



# **For the People:**

## **A Roadmap for Community-Centered Independent Redistricting in Los Angeles**

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**A**s the City of Los Angeles moves to place the creation of an Independent Redistricting Commission (IRC) on the ballot for Angelenos to consider in 2024, it is imperative that these amendments to the City Charter create a Commission that is truly independent and upholds the public's trust.

As one of the architects of California's statewide Citizens Redistricting Commission and one of the leading advocates for independent redistricting in local communities, California Common Cause will continue to support the core precepts necessary for a truly independent and meaningful redistricting process. This is informed by our monitoring of over 60 local jurisdictions during the most recent redistricting process, culminating in a [detailed redistricting report](#) about local redistricting in California and how to do it well, as well as two decades of experience monitoring and working with the state's Citizens Redistricting Commission.

California Common Cause carefully analyzed and reviewed the report produced by the Los Angeles City Council's Chief Legislative Analyst's Office. California Common Cause proposes key recommendations that seek to: ensure a fully Independent Redistricting Commission, ensure that the City Council reflects the growth of the City, preserve a community-centered approach in map-drawing, emphasize transparency and inclusivity in the redistricting process, and allow an independent Commission to undergo responsive evolution.

## KEY RECOMMENDATIONS

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### Number of Council Districts

The last adjustment to Council size occurred nearly a century ago, and modernization is needed badly. The Los Angeles City Council currently has the largest number of residents per district, more than 264,000, among the 10 largest cities by population in the United States. In contrast, the average number of residents per city council district in the other top 10 cities, excluding Los Angeles, is approximately 143,000 residents, with no cities that have districts with more than 209,000 residents per district.

Increasing the size of the Council will reduce the resident-to-representative ratio, ensuring the City Council is representative of more communities across L.A. and that local political leaders are closer to, more easily reachable by, and more responsive to residents in the city.

Going forward, the size of Los Angeles City Council must reflect the growth of the City. To ensure that Council seats remain a consistent and representative size for the future of Los Angeles, the number of Council Districts should be adjusted every decade based on the decennial U.S. census population results to achieve one district per 150,000 people, rounded to the nearest odd whole number. This will currently result in about 26 council seats. To ensure that residents experience no less political representation than they currently experience, there should be no fewer than 15 Council Districts. Automatic adjustment ensures that the size of the Council will change as the City changes. The revised districts should be effective in 2032 and elections thereafter.



## Purpose of an Independent Redistricting Commission

A clearly stated purpose may be necessary for the success of the Independent Redistricting Commission—not only to state the type of Commission that is being formed, but also to protect the Commission moving forward. The stated purpose should guide any future attempts to amend or change the provisions enacted under this reform. Any attempts to change the redistricting process under the City Charter or by ordinance must comply with the stated purposes of this Commission. This safeguards the Commission by stopping any future attempts to weaken or undermine it, as any changes not consistent with this purpose must be rejected.

The redistricting Commission for the City of Los Angeles should be an Independent Redistricting Commission, meaning a body, other than the City Council, that is empowered to adopt the District boundaries of the City Council. The purpose of the Independent Redistricting Commission should be to:

- Ensure the integrity, fairness, transparency, and accessibility of the redistricting process, prohibit discriminatory redistricting practices, and protect the people from an unrepresentative and dilutive electoral system.
- Ensure the City's redistricting process is free from political or partisan influence.
- Ensure that requirements to guarantee minimum standards of transparency and accessibility in the redistricting process are met so that the public is able to provide information to assist the Commission in adopting fair and equitable District maps.
- Ensure that mandatory districting and redistricting criteria to promote fair and effective representation for all people, neighborhoods, and communities, and particularly for disadvantaged, historically marginalized, under-resourced, low-income, and underrepresented neighborhoods and communities will be respected.
- Respect the voters' will to prioritize keeping whole neighborhoods and communities of interest together, facilitate political organization and constituent representation, and prohibit gerrymandering, including prohibiting incumbent-protection gerrymandering.
- Give voice and power to the residents of the City to lead a fair redistricting process that empowers communities that have historically been left out or underrepresented.

## Commission Organization

The organization of the Commission is critical to its ability to operate successfully. Important considerations in the area of Commission organization include the size of the Commission, alternate Commissioners, the length of the term Commissioners should serve, and sufficient time for the Commission to achieve its stated goals and public participation. We address these topics in the order raised by the Chief Legislative Analyst's (CLA) report on Independent Redistricting Charter Reform.

First, on Commission size, we believe the appropriate size is 14 to ensure there are enough Commissioners to represent the views of residents across the City. Local Redistricting Commissions across the state vary in size, and most of the larger jurisdictions have between 11 to 14 Commissioners. Given the size and geographic and ethnic diversity of Los Angeles, 14 Commissioners may serve the City best. A group of this size could have a better collective knowledge of the region's communities and history and apply that knowledge to the redistricting process. Seating 14 Commissioners aligns with many of

the larger jurisdictions in the state and ensures that there are not the same number of Commissioners as there are Council Districts. We believe that the number of Commissioners should differ from the number of Council Districts to prevent Commissioners from favoring a single district or recreating a Commission that mirrors the City Council.

Second, as it relates to alternate Commissioners, we believe a minimum of two alternate Commissioners should be selected as part of the Commissioner selection process to mitigate Commissioner departures and replace departing Commissioners seamlessly. Alternate Commissioners can be selected randomly from the pool of qualified applicants.

Third, as it relates to the term of a Commissioner's service, we believe Commissioners should serve a 10-year term because of the long-term nature of redistricting and the potential for parties to consider litigation after redistricting maps are produced and adopted. The term should expire upon the appointment of the first member of the succeeding Commission.

Fourth, Commissioners should have sufficient time to organize their programs, conduct their work, and finalize a district plan within its term. Additionally, to have a fair, transparent, and equitable redistricting process the public must also have enough time to engage and participate. To provide enough time for the redistricting process, the Commission selection process should start in years ending in eight, and Commissioners should be seated in years ending in nine. The 2021 Los Angeles Redistricting Commission officially started on November 19, 2020. Their City Councilmember appointed them to represent their district, and the City Clerk swore them in that same day. We recommend that the next redistricting process begin even earlier. The 2020 California Citizens Redistricting Commission was selected in July 2020 and seated in August 2020; and they have also discussed the value of being seated earlier.

The CLA's report highlighted that there is an interest to consider whether the new redistricting process should begin immediately after voters approve this amendment to the City Charter. We believe it should not. The next redistricting process should occur following the next decennial census. Later in this report, we discuss issues related to implementation, like ensuring that the Commissioner application process is handled by the Ethics Commission and creating a new City Data Bureau. After these new provisions are implemented, it will take time to adjust the responsibility of existing departments (such as the Ethics Commission and their potential role in the selection of Commissioners) and for the City to create new departments (if there is a new City Data Bureau). It will also be vital that the City prepare for any adjustments that will be made to the size of City Council, educate community members about these changes, and ensure that any transition is seamless. Additionally, immediately commencing a new redistricting process would be burdensome on residents and community organizations that just completed the last redistricting cycle. Finally, should there be an immediate redistricting after voter approval, the City would only have those valid maps for a few years before entering the 2030 redistricting cycle.

## Commissioner Qualifications and Restrictions

A truly Independent Redistricting Commission is possible only with clearly outlined disqualifications, bans on ex parte communications, and adherence to restrictions on certain activity that all will work to prevent bias from entering the Commission.

**Service Requirements.** Commissioners should have a strong commitment to the City of Los Angeles. Candidates must be required to be registered voters of the City, have been a resident for at least four years, and have voted in at least one City election in the prior four years. This ensures that not only do these candidates have a clear stake in the outcome of the mapping process, but that they understand the City to a degree that they will be able to fully engage and participate in the process. At the same time, this ensures that younger residents of the City that have lived in the City for a number of years but only more recently became eligible to vote still have the opportunity to participate. Candidates should also possess the relevant analytical skills to serve as a Commissioner, the ability to be impartial, and demonstrate appreciation for the diverse demographics and geography of the City.

**Disqualifying Conflicts of Interest.** Disqualification criteria are necessary to weed out candidates with conflicts of interest or other characteristics that would impede an independent redistricting process. The disqualification criteria outlined in the state Elections Code § 23003 should be a baseline for this assessment. § 23003 provides that candidates may not be appointed to a Commission if the candidate, or the candidate's spouse, in the last eight years:

- (A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.
- (B) 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.
- (C) Served as a staff member or a consultant to, or who has contracted with, a currently serving elected officer of the local jurisdiction.
- (D) Been registered to lobby the local jurisdiction.
- (E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

The section continues on to also prohibit candidates if they have a family member, other than their spouse, who in the last four years has:

- (A) Served as an officer of, employee of, or paid consultant to, a campaign committee or a candidate for elective office of the local jurisdiction.
- (B) 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.
- (C) Served as a staff member of or consultant to, or has contracted with, a currently serving elected officer of the local jurisdiction.
- (D) Been registered to lobby the local jurisdiction.
- (E) Contributed five hundred dollars (\$500) or more in a year to any candidate for an elective office of the local jurisdiction. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

Additionally, Elections Code § 23003 prohibits a person from serving on the Commission if the person or any family member of the person has been elected or appointed to, or been a candidate for, an elective office of the local jurisdiction in the eight years preceding the person's application. A "family member" as defined in the Elections Code for this section is a spouse, parent, sibling, child, or in-law.

We also recommend that any current City Hall employee or those who have served as an employee of City Hall in political, appointed, or similar positions in the last eight years must also be disqualified from serving on the IRC, in order to establish boundaries and distance between political actors in City Hall and the Commission.

**During-Service Restrictions.** There must also be various prohibitions during the Commissioner's service from engaging in certain activity that would similarly disrupt the independence of the IRC. During a Commissioner's service, they should not endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the City. Such actions and activities would reflect favor or bias towards certain incumbents or candidates that would violate the Commission's independence.

**Post-Service Restrictions.** Prohibitions on certain activities after a Commissioner's appointment is also necessary to promote independence. Commissioners should be ineligible to run for City Council for 10 years after their appointment, or for the length of the time the maps they drew remain in effect in the City. The reasoning behind this is simple—a candidate for office should not have the ability to run in a district where they drew the district lines. Furthermore, for four years after the Commissioner's appointment to the IRC, they should be prohibited from serving on another City Commission, serving as paid staff for or as a paid consultant to any City elected official, receiving a non-competitively bid contract with the City, or serving as a registered City lobbyist.

**Ex Parte Communications.** During the Commission's service, clear boundaries between Commissioners and elected officials are paramount to ensure the IRC operates independently and without political actors influencing the decision-making process. Accordingly, a Commissioner should not be allowed to communicate with any individual or organization regarding redistricting matters outside of a public meeting. This should not restrict the Commission from communicating with the staff of the City regarding administrative matters of the Commission, nor does it restrict a Commissioner from directly communicating with another Commissioner, Commission staff, legal counsel, or consultants retained by the Commission.

This ban on ex parte communications would also therefore restrict communications between Commissioners on the one hand and elected City officials on the other. City officials, like all Angelenos, rightfully have concerns that may be considered by the Commission—and they should have the same opportunity as all of the City's residents to voice their opinions through public input opportunities, with no special or direct access to the Commission.

The language banning ex parte communications has been in effect for the statewide citizens redistricting commission in the last two cycles. The 2020 California Citizens Redistricting Commission understood this ban to critically cover "redistricting matters" that go to the drawing of the actual district lines, but still permitted connecting with community groups to improve the commission's engagement

efforts. We believe it is still important that such educational presentations be conducted in a manner accessible to all members of the public or where the proceedings are made available online, and that more than one Commissioner is encouraged to participate at any given event to ensure there is accountability in the engagement.

## **Commissioner Selection and Removal**

Independently selecting Commissioners is a key principle of creating an independent Commission. An entity outside of elected officials will need to be in charge of the Commissioner selection and removal process because Commissioners cannot under any circumstances be influenced by elected officials. To ensure that the Commission is independent from the influence of the Mayor or City Council, we believe that the City Ethics Commission should administer an open application and selection process. The open application process should be well-advertised and reach diverse communities and include specific qualifications and protections against conflicts of interest. An open application process allows for widespread community participation. As part of an open application process Commissioners should meet the following screening criteria:

- Be a resident of the City;
- Possess a history of civic engagement and participation;
- Possess experience that demonstrates analytical skills relevant to the redistricting process;
- Possess experience that demonstrates an ability to be impartial; and
- Possess experience that demonstrates an appreciation for the diverse demographics and geography of the City.

Establishing such screening criteria ensures that Commissioners will be able to handle the rigor required to meaningfully contribute to the redistricting process. The Ethics Commission would be responsible for considering both objective and subjective considerations to establish a final pool of qualified candidates and eliminate any candidates that do not meet the necessary criteria.

Commissioners should be selected through a two-step process. First, the Ethics Commission would create a pool of 35 candidates, selected at random from all qualified candidates. To reflect the diverse communities of Los Angeles, diversity should be considered in the development of the candidate pool. This pool of 35 would be divided into seven sub-pools, representing five candidates from seven regions in the City. Candidates' names should be posted for public review and any person may submit concerns or provide references for these candidates.

One Commissioner should then be randomly selected from each sub-pool. Next, the randomly selected Commissioners should select the remaining seven Commissioners to ensure the Commission represents the diversity of the City, not just including geography, but also considering factors such as race and ethnicity, gender, sexual orientation, geography, and profession. This ensures that Commissioners reflect the population of the City.

We believe that Commissioners should vote on the removal of a Commissioner for a specified cause, such as violating ex parte communications restrictions. We also recommend that a supermajority of the



Commission be necessary to vote for the removal of a Commissioner. Additionally, any Commissioner removal process must also be handled in a manner that protects Commissioners from retaliation or bias.

## Redistricting Requirements and Criteria

The redistricting criteria and requirements that the Commission must follow needs to be clearly codified in the city charter and demonstrate which criteria take precedence over others—whether it is to follow federal and state laws, to prioritize the needs of community members, or to prevent partisan and political gaming of the process.

This can be accomplished by establishing a ranking of the criteria to be followed by precedence, with certain criteria holding greater weight than others, as well as by delineating any other requirements or prohibitions. This allows the Commission to follow a defined process with guidance as to how they should make decisions while line-drawing and ensures that there is less ambiguity or confusion as they engage in redistricting.

The following redistricting criteria should be included in the creation of an IRC:

- Compliance with the U.S. Constitution and compliance with the federal Voting Rights Act.
- Compliance with the state constitution and state law.
- Requirement of reasonably equal population except where deviation is required to comply with federal or state law.
- The following criteria shall be applied in order of priority:
  1. To the maximum extent practicable, election districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
  2. To the maximum extent possible, districts shall be drawn to preserve communities of interest.
    - a. A “community of interest” is a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social and city services. Characteristics of communities of interest may also include, but are not limited to, neighborhoods, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, access to resources significant to the community, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
  3. To the extent feasible, and where it does not conflict with the preceding criteria in this section, natural boundaries, street lines, or other physical assets important to the community shall be taken into consideration for districts to be easily identifiable by residents.
  4. To the extent feasible, and where it does not conflict with the preceding criteria in this section, census blocks may be taken into consideration and not split, notwithstanding higher-ranking criteria.
  5. To the extent feasible, and where it does not conflict with the preceding criteria in this section, election districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

6. The Commission may adopt additional criteria that do not conflict with the other requirements and criteria listed in this section or with State or federal law.
- The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

The use of a ranking for redistricting criteria is common practice in California and is used by both the state’s citizens redistricting Commission and various local independent redistricting commissions across the state.<sup>1</sup> By prioritizing communities of interest in the criteria, this ensures that the redistricting process prioritizes the lived experiences of Angelenos and keeping communities together, as well as ensuring that the Commission must take into consideration the public input and feedback it gets from residents through its hearings and other meetings.

It is imperative that backdoor methods of protecting incumbency or inserting political and partisan bias into the redistricting process—such as “preservation of existing district cores” and “minimizing change”—cannot be included in any redistricting criteria for the Commission. There must also be a clear ban on partisan and racial gerrymandering for this independent Commission to have the trust and confidence of all Angelenos.

## Public Meetings and Public Comment

An independent Commission must operate in a transparent, inclusive, and participatory manner. Los Angeles can achieve these three key markers of a successful Commission process by ensuring that the IRC is accessible to input from all Angelenos—regardless of language, ability, or where community members live.

The Commission must take steps to encourage residents to participate in the process by disseminating information through the media, through community organizations and other trusted sources, as well as ensuring that there is a focus on engaging underrepresented communities and non-English speaking communities.

Expansive language access to ensure that all members of the public are able to engage in the map-making process is key to an inclusive and participatory IRC. The Commission should be required to arrange for live translations of any hearings or workshops if there is such a request made at least 72 hours before the hearing or workshop, as well as make documents that are produced for public education, information, and participation available in all languages as required by the federal Voting Rights Act<sup>2</sup> and California Elections Code § 14201.<sup>3</sup> As of 2023, those languages covered in Los Angeles County include:

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<sup>1</sup> See *Cal. Const., Art. XXI, § 2(d)* (ranked redistricting criteria for the California citizen’s redistricting commission), see also, e.g., *Cal Elections Code § 21534* (ranked redistricting criteria for the County of Los Angeles citizens redistricting commission).

<sup>2</sup> Section 203 of the Voting Rights Act of 1965 requires that a political subdivision in certain circumstances must provide language assistance during elections to ensure that limited English proficient members of the community can understand the electoral process. See “Language Minority Citizens,” Civil Rights Division of the U.S. Department of Justice, <https://www.justice.gov/crt/language-minority-citizens> (describing the requirements of Section 203).

<sup>3</sup> California Elections Code § 14201 expands on the requirements of the federal Voting Rights Act. See “Language Requirements for Election Materials,” California Secretary of State, <https://www.sos.ca.gov/elections/voting-resources/language-requirements>.

Armenian, Chinese, Cambodian/Khmer, Farsi, Korean, Spanish, Filipino/Tagalog, Vietnamese, Hindi, Japanese, Thai, Russian, Bengali, Burmese, Gujarati, Indonesian, Mongolian, and Telegu.<sup>4</sup> Critically, the items that should be translated in to these languages are ones focused for public consumption and access—we recognize that it may not be possible to translate all documents actually created by the IRC, whether data analyses of draft plans or the final report that is transmitted to the City. However, those documents and items produced for the public, including but not limited to IRC agendas, educational materials, and/or guides to access public mapping software, should be translated.

A transparent IRC is possible only where the Commission’s ongoing activities, meetings, and hearings are properly noticed and disseminated. The Commission should be required to publish the date, time, and location for any public hearing or workshop on the web at least five business days before such a meeting, or three days if the Commission is within 28 days of the deadline to adopt boundaries. At the publication of the meeting notice, draft maps or other items for consideration must also be made available to the public. Whenever possible, the Commission should provide greater notice than the minimum number of days required in order to create the most inclusive participation opportunities for the public.

Furthermore, there must be sufficient meetings and hearings taking place across the City and throughout the process to garner the necessary public input to guide the map-drawing process. At least 10 hearings or workshops to obtain public input should be held prior to even initiating drawing district lines. Such hearings may begin before the decennial census data is released in the fall, and can take in critical testimony, including regarding communities of interest or other criteria that are not tied to updated census data. There should be at least 15 hearings to obtain public input during the drafting process across all of the draft maps that may be proposed, with all such drafted maps made available for public consideration. Finally, before adopting a final map, at least three public hearings should be held to take in any remaining public input.

To ensure the IRC is accessible to all, the Commission must develop and implement an accessibility plan to ensure that people with disabilities are able to access and fully participate in Commission meetings and hearings. Additionally, the Commission should proactively make efforts to schedule hearings across a variety of days and times, including a number of hearings after 6 PM and on weekends, to ensure that all residents of the City have the time and ability to access Commission meetings. Public meetings and hearings must be held in locations that are accessible by public transportation and pedestrians, and the Commission must take steps to ensure that any meeting venue is a welcoming space for all participants.

The Commission must also permit members of the public to provide live public comment at each public hearing both in-person and remotely, which should include providing an accessible and clearly audible call-in or internet-based service option.

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4 “Multilingual Services Program,” Los Angeles County Registrar-Recorder/County Clerk, <https://www.lavote.gov/home/voting-elections/voter-education/multilingual-services-program/multilingual-services-program>.

It is critical that the Commission consider all testimony provided by the public during their deliberations, including any full and partial maps submitted by the public. The map-drawing process must happen in public meetings.

## **Commission Process**

The Commission should have full authority to adopt the final maps. For key votes, including the approval of a map, there should be a vote of a supermajority of the Commissioners. Other Commissions, like Long Beach, also rely on supermajority voting. A supermajority vote can help prevent a simple majority of Commissioners from eroding the votes of a minority of Commissioners and will result in a final map that is less likely to lead to a legal challenge. Draft maps should be publicly posted seven days before they are considered at a meeting so the public can have an opportunity to review and comment on what is being contemplated. Final maps should be publicly posted three days before any public hearing. To ensure that the Commission operates in true independence, a final map should be effective upon approval of the Commission and not rely on the approval of the Mayor or City Council.

## **Records and Data**

To facilitate transparency in the redistricting process the Commission should comply with the Ralph M. Brown Act and the California Public Records Act. To ensure an accurate public record of Commission business the Commission and Commission subcommittees should keep minutes of all discussion and actions taken at public meetings. If possible, Commission meetings should be video recorded.

We recommend that a City Data Bureau should be established. The redistricting process requires demographic analysis and census mapping provided by individuals with technical expertise in demography, analyzing statistical and census data, and performing complex tasks to draw district boundaries. The Commission will need a team to collect, process, evaluate, manage, and publish sociodemographic and geographic data to inform the redistricting process. Additionally, the Commission should take all necessary steps to ensure that complete and accurate data is available for redistricting and that the public has access to redistricting data and tools to ensure that residents can analyze the data alongside the Commission. Establishing a City Data Bureau, with a dedicated data process, will help the Commission fulfill its requirements and support the needs of the Commission and residents. To facilitate robust community engagement, residents will need to be educated and informed on the principles of redistricting, how mapping tools work, and how to apply the principles with mapping. A free public mapping tool and training should be available to residents.

## **Funding**

The authority to allocate funds for redistricting can be used as a tool for elected officials to exert influence over the redistricting process. Funding for the Commission should be removed from the influence of the City Council and Mayor to the greatest extent possible and the ability of elected officials to vote on funding allocations for the Commission must be limited. To limit political influence, and to keep pace with the true cost of operating the Commission, the funding amount should be at least based on the previous redistricting process, adjusted for inflation. If necessary, the City Council and Mayor



should provide all funds required to defend the Commission in any legal proceeding. Furthermore, if additional resources are needed to support the Commission beyond the Commission's available resources, nothing should prevent the City Council and Mayor from allocating additional resources to ensure that residents across the city can participate in the redistricting process to ensure full community engagement.

We believe that Commissioners should be paid \$450 per Commission meeting or hearing, adjusted for inflation. Commissioners who serve on the California Citizens Redistricting Commission are paid \$300 for each day they are engaged in Commission business. Commissioners who serve at the state level are also eligible for reimbursement for personal expenses incurred in connection with the duties required.

### **Administrative, Operational, and Legal Matters**

Of the varying considerations that are necessary to successfully set up an Independent Redistricting Commission, California Common Cause includes a few administrative, operational, and legal recommendations that we believe are necessary to incorporate to achieve a successful independent redistricting process. First, in line with the robust disqualification criteria for Commissioner candidates, it is also important for each member of the Commission to be a designated employee in the conflict-of-interest code for the Commission pursuant to state law.

It is possible that after the Commission completes its first few sets of maps in the near future, there may be some changes that Commissioners, community members, or even City Councilmembers may believe are necessary to be made to improve the function of the IRC. Such changes, particularly those that may be more technical in nature, may be difficult to make by having to amend the City Charter yet again. However, it is critical that any such changes cannot be simply implemented without checks in the process. A change in any part of the Commission process may be permissible through ordinance but must require a supermajority vote of not only the then-sitting redistricting Commission, and also subsequently confirmed by a supermajority vote of the City Council. It must be clear in the Charter language that any changes must be in furtherance of the purpose of this Independent Redistricting Commission, and any changes that do not work in furtherance of this purpose cannot be enacted.

This ensures that there is broad consensus across the two bodies without having to undergo amending the city charter to implement what may be necessary changes to the Commission process. It also permits the Commission to be responsive to future demands and evolve as the City itself does.

The adopted maps should be valid for the remainder of the decade in which the maps are drawn. There should be no redistricting permitted between federal decennial censuses unless ordered by a court or by referendum. The certified map should be subject to referendum in the same manner that a statute or ordinance is subject to referendum. Similarly, any registered voter in the City may be allowed to file a petition for a writ of mandate or writ of prohibition within 60 days after the effective date of the maps to bar implementation of all or a portion of the new Council District boundaries on the grounds that the final map violates any of the provisions enacted by this City Charter amendment. However, this does not preclude any future challenges for other violations outside of this article, including violations of federal or state law.

## Los Angeles Unified School District

As the second largest public school district in the nation, the Los Angeles Unified School District (LAUSD) stretches even beyond the boundaries of the City of Los Angeles, to include more than a dozen other cities and unincorporated communities in its service area. Therefore, the redistricting process that LAUSD must undergo each decade also has critical consequences for the communities the district serves.

LAUSD's redistricting cannot be consolidated or combined with the Commission conducting the redistricting for the City of Los Angeles and must have an Independent Redistricting Commission of its own separate from the City Council's Commission. The LAUSD Commission should follow a similar process to the City Council's redistricting process, but account for the broader geography of the district. Provisions should be included to ensure that Commissioners from outside of the City of Los Angeles are also seated on the Commission, and there should be geographic representation from each of LAUSD's Board Districts.

To ensure that the voices of LAUSD residents outside of the City of Los Angeles are able to access the LAUSD Commission's hearings and meetings, there must be a requirement to hold a number of such hearings and meetings outside of the City of Los Angeles, across the various communities that LAUSD serves.

## SUMMARY OF RECOMMENDATIONS

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This appendix provides a summary of Common Cause’s specific recommendations to establish an Independent Redistricting Commission. The organization of the recommendations mirror the structure of the Chief Legislative Analyst report on Independent Redistricting Charter Reform.

### Number of Council Districts

To ensure that residents have greater representation we recommend the following:

- The number of Council Districts must be adjusted based on decennial U.S. census population results to achieve Districts with ideal populations no greater than 150,000 people per District. (A.1)
- There should be a minimum of 15 Council Districts, but no maximum number. (A.3)
- The revised number Districts should be in effect in the next year ending in 2 and every decade thereafter. (A.5)

### Purpose of an Independent Redistricting Commission

The purpose of the Independent Redistricting Commission should be to:

- Ensure the integrity, fairness, transparency, and accessibility of the redistricting process, prohibit discriminatory redistricting practices, and protect the people from an unrepresentative and dilutive electoral system.
- Ensure the City’s redistricting process is free from political or partisan influence.
- Ensure that requirements to ensure minimum standards of transparency and accessibility in the redistricting process are met so that the public is able to provide information to assist the Commission in adopting fair and equitable District maps.
- Ensure that mandatory districting and redistricting criteria to promote fair and effective representation for all people, neighborhoods, and communities, and particularly for disadvantaged, historically marginalized, under-resourced, low-income, and underrepresented neighborhoods and communities will be respected.
- Respect the voters’ will to prioritize keeping whole neighborhoods and communities of interest together, facilitate political organization and constituent representation, and prohibit gerrymandering, including prohibiting incumbent-protection gerrymandering.
- Give voice and power to the residents of the City to lead a fair redistricting process that empowers communities that have historically been left out or underrepresented.

### Commission Organization

We recommend that the Commission be organized as follows:

- There should be 14 Commissioners to serve on the Commission. This ensures there will not be the same number of Commissioners as there are Council Districts. (C.1)
- There should be two alternate Commissioners that may be selected to fill a vacancy in consideration of the demographic and geographic diversity of the Commission after a seat is vacated. (C.2)
- The term of the Commission should be from the time of appointment until the appointment of the next Commission. (C.3) Commissioners should be appointed and commence their term and begin

their work no later than April 1 of the year ending in 9. (C.5)

- Commission formation should begin with applications in the years ending in eight, the Commission should be seated in the years ending in nine.
- The Ethics Commission's staff should be in charge of the application process and conduct outreach and education such that there is wide awareness of the Commission's application process. (C.4)
- Redistricting should *not* immediately commence after voter approval. (C.6)

## Commissioner Qualifications and Restrictions

We recommend the following as related to Commissioner requirements, disqualifications, and restrictions:

- Candidates must be registered voters of the City of Los Angeles, be a resident for at least four years, and have voted in at least one City election in the prior four years. Candidates should possess relevant analytical skills, the ability to be impartial, and demonstrate appreciation for the diverse demographics and geography of the City of Los Angeles. (D.1)
- The disqualification criteria outlined in Elections Code § 23003 should be a baseline for the candidates applying to serve as a Commissioner. (D.2)
- Any current City Hall employee or those who have served as an employee of City Hall within the last eight years prior to applying must be disqualified from serving on the Commission. (D.3)
- During service as a Commissioner, Commissioners should not endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the City. Commissioners will be ineligible to run for City Council for 10 years or the length of the time the map they draw remains in effect. For four years after appointment, Commissioners should be prohibited from serving on another City Commission, serving as paid staff for or as a paid consultant to any City elected official, receiving a non-competitively bid contract with the City, or registering as a City lobbyist. (D.5)
- All ex parte communications between a Commissioner and any individual or organization regarding redistricting matters outside of a public meeting must be prohibited. This does not restrict the Commission from communicating with City staff regarding administrative matters of the Commission, nor does it restrict a Commissioner from directly communicating with another Commissioner, Commission staff, legal counsel, or consultants retained by the Commission. This also does not restrict the commission from conducting educational presentations to the public on participation, provided that there are no communications regarding line-drawing.

## Commissioner Selection and Removal

We recommend the following Commissioner selection and screening:

- The Ethics Commission should prepare, promote, and receive submissions of Commissioner applications. (E.1-2)
- The Ethics Commission, considering all objective and subjective considerations, should eliminate any candidates not qualified to serve as a Commissioner. (E.3-4)
- Diversity criteria should be included in the development of the 35-candidate pool. Diversity may include race, sex, gender, sexual orientation, geography, and other factors. (E.5)
- The selection process should be a two-step process, as follows (E.8):
  1. The Ethics Commission creates a limited pool of the top 35 randomly selected candidates.

The top 35 candidates should include five candidates from seven regions. Candidates' names should be posted for public review and any person may submit concerns or provide references for these candidates. One candidate should then be randomly selected from each of the seven sub-pools.

1. The seven randomly selected commissioners should then select the remaining seven Commissioners to represent the diversity of the City, not just including geography but also considering factors such as race and ethnicity, gender, sexual orientation, geography, and profession.
- There should be a Commissioner removal process where a supermajority vote of Commissioners should be required to remove a Commissioner for specified cause. (E.9-12)

Commissioners should meet the following screening criteria:

- Be a resident of the City;
- Possess a history of civic engagement and participation;
- Possess experience that demonstrates analytical skills relevant to the redistricting process;
- Possess experience that demonstrates an ability to be impartial; and
- Possess experience that demonstrates an appreciation for the diverse demographics and geography of the City.

## **Redistricting Requirements and Criteria**

The following redistricting criteria should be included in the creation of an IRC:

- Compliance with the U.S. Constitution and compliance with the federal Voting Rights Act.
- Compliance with the state constitution and state law.
- Requirement of reasonably equal population except where deviation is required to comply with federal or state law.
- The following criteria shall be applied in order of priority:
  1. To the maximum extent practicable, election districts shall be geographically contiguous. Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.
  2. To the maximum extent possible, districts shall be drawn to preserve communities of interest.
    - a. A “community of interest” is a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social and city services. Characteristics of communities of interest may also include, but are not limited to, neighborhoods, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, access to resources significant to the community, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.
  3. To the extent feasible, and where it does not conflict with the preceding criteria in this section, natural boundaries, street lines, or other physical assets important to the community shall be taken into consideration for districts to be easily identifiable by residents.



4. To the extent feasible, and where it does not conflict with the preceding criteria in this section, census blocks may be taken into consideration and not split, notwithstanding higher-ranking criteria.
  5. To the extent feasible, and where it does not conflict with the preceding criteria in this section, election districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.
  6. The Commission may adopt additional criteria that do not conflict with the other requirements and criteria listed in this section or with State or federal law.
- The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

## Public Meetings and Public Comment

To ensure that public meetings and public input are properly considered by the Commission we recommend the following:

- The Commission should take steps to encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process, including providing information to media and community organizations. (G.1)
- The Commission should arrange for the live translation of a public hearing or workshop if a request for translation is made at least 72 hours before the hearing or workshop. (G.2)
- The Commission should publish the date, time, and location for any public hearing or workshop on the internet at least five business days before the hearing or workshop, or three days within 28 days of the deadline to adopt boundaries. (G.3)
- The Commission should consider testimony in their deliberations, as well as any full or partial maps provided in writing and at public hearings and meetings. (G.4)
- The Commission should make available documents produced for public education, information, and participation in all languages required by the Voting Rights Act and California Elections Code § 14201 for elections. (G.5)
- The Commission should develop and implement an accessibility plan to ensure that people with disabilities are able to access and fully participate in Commission meetings and hearings. (G.6)
- The Commission should ensure that all residents of Los Angeles, including elected officials, are allowed and encouraged to participate in public meetings and hearings. (G.7)
- At least 10 hearings or workshops to obtain public input should be held prior to initiating drawing of district maps. (G.8)
- At least 15 hearings to obtain public input should be held regarding all prepared draft maps. (G.9)
- Before adopting a final map, at least three public hearings to obtain public input should be held by the Commission (G.10)
- The Commission should permit the public to attend and provide live public comment at each public hearing both in-person and remotely, which should include providing an accessible and clearly audible call-in or internet-based service option.
- The Commission should proactively make efforts to schedule hearings during times and days that are accessible, including a number of hearings after 6 PM and on weekends. (G.11)
- The Commission should make public hearings in locations accessible by public transportation and pedestrians, and to ensure these locations are welcoming spaces for all participants. (G.12)

## Commission Process

To ensure the Commission is clearly instructed on administering votes and providing time for the public to consider maps we recommend the following:

- The Redistricting Commission should approve a map of the new Council Districts no later than: 205 days before the City's next regular election occurring after January 1 in each year ending in the number 1. By a supermajority vote, the Commission may adjust this deadline based on the availability of census data and in consideration of candidate filing periods or ballot preparation requirements. (H.1)
- A supermajority of the Commission should constitute a quorum (nine of 14), and any major vote should require a supermajority (nine of 14) of Commissioners. Major votes would include hiring main staff, removing Commissioners, and passing a final map. A supermajority of the Commission should be required to approve a final map. (H.2a, H2.b)
- Draft maps should be posted for consideration for at least seven days before any public hearings to consider those maps, and the final map must be posted for at least three days before any public hearings to consider the final map. (H.3-4)

## Records and Data

To ensure that the city has technical expertise needed to facilitate a comprehensive and transparent redistricting process we recommend the following:

- The Commission should comply with the California Public Records Act and any city laws regarding public records. (I.1)
- The Commission should comply with the Brown Act and any other open meeting laws, keep minutes of all discussion and actions, and all public meetings should be video recorded. (I.2, I.3)
- All records of the Commission are public records. Any data provided to the Commission and its staff should be available to the public. (I.4)
- A public free electronic mapping tool should be made available to the public with relevant socio-demographic and geographic data, and training and workshops should be provided to the public. (I.5a, I.5b)
- A city data bureau should be established. (M.1a)

## Funding

To ensure that the redistricting process has enough resources to adopt a final map we recommend:

- The City Council and Mayor provide a funding amount equivalent to the initial amount provided for the 2021 City Council Redistricting Commission, adjusted by the CPI, and if necessary, any funds needed to defend the Commission in any legal proceedings. (J.1)

## Administrative, Operational, and Legal Matters

A few administrative, operational, and legal considerations we recommend include:

- Each member of the Commission should be a designated employee in the conflict-of-interest code for the Commission pursuant to state law. (K.4)
- A change to any part of the Commission process through ordinance will require a supermajority vote

of both the Commission and confirmed by a supermajority vote of the City Council. Any changes must be in furtherance of the purposes of this Independent Commission. (K.5)

- There should be no redistricting permitted between federal decennial censuses unless it is ordered by a court. (K.10)
- The certified map should be subject to referendum in the same manner that a statute is subject to referendum. (L.2)
- Any registered voter in the City may file a petition for a writ of mandate or writ of prohibition within 60 days after the Effective Date, to bar the implementation of all or a portion of the new Council District boundaries on the grounds that the final map violates this article. (L.3)

## **Los Angeles Unified School District**

To ensure that Los Angeles Unified School District (LAUSD) has a fair, community-centered, and independent redistricting process we recommend the following:

- LAUSD's redistricting cannot be consolidated or combined with the Commission and the District must have an Independent Redistricting Commission of its own separate from the City Council's Commission.
- The LAUSD Commission should follow a similar process to the City Council's redistricting process, but account for the broader geography of the district.
- Provisions should be included to ensure that Commissioners from outside of the City of Los Angeles are also seated on the Commission, and there should be geographic representation from each of LAUSD's Board Districts.
- There must be a requirement to hold a number of such hearings and meetings outside of the City of Los Angeles, across the various communities that LAUSD serves.



California

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Cause**

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