



County of El Dorado

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Master Report

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Title: Chief Administrative Office recommending the Board receive information on the 2021 Redistricting process and if necessary, provide direction to staff on whether to appoint a Board ad-hoc committee or independent commission.

FUNDING: General Fund.

Notes:

Sponsors:

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Attachments:

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History of Legislative File

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Text of Legislative File 21-0388

Chief Administrative Office recommending the Board receive information on the 2021 Redistricting process and if necessary, provide direction to staff on whether to appoint a Board ad-hoc committee or independent commission.

FUNDING: General Fund.

DISCUSSION/BACKGROUND

The United States Constitution requires a count every ten (10) years of everyone residing in the United States. Census data is used for geographically defining state legislative districts in the year following a census.

At the conclusion of each United States of America Census process, the County must conduct a process to analyze population data in order to redraw district boundaries to ensure that districts are substantially equal in population as required by the United States Constitution and in compliance with the federal Voting Rights Act of 1965.

In doing so, the County must consider the following factors in order of priority:

1. Geographic contiguity
2. Geographic integrity of any local neighborhood or local communities of interest.
3. Geographic integrity of any cities or census-designated places.
4. Easily identifiable and understandable districts bound by natural and artificial barriers, including streets and boundaries of the county when practicable.
5. Encouraging geographical compactness so that nearby areas of population are not bypassed in favor of more distant populations.

The Elections Code also specifies that the Board shall not adopt supervisorial district boundaries for the purpose of favoring or discriminating against a political party. Additional criteria can be considered, as long as they are not in conflict with or outweigh the criteria required by the State and Federal laws.

In order to meet these requirements, the County undergoes a process to redistrict following the conclusion of each Census. The 2010 Census data indicated that El Dorado County grew by nearly 25,000 residents from 2000 to 2010 and that the growth was spread disproportionately across supervisorial districts, with a loss of population in District 5 by 10%, and an increase in the population of District 2 by 46%. It is likely that the information from the 2020 Census will reflect similar swings in population that will affect El Dorado County district populations, and therefore will require the re-drawing of boundary lines.

In the past, the County has conducted this process with the Board itself, along with an internal redistricting team. Elections Code also allows for an independent redistricting commission, an advisory redistricting commission, or a hybrid of the two commissions. The terms and requirements for possible commissions are set forth in the Elections Code at sections 23000 to 23004.

Recommended Redistricting Process: Staff Redistricting Team

On September 15, 2020, the Chief Administrative Office convened a "redistricting team" composed of the following members:

Chief Administrative Officer- Provides oversight and directs resources required by other team members, conducts public outreach efforts.

Surveyor - Facilitates the redistricting process by providing data analysis, preparation of map alternatives

County Counsel - Provides legal advice and assistance

Registrar of Voters - Provides procedural guidance, input and information.

Proposed Process

The Redistricting Team recommends a process that meets the legal requirements and deadlines, while maximizing the use of mapping tools and public outreach. The proposal is as

follows:

1. Public Outreach

A redistricting webpage will be established on the County's website as a way to provide up-to-date information including agendas, minutes, meeting announcements, press releases, maps, etc. Pursuant to Elections Code 21508, the web page shall include, or link to, all of the following information:

- (1) A general explanation of the redistricting process for the county, in English and applicable languages.
- (2) The procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the board, in English and applicable languages.
- (3) A calendar of all public hearing and workshop dates, with the time and location of the public hearing or workshop.
- (4) The notice and agenda for each public hearing and workshop.
- (5) The recording or written summary of each public hearing and workshop.
- (6) Each draft map considered by the board at a public hearing.
- (7) The adopted final map of supervisorial district boundaries.

In addition, an e-mail address or comment form can be established to allow for public comments and questions. Parties will have the ability to subscribe to the webpage so that they receive an e-mail notification when new information is added to the webpage.

The Chief Administrative Office proposes to schedule at least four well-publicized public forums. These may be conducted in different geographic areas (El Dorado Hills, Placerville, and South Lake Tahoe), and/or there will be an option to participate remotely. At least one public hearing in which the public is invited to provide input regarding the composition of the supervisorial districts is required before the Board draws a map (Election Code 21507.1). At least four public forums are required to be conducted on map alternatives, where the public can review the maps, provide, feedback, and ask questions of the redistricting team. Of these, at least two public hearings must be held after the Board has a draft map, and one must be held on a Saturday, Sunday, or after 6pm on a weekday (21507.1). The schedule below provides for this.

2. Data Analysis and Mapping

Upon receipt of Census data, the Surveyor's Office will use their Geographic Information System (GIS) mapping program to analyze and map district boundaries. The Surveyor's Office proposes to produce 3-6 map alternatives. All map alternatives will be appropriately labeled and be accompanied by a written summary description so that the public and interested parties can easily track map changes as they may evolve through the process. Through the online Esri mapping system, the public will be able to view maps and data layers to gain an understanding of each proposal.

3. Public Hearing and Ordinance Adoption

Following the conclusion of the public forums, the Board will schedule a formal public hearing on the map alternatives. A second public hearing will be scheduled for the Board to adopt one of the map alternatives via ordinance on or before November 15, 2021.

COVID-19 Impacts to Timeline

California Election Code § 21500 et. seq. requires boards of supervisors to approve supervisorial district boundaries at least once following each federal decennial census so that

district boundaries are "substantially equal in population." Official 2020 U.S. Census data must be used to determine supervisorial district boundaries for future elections through 2030.

Usually the U.S. Census Bureau would have made data to be used for reapportioning districts in the U.S. House of Representatives available to the President by Dec. 31, 2020 (13 U.S.C. § 141). Data would be sent to the states no later than March 31, 2021 (13 U.S.C. § 141) and is usually provided on a rolling basis, starting at least six weeks prior to the deadline.

Due to the COVID-19 pandemic, on February 12, 2021 the U.S. Census Bureau announced that the date for the release of population counts for apportionment data to the states will be delayed until no later than September 30th. Per Elections Code § 21501, the Board must adopt the new district boundaries by December 15, 2021.

Generally, by this time in the year following the Census data-gathering process, the Surveyor's Office has already provided a preliminary assessment of the data. The timeline for redistricting is being compressed due to the delay in the release of Census data and Election Code requirements.

Projected data is available through the U.S. Census Bureau 2019 American Communities Survey (ACS) block group level data and can be used to anticipate map alternatives. While this data can inform initial efforts, preliminary map alternatives will be developed once 2020 Census data is formally published.

Proposed Schedule

Due to impacted timelines, it will be important to keep to a schedule in order to meet the requirements of the Elections Code. The following is the proposed timeline:

- March 2, 2021 - CAO Re-convened redistricting team (CAO, Surveyor, County Counsel, Registrar of Voters)
- March 16, 2021 - Board Meeting to provide the Board information on the Redistricting Process
- April 2021 - The Census Bureau delivers data to be used for reapportioning districts in the U.S. House of Representatives to the president by April 30, 2021 (delayed 120 days from the December 31, 2020 Deadline, 13 U.S.C. § 141).
 - Redistricting Team creates website and public outreach plan
- May - September 2021 - 1st Public Hearing - PRE-DRAFT MAP. Public is invited to provide input regarding the composition of one or more supervisorial districts -- required before the Board draws a draft map (21507.1))
- September 2021 - 2nd Public Hearing. A second hearing may be scheduled before the Board draws a draft map (21507.1))
 - US Census Bureau to send data to be used by the states for redistricting to the states by September 30, 2021, delayed from the traditional date of March 31, 2021 (13 U.S.C. § 141).
- October 2021 - Statewide database releases prison adjusted count, release of public participation tools (10/29/2021).
 - Surveyor's Office to analyze data and develops 3-6 map alternatives
 - Draft maps published for public review
 - 3rd Public Hearing. Public is invited to provide input on the draft maps (one of the meetings to provide input on draft maps must be held on a

Saturday, Sunday, or after 6pm on a weekday (21507.1)).

- 4th Public Hearing Public is invited to provide input on the draft maps (one of the meetings to provide input on draft maps must be held on a Saturday, Sunday, or after 6pm on a weekday (21507.1)).

- Map alternative adopted via ordinance.

Nov / December 2021 - Publish revised map (7 days prior to adoption)

- Board adopts new district boundaries by November 15, 2021 in order to meet the December 15, 2021 deadline ("Where a county has a regular election occurring after January 1, 2022, and before July 1, 2022," The Board must adopt district boundaries "not later than 174 days before that election," (21501)).

June 7, 2022 - Primary Election

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel, Surveyor, Registrar of Voters

ALTERNATIVES

The Board could choose to make changes to the timeline; however, the deadlines included above are requirements of Elections Code and must be met by the County. Any timeline would need to be closely adhered to in order to meet the deadlines.

Redistricting Commissions/Committees

The Board could also choose to appoint an ad hoc committee to guide the redistricting team. Similar to other Ad Hoc committees, staff would recommend that the Board appoint two of its members to conduct meetings with staff and public meetings to solicit input.

Pursuant to Election Code § 23000, the Board could also choose to establish by resolution or ordinance an independent redistricting commission or an advisory redistricting commission composed of residents of the local jurisdiction to change the legislative body's district boundaries or to recommend to the legislative body changes to those district boundaries. The following are the committee/commission options:

Independent Redistricting Commission. Per the Elections Code, an independent commission must be open to all eligible residents, cannot be appointed by the Board and cannot be affiliated with or a contributor to any members of the Board. Its decision on the districts is binding and largely excludes Board input. The commission must be established by resolution or ordinance. This option would require substantial staff time, including for a recruitment process for the commission.

Advisory Redistricting Commission. An advisory redistricting commission is composed of County residents unaffiliated with the Board that would provide recommendations to the Board. The selection of members for either the Advisory Redistricting Commission can be done by either the Board of Supervisors or County staff. This option could be arranged similarly to other commissions that are advisory to the Board, however, involving a commission as well as the Board could result in disagreement on map alternatives and has the potential of delaying decision making.

Hybrid

A hybrid redistricting commission blends the two commissions and would result in the commission recommending to the Board two or more boundary maps, with the Board being required to adopt one of the maps without modification. This alternative would retain final decision making at the Board level, while delegating preliminary decision-making to the advisory body.

FINANCIAL IMPACT

There is no direct financial impact associated with this item. The process will involve a substantial amount of staff time, however, no additional resources are anticipated.

STRATEGIC PLAN COMPONENT

Good Governance

CONTACT

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