

Staff report for Agenda item No. 2 for the June 16, 2011 meeting of the Redistricting Committee

At your Committee's June 8 meeting in Buena Park, you directed staff to put in writing a list of criteria the Committee will utilize in evaluating the various redistricting proposals it has received and in making its recommendation to the Board of Supervisors. The Committee will weigh these factors in making its recommendation. It is not anticipated that any proposal will fully meet every one of these criteria. Written and oral testimony and discussion during the remainder of the redistricting process could articulate additional factors for your Committee's consideration. As is the case in any legislative process such as redistricting, each individual member of the Committee will balance these factors in their own way, taking into account the needs of their constituents and the County as a whole.

The following list comes from Federal and State case law, the California Elections Code, the Federal Voting Rights Act and the testimony and discussion at the meetings of the Redistricting Committee. Legal citations have been omitted. The relevant California Elections Code sections are attached.

The primary consideration is to make the districts as nearly equal in population as possible utilizing the 2010 United States Census data. A plan with less than a 10% deviation from largest to smallest is presumed valid, but may still be subject to challenge. Any significant deviation should be justified by reference to the criteria set forth below.

The next consideration is to not violate the Federal Voting Rights Act. The Act generally prohibits a local government from taking any actions that would impair the ability of a racial minority to elect the candidate of its choice on an equal basis with other voters. While there are many aspects to the Act, the primary threshold test in the absence of any intentional discrimination is that the minority must be sufficiently large and geographically compact to constitute a majority of those eligible to vote in a single member district, the minority must generally vote as a bloc and the white majority must generally vote as a bloc to defeat the minority's preferred candidate. There are numerous cases interpreting the Voting Rights Act's applicability to a myriad of situations and it is beyond the scope of this document to discuss it in further detail. Counsel will continue to closely review any evidence provided to your Committee and evaluate its Voting Rights Act impact.

The remaining criteria, consistent with those set forth in the California Elections Code are, in no particular order:

Keeping communities of interest together such as:

Racial, ethnic and language minority communities.

Communities of similar economic backgrounds.

Coastal communities.

Keeping cities whole.

Putting unincorporated areas with the cities in whose spheres of influence they fall.

Maintaining the core integrity of current districts for continuity of representation.

Communities that utilize common public infrastructure.

Compactness of districts.

California Elections Code Section 21500-21506 regarding County Redistricting

Elections code 21500 et. seq

§ 21500. Adjustment of boundaries of supervisorial districts following federal census

Following each decennial federal census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so that the districts shall be as nearly equal in population as may be and shall comply with the applicable provisions of Section 1973 of Title 42 of the United States Code, as amended. In establishing the boundaries of the districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts.

§ 21500.1. Public hearing

The board shall hold at least one public hearing on any proposal to adjust the boundaries of a district, prior to a public hearing at which the board votes to approve or defeat the proposal.

§ 21501. Time for adjusting boundaries

The boundaries of the supervisorial districts shall be adjusted by the board before the first day of November of the year following the year in which each decennial federal census is taken. If the board fails to adjust the boundaries before the first day of November following the year in which the federal census is taken, a supervisorial redistricting commission shall do so before the 31st day of December of the same year. The adjustment of the district boundaries shall be immediately effective the same as if the act of the supervisorial redistricting commission were an ordinance of the board, subject, however, to the same provisions of referendum as apply to ordinances of the board.

§ 21502. Composition of supervisorial redistricting commission

The supervisorial redistricting commission shall be composed of the district attorney, who shall be chairman, the county assessor, and the county elections official if he or she is elected by the qualified electors of the county, or, if not, the county superintendent of schools if he or she is elected by the qualified electors of the county, or, if not, the sheriff.

§ 21503. Adjustment of district boundaries at other times

At any time between the decennial adjustments of district boundaries, the board may cause a census of the county to be taken as provided in Section 26203 of the Government Code, and may adjust the boundaries of the supervisorial districts on the basis of that census, or on the basis of population estimates prepared by the State Department of Finance or the county planning department or planning commission, pursuant to Section 21500.

§ 21504. Commencement of action in superior court in declaratory relief to determine appropriate district boundaries

Any person claiming that the estimates of population used in the redistricting pursuant to Section 21503 do not reflect the current population within the district boundaries more accurately than the most recent census data, may commence an action in the superior court in declaratory relief to determine that fact. The action shall be brought within 30 days after the adoption of the redistricting ordinance.

§ 21505. Committee to study changing of boundaries of supervisorial districts

The board may appoint a committee composed of residents of the county to study the matter of changing the boundaries of the supervisorial districts. The committee shall make its report to the board of its findings on the need for change of boundaries, and the recommended changes, within six months after the final population figures determined in each federal decennial census have been released, but in any event not later than August 1st of the year following the year in which the census is taken. Recommendations of the committee are advisory only.

§ 21506. Effect of change of boundaries on term of office

The term of office of any supervisor who has been elected and whose term of office has not expired shall not be affected by any change in the boundaries of the district from which he or she was elected.

At the first election for county supervisors in each county following adjustment of the boundaries of supervisorial districts, a supervisor shall be elected for each district under the readjusted district plan that has the same district number as a district whose incumbent's term is due to expire.

A change in the boundaries of a supervisorial district shall not be made within 45 days before the first day for circulating nomination papers for an election of supervisors in the county or between the direct primary election and the general election.