



PROPOSED REFORMS FOR FAIR & EFFECTIVE INDEPENDENT REDISTRICTING

Elections Commission
FIERCE Committee
August 24, 2023

**Updated 9/17/2023 with state bill amendments*

AGENDA

1. Context
2. Which Components and Why
3. Considerations for Each Component
4. Additional Resources

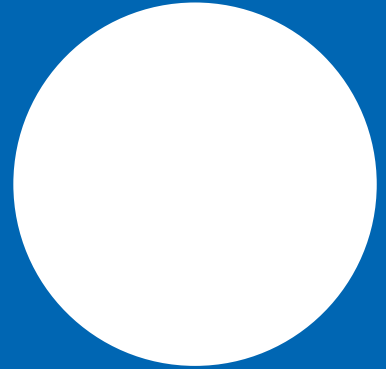
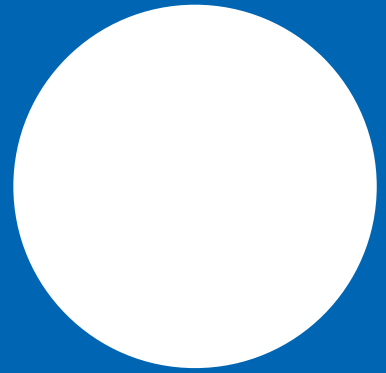


I.

CONTEXT

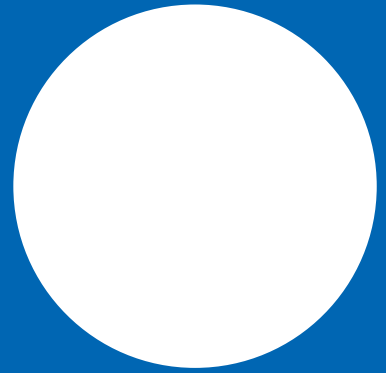
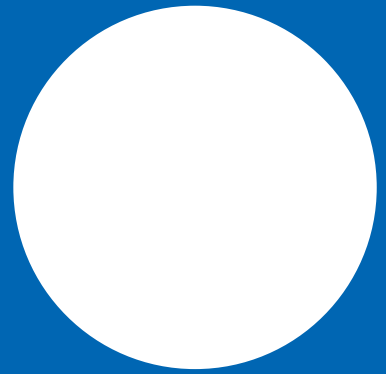
WHY WE'RE CONSIDERING THIS TOPIC

- San Francisco was a pioneer in “independent” citizen redistricting and has now fallen behind in best practices
- Everyone involved in recent redistricting agrees some improvements should be made
- SF Elections Commission is responsible for ensuring free, fair and functional elections, which requires fair districts



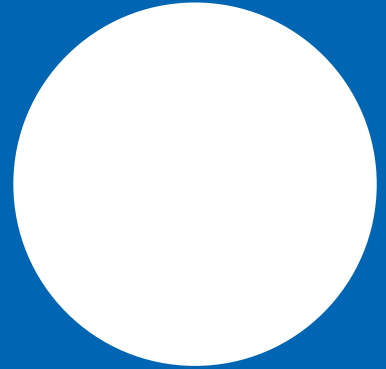
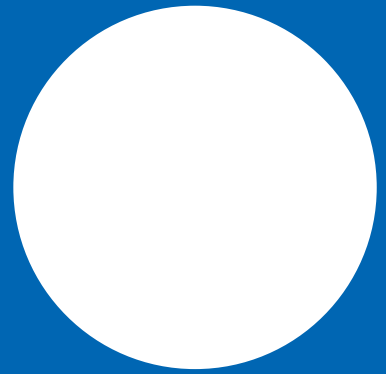
EXISTING STATE AND LOCAL LEGISLATION

- **FAIR MAPS Act (2019):** The most significant and comprehensive overhaul of the local redistricting process in state history. Inspired by the California Citizen Redistricting Commission. Doesn't apply to charter cities.
- **SF City Charter Sect 13.110 Elections Code:** Current language passed in 1996 as Prop G went into effect in 2000, first redistricted in 2002. Focuses on composition, selection process, line-drawing criteria, and timing.



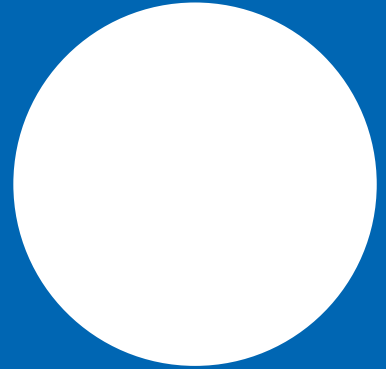
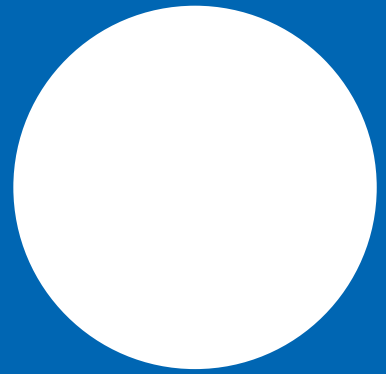
STATE LEGISLATION UNDER CONSIDERATION

- **AB 1248:** Requires all counties, cities (including charter cities), school districts and community college districts with populations over 300,000 to enact legislation establishing independent redistricting commissions before January 1, 2030, or fall under the default structure and process as described in the bill
- **AB 764:** Provides enhancements to the Fair Maps Act to correct issues seen in the 21-22 cycle



WHY NOW?

- The public's recent range of experiences with redistricting allows for more meaningful community engagement and input for potential reforms.
- Because it takes time to run a fair and democratic process, the Elections Commission wants to allow the City adequate time to prepare a new independent redistricting body as well as support City agencies to plan and implement a fair process.



2.

WHICH

COMPONENTS



1. COMPOSITION

**2. SELECTION &
REMOVAL PROCESS**

**3. COMMISSIONER
QUALIFICATIONS &
RESTRICTIONS**



**4. REDISTRICTING
LINE-DRAWING
CRITERIA**

5. FUNDING

**6. COMMISSION
PROCESSES**

7. TIMING



3.
CONSIDERATIONS
FOR EACH
COMPONENT

COMMON ACRONYMS USED

RDTF = REDISTRICTING TASK FORCE

IRC = INDEPENDENT REDISTRICTING COMMISSION

BOS = BOARD OF SUPERVISORS

CCRC = CA CITIZENS REDISTRICTING COMMISSION

FMA = FAIR MAPS ACT

I. COMPOSITION: HOW MANY PEOPLE AND WHO SHOULD SERVE ON THE TASK FORCE?

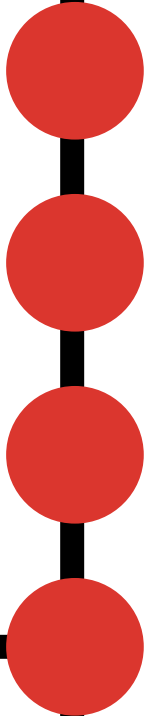
The task force should be a size and composition that allows for productive work, and also allows for experiences and expertise representative of SF's communities to draw maps that advance "one person, one vote."

What type of composition: Should there be representation from each voting district? Would that encourage or discourage members to consider the whole of the city in map drawing? Should members be a combination of geographic and at-large? If members are at-large, how many should there be?

Representation: If there is a random element to the selection process, how can adequate representation / diversity be achieved? What diversity factors should/could be considered? Could a stipend enable those of lesser means to participate, and what amount would be meaningful enough?

Voting threshold: How will the number of members affect ability to reach voting threshold?

Alternates: Should alternates be selected? How? How many? Do they serve as non-voting members?



COMPOSITION

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
9 members: 3 selected by each appointing authority. No diversity or representation requirements. No alternates.	AB 1248: If jurisdiction doesn't have an IRC, requires same basic composition as CCRC (8+6=14; not the partisan affiliations), but includes 2 non-voting alternates. First 8 must live in diff. Geographic districts.	None.	None.	Alternates should meet same requirements as members & be selected before first meeting	14 members: 8 selected by lottery after qualification; 6 selected by the first 8. 5 Dems, 5 Reps, 4 NPP. Consider geography, socio-econ status, race/ethnicity/ gender. No alternates.

2. THE SELECTION & REMOVAL PROCESS: WHAT WILL BUILD PUBLIC TRUST?

**OUTREACH &
RECRUITMENT**

**QUALIFICATIONS &
RESTRICTIONS**

**VETTING &
SELECTION**

REMOVAL

OUTREACH & RECRUITMENT

“A commission that lacks diversity may miss important community perspectives and even struggle with public legitimacy if significant constituencies feel they were not adequately represented in the process.”

- *California Local Redistricting Commissions Report (Heidorn-2017)*

- What kind of both general and targeted outreach and recruitment can be done to ensure a large, representative applicant pool?
- What City agencies would be effective partners in reaching a pool of candidates representative of the City's diversity?
- How many languages should outreach be conducted in? (and ensure translation & interpretation services be provided should someone on the task force need them)
- What procedural steps might be unnecessary and act as barriers to people completing applications (e.g. submitting paper applications or completing a Form 700)?
- Can requirements be put in place for the vetting and selection body to report to the public on its recruiting efforts?

OUTREACH & RECRUITMENT

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
None.	AB 1248: Request assistance of community groups to get large applicant pool reflective of area's diversity. AB 764: Requires plan for community outreach.	None.	Invest resources and make careful plans to recruit a large and diverse applicant pool.	None.	State auditor required to do extensive outreach to build a large, diverse pool of candidates, representative of the state.

QUALIFICATIONS & RESTRICTIONS

“While critical to creating an impartial commission, reformers and policymakers should resist the temptation to adopt overly-strict eligibility qualifications. The tighter the objective criteria, especially for smaller jurisdictions, the harder it will be recruit enough quality applicants to fill a commission.”

-California Local Redistricting Commissions Report (Heidorn-2017)

- What is standard criteria? What is overly or unnecessarily restrictive?
- Which qualifications and disqualifications can be objective, where eligibility can be verified without exercising any personal judgement (e.g. voting in the last 2 elections or contributing >\$500 to a candidate)?
- Which subjective qualifications are necessary to determine suitability for the task force (e.g. ability to be impartial) and require selection body to exercise independent judgement?
- Should there be required number of years of residency? If so, how many to not be overly restrictive? (e.g. Long Beach requires 1 year)
- How can diversity of representation, equity and inclusion be considered?

QUALIFICATIONS & RESTRICTIONS

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
<p>No guidelines on who may be a member of the task force. No standardized qualification criteria or bans on conflicts of interest.</p>	<p>AB 1248: If no existing IRC, must be resident of the juris., have history of civic engagement, demonstrated analytical skills, ability to comprehend/apply applicable legal requirements; ability to be impartial, appreciation for diverse demo./ geography of local jurisdiction. Pre/during/ post service restrictions. Alternates must meet same qualifications.</p>	<p>None.</p>	<p>None.</p>	<p>Consider minimum qualifications & restrictions, like the CCRC's. Consider restrictions on persons connected to for-profit and nonprofit entities receiving City funds.</p>	<p>Distinction: required to be continuously registered voter w/ same party 5 yrs, vote in 2 of last 3 gube. elections. Also: ability to be impartial, possess relevant analytical skills, understand CA's diversity and demography. Standard selection criteria on conflicts of interest, financial disclosures, during/post-service restrictions.</p>

VETTING & SELECTION

“IRCs, whose members are not selected by incumbents and meet certain qualifications to ensure impartiality, were more transparent, more encouraging and receptive to public participation, and more likely to draw maps that kept communities whole than legislative bodies.”

-Promise of Fair Maps

Selection type:

1. Political (appointed by elected officials)
 2. Non-political (selected through a random process and by qualifications, via a non-political body/agency)
- What process will build public trust?
 - What selection authority(ies) would SF voters trust and has/have resources to run a vetting and selection process?
 - What selection requirements would reduce conflicts of interest (pre-, during and post-service)? E.g.
 - Pre: disqualifies former elected, candidates, lobbyists, major donors, and direct family members with those ties
 - During: can't donate or engage in campaigns, run for office
 - Post: can't run in the districts you drew or for other local office for a period of time

VETTING & SELECTION

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
Distributed between Mayor, BOS, and Elections Commission	AB 1248: Requires non-political selection process determined by jurisdiction (list of choices provided), open to eligible residents, as well as diversity of registered party affiliation. 40 most qualified selected by vetting agency before random selection.	None.	Require IRCs. Prohibit political appointments. Require State Auditor to inform applicants not selected for CCRC of opps for local IRCs.	Consider using something similar to the CCRC selection process, w/out involvement of elected officials and reinforces the independence of the task force. Don't leave RDTF vulnerable to potential conflicts of interest.	Selection process run by State Auditor. Legislators can veto up to 24 apps out of the 60 most qualified applicants.

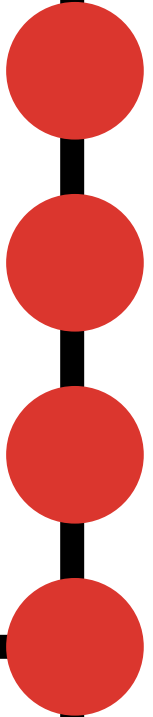
REMOVAL

"In addition to ethical rules of conduct, states should have clearly defined removal procedures for commissioner misconduct. These procedures should spell out the process through which commissioners found to have violated ethics rules can be removed and replaced."

- Designing a Transparent and Ethical Redistricting Process (League of Women Voters 2020)

- What action should constitute possible removal: neglect of duty, gross misconduct, or inability to discharge duties?
- Should removal of members occur at the pleasure of the appointing/ selecting authority or by the task force itself?

Pre-vetted and qualified alternates should be in place to be ready to replace a removed member.



REMOVAL

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
At the pleasure of the appointing authority per city ordinance	AB 1248: Same as CCRC or inability to discharge duties. Replaced by one of the alternates chosen by the body.	None.	None.	None.	Only due to neglect of duty or gross misconduct or disqualifying info. Must be replaced with an alternate from the finalist pool.

4. REDISTRICTING LINE-DRAWING CRITERIA: WHAT CRITERIA WILL REDUCE POLITICAL INFLUENCE, KEEP COMMUNITIES OF INTEREST WHOLE, AND INCREASE TRANSPARENCY?

The California State Constitution defines a "Community of Interest" as a contiguous population which shares common social and economic interests that should be included within a single District for purposes of its effective and fair representation.

- Should SF deviate from the FAIR MAPS Act criteria to accommodate unique characteristics (e.g. cultural districts, Communities of Interest definition, 5% population equality)? If so, how?
- Should SF rank criteria, in alignment with FMA and CCRC requirements, to prevent cherry-picking to justify preferences?
- Which criteria can be required to reduce political influence (e.g. no incumbency protection, consideration of electeds' political affiliation, etc.)
- What should be included in final reports to increase transparency and accountability regarding adopted lines?

REDISTRICTING LINE-DRAWING CRITERIA

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
<p>Line drawing criteria not ranked. Substantially comply with one person, one vote. Districts should be contiguous, compact, and recog. neighborhoods. Population variations limited to 1% unless variations necessary. Must consider Comm. of Interest. No prohibition on incumbency protection.</p>	<p>AB 1248: Relies on FMA; does not define new criteria. AB 764: Prohibits incumbency protection. Adds clarity re: Communities of Interest. Includes other listed recs from PFMR.</p>	<p>Where practicable: geographically contiguous, keep communities of interest whole, minimizes division, easily identifiable & understandable by residents, bounded by natural/artificial barriers, encourage geographical compactness. Districts must be substantially equal.</p>	<p>Prohibit incumbency protection & discrimination. Ranked criteria must be followed to max extent possible. Unranked cannot be prioritized over ranked. Must do Gingles prong 1 analysis, and publish summary of racially-polarized voting analysis.</p>	<p>None.</p>	<p>Priority order: population nearly equal for congress & reasonably equal for state; comply w/ VRA, contiguity, respect integrity of neighborhoods, compactness, nest 2 AD in 1 SD when possible, no protection or discrimination against incumbent, candidate, party.</p>

5. FUNDING: WHAT IS NEEDED TO ADEQUATELY RESOURCE THE WORK, AS WELL AS DECREASE BARRIERS TO PUBLIC PARTICIPATION?

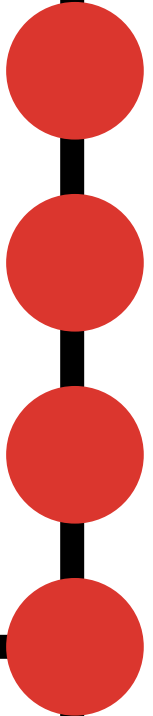
“In the future, it is recommended that a department or division is established to provide a structure that increases the ability of a team of individuals to plan and problem solve at a high level.”

-City Clerk's Office

Stipends for members: What size stipend is meaningful enough to enable those of lesser means to participate and recognize all commissioners for their time? How can compensation be adjusted over time without putting another measure on the ballot?

Budget to support process: How much independent budget is needed to fund needed aspects of the work (e.g. mapping consultant, outreach, interpreters, etc.)? Refer to the City Clerk's recs.

General: What parts of the funding need to be included in the City charter vs put in place by the BOS through an ordinance? Should there be an automatic augmentation in subsequent redistricting processes?



FUNDING

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
No stipend for members. Operations supported by Clerk of the Board and Dept of Elections with limited augmentation in budget.	AB 1248: Requires stipend; amount determined by local jurisdiction. Requires provision by the local jurisdiction of “reasonable funding and staffing” of the IRC.	None.	Require stipends. Invest resources in recruiting efforts for large, diverse pool. Fund CBOs to engage underrepresented communities in local redistricting.	Echoed Clerk’s recs: City should establish a temporary dept to support RDTF and its needs, e.g. chief of staff, admin support, media coordinator, Sunshine Ordinance expert to manage requests. But at least 2 clerks if funds are limited. BOS should allocate funds at the outset.	Stipend for members (\$378 per diem). Must appropriate adequate funds. May hire staff and consultants.

6. COMMISSION PROCESSES: HOW CAN THE COMMISSION BE PROPERLY SUPPORTED AND TRAINED, TRANSPARENT, & INCLUSIVE OF DIVERSE PUBLIC INPUT?

“Transparency and public participation in redistricting are essential to drawing better district boundaries, maintaining public confidence in the fairness of the process, and building community support for the final maps.”

-California Local Redistricting Commissions Report (Heidorn-2017)

Training and support: What training and preparation should the task force have and when? E.g. legal, sunshine, technical, redistricting criteria, best practices, etc. What staffing support and additional resources do they need to be effective?

Including the public: How can the task force meaningfully include the diverse community in the process? What additional resources are needed to do that? How do meetings times and lengths affect this?

Drafting the map: What should procedures for the mapping process be? What works/worked well and where can improvements be made?

Decision-making & Voting: Voting threshold: simple or super majority?

Transparency: What should be required in the decision-making process to ensure transparency (e.g. written rationale for maps)? What types of communication should be restricted (e.g. ex parte, intra-commission, etc.)?

Missed deadlines: What should happen if final maps are not approved as required by the deadline?

COMMISSION PROCESSES

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
<p>Simple majority to approve maps. Shall make adjustments as appropriate based on public input at public hearings.</p>	<p>AB 1248: Prohibits ex parte comm. Existing deadlines, requirements, etc for legislative bodies apply. Publish draft map 7 days before vote. Min 3 public hearings before final map adoption. No incumbency or political preference in districts. Quorum=9. 9 affirmative votes required for any action.</p> <p>AB 764: Requires min 1 public wkshp, 5 public hearings. Adopt edu and outreach plan by 4 wks before 1st hearing. Allows remote & in-person comment.</p>	<p>Must hold min. 4 accessible public hearings. Make good faith efforts to include under- represented and non-English speaking communities. Publish draft map 7 days before vote. Make all public comment available. If final map deadline missed, goes to superior court.</p>	<p>Increase min number of hearings and wkshps from 4 to min of 6-10. Provide in-person and remote options for public comment. Require posting of all written public comments. Require redistricting website be up <2 weeks before 1st hearing. Shorten timeline for publishing video/ minutes to 1 week. Adopt outreach and edu plan. Fund CBOs to engage community..</p>	<p>Draft bylaws, tent. schedules, proposed timelines should be presented at first RDTF meeting. Mapping training should be provided early, before mapping begins. Meetings should begin earlier in the day and run more efficiently. More robust outreach into communities is needed. Clear SOW with consultants needed. Develop methods to protect members from attacks/threats; shield from inappr. influence..</p>	<p>Special supermajority for maps 9/14 (≥3 Dems, ≥3 Reps, & ≥3 Others). Comply w/ Bagley-Keene Act. 14 days notice for public meetings. 14 days comment on 1st draft maps and 7 on others. 3 days on final maps. Conduct public outreach. Provide public w/ mapping software. Prohibits ex parte comms. Commission records are public. Publish report justifying final map.</p>

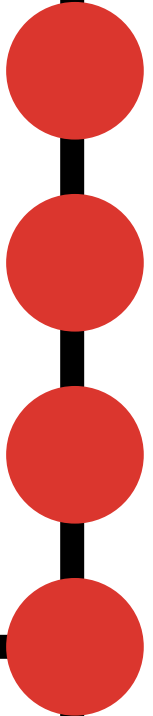
7. TIMING: WHEN SHOULD THE REDISTRICTING PROCESS BEGIN PRIOR TO THE DEADLINE AND WHEN MUST DRAFT MAPS BE PRODUCED?

“It would be advisable for the Board of Supervisors to introduce and pass an Ordinance establishing the Task Force at least six months to a year before the Census results are released in April.”

-The City Clerk's Office

Seating the RDTF: When must the RDTF be seated to enable adequate time to thoughtfully and inclusively do their work? The City decided to form the RDTF earlier than standard practice; the City Clerk recommends to begin even earlier next time.

Map Deadlines: What should the draft map deadline(s) be to enable adequate time for meaningful public input and collaboration? Should the final map deadline stay the same?



TIMING

Current SF Law	Pending CA Legislation	FAIR MAPS Act	Promise of FAIR MAPS report recs	Recent SF RDTF Recs	CA Citizens Redistricting Commission
RDTF appointed within 60 days of Dir Elections report if districts not in compliance. No deadlines for draft maps; only final deadline stipulated of April 15 in year in which related election will be conducted.	AB 1248: IRC established not later than 250 days before the final map deadline. AB 764: Map adopted min. 204 days before next reg election after Jan 1 in xxx2 (Monday vs Sunday).	Boundaries adopted no earlier than Aug 1 in years xxx1 & no later than March 1 in years xxx2.	Revisit 2030 redistricting cycle timeline in 2028 or 2029. Change map deadline to land on Monday not Sunday.	RDTF should start as early as calendar and charter allow, and before receiving census data.	2020 CCRC terms began 1 yr before final map deadline. Draft map is due June 15.

4.

ADDT'L RESOURCES

ADDITIONAL RESOURCES

- [AB 1248 bill text and information](#)
- [AB 764 bill text and information](#)
- [FAIR MAPS Act \(AB 849 or Chapter 557\)](#)
- [Current San Francisco Charter requirements re: redistricting Sec. 13.110](#)
- [Promise of Fair Maps report](#)
- [California Local Redistricting Commissions report](#)
- [San Francisco Redistricting Initiative Plan v7](#)
- [FAQs for California Citizens Redistricting Commission](#)