

# OPTIONS for an INDEPENDENT REDISTRICTING COMMISSION

## **Elements of an Independent Commission Program**

- A. Number of Council Districts
- B. Purpose of an Independent Redistricting Commission
- C. Commission Organization
- D. Commissioner Qualifications, Responsibilities, and Restrictions
- E. Commissioner Selection and Removal
- F. Redistricting Requirements and Criteria
- G. Public Meetings and Public Comment
- H. Commission Process
  - I. Records and Data
  - J. Funding
- K. Administrative and Operational Considerations
- L. Legal Matters

Two other issues of possible interest and concern have been identified as well:

- M. City Data Bureau
- N. Los Angeles Unified School District

## B. Commission Purpose

### Examples from other jurisdictions:

- Conduct open and transparent process enabling full public participation, make a reasonable effort to afford maximum public access to its proceedings
- Solicit broad public participation in the process, including from residents in neighborhoods and communities that traditionally participate less frequently in the local political process
- Draw district lines according to the redistricting criteria and applicable federal and State law

### Other concepts:

- Seek consensus and resolve conflicts with regard to Council District boundaries

# B. Commission Purpose

<ul style="list-style-type: none"><li>● Conduct open and transparent process enabling full public participation, make a reasonable effort to afford maximum public access to its proceedings</li></ul>	YES	NO
<ul style="list-style-type: none"><li>● Solicit broad public participation in the process, including from residents in neighborhoods and communities that traditionally participate less frequently in the local political process</li></ul>	YES	NO
<ul style="list-style-type: none"><li>● Draw district lines according to the redistricting criteria and applicable federal and State law</li></ul>	YES	NO
<ul style="list-style-type: none"><li>● Seek consensus and resolve conflicts with regard to Council District boundaries</li></ul>	YES	NO
<ul style="list-style-type: none"><li>● Other statements<ul style="list-style-type: none"><li>○</li><li>○</li><li>○</li></ul></li></ul>		

## C. Commission Organization: Number and Alternates

### Number of Commissioners:

- Council must set the number of Commissioners to represent the City's diversity and ensure full participation.
- Too few Commissioners could fail to represent the City; too many could dissipate responsibility, and make it difficult to debate.
- The City's Advisory Commission is 21 members.

### Alternate Commissioners:

- A process should be identified to fill Commissioner vacancies.
- Some Commissions appoint alternates that would fill vacancies; others go back to the applicant pool for replacements.
- The City's Advisory Commission has no alternates; replacements are appointed.

<u>Jurisdiction</u>	<u>Commissioners</u>	<u>Alternates</u>
City of Los Angeles Appointed Commission	21	0
Range of Other Commissions	7 - 14	0 - 13

*Decision Matrix*

# C. Commission Organization: Number and Alternates

- There shall be \_\_\_\_ Commissioners
  - 11    13    15    17    19    21
  - Some other number
- Shall there be Alternate Commissioners?
  - YES                      NO
  - If yes, how many should be selected?
    - 2    3    4
    - Some other number
  - If yes, how will an Alternate be selected to fill a Commission vacancy?
    - Chair selects a name randomly from alternates
    - In the order that alternate names were drawn in the selection process
    - Some other process
- If there are no Alternates, vacancies should be filled:
  - Commission Chair randomly draws names from original pool of eligible applicants
  - An expedited application process shall be conducted
  - Some other process

## C. Term and Timing

### Term

- Several Commissions across the State establish a 10 year term for their Independent Redistricting Commission
  - Counties of Los Angeles, San Diego, and Santa Barbara
  - Cities of Sacramento and Long Beach
- Most Commissions across the State are established for the time required to complete a plan (approximately 14-18 months)

### Timing

The program needs to establish the dates for two key timing factors:

- When the Commission should start its work
- When the Commission should finish its work

## C.3 Term

### 10 Year Term

- Additional duties could be identified to be assigned to the Commission that is seated for a 10 year period.

### Limited Term

- From start to adoption of the final map

Alternately, the end of the term can be set based on any potential challenge to the map:

- To adoption of the final map, plus the period for filing of any referendum or legal challenge to the map
- To adoption, plus any extended time if the Commission is recalled by the Court to redraw the plan

### Associated Factors

- The length of term will inform who will be responsible for forming each successive Commission.

## C.3 Term

C.3 The term of the Commission shall be:

**For a limited term:**

- From time of appointment of the first Commissioner until the adoption of the redistricting plan and if recalled by the court to resolve any litigation;

OR

- From time of appointment of the first Commissioner until the redistricting plan adopted by the Commission becomes effective and any and all legal and referendum challenges have been resolved;

OR

- From the time of appointment until a fixed date (to be set in relation to adoption of a final map);

OR

**For a 10 year term**

- From the time of appointment until the appointment of the next Commission (approximately 10 years).

## C.4 Timing

**Start Milestone:** The Census timeline is the milestone on which to base the Start of the redistricting process:

April 1 of a year ending in 0	Census is conducted
April 1 of a year ending in 1	Census releases PL-94 Census datafile
May 1 of a year ending in 1	State releases adjusted file to account for incarcerated persons

**End Milestone:** The next election is the milestone on which to base the End of redistricting process:

County Registrar-Recorder requires completed maps by the end of a year ending in 1

Establishing dates to Start and End the redistricting process are based on these key milestones.

# Redistricting Process: Work Program

## **Initial Phase**

- Establish organizational structure
- Hire staff, contractors
- Conduct special studies
- Public education and outreach
  
- **Initial public hearings and workshops concerning communities of interest**

## **Draft Map Phase**

- Evaluate maps, comments, and data
- Develop criteria for draft map(s)
- Draw draft maps
  
- **Public hearings presenting draft map(s) and obtaining input from the public concerning the maps**

## **Final Map Phase**

- Evaluate comments submitted
- Refine and amend the draft map(s)
  
- **Public hearings on final map**
  
- **Approve a final map**

# C.4 Timing (continued)

Compression of the Commission's initial work program occurs as a result of a later Start date.

The 2021 Commission recommended an earlier Start date.

Potential Timing Proposals					
2028	2029	2030	2031		2032
Initiate application process, select commission	Commission seated and begins work program			Work Completed	<b>Election</b>
	Initiate application process, select commission	Commission seated and begins work program		Work Completed	<b>Election</b>
		Initiate application process, select commission	Commission seated and begins work program	Work Completed	<b>Election</b>
<b>Notable Dates and Deadlines</b>		Decennial Census, April 1	PL-94 Released, by March 31	County requires boundaries, Oct or Nov	State Primary Election in March

## C.4a Timing

### **Start Date: Associated Factors**

- Time allotted to conduct the Commissioner application process
- Allocation of funding should be approved in relation to the Start date
- Hiring preparations or actions may be related to the Start date

### **End Date: Associated Factors**

- Should the designated End date reflect the potential for legal action, as considered in the Legal Matters section of the Matrix?

## C.4 and C.5 Timing

### **Commissioner Application Process**

The Commission process is initiated with the beginning of the application process. Elements of the application organizational process include:

- An entity is needed to conduct the application process.
- Outreach should be a required element of the process.
  - Efforts should be made to reach underserved communities
  - Efforts should be provided in multiple languages
- A timeframe should be established to initiate and complete the process.

Completion of the application process results in the seating of the Commission

### **Adoption of a Final Map**

The date for adoption of a final map could be:

- 205 days before the next election, as noted in the State Election Code
- A date certain
- A specific number of months from the release of the State adjusted PL-94 Census file

*Decision Matrix*

# C.4a

C.4a An application process to identify prospective Commissioners shall commence by April 1 in a year ending in the number \_\_\_\_\_.

- Select a date for the year in which Commission formation will begin:
  - 7 (e.g., 2027 and each decade thereafter)
  - 8 (e.g., 2028 and each decade thereafter)
  - 9 (e.g., 2029 and each decade thereafter)

*Decision Matrix*

# C.4b

C.4b An entity will need to be identified to initiate and run the application process and manage Commission formation actions.

- If the Commission is seated for 10 years, the Commission could be assigned to initiate and manage the next Commissioner application process.

OR

- The City Clerk could be designated to initiate and manage the Commissioner application process.

OR

- The City Ethics Commission could be designated to initiate and manage the Commissioner application process.

OR

- A panel of three members of the previous Commission could be formed to initiate and manage the Commissioner application process.

OR

- Some other process

*Decision Matrix*

**C.4c**

C.4c An outreach effort in support of the application process shall be conducted to help develop a diverse pool of applicants. This effort would be conducted by the entity selected under C.4b.

- Outreach and education shall be conducted to ensure that there is wide awareness that the Commission application process is open, with efforts to reach underserved communities and with efforts conducted in the languages required under the Voting Rights Act.

*Decision Matrix*

C.5a

C.5b

C.5a The application process shall be completed within one year and Commissioners shall be appointed to commence their term and begin their work no later than April 1 of a year ending in \_\_\_\_\_.

- 8 (e.g., 2028 and each decade thereafter)
- 9 (e.g., 2029 and each decade thereafter)
- 0 (e.g., 2030 and each decade thereafter)

Commissioners shall be sworn into service by the City Clerk.

C.5b The final map shall be adopted:

- Within \_\_\_\_ months of the release of the State adjusted PL-94 file
  - 6
  - 9
  - Some other number of months
- On a date certain
  - September 30 of a year ending in 1
  - December 31 of a year ending in 1
  - Some other date
- No later than 205 days before the next election

## C.6 Timing

### **Inter-Census Redistricting**

The City has the option to conduct an inter-Census redistricting process.

If the voters approve an Independent Redistricting Commission process, such an effort could be initiated for the 2026 elections.

An effort for the 2026 elections would be compressed in order to form a Commission consistent with the new procedures and conduct the necessary public hearings in time.

– Voter consideration in 2024

– Commission formed in 2024 or 2025

– Commission conducts public hearing process and draws maps by the end of 2025

– Primary election in June 2026

### **Resources available**

- PL-94 data are available

### **Resources needed**

- Funding
- Staffing

*Decision Matrix*

**C.6**

**C.6** A special Redistricting Process shall commence immediately upon approval of this measure by the voters, with revised Council District boundaries to be effective no later than for the election in 2026.

## D.1. Commissioner Qualifications

### Application Process:

- The City Charter provides for an appointed commission, with no application process.
- An independent commission requires an application process.
- Most jurisdictions reviewed accept applications from any qualified candidate.

### Qualification Criteria Examples:

- Registered voter in the jurisdiction.
- Current resident of the jurisdiction for a certain number of years.
- Voted in a certain number of elections in a certain time frame.
- Possess relevant analytical skills and experience.
- Possess experience demonstrating an ability to be impartial.
- Possess experience demonstrating an appreciation for the diverse demographics and geography of the jurisdiction.

# D.1. Commissioner Qualifications

- Candidate must be a registered voter in the City?

YES                  NO

- Candidate must have been a resident of the City for \_\_ years?

YES                  NO

- If yes, number of years:

- 1                  5
- Some other number

- Candidate must have voted in the City in at least \_\_ elections in the prior \_\_ years?

YES                  NO

- If yes, number of elections:

- 1                  2
- Some other number

- If yes, number of years:

- 4                  6                  8                  10
- Some other number

*Decision Matrix*

# D.1. Commissioner Qualifications (continued)

- |  |
|--|
| <ul style="list-style-type: none"><li>• Candidates should possess experience that demonstrates relevant analytical skills and possess an ability to comprehend and apply State and federal legal requirements?</li></ul> |
| YES NO   |
| <ul style="list-style-type: none"><li>• Candidates should possess experience that demonstrates an ability to be impartial?</li></ul>   |
| YES NO   |
| <ul style="list-style-type: none"><li>• Candidates should possess experience that demonstrates an appreciation for the City's unique demographics and geography?</li></ul>   |
| YES NO   |

## D.2. Commissioner Disqualifications

### Disqualification Criteria:

- The California Maps Acts contains criteria that disqualifies a candidate, listed in the adjacent table.
- The City may adopt these criteria, or amend as appropriate.
- Attention should be paid to whether the Charter section contains these factors in detail, or whether the Charter refers to other laws for guidance.

<u>Restriction</u>	<u>Applicant and Spouse</u>	<u>Applicant's Family Member</u>
Elected, appointed, or candidate for elective office	8 years	8 years
Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office	8 years	4 years
Served as an officer of, employee of, or paid consultant to, a political party or as an elected or appointed member of a political party central committee	8 years	4 years
Served as a staff member or consultant to, or who has contracted with, a currently serving elected officer of the local jurisdiction	8 years	4 years
Been registered to lobby the local jurisdiction	8 years	4 years
Contributed \$500 or more in a year to any candidate for an elective office of the local jurisdiction (can adjust for CPI).	8 years	4 years

*Decision Matrix*

## D.2. Commissioner Disqualifications

- Disqualification Criteria should include:
  - Criteria from the California Fair Maps Act, as noted in the table on the previous slide; or
  - Amended criteria from the California Fair Maps Act

## D.2. Commissioner Disqualifications (continued)

Additional limits not covered by the California Fair Maps Act include:

- Currently serves as a City employee, or served within the last \_\_ years.  
YES NO
  - If yes, number of years:
    - 4 8
    - Some other number
  
- Applicants cannot have contributed \$500 or more in a year to any candidate for an elective office of the \_\_ (can adjust for CPI).  
YES NO
  - If yes, include any of the following:
    - LAUSD
    - County of Los Angeles
    - State of California
      - any of
      - only those elected by City voters
    - Federal
      - any of
      - only those elected by City voters
    - Any elected office

## D.3. Commissioner Restrictions

### Restrictions During and After Service:

- Restrictions on Commissioners could be put in place to ensure that they do not participate out of self-interest.

### Commissioner Restriction Examples:

- Endorsing, working for, volunteering for, or contributing to a candidate for an elective office of the City.
- Holding a certain elective City office within a certain number of years since Commission service.
- Serving on another City commission, serving as paid staff or consultant to a City elected official, receive a non-competitively bid contract with the City, or register as a City lobbyist, for a certain number of years since Commission service.

## D.3. Commissioner Restrictions

- During service, a Commissioner shall not endorse, work for, volunteer for, or make a campaign contribution to an elective office of the City.

YES NO

- A Commissioner shall be ineligible, for a period of \_\_ years beginning from the date of their appointment, to hold City elective office:

YES NO

- If yes, number of years:
  - 5 10
  - Some other number
  - A Commissioner shall be ineligible to hold City elective office for a district which boundaries were adopted by the commission on which the person served
- Select City elective office for ineligibility:
  - Council
  - Mayor
  - City Attorney
  - City Controller
- Persons who accept an appointment shall file a written declaration with the \_\_ stating an understanding of this restriction:
  - City Clerk
  - Personnel Department
  - Ethics Commission

## D.3. Commissioner Restrictions (continued)

- A Commissioner shall be ineligible, for a period of \_\_ years from the date of their appointment, to be appointed to another City commission, serve as paid staff/consultant to any City elected official, receive a non-competitively bid contract with the City, or to register as a City lobbyist:
  - YES                      NO
  - If yes, number of years:
    - 4                      5
    - Some other number

## D.4. Commissioner Duties

### Commission Duties:

- Models for independent redistricting commissions do not clearly state the duties of individual commissioners.
- To the right is a collection of various duties assigned to Independent Commissions; Council may wish to decide to assign some or all of these examples.
- Additional assigned duties may be appropriate if the Independent Commission is seated for a 10-year term.

### Commission Duties Examples:

- Conduct themselves in a manner to ensure integrity and fairness of the process, including ex parte communication restrictions.
- Attendance and participation in commission meetings and hearings.
- Training on redistricting and ethics.
- Filing appropriate statements, such as Form 700.
- Using an assigned e-mail for commission business.
- Impartiality

## D.4. Commissioner Duties

- Duties shall include (select any number of the following):
  - Conduct themselves in a manner to ensure integrity and fairness of the process, including ex parte communication restrictions.
  - Attendance and participation in commission meetings and hearings.
  - Training on redistricting and ethics.
  - Filing appropriate statements, such as Form 700.
  - Using an assigned e-mail for commission business.
  - Impartiality
- If seated for a 10-year term, the Commission shall be responsible for (select any number of the following):
  - Evaluate the Council District assignment of any annexation to the City
  - Conduct on-going workshops and educational programs regarding redistricting
  - Assist Census technical program response
  - Provide oversight for new Commission selection
  - Other duties as assigned

## D.5. Ex Parte Communications

### Ex Parte Communications:

- The City does not currently prohibit ex parte communications.
- In 2021, Council adopted provisions for Commissioners to disclose communications with elected officials at the next public Advisory Commission meeting.
- Other jurisdictions prohibit communication between elected officials and Commissions and Commission staff.
- It may be appropriate to clearly state that elected officials are able or encouraged to participate in the public process.

# D.5. Ex Parte Communications

- |  |
|--|
| <ul style="list-style-type: none"><li>● Prohibit all ex parte communications between Commission members and any elected City official or their staff.<br/>YES                      NO</li></ul>  |
| <ul style="list-style-type: none"><li>● Shall ex parte restrictions apply to Commission staff?<br/>YES                      NO</li></ul>   |
| <ul style="list-style-type: none"><li>● Shall ex parte restrictions apply to elected officials and staff at any other level of government?<br/>YES                      NO<ul style="list-style-type: none"><li>○ If yes, which level?<ul style="list-style-type: none"><li>■ LAUSD</li><li>■ County of Los Angeles</li><li>■ State of California (any, or only those elected by City voters)</li><li>■ Federal (any, or only those elected by City voters)</li><li>■ Any elected office</li></ul></li></ul></li></ul> |