

AMENDED IN SENATE JUNE 13, 2023

AMENDED IN ASSEMBLY MAY 18, 2023

CALIFORNIA LEGISLATURE—2023–24 REGULAR SESSION

ASSEMBLY BILL

No. 1248

Introduced by Assembly Member Bryan

(Principal coauthor: Senator Allen)

**(Coauthors: Assembly Members Arambula, Bennett, Berman,
Bonta, Jackson, Lowenthal, Muratsuchi, and Pellerin)**

(Coauthors: Senators Menjivar and Newman)

February 16, 2023

An act to add Section 8545.7 to the Government Code, and to amend Sections 23000, 23001, 23003, and 23004 of, and to add Sections 23000.5, 23001.5, 23003.5, 23005, and 23006 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, as amended, Bryan. Local redistricting: independent redistricting commissions.

Existing law generally requires county boards of supervisors, city councils, and the governing boards of school districts, community college districts, and other special districts, if those bodies are elected using district-based elections, to adopt new boundaries for the districts following each federal decennial census. Notwithstanding that requirement, existing law authorizes a local jurisdiction other than a charter city to establish an independent redistricting commission to adopt new boundaries for the local jurisdiction's districts.

This bill would require a county, general law city, charter city, or charter city and county that contains over 300,000 residents, and a

school district or community college district that contains over 500,000 residents, to establish an independent redistricting commission to adopt district boundaries after each federal decennial census. The bill would require a county, general law city, charter city, or charter city or county with over 300,000 residents, and a school district or community college district with over 500,000 residents, that does not enact an ordinance, resolution, or charter amendment establishing an independent redistricting commission by ~~March~~ *January* 1, 2030, and ~~March~~ *January* 1 of every subsequent year ending in 0, to establish a 14-member independent redistricting commission according to specified procedures, including procedures for the random selection of the members of the commission from among applicants meeting certain qualifications. By requiring certain local jurisdictions to establish independent redistricting commissions to adopt district boundaries, the bill would impose a state-mandated local program.

The bill would prohibit a member of an independent redistricting commission from communicating with any individual or organization regarding redistricting matters, except as provided. The bill would require the State Auditor to provide the contact information of any applicant to serve on the Citizens Redistricting Commission, which is responsible for adjusting the boundary lines of the congressional, legislative, and State Board of Equalization districts, to any city or county that has established an independent or hybrid redistricting commission and to inform those applicants of opportunities to serve on an independent or hybrid redistricting commission.

Under existing law, independent redistricting commissions have been established for the Counties of Los Angeles, San Diego, Riverside, Fresno, and Kern.

The bill would exempt the Counties of Los Angeles, San Diego, Riverside, Fresno, and Kern from the bill's provisions requiring a county with over 300,000 residents to establish an independent redistricting commission, unless the existing law provisions establishing independent redistricting commissions for those counties are repealed or invalidated.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) To maintain a healthy democracy in California, it is
4 important that communities are fairly and equitably represented.

5 (b) The State of California has a strong state interest in ensuring
6 that cities, counties, and other jurisdictions follow a fair and
7 equitable redistricting process to ensure representation of
8 communities, and thus redistricting is not solely a municipal affair.

9 (c) The State of California has a strong state interest in the
10 integrity of elections throughout the state, and a fair and equitable
11 redistricting process ensures the integrity of elections.

12 (d) In the 2020 redistricting cycle and historically, observations
13 of the redistricting process in California jurisdictions conducted
14 by independent redistricting commissions indicate independent
15 redistricting commissions lead to better outcomes for communities
16 in terms of fairness, transparency, public engagement, and
17 representation.

18 (e) Independent redistricting commissions help thwart threats
19 of minority vote dilution.

20 (f) Political appointment of commissioners has been found to
21 create potential conflicts of interest and opportunity for corruption
22 of the redistricting process.

23 SEC. 2. Section 8545.7 is added to the Government Code, to
24 read:

25 8545.7. (a) The State Auditor shall provide the contact
26 information of any applicant to serve as a commissioner on the
27 Citizens Redistricting Commission established pursuant to Article
28 XXI of the California Constitution to any city or county that has
29 established an independent or hybrid redistricting commission.

30 (b) After an applicant is no longer being actively considered for
31 appointment to the Citizens Redistricting Commission, the State

1 Auditor shall inform that applicant of opportunities to serve on an
2 independent or hybrid redistricting commission for any city or
3 county of which the applicant is a resident, if any, and provide an
4 internet link to the application, where available.

5 (c) At least three months before the application period to serve
6 on the Citizens Redistricting Commission opens, the State Auditor
7 shall make a good faith effort to identify all local hybrid and
8 independent redistricting commissions in the state.

9 (d) The State Auditor is encouraged to also provide specific
10 information about opportunities to serve on local independent or
11 hybrid redistricting commissions for jurisdictions other than cities
12 or counties to an applicant who is no longer being actively
13 considered for appointment to the Citizens Redistricting
14 Commission if the State Auditor can determine that an applicant
15 likely resides in those jurisdictions.

16 SEC. 3. Section 23000 of the Elections Code is amended to
17 read:

18 23000. For purposes of this chapter, the following terms have
19 the following meanings:

20 (a) “Advisory redistricting commission” means a body that
21 recommends to a legislative body placement of the district
22 boundaries for that legislative body.

23 (b) “Family member” means a spouse, parent, sibling, child, or
24 in-law.

25 (c) “Hybrid redistricting commission” means a body that
26 recommends to a legislative body two or more maps for the
27 placement of the district boundaries for that legislative body, where
28 the legislative body must adopt one of those maps without
29 modification, except as may be required to comply with state or
30 federal law.

31 (d) “Independent redistricting commission” means a body, other
32 than a legislative body, that is empowered to adopt the district
33 boundaries of a legislative body.

34 (e) “Legislative body” means a county board of supervisors, a
35 city council of a general law city or charter city, a governing board
36 of a school district, a governing board of a community college
37 district, or an elected governing board of a special district.

38 (f) “Local jurisdiction” means a county, general law or charter
39 city, school district, community college district, or special district.

40 (g) “Redistricting” means either districting or redistricting.

1 (h) “Spouse” means a spouse or registered domestic partner.

2 SEC. 4. Section 23000.5 is added to the Elections Code, to
3 read:

4 23000.5. (a) This chapter applies to a local jurisdiction in
5 which the legislative body is elected by or from districts.

6 (b) This chapter does not apply to any of the following:

7 (1) The County of Los Angeles, unless Chapter 6.3
8 (commencing with Section 21530), or a commission established
9 pursuant to that chapter, is repealed or invalidated by a court.

10 (2) The County of San Diego, unless Chapter 6.5 (commencing
11 with Section 21550), or a commission established pursuant to that
12 chapter, is repealed or invalidated by a court.

13 (3) The County of Riverside, unless Chapter 6.4 (commencing
14 with Section 21540), or a commission established pursuant to that
15 chapter, is repealed or invalidated by a court.

16 (4) The County of Fresno, unless Chapter 6.7 (commencing
17 with Section 21560), or a commission established pursuant to that
18 chapter, is repealed or invalidated by a court.

19 (5) The County of Kern, unless Chapter 6.8 (commencing with
20 Section 21570), or a commission established pursuant to that
21 chapter, is repealed or invalidated by a court.

22 SEC. 5. Section 23001 of the Elections Code is amended to
23 read:

24 23001. A local jurisdiction, except for a jurisdiction that is
25 required to create an independent redistricting commission pursuant
26 to Section 23001.5, may establish by resolution, ordinance, or
27 charter amendment an independent redistricting commission, a
28 hybrid redistricting commission, or an advisory redistricting
29 commission composed of residents of the local jurisdiction to
30 change the legislative body’s district boundaries or to recommend
31 to the legislative body changes to those district boundaries.

32 SEC. 6. Section 23001.5 is added to the Elections Code, to
33 read:

34 23001.5. (a) (1) A county with more than 300,000 residents
35 on July 1, 2029, and on July 1 of every subsequent year ending in
36 the number nine, other than a charter city and county, shall
37 establish an independent redistricting commission composed of
38 residents of the county to adopt the county’s supervisorial district
39 boundaries after each federal decennial census. The county shall

1 establish the commission not later than 250 days before the
 2 deadline to adopt supervisorial district boundaries.

3 (2) If a county required to establish an independent redistricting
 4 commission pursuant to paragraph (1) does not enact an ordinance,
 5 resolution, or charter amendment establishing an independent
 6 redistricting commission by ~~March~~ *January* 1, 2030, and by ~~March~~
 7 *January* 1 of every subsequent year ending in the number zero,
 8 the county shall establish an independent redistricting commission
 9 pursuant to Section 23005.

10 (b) (1) A general law city, charter city, or charter city and
 11 county with more than 300,000 residents on July 1, 2029, and on
 12 July 1 of every subsequent year ending in the number nine, or a
 13 school district or community college district with more than
 14 500,000 residents on July 1, 2029, and on July 1 of each subsequent
 15 year ended in the number nine, shall establish an independent
 16 redistricting commission composed of residents of the local
 17 jurisdiction, or contract with a county commission pursuant to
 18 Section 23004, to adopt the local jurisdiction’s district boundaries
 19 after each federal decennial census. The general law city, charter
 20 city, charter city and county, school district, or community college
 21 district shall establish the commission not later than 250 days
 22 before the deadline to adopt the local jurisdiction’s district
 23 boundaries.

24 (2) If a general law city, charter city, charter city and county,
 25 school district, or community college district does not enact an
 26 ordinance, resolution, or charter amendment establishing an
 27 independent redistricting commission by ~~March~~ *January* 1, 2030,
 28 and by ~~March~~ *January* 1 of every subsequent year ending in the
 29 number zero, or contract with a county commission pursuant to
 30 Section 23004, the general law city, charter city, charter city and
 31 county, school district, or community college district shall establish
 32 an independent redistricting commission pursuant to Section 23006.

33 (c) Subdivisions (a) and (b) do not apply to a local jurisdiction
 34 that, before January 1, 2023, ~~established~~ *has enacted by ordinance,*
 35 *resolution, or charter amendment* an independent redistricting
 36 commission for which no commissioners are directly appointed
 37 by the board or any elected official of the local jurisdiction.

38 (d) (1) For purposes of subdivisions (a) and (b), the latest
 39 available estimate of a county or city’s population by the
 40 Department of Finance, pursuant to Section 2227 of the Revenue

1 and Taxation Code or a successor statute, on July 1 of each year
2 ending in the number nine is determinative.

3 (2) The Department of Finance shall prepare a population
4 estimate for each school district and community college district
5 by May 1 in each year ending in the number nine. This estimate
6 of a school district's population or community college district's
7 population shall be determinative for the purposes of subdivision
8 (b).

9 SEC. 7. Section 23003 of the Elections Code is amended to
10 read:

11 23003. (a) This section applies to hybrid redistricting
12 commissions, and to independent redistricting commissions,
13 including independent redistricting commissions established by
14 an ordinance, resolution, or charter amendment of the local
15 jurisdiction, as described in Section 23001.5, and independent
16 redistricting commissions established pursuant to Section 23005
17 or Section 23006.

18 (b) (1) Notwithstanding any other law, the local jurisdiction
19 may prescribe the manner in which members are appointed to the
20 commission, provided that the jurisdiction uses an application
21 process open to all eligible residents and provided that the
22 commissioners are not directly appointed by the legislative body
23 or an elected official of the local jurisdiction.

24 (2) Paragraph (1) does not apply to a local jurisdiction required
25 to establish an independent redistricting commission pursuant to
26 Section 23005 or Section 23006.

27 (c) A person shall not be appointed to serve on the commission
28 if the person or any family member of the person has been elected
29 or appointed to, or been a candidate for, an elective office of the
30 local jurisdiction in the eight years preceding the person's
31 application.

32 (d) A person shall not be appointed to serve on the commission
33 if either of the following applies:

34 (1) The person or the person's spouse has done any of the
35 following in the eight years preceding the person's application:

36 (A) Served as an officer of, employee of, or paid consultant to,
37 a campaign committee or a candidate for elective office of the
38 local jurisdiction.

1 (B) Served as an officer of, employee of, or paid consultant to,
2 a political party or as an elected or appointed member of a political
3 party central committee.

4 (C) Served as a staff member or a consultant to, or who has
5 contracted with, a currently serving elected officer of the local
6 jurisdiction.

7 (D) Been registered to lobby the local jurisdiction.

8 (E) Contributed five hundred dollars (\$500) or more in a year
9 to any candidate for an elective office of the local jurisdiction. The
10 local jurisdiction may adjust this amount by the cumulative change
11 in the California Consumer Price Index, or its successor, in every
12 year ending in zero.

13 (2) A family member of the person, other than the person's
14 spouse, has done any of the following in the four years preceding
15 the person's application:

16 (A) Served as an officer of, employee of, or paid consultant to,
17 a campaign committee or a candidate for elective office of the
18 local jurisdiction.

19 (B) Served as an officer of, employee of, or paid consultant to,
20 a political party or as an elected or appointed member of a political
21 party central committee.

22 (C) Served as a staff member of or consultant to, or has
23 contracted with, a currently serving elected officer of the local
24 jurisdiction.

25 (D) Been registered to lobby the local jurisdiction.

26 (E) Contributed five hundred dollars (\$500) or more in a year
27 to any candidate for an elective office of the local jurisdiction. The
28 local jurisdiction may adjust this amount by the cumulative change
29 in the California Consumer Price Index, or its successor, in every
30 year ending in zero.

31 (e) A member of the commission shall not do any of the
32 following:

33 (1) While serving on the commission, endorse, work for,
34 volunteer for, or make a campaign contribution to, a candidate for
35 an elective office of the local jurisdiction.

36 (2) Be a candidate for an elective office of the local jurisdiction
37 if any of the following is true:

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

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

6 (C) The election for that office will be conducted using district
7 boundaries that were adopted by a legislative body pursuant to a
8 recommendation by the commission on which the member served,
9 and those district boundaries have not been subsequently readopted
10 by a legislative body pursuant to a recommendation by a
11 commission after the end of the member's term on the commission.

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

14 (A) Accept employment as a staff member of, or consultant to,
15 an elected official or candidate for elective office of the local
16 jurisdiction.

17 (B) Receive a noncompetitively bid contract with the local
18 jurisdiction.

19 (C) Register as a lobbyist for the local jurisdiction.

20 (4) For two years commencing with the date of the person's
21 appointment to the commission, accept an appointment to an office
22 of the local jurisdiction.

23 (f) The commission shall not be comprised entirely of members
24 who are registered to vote with the same political party preference.

25 (g) Each member of the commission shall be a designated
26 employee in the conflict of interest code for the commission
27 pursuant to Article 3 (commencing with Section 87300) of Chapter
28 7 of Title 9 of the Government Code.

29 (h) The commission is subject to the Ralph M. Brown Act
30 (Chapter 9 (commencing with Section 54950) of Part 1 of Division
31 2 of Title 5 of the Government Code) and the California Public
32 Records Act (Division 10 (commencing with Section 7920.000)
33 of Title 1 of the Government Code).

34 (i) The commission shall be subject to the same redistricting
35 deadlines, requirements, procedures, criteria, and restrictions that
36 would otherwise apply to a legislative body. A local jurisdiction
37 may also impose additional requirements and restrictions on the
38 commission, on members of the commission, or on applicants to
39 the commission in excess of those prescribed by this section.

1 (j) The commission shall publish a map of the proposed new
2 district boundaries and make that map available to the public for
3 at least seven days before that map may be adopted. The
4 commission shall hold at least three public hearings preceding the
5 hearing at which the new boundaries are adopted, or the number
6 of public hearings that would otherwise apply to the legislative
7 body for which district boundaries are being drawn, whichever is
8 greater.

9 (k) The commission shall not draw districts for the purpose of
10 favoring or discriminating against a political party or an incumbent
11 or political candidate.

12 (l) District boundaries adopted by an independent redistricting
13 commission or adopted by a legislative body from
14 recommendations provided by a hybrid redistricting commission,
15 shall not be altered by the legislative body or the commission until
16 after the next federal decennial census occurs, unless those
17 boundaries have been invalidated by a final judgment or order of
18 a court of competent jurisdiction, or as may be necessary to account
19 for changes to a jurisdiction's territory, including changes through
20 annexation or consolidation.

21 (m) For the purposes of subdivisions (c) and (d), "local
22 jurisdiction" does not include a local jurisdiction that contracts
23 with a county independent redistricting commission pursuant to
24 Section 23004.

25 SEC. 8. Section 23003.5 is added to the Elections Code, to
26 read:

27 23003.5. (a) (1) A member of an independent redistricting
28 commission established pursuant to subdivision (a) or subdivision
29 (b) of Section 23001.5 shall not communicate with any individual
30 or organization regarding redistricting matters outside of a public
31 meeting. This subdivision does not restrict the commission from
32 communicating with the staff of the legislative body of the local
33 jurisdiction regarding administrative matters of the commission.

34 (2) This subdivision does not restrict a commissioner from
35 directly communicating with another commissioner, commission
36 staff, legal counsel, or consultants retained by the commission.

37 (b) A member of an independent redistricting commission
38 established pursuant to subdivision (a) or subdivision (b) of Section
39 23001.5 shall receive a stipend, in an amount to be determined by
40 the local jurisdiction, for each day in which they attend any meeting

1 of the commission or any meeting of a committee or subcommittee
2 of the commission, of which committee or subcommittee they are
3 a member and which committee or subcommittee meeting is
4 conducted for the purpose of carrying out the powers and duties
5 of the commission.

6 (c) A local jurisdiction shall provide for reasonable funding and
7 staffing of a commission established pursuant to subdivision (a)
8 or subdivision (b) of Section 23001.5.

9 (d) This section applies to independent redistricting commissions
10 established by an ordinance, resolution, or charter amendment of
11 the local jurisdiction, as described in Section 23001.5, and
12 independent redistricting commissions established pursuant to
13 Section 23005 or Section 23006.

14 SEC. 9. Section 23004 of the Elections Code is amended to
15 read:

16 23004. A local jurisdiction, except for a county, may contract
17 with a county in which the local jurisdiction is partially or wholly
18 located that has established an independent redistricting
19 commission to have that commission adopt the local jurisdiction's
20 election district boundaries. The county independent redistricting
21 commission shall hold at least three public hearings in the local
22 jurisdiction before adopting those boundaries, or the number of
23 public hearings that would otherwise apply to the legislative body
24 for which district boundaries are being drawn, whichever is greater.

25 SEC. 10. Section 23005 is added to the Elections Code, to read:

26 23005. (a) In each county required to establish an independent
27 redistricting commission pursuant to paragraph (2) of subdivision
28 (a) of Section 23001.5, in the year following the year in which the
29 decennial federal census is taken, the commission shall adjust the
30 boundary lines of the supervisorial districts in accordance with
31 this section.

32 (b) (1) The selection process is designed to produce a
33 commission that is independent from the influence of the board
34 of supervisors and reasonably representative of the county's
35 diversity.

36 (2) The county shall recruit eligible residents to apply to serve
37 on the commission. The county shall request the assistance of
38 neighborhood associations, community groups, civic organizations,
39 and civil rights organizations to encourage eligible residents to
40 apply to serve on the commission in a manner that promotes a

1 qualified commissioner applicant pool that is large and reflective
 2 of the diversity of the county.

3 (c) (1) The commission shall consist of 14 members and 2
 4 alternates.

5 (2) At least one commission member shall reside in each of the
 6 existing supervisorial districts.

7 (3) Alternates may fully participate in commission deliberations
 8 but shall not vote and shall not be counted towards the
 9 establishment of a quorum. Alternates are subject to the same terms
 10 of office, qualifications, restrictions, and standards of conduct as
 11 other commissioners.

12 (d) Each commission member shall meet all of the following
 13 qualifications in addition to those listed in Section 23003:

14 (1) Be a resident of the county.

15 (2) Possess a history of civic engagement and participation.

16 (3) Possess experience that demonstrates analytical skills
 17 relevant to the redistricting process and voting rights, and possess
 18 an ability to comprehend and apply the applicable state and federal
 19 legal requirements.

20 (4) Possess experience that demonstrates an ability to be
 21 impartial.

22 (5) Possess experience that demonstrates an appreciation for
 23 the diverse demographics and geography of the county.

24 (e) An interested person meeting the qualifications specified in
 25 subdivision (d) and Section 23003 may submit an application to
 26 the selection entity to be considered for membership on the
 27 commission. The selection entity shall review the applications and
 28 eliminate applicants who do not meet the specified qualifications.

29 (f) (1) ~~From~~ *The selection entity shall make public the number*
 30 *of qualified applicants and provide the demographic data of the*
 31 *qualified applicants by aggregated percentages.*

32 (2) *If the pool of applicants does not have a sufficient number*
 33 *of qualified applicants, or sufficiently represent the local*
 34 *jurisdiction's local diversity, as determined by the selection entity,*
 35 *the selection entity shall reopen the application period for at least*
 36 *30 days and conduct additional outreach.*

37 (3) ~~From~~ *the pool of qualified applicants, the selection entity*
 38 *shall select 40 of the most qualified applicants, taking into*
 39 *account the requirements described in subdivision (d). The*
 40 *selection entity shall make public the names of the 40 most*

1 qualified applicants for at least 30 days. The selection entity shall
2 not communicate with a member of the board of supervisors, or
3 an agent for a member of the board of supervisors, about any matter
4 related to the nomination process or applicants before the
5 publication of the list of the ~~60~~ 40 most qualified applicants.

6 ~~(2)~~

7 (4) During the period described in paragraph ~~(1)~~; (2) or (3), the
8 selection entity may eliminate any of the previously selected
9 applicants if the selection entity becomes aware that the applicant
10 does not meet the qualifications specified in subdivision (d).

11 (g) (1) After complying with the requirements of subdivision
12 (f), the selection entity shall create a subpool for each of the five
13 existing supervisorial districts.

14 (2) (A) At a regularly scheduled meeting of the county board
15 of supervisors, the Auditor-Controller of the county or clerk of the
16 county board of supervisors shall conduct a random drawing to
17 select one commissioner from each of the five subpools established
18 by the selection entity.

19 (B) After completing the random drawing pursuant to
20 subparagraph (A), at the same meeting of the county board of
21 supervisors, the Auditor-Controller or clerk of the county board
22 of supervisors shall conduct a random drawing from all of the
23 remaining applicants, without respect to subpools, to select three
24 additional commissioners.

25 (3) (A) The eight selected commissioners shall review the
26 remaining names in the subpools of applicants and shall appoint
27 six additional applicants and two alternates to the commission.

28 (B) The six appointees and two alternates shall be chosen based
29 on relevant experience, analytical skills, and ability to be impartial,
30 and to ensure that the commission reflects the county's diversity,
31 including racial, ethnic, geographic, and gender diversity. However,
32 formulas or specific ratios shall not be applied for this purpose.

33 (h) The county board of supervisors shall prescribe the selection
34 entity used to appoint members to the commission from any of the
35 following options:

36 (1) The civil grand jury of the county, as described in Title 4
37 (commencing with Section 888) of Part 2 of the Penal Code.

38 (2) A panel of three retired judges appointed by the chief judge
39 of the superior court of the county.

40 (3) The county elections official.

1 (4) The clerk of the county board of supervisors.

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

5 (j) The term of office of each member of the commission expires
6 upon the appointment of the first member of the succeeding
7 commission.

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

11 (l) (1) *The commission may remove one of its members in the*
12 *event of substantial neglect of duty, gross misconduct in office, or*
13 *inability to discharge the duties of office. Removal shall require*
14 *nine or more affirmative votes from the other members, after the*
15 *member was served written notice and provided an opportunity*
16 *to respond.*

17 (2) *In the case of a vacancy in the commission that occurs prior*
18 *to the applicable redistricting deadline, the commission shall select*
19 *one alternate commissioner to fill the vacancy as a voting member.*
20 *If no alternate exists, the vacancy shall be filled by the commission*
21 *from the pool of qualified applicants within 30 days after the*
22 *vacancy occurs.*

23 SEC. 11. Section 23006 is added to the Elections Code, to read:

24 23006. (a) In each general law city, charter city, charter city
25 and county, school district, or community college district required
26 to establish an independent redistricting commission pursuant to
27 Section 23001.5, in the year following the year in which the
28 decennial federal census is taken, the commission shall adjust the
29 boundary lines of the districts of the legislative body in accordance
30 with this section.

31 (b) (1) The selection process is designed to produce a
32 commission that is independent from the influence of the legislative
33 body and reasonably representative of the local jurisdiction's
34 diversity.

35 (2) The local jurisdiction shall recruit eligible residents to apply
36 to serve on the commission. The local jurisdiction shall request
37 the assistance of neighborhood associations, community groups,
38 civic organizations, and civil rights organizations to encourage
39 eligible residents to apply to serve on the commission in a manner

1 that promotes a qualified commissioner applicant pool that is large
2 and reflective of the diversity of the local jurisdiction.

3 (c) (1) The commission shall consist of 14 members and 2
4 alternates.

5 (2) Alternates may fully participate in commission deliberations
6 but shall not vote and shall not be counted towards the
7 establishment of a quorum. Alternates are subject to the same terms
8 of office, qualifications, restrictions, and standards of conduct as
9 other commissioners.

10 (d) Each commission member shall meet all of the following
11 qualifications in addition to those listed in Section 23003:

12 (1) Be a resident of the local jurisdiction.

13 (2) Possess a history of civic engagement and participation.

14 (3) Possess experience that demonstrates analytical skills
15 relevant to the redistricting process and voting rights, and possess
16 an ability to comprehend and apply the applicable state and federal
17 legal requirements.

18 (4) Possess experience that demonstrates an ability to be
19 impartial.

20 (5) Possess experience that demonstrates an appreciation for
21 the diverse demographics and geography of the local jurisdiction.

22 (e) An interested person meeting the qualifications specified
23 may submit an application to the selection entity to be considered
24 for membership on the commission. The selection entity shall
25 review the applications and eliminate applicants who do not meet
26 the specified qualifications in Section 23003.

27 (f) (1) ~~The selection entity shall make public the number of~~
28 *qualified applicants and provide the demographic data of the*
29 *qualified applicants by aggregated percentages.*

30 (2) *If the pool of applicants does not have a sufficient number*
31 *of qualified applicants, or sufficiently represent the local*
32 *jurisdiction's local diversity, as determined by the selection entity,*
33 *the selection entity shall reopen the application period for at least*
34 *30 days and conduct additional outreach.*

35 (3) *From the pool of qualified applicants, the selection entity*
36 *shall select 40 of the most qualified applicants, taking into account*
37 *the requirements described in subdivision (d). The selection entity*
38 *shall make public the names of the 40 most qualified applicants*
39 *for at least 30 days. The selection entity shall not communicate*
40 *with a member of the legislative body, or an agent for a member*

1 *of the legislative body, about any matter related to the nomination*
2 *process or applicants before the publication of the list of the 40*
3 *most qualified applicants.*

4 *(4) During the period described in paragraph (2) or (3), the*
5 *selection entity may eliminate any of the previously selected*
6 *applicants if the selection entity becomes aware that the applicant*
7 *does not meet the qualifications specified in subdivision (d).*

8 *(g) (1) In jurisdictions that have a legislative body with eight*
9 *members or fewer, the selection entity shall create a subpool for*
10 *each of the existing districts of the local jurisdiction from the pool*
11 *of qualified applicants.*

12 *(2) (A) At a public meeting, the selection entity shall conduct*
13 *a random drawing to select one commissioner from each of the*
14 *subpools established by the selection entity.*

15 *(B) (i) The commissioners selected pursuant to subparagraph*
16 *(A) shall review the remaining names in the subpools of applicants*
17 *and shall appoint additional commissioners and alternates as*
18 *necessary to create a commission with 14 members and 2*
19 *alternates.*

20 *(ii) Commissioners appointed pursuant to this subparagraph*
21 *shall be appointed by the randomly selected commissioners based*
22 *on relevant experience, analytical skills, and ability to be impartial,*
23 *and to ensure that the commission reflects the local jurisdiction's*
24 *diversity, including racial, ethnic, geographic, and gender diversity.*
25 *However, formulas or specific ratios shall not be applied for this*
26 *purpose.*

27 ~~*(g)*~~

28 *(h) (1) If a jurisdiction has a legislative body with more than*
29 *eight existing districts, the selection entity shall conduct a random*
30 *drawing from the pool of qualified applicants to select eight*
31 *commissioners. Of the eight commissioners selected pursuant to*
32 *this paragraph, not more than one commissioner shall reside in*
33 *each of the existing districts of the local jurisdiction. If an applicant*
34 *whose name is drawn resides in the same existing district as a*
35 *person whose name has already been drawn as part of the random*
36 *drawing, that applicant shall be not be seated as a commissioner*
37 *pursuant to this paragraph, and another name shall be drawn from*
38 *the pool. An applicant whose name is drawn but who is not seated*
39 *as a commissioner pursuant to this paragraph shall be eligible to*
40 *be appointed to the commission pursuant to paragraph (2).*

1 (2) The commissioners selected pursuant to paragraph (1) shall
2 appoint additional commissioners and alternates to create a
3 commission with 14 members and 2 alternates. Commissioners
4 appointed pursuant to this subparagraph shall be appointed by the
5 selected commissioners based on relevant experience, analytical
6 skills, and ability to be impartial, and to ensure that the commission
7 reflects the county’s diversity, including racial, ethnic, geographic,
8 and gender diversity. However, formulas or specific ratios shall
9 not be applied for this purpose. For the purpose of achieving
10 geographic diversity, the selected commissioners shall consider
11 appointing applicants who reside in existing legislative body
12 districts that are not already represented among the selected
13 commissioners.

14 ~~(h)~~

15 (i) The legislative body of the general law city, charter city,
16 charter city and county, school district, or community college
17 district shall prescribe the selection entity used to appoint members
18 to the commission according to the following order of priority:

19 (1) The local jurisdiction’s ethics commission, if one exists.

20 (2) A committee or commission with a holistic view of the local
21 jurisdiction’s governance process, including, but not limited to,
22 an elections commission or charter review commission, if one
23 exists.

24 (3) For cities, a panel consisting of the city attorney, city clerk,
25 and city treasurer, if these offices exist and are not elective offices.

26 (4) A panel of three retired judges appointed by the chief judge
27 of the superior court of the county in which a plurality of the local
28 jurisdiction’s population is located.

29 (5) The civil grand jury of the county in which a plurality of the
30 local jurisdiction’s population is located.

31 ~~(i)~~

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

35 ~~(j)~~

36 (k) The term of office of each member of the commission expires
37 upon the appointment of the first member of the succeeding
38 commission.

39 ~~(k)~~

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

4 (m) (1) *The commission may remove one of its members in the*
5 *event of substantial neglect of duty, gross misconduct in office, or*
6 *inability to discharge the duties of office. Removal shall require*
7 *nine or more affirmative votes from the other members, after the*
8 *member was served written notice and provided an opportunity*
9 *to respond.*

10 (2) *In the case of a vacancy in the commission that occurs prior*
11 *to the applicable redistricting deadline, the commission shall select*
12 *one alternate commissioner to fill the vacancy as a voting member.*
13 *If no alternate exists, the vacancy shall be filled by the commission*
14 *from the pool of qualified applicants within 30 days after the*
15 *vacancy occurs.*

16 SEC. 12. The Legislature finds and declares that Sections 3 to
17 11, inclusive, of this act address a matter of statewide concern
18 rather than a municipal affair as that term is used in Section 5 of
19 Article XI of the California Constitution. Therefore, Sections 3 to
20 11, inclusive, of this act apply to all cities, including charter cities.

21 SEC. 13. If the Commission on State Mandates determines
22 that this act contains costs mandated by the state, reimbursement
23 to local agencies and school districts for those costs shall be made
24 pursuant to Part 7 (commencing with Section 17500) of Division
25 4 of Title 2 of the Government Code.

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