regulatory framework and requirements, develop resources and efficiencies in community outreach and engagement, assist in drawing district lines and drafting maps, and create neutrality in administering a redistricting project. For the above reasons, the Registrar of Voters recommends your Board direct staff to issue a Request for Proposal (RFP) to solicit and obtain a contract with a redistricting consultant. Contracting with a redistricting consultant will ensure the county completes the 2021 redistricting project by the deadline.

The Board of Supervisors has discretion in determining what role a consultant would have in the redistricting project. The Board could direct the consultant to spearhead the entire redistricting project, lead completion of specific activities, or serve as a project advisor. Scope of redistricting consultant services may include, but are not limited to:

- Make recommendations on type of Redistricting Commission for Humboldt County, and assist in the selection process.
- Train the Commission in a public setting on the redistricting process, federal Voting Rights Act, California Voting Rights Act, and other applicable laws.
- Solicitate public input during the process.
- Demonstrate the process and methods used during redistricting, including potential impacts to communities of interest.
- Actively participate in and document public meetings.

- Upon receipt of Census data, provide data summary files to the Commission and public, updating any digital interface previously used for demonstration and information purposes.
- Propose district boundaries to the Commission based on feedback solicited by the community and criteria set by the Commission.
- Generate metes and bounds legal description of proposed boundaries.

#### Department Involvement

The county redistricting process includes the participation of the Board of Supervisors, Registrar of Voters Office, County Counsel, Planning & Building Department, and Public Works-County Surveyor. All of these departments will continue to play a role in the redistricting process if a consultant is brought on board to assist.

Planning & Building will update the GIS system with the new district boundaries. Public Works-County Surveyor will review and submit legal descriptions of the new boundaries for Board approval. The Office of the Registrar of Voters will update changes to the county's elections management system in preparation for the June 7, 2022 Statewide Primary Election (Elections Code Section 21501).

The county must also establish and maintain a webpage dedicated to the 2021 redistricting project for a minimum of 10 years. Elections Code Section 21508(g). The website must provide several critical project components including information about the purpose and process of the redistricting project; procedures for community participation in hearings, workshops, and map drafting; an updated calendar of public hearings and workshops, notices of upcoming hearings and workshops, summaries of completed hearings and workshops, draft maps being considered, and final adopted map. It is recommended that the redistricting webpage be a direct link from the county's main webpage to ensure visibility and convenient access to the public. Once the webpage is set up, the Office of the Registrar of Voters is available to assist in developing and maintaining the redistricting webpage.

#### FINANCIAL IMPACT:

Financial impacts of the 2021 redistricting are currently unknown as impacts vary depending on the model and type of commission your Board chooses to employ and whether the county retains a redistricting consultant. Some financial impacts to consider include: cost of retaining a redistricting consultant; costs for legal notices, conducting public hearings and workshops; staff costs for receiving and organizing community feedback on maps; department-level costs for drafting maps and legal descriptions, developing and maintaining the redistricting webpage; and updating the county's GIS and elections management system. If your Board approves of the use of a redistricting consultant, a supplemental budget request will be presented to your Board at a future date.

#### STRATEGIC FRAMEWORK:

This action supports your Board's Strategic Framework by providing community-appropriate levels of service, protecting vulnerable populations, inviting civic engagement and awareness of available

services, and engaging new partners.

OTHER AGENCY INVOLVEMENT:

Board of Supervisors

County Administrative Office (Management Budget Team, Purchasing, ADA, IT)

County Counsel

Office of the Registrar of Voters

Planning & Building Department

Public Works - Land Use Division

Auditor-Controller's Office

ALTERNATIVES TO STAFF RECOMMENDATIONS:

As discussed above, the Board of Supervisors has several ways it can conduct the 2021 Redistricting Project; however, the project requirements and deadline for completion are set by code.

ATTACHMENTS:

Attachment 1: 2021 Redistricting Project Timeline

Attachment 2: Elections Code, Section 21500 et seq.

Attachment 3: Elections Code, Section 23000 et seq.

PREVIOUS ACTION/REFERRAL:

Board Order No.: G-3, L-2

Meeting of: 06-07-2011, 06-21-2011

File No.: 16-3965, 16-3900