

Senate Bill No. 139

Passed the Senate September 11, 2019

Secretary of the Senate

Passed the Assembly September 9, 2019

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day
of _____, 2019, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Sections 23001, 23003, and 23004 of, and to add Sections 23001.5, 23005 and 23006 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 139, Allen. Independent redistricting commissions.

Existing law authorizes a local jurisdiction, defined as including a county, general law city, school district, community college district, or special district, to establish an independent redistricting commission, a hybrid redistricting commission, or an advisory redistricting commission to change, or recommend changes to, the district boundaries of the legislative body of the local jurisdiction. Existing law provides for the establishment of the County of Los Angeles Citizens Redistricting Commission and the County of San Diego Independent Redistricting Commission.

This bill would, with certain exceptions, require a county with more than 400,000 residents on and after January 1, 2019, and on and after January 1 of every subsequent year ending in the number 9, to establish by March 1, 2021, and by March 1 of every subsequent year ending in the number one, either a 9-member or 12-member independent redistricting commission to adopt the county's supervisorial districts after each federal decennial census pursuant to a specified procedure. The bill would require a county that does not pass an ordinance to establish a commission by March 1, 2020, and by March 1 of every subsequent year ending in the number zero to establish a 12-member commission pursuant to those procedures. The bill would require a commission established pursuant to those procedures to take steps to encourage county residents to participate in the redistricting process, and would specify certain procedures for the commission's hearing process relating to notice, the number of hearings, and translation of hearings. The bill would require the county to provide for reasonable funding and staffing of the commission. The bill would require the board of supervisors of a county to petition the superior court of the county for an order establishing supervisorial district boundaries if the independent redistricting commission does not

adopt supervisorial district boundaries by a specified deadline. The bill would require the County of Los Angeles or the County of San Diego to establish 12-member independent redistricting commissions pursuant to these procedures if existing laws providing for the establishment of County of Los Angeles Citizens Redistricting Commission and the County of San Diego Independent Redistricting Commission are invalidated by a court. By increasing the duties of counties, the bill would impose a state-mandated local program. The bill would clarify that a local jurisdiction that is partially or wholly located in the County of Los Angeles or the County of San Diego may contract with the County of Los Angeles Citizens Redistricting Commission and the County of San Diego Independent Redistricting Commission to adopt the local jurisdiction's election district boundaries.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

The people of the State of California do enact as follows:

SECTION 1. Section 23001 of the Elections Code is amended to read:

23001. (a) This chapter applies to a local jurisdiction in which the legislative body is elected by or from districts.

(b) A local jurisdiction, except for a county that is required to create an independent redistricting commission pursuant to subdivision (c), may establish by resolution, ordinance, or charter amendment an independent redistricting commission, a hybrid redistricting commission, or an advisory redistricting commission to change the legislative body's district boundaries or to recommend to the legislative body changes to those district boundaries.

(c) A county with more than 400,000 residents on July 1, 2019, and on July 1 of every subsequent year ending in the number nine, shall establish an independent redistricting commission pursuant

to either Section 23005 or 23006 to adopt the county's supervisorial districts after each federal decennial census. If a county does not pass an ordinance to establish an independent redistricting commission pursuant to Section 23005 or 23006 by March 1, 2020, and by March 1 of every subsequent year ending in the number zero, the county shall establish an independent redistricting commission pursuant to Section 23005.

(d) For purposes of subdivision (c), the latest available estimate of a county's population by the Department of Finance, pursuant to Section 2227 of the Revenue and Taxation Code or a successor statute, on July 1 of each year ending in the number nine is determinative.

(e) Subdivision (c) does not apply to a county which adopted a ballot measure establishing an independent redistricting commission before January 1, 2019, unless that commission is subsequently repealed or invalidated by a court.

(f) This chapter does not apply to the following:

(1) A charter city and county.

(2) The County of Los Angeles, unless Chapter 6.3 (commencing with Section 21530) of this division, or a commission established pursuant to that chapter, is repealed or invalidated by a court.

(3) The County of San Diego, unless Chapter 6.5 (commencing with Section 21550) of this division, or a commission established pursuant to that chapter, is repealed or invalidated by a court.

SEC. 2. Section 23001.5 is added to the Elections Code, to read:

23001.5. (a) If a court invalidates Chapter 6.3 (commencing with Section 21530) or Chapter 6.5 (commencing with Section 21550) of this division, or a commission established pursuant to either of those chapters, the County of Los Angeles or the County of San Diego, as applicable, shall establish an independent redistricting commission pursuant to Section 23005 instead. If the county has established a commission or has begun the process of establishing a redistricting commission pursuant to Chapter 6.3 or Chapter 6.5 at the time of invalidation, the county is not required to redo the processes described in Section 23005 that are substantially similar to those the county has already completed pursuant to Chapter 6.3 or Chapter 6.5.

(b) For purposes of establishing a redistricting commission under the circumstances described in subdivision (a), an applicant who has been deemed qualified for appointment or who has been appointed to a commission pursuant to a process conducted under Chapter 6.3 or Chapter 6.5, as applicable, is also qualified for appointment for the purposes of any processes required to complete the formation of a commission pursuant to Section 23005.

(c) A redistricting commission established under the circumstances described in subdivision (a) shall consist of 12 members and shall comply with the representational requirements described in paragraph (3) of subdivision (b) of Section 23005. The County of Los Angeles or the County of San Diego shall take any steps necessary to ensure that these requirements are met when establishing a commission as described in subdivision (a).

(d) If a commission has already been established pursuant to Chapter 6.3 or 6.5 when it is invalidated, the county registrar shall reduce the number of commissioners to 12 so as to comply as nearly as practicable with the representational requirements described in paragraph (3) of subdivision (b) of Section 23005.

SEC. 3. Section 23003 of the Elections Code is amended to read:

23003. (a) This section applies to hybrid redistricting commissions and independent redistricting commissions.

(b) Each member of the commission shall be at least 18 years old and a resident of the local jurisdiction. Notwithstanding any other law, the local jurisdiction, except for a county described in subdivision (c) of Section 23001, may prescribe the manner in which members are appointed to the commission, provided that the jurisdiction uses an application process open to all eligible residents and provided that the commissioners are not directly appointed by the legislative body or an elected official of the local jurisdiction.

(c) A person shall not be appointed to serve 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.

(d) A person shall not be appointed to serve on the commission if either of the following applies:

(1) The person or the person's spouse has done any of the following in the eight years preceding the person's application:

(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 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.

(2) A family member of the person, other than the person's spouse, has done any of the following in the four years preceding the person's application:

(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.

(e) A member of the commission shall not do any of the following:

(1) While serving on the commission, endorse, work for, volunteer for, or make a campaign contribution to, a candidate for an elective office of the local jurisdiction.

(2) Be a candidate for an elective office of the local jurisdiction if any of the following is true:

(A) Less than five years has elapsed since the date of the member's appointment to the commission.

(B) The election for that office will be conducted using district boundaries that were adopted by the commission on which the member served, and those district boundaries have not been subsequently readopted by a commission after the end of the member's term on the commission.

(C) The election for that office will be conducted using district boundaries that were adopted by a legislative body pursuant to a recommendation by the commission on which the member served, and those district boundaries have not been subsequently readopted by a legislative body pursuant to a recommendation by a commission after the end of the member's term on the commission.

(3) For four years commencing with the date of the member's appointment to the commission:

(A) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the local jurisdiction.

(B) Receive a noncompetitively bid contract with the local jurisdiction.

(C) Register as a lobbyist for the local jurisdiction.

(4) For two years commencing with the date of the member's appointment to the commission, accept an appointment to an office of the local jurisdiction.

(f) The commission shall not be comprised entirely of members who are registered to vote with the same political party preference.

(g) Each member of the commission shall be a designated employee in the Conflict of Interest Code for the commission pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

(h) The commission is subject to the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code) and the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code).

(i) The commission shall be subject to the same redistricting deadlines, requirements, and restrictions that would otherwise apply to a legislative body. Except for a county described in

subdivision (c) of Section 23001, a local jurisdiction may also impose additional requirements and restrictions on the commission, on members of the commission, or on applicants to the commission in excess of those prescribed by this section.

(j) The commission shall publish a map of the proposed new district boundaries and make that map available to the public for at least seven days before that map may be adopted. The commission shall hold at least three public hearings preceding the hearing at which the new boundaries are adopted.

(k) The commission shall not draw districts for the purpose of favoring or discriminating against a political party or an incumbent or political candidate.

(l) District boundaries adopted by an independent redistricting commission or adopted by a legislative body from recommendations provided by a hybrid redistricting commission, shall not be altered by the legislative body or the commission until after the next federal decennial census occurs, unless those boundaries have been invalidated by a final judgment or order of a court of competent jurisdiction, or as may be necessary to account for changes to a jurisdiction's territory, including changes through annexation or consolidation.

(m) For the purposes of subdivisions (c) and (d), "local jurisdiction" does not include a local jurisdiction that contracts with a county independent redistricting commission pursuant to Section 23004.

SEC. 4. Section 23004 of the Elections Code is amended to read:

23004. (a) A local jurisdiction, except for a county, may contract with a county in which the local jurisdiction is partially or wholly located that has established an independent redistricting commission to have that commission adopt the local jurisdiction's election district boundaries. The county independent redistricting commission shall hold at least three public hearings in the local jurisdiction before adopting those boundaries.

(b) A local jurisdiction that is partially or wholly located within the County of Los Angeles or the County of San Diego may, with the approval of the board of supervisors of the county in which the local jurisdiction is located, contract with the independent redistricting commission established by Chapter 6.3 (commencing with Section 21530) or Chapter 6.5 (commencing with Section

21550) of this division to adopt the local jurisdiction's election district boundaries.

SEC. 5. Section 23005 is added to the Elections Code, to read:

23005. (a) The following definitions apply to this section:

(1) "Board" means the board of supervisors of a county.

(2) "County" means either of the following:

(A) A county that is not required to establish an independent redistricting commission pursuant to subdivision (c) of Section 23001, but which elects to create a commission using the procedures established in this section.

(B) A county that is required to establish an independent redistricting commission pursuant to subdivision (c) of Section 23001, and which elects or is required to use the procedures established in this section to establish the commission.

(3) "County elections official" means a county's registrar of voters.

(4) "Screening panel" means a county's civil grand jury, as described in Title 4 (commencing with Section 888) of Part 2 of the Penal Code.

(b) (1) This section establishes a county independent redistricting commission that shall comply with Section 23003.

(2) The commission shall consist of 12 members who shall be appointed on or before March 1, 2021, and on or before March 1 in each year ending in the number one thereafter.

(3) The political party preferences of the commission members, as shown on the members' most recent affidavits of registration, shall be as proportional as possible to the total number of voters who are registered with each political party in that county or who decline to state or do not indicate a political party preference, based on voter registration at the most recent statewide election. However, a majority of commissioners shall not be registered with the same political party. If a commission based on proportional representation as described in this paragraph would result in commissioners who are registered with the same political party occupying seven or more seats on the commission, each of those seats in excess of six seats shall instead be occupied by an individual who declines to state or does not indicate a political party preference.

(c) A commission member shall engage in conduct that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(d) The commission selection process described in this section is designed to produce a commission that is independent from the influence of the board and reasonably representative of the county's diversity.

(e) (1) Each member of a commission established pursuant to this section shall meet the requirements of subdivisions (b), (c), and (d) of Section 23003 and shall be a voter who has been continuously registered with the same political party preference or with no political party preference either during the five years immediately preceding the date of the member's appointment to the commission or since the member registered to vote for the first time, whichever is shorter.

(2) Each commissioner shall also possess all of the following:

(A) The ability to carry out the responsibilities of the commission.

(B) The ability to serve with impartiality in a nonpartisan role.

(C) An appreciation for the diverse demographics and geography of the county.

(f) (1) The county shall recruit eligible residents to apply to serve on the commission. The county shall request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations to encourage eligible residents to apply to serve on the commission.

(2) An interested person meeting the qualifications specified in subdivision (e) may submit an application to the county to be considered for membership on the commission. The application shall, at a minimum, include a copy of the applicant's resume, a certification that the applicant meets the eligibility criteria to the best of the applicant's knowledge, a brief statement explaining the applicant's interest in serving on the commission, a brief statement explaining how the applicant possesses the qualifications described in paragraph (2) of subdivision (e), and the applicant's relevant demographic information and party affiliation.

(3) The application period shall be open for at least two months. If fewer than five people apply from each existing supervisorial district or fewer than 40 people apply in total, or the county elections official determines that the applicants do not reflect the

diversity of the county, the county shall reopen the application period at least once for a minimum of two weeks.

(4) The county elections official shall review applications for membership on the commission and eliminate applicants who do not meet the criteria specified in paragraph (1) of subdivision (e). The county elections official may rely on an applicant's certification that, to the best of the applicant's knowledge, the applicant meets those criteria. During the application period the county shall maintain and periodically update a public list with the name, relevant demographic characteristics, and party affiliation of each qualifying applicant and shall review any allegations that an applicant on that list is ineligible to serve on the commission pursuant to paragraph (1) of subdivision (e). If those allegations are substantiated the county shall remove the applicant from consideration.

(g) (1) After the conclusion of the application process described in subdivision (f), members of the commission shall be selected pursuant to the following process:

(A) The county shall organize the eligible applications and transmit them, as well as any written public comment received concerning any applicant or the screening process, to the screening panel. The county shall also provide the screening panel with relevant demographic and party registration figures for the county. The county shall provide additional administrative support to the screening panel upon request.

(B) Notwithstanding Section 915 of the Penal Code, at one or more noticed public meetings, and after receiving public comment, the screening panel shall review the applications. The screening panel may ask questions of an applicant at a public meeting or request that the applicant answer additional written questions. Within six weeks of receiving the applications from the county, or another time period agreed upon with the county, the screening panel shall nominate for membership on the commission no fewer than 30 and no more than 40 of the most qualified applicants, based on the factors described in paragraph (2) of subdivision (e). The screening panel shall also nominate applicants so that, to the extent practicable:

(i) The pool of nominees reflects the county's diversity, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose.

(ii) The pool of nominees includes at least three applicants from each supervisorial district.

(iii) The political party preferences of the pool of nominees, as shown on the nominees' most recent affidavits of registration, shall be approximately proportional to the number of voters who are registered with each political party in the county or who decline to state or do not indicate a party preference, based on voter registration at the most recent statewide election.

(C) The county elections official shall review the applications of the applicants nominated pursuant to subparagraph (B) and remove from consideration any applicant who does not meet the eligibility criteria specified in paragraph (1) of subdivision (e). At a minimum, this shall include reviewing the applicants' certifications against reasonably available county records. If the pool of remaining nominees has fewer than three nominees from each supervisorial district or has fewer than 30 nominees in total, the screening panel shall nominate additional applicants so that those conditions are met. The county shall then divide the remaining nominees into five subpools corresponding to each of the five supervisorial districts in the county.

(D) At a noticed public meeting the county elections official shall randomly select one nominee from each of the five subpools described in subparagraph (C). Those five nominees shall be appointed to the commission unless, if those nominees were appointed, it would be impossible to create a commission with members whose political party preferences would comply with subdivision (b). In that event the county elections official shall repeat the random selection as necessary until the composition of the political preferences of the selected nominees would make it possible to create a commission that complies with subdivision (b).

(E) The initial commissioners selected pursuant to subparagraph (D) shall review the remaining applicants in the subpools described in subparagraph (C) and shall appoint, by majority vote, seven additional applicants to the commission. The seven appointees shall be chosen based on the factors described in paragraph (2) of subdivision (e). The initial commissioners shall also select applicants so that, to the extent practicable:

(i) The commission reflects the county's diversity, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose.

(ii) The political party preferences of the members of the commission comply with subdivision (b).

(F) The commission may, by majority vote, appoint an applicant from the pool of nominees described in subparagraph (B) to fill a vacancy that may occur on the commission, provided that the appointed applicant is registered with the same political party preference as the departed commissioner.

(2) A member of the board, or an agent for a member of the board, shall not communicate with either the screening panel or a member of the screening panel regarding whom to nominate for consideration on the commission, or with the commissioners selected pursuant to subparagraph (D) of paragraph (1) of subdivision (g) regarding whom to appoint to the commission, except at a public hearing or by submitting a written public comment through the formal process described in paragraph (5) of subdivision (h).

(h) (1) The term of office of each member of the commission expires upon the appointment of the first member of a successor commission.

(2) Seven members of the commission shall constitute a quorum. Seven or more affirmative votes of the commission are required to take an official action, except the adoption of a final map shall require eight or more affirmative votes.

(i) (1) The commission shall conduct at least five public hearings, with at least one public hearing held in each supervisorial district, before adopting a final map. The commission shall schedule hearings at various times and on various days of the week to accommodate a variety of work schedules and to reach the largest possible audience.

(2) Notwithstanding Section 54954.2 of the Government Code, the commission shall give notice of any public hearing on the county's internet website at least seven days before the hearing.

(3) The commission shall publish a draft map on the internet for at least seven days before adopting it.

(4) (A) The commission shall provide a live translation of a hearing held pursuant to this section in an applicable language if

a request for translation is made at least 72 hours before the hearing.

(B) For purposes of this paragraph, “applicable language” means a language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(5) The county shall establish a formal process for the public to submit written public comment, either physically or electronically, regarding the commissioner selection process or the redistricting process, including the submission of proposed maps.

(j) The county and the commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include the following:

(1) Providing information through media, social media, and public service announcements.

(2) Providing information through neighborhood associations, community groups, civic organizations, and civil rights organizations.

(3) Posting information on the county’s internet website that explains the redistricting process and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(k) (1) The board shall provide for reasonable funding and staffing of the commission.

(2) By March 15, 2020, and by March 15 of every year ending in the number zero thereafter, the county’s chief administrative officer, in consultation with the county elections official and the screening panel, shall provide a report to the board that outlines the following:

(A) How the county intends to recruit commission applicants, screen applicants, assist the screening panel, and staff the commission.

(B) The timeline for accomplishing the activities described in subparagraph (A).

(C) The proposed budget for recruiting applicants.

(l) With any final map that the commission adopts, the commission shall issue a report that explains the basis on which it made its decisions.

(m) (1) If the county does not form a commission by the deadline set forth in paragraph (2) of subdivision (b), or if the commission does not adopt supervisorial district boundaries by the deadline for completing county redistricting, the board shall immediately petition the superior court of the county for an order adopting supervisorial district boundaries. If the commission is deadlocked on the adoption of a final map, the petition shall include a copy of the two or more complete draft maps that received the most commissioner votes.

(2) Upon finding that a petition filed pursuant to paragraph (1) is valid, the superior court shall adopt supervisorial district boundaries, which shall be used in the county's next regular election. The superior court shall consider adopting one of the two or more draft maps filed with the petition, if any, but may adopt different boundaries that better comply with the criteria established in Section 21500. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new supervisorial district boundaries in the next regular election.

(3) The superior court may appoint a special master or other experts to assist the court with adopting the supervisorial district boundaries. The county shall pay the cost for any special master or expert and any associated costs.

(4) The superior court or the special master shall hold one or more public hearings before the superior court adopts the supervisorial district boundaries.

(5) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist the special master in the special master's work. The special master may seek the full cooperation of the county in producing and using whatever data, computer models and programs, and technical assistance that was made available to the commission and county personnel who are knowledgeable in drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for the special master's work, and to prepare for the prompt submission to the county of a request for county funding for the necessary expenses of the special master and the special master's staff.

(6) The supervisorial district boundaries adopted by the superior court shall be immediately effective in the same manner as if the commission had adopted the boundaries.

(n) The county may adopt rules to implement this section.

SEC. 6. Section 23006 is added to the Elections Code, to read:

23006. (a) The following definitions apply to this section:

(1) “Board” means the board of supervisors of a county.

(2) “County” means either of the following:

(A) A county that is not required to establish an independent redistricting commission pursuant to subdivision (c) of Section 23001, but which elects to create a commission using the procedures established in this section.

(B) A county that is required to establish an independent redistricting commission pursuant to subdivision (c) of Section 23001, and which elects to use the procedures established in this section to establish the commission.

(3) “County elections official” means a county’s registrar of voters.

(4) “Screening panel” means a county’s civil grand jury, as described in Title 4 (commencing with Section 888) of Part 2 of the Penal Code.

(b) (1) This section establishes a county independent redistricting commission that shall comply with Section 23003.

(2) The commission shall consist of nine members, three of whom are registered with the largest political party in the county based on registration, three of whom are registered with the second-largest political party in the county based on registration, and three who are not registered with either of the two largest political parties in the county based on registration. County political party registration shall be based on voter registration at the most recent statewide election. Commissioners shall be appointed on or before March 1, 2021, and on or before March 1 in each year ending in number one thereafter.

(c) A commission member shall engage in conduct that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(d) The commission selection process described in this section is designed to produce a commission that is independent from the influence of the board and reasonably representative of the county’s diversity.

(e) (1) Each member of a commission established pursuant to this section shall meet the requirements of subdivisions (b), (c), and (d) of Section 23003 and shall be a voter who has been continuously registered with the same political party preference or with no political party preference either during the five years immediately preceding the date of the member's appointment to the commission or since the member registered to vote for the first time, whichever is shorter.

(2) Each commissioner shall also possess all of the following:

(A) The ability to carry out the responsibilities of the commission.

(B) The ability to serve with impartiality in a nonpartisan role.

(C) An appreciation for the diverse demographics and geography of the county.

(f) (1) The county shall recruit eligible residents to apply to serve on the commission. The county shall request the assistance of neighborhood associations, community groups, civic organizations, and civil rights organizations to encourage eligible residents to apply to serve on the commission.

(2) An interested person meeting the qualifications specified in subdivision (e) may submit an application to the county to be considered for membership on the commission. The application shall, at a minimum, include a copy of the applicant's resume, a certification that the applicant meets the eligibility criteria to the best of the applicant's knowledge, a brief statement explaining the applicant's interest in serving on the commission, a brief statement explaining how the applicant possesses the qualifications described in paragraph (2) of subdivision (e), and the applicant's relevant demographic information and party affiliation.

(3) The application period shall be open for at least two months. If fewer than five people apply from each existing supervisorial district or fewer than 40 people apply in total, or the county elections official determines that the applicants do not reflect the diversity of the county, the county shall reopen the application period at least once for a minimum of two weeks.

(4) The county elections official shall review applications for membership on the commission and eliminate applicants who do not meet the criteria specified in paragraph (1) of subdivision (e). The county elections official may rely on an applicant's certification that, to the best of the applicant's knowledge, the

applicant meets those criteria. During the application period the county shall maintain and periodically update a public list with the name, relevant demographic characteristics, and party affiliation of each qualifying applicant and shall review any allegations that an applicant on that list is ineligible to serve on the commission pursuant to paragraph (1) of subdivision (e). If those allegations are substantiated the county elections official shall remove the applicant from consideration.

(g) (1) After the conclusion of the application process described in subdivision (f), members of the commission shall be selected pursuant to the following process:

(A) The county shall organize the eligible applications and transmit them, as well as any written public comment received concerning any applicant or the screening process, to the screening panel. The county shall also provide the screening panel with relevant demographic and party registration figures for the county. The county shall provide additional administrative support to the screening panel upon request.

(B) Notwithstanding Section 915 of the Penal Code, at one or more noticed public meetings, and after receiving public comment, the screening panel shall review the applications. The screening panel may ask questions of an applicant at a public meeting or request that the applicant answer additional written questions. Within six weeks of receiving the applications from the county, or another time period agreed upon with the county, the screening panel shall nominate for membership on the commission no fewer than 30 and no more than 40 of the most qualified applicants, based on the factors described in paragraph (2) of subdivision (e). The screening panel shall also nominate applicants so that, to the extent practicable:

(i) The pool of nominees reflects the county's diversity, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose.

(ii) The pool of nominees includes at least three applicants from each supervisorial district.

(iii) The political party preferences of the pool of nominees, as shown on the nominees' most recent affidavits of registration, shall be approximately evenly divided between applicants who are registered with the largest political party in the county, the second

largest political party in the county, and neither of the two largest political parties in the county.

(C) The county elections official shall review the applications of the applicants nominated pursuant to subparagraph (B) and remove from consideration any applicant who does not meet the eligibility criteria specified in paragraph (1) of subdivision (e). At a minimum, this shall include reviewing the applicants' certifications against reasonably available county records. If the pool of remaining nominees has fewer than three nominees from each supervisorial district or has fewer than 30 applicants, the screening panel shall nominate additional applicants so that those conditions are met. The county shall then divide the remaining nominees into five subpools corresponding to each of the five supervisorial districts in the county.

(D) At a noticed public meeting the county elections official shall randomly select one nominee from each of the five subpools described in subparagraph (C). Those five nominees shall be appointed to the commission unless, if those nominees were appointed, it would be impossible to create a commission with members whose political party preferences would comply with subdivision (b). In that event the county elections official shall repeat the random selection as necessary until the composition of the political preferences of the selected nominees would make it possible to create a commission that complies with subdivision (b).

(E) The initial commissioners selected pursuant to subparagraph (D) shall review the remaining applicants in the subpools described in subparagraph (C) and shall appoint, by majority vote, four additional applicants to the commission. The four appointees shall be chosen based on the factors described in paragraph (2) of subdivision (e). The initial commissioners shall also select applicants so that, to the extent practicable:

(i) The commission reflects the county's diversity, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose.

(ii) The political party preferences of the members of the commission comply with subdivision (b).

(F) The commission may, by majority vote, appoint an applicant from the pool of nominees described in subparagraph (B) to fill a vacancy that may occur on the commission, provided that the

appointed applicant is registered with the same political party preference as the departed commissioner.

(2) A member of the board, or an agent for a member of the board, shall not communicate with either the screening panel or a member of the screening panel regarding whom to nominate for consideration on the commission, or with the commissioners selected pursuant to subparagraph (D) of paragraph (1) of subdivision (g) regarding whom to appoint to the commission, except at a public hearing or by submitting a written public comment through the formal process described in paragraph (5) of subdivision (h).

(h) (1) The term of office of each member of the commission expires upon the appointment of the first member of a successor commission.

(2) Five members of the commission shall constitute a quorum. Five or more affirmative votes of the commission are required to take an official action, except the adoption of a final map shall also require the affirmative vote of one commissioner who is registered with the largest political party in the county, one commissioner who is registered with the second largest political party in the county, and one commissioner who is not registered with either of the two largest political parties in the county.

(i) (1) The commission shall conduct at least five public hearings, with at least one public hearing held in each supervisorial district, before adopting a final map. The commission shall schedule hearings at various times and on various days of the week to accommodate a variety of work schedules and to reach the largest possible audience.

(2) Notwithstanding Section 54954.2 of the Government Code, the commission shall give notice of any public hearing on the county's internet website at least seven days before the hearing.

(3) The commission shall publish a draft map on the internet for at least seven days before adopting it.

(4) (A) The commission shall provide a live translation of a hearing held pursuant to this section in an applicable language if a request for translation is made at least 72 hours before the hearing.

(B) For purposes of this paragraph, "applicable language" means a language in which ballots are required to be provided in the

county pursuant to Section 203 of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10503).

(5) The county shall establish a formal process for the public to submit written public comment, either physically or electronically, regarding the commissioner selection process or the redistricting process, including the submission of proposed maps.

(j) The county and the commission shall take steps to encourage county residents to participate in the redistricting public review process. These steps may include the following:

(1) Providing information through media, social media, and public service announcements.

(2) Providing information through neighborhood associations, community groups, civic organizations, and civil rights organizations.

(3) Posting information on the county's internet website that explains the redistricting process and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(k) (1) The board shall provide for reasonable funding and staffing of the commission.

(2) By March 15, 2020, and by March 15 of every year ending in the number zero thereafter, the county's chief administrative officer, in consultation with the county elections official and the screening panel, shall provide a report to the board that outlines the following:

(A) How the county intends to recruit commission applicants, screen applicants, assist the screening panel, and staff the commission.

(B) The timeline for accomplishing the activities described in subparagraph (A).

(C) The proposed budget for recruiting applicants.

(l) With any final map that the commission adopts, the commission shall issue a report that explains the basis on which it made its decisions.

(m) (1) If the county does not form a commission by the deadline set forth in paragraph (2) of subdivision (b), or if the commission does not adopt supervisorial district boundaries by the deadline for completing county redistricting, the board shall immediately petition the superior court of the county for an order

adopting supervisorial district boundaries. If the commission is deadlocked on the adoption of a final map, the petition shall include a copy of the two or more complete draft maps which received the most commissioner votes.

(2) Upon finding that petition filed pursuant to paragraph (1) is valid, the superior court shall adopt supervisorial district boundaries, which shall be used in the county's next regular election. The superior court shall consider adopting one of the two or more draft maps filed with the petition, if any, but may adopt different boundaries that better comply with the criteria established in Section 21500. The superior court may also order the adjustment of electoral deadlines as necessary to implement the new supervisorial district boundaries in the next regular election.

(3) The superior court may appoint a special master or other experts to assist the court with adopting the supervisorial district boundaries. The county shall pay the cost for any special master or expert and any associated costs.

(4) The superior court or the special master shall hold one or more public hearings before the superior court adopts the supervisorial district boundaries.

(5) Subject to the approval of the superior court, the special master may employ redistricting experts or other consultants or counsel, independent experts in the field of redistricting and computer technology, and other necessary personnel to assist the special master in the special master's work. The special master may seek the full cooperation of the county in producing and using whatever data, computer models and programs, and technical assistance that was made available to the commission and county personnel who are knowledgeable in drafting redistricting legislation. The superior court may assist the special master in securing the necessary personnel and the physical facilities required for the special master's work, and to prepare for the prompt submission to the county of a request for county funding for the necessary expenses of the special master and the special master's staff.

(6) The supervisorial district boundaries adopted by the superior court shall be immediately effective in the same manner as if the commission had adopted the boundaries.

(n) The county may adopt rules to implement this section.

SEC. 7. The amendment of Section 23004 of the Elections Code made by this act does not constitute a change in, but is declaratory of, existing law.

SEC. 8. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.

Approved _____, 2019

Governor