

Assembly Bill No. 34

Passed the Assembly September 13, 2023

Chief Clerk of the Assembly

Passed the Senate September 12, 2023

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2023, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Chapter 6.9 (commencing with Section 21580) to Division 21 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 34, Valencia. Elections: County of Orange Citizens Redistricting Commission.

Existing law requires the board of supervisors, following a county's decision to elect its board using district-based elections or following each decennial federal census for a county whose board is already elected using district-based elections, by ordinance or resolution, to adjust the boundaries of all of the supervisorial districts of the county so that the districts are as nearly equal in population as possible and comply with applicable federal law, and specifies the procedures the board of supervisors must follow in adjusting those boundaries. Existing law establishes the Citizens Redistricting Commission in the County of Riverside and the Citizens Redistricting Commission in the County of Fresno, which are charged with adjusting the supervisorial district boundaries for their respective counties.

This bill would establish the Citizens Redistricting Commission in the County of Orange, which would be charged with adjusting the boundary lines of the districts of the Board of Supervisors of the County of Orange in accordance with specified criteria. The commission would consist of 14 voting members and 2 nonvoting, alternate members who meet specified qualifications. The bill would require each commission member to attend all public hearings and meetings of the commission, except as specified, and would create specified procedures by which the commission may remove a member for substantial neglect of duty, gross misconduct of office, inability to discharge the duties of the office, or if it is later discovered that the commission member did not meet the required qualifications at the time of appointment or no longer meets those qualifications while serving on the commission. The bill would provide that if the commission is unable to act because it does not have nine voting members to constitute a quorum, then the Auditor-Controller of the County of Orange and the

commission must fill the vacancies to bring the commission to nine voting members, as specified. By increasing the duties on local officials, the bill would impose a state-mandated local program.

If Assembly Bill 1248 of the 2023–24 Regular Session is enacted and takes effect on or before January 1, 2024, this bill would provide that the provisions of AB 1248 do not apply to the Citizens Redistricting Commission in the County of Orange, which instead would be governed by the provisions of this bill.

If Assembly Bill 764 of the 2023–24 Regular Session is enacted and takes effect on or before January 1, 2024, this bill would make conforming changes as specified.

This bill would make legislative findings and declarations as to the necessity of a special statute for the unique circumstances facing the County of Orange.

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. Chapter 6.9 (commencing with Section 21580) is added to Division 21 of the Elections Code, to read:

CHAPTER 6.9. COUNTY OF ORANGE CITIZENS REDISTRICTING
COMMISSION

21580. As used in this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Supervisors of the County of Orange.

(b) “Commission” means the Citizens Redistricting Commission in the County of Orange established pursuant to Section 21582.

(c) “Immediate family member” means a spouse, child, in-law, parent, or sibling.

21581. There is, in the County of Orange, a Citizens Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.

21582. (a) The commission shall be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

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

(c) The commission shall consist of 14 voting members and 2 alternate, nonvoting members. 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 the County of Orange, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. However, the political party or no party preferences of the commission members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

(d) Each commission member shall meet all of the following qualifications:

(1) Be a resident of the County of Orange.

(2) Be a voter who has been continuously registered in the County of Orange with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the commission.

(3) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the commission.

(4) Be subject to and meet the conditions set forth in subdivisions (c) and (d) of Section 23003.

(5) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess

an ability to comprehend and apply the applicable state and federal legal requirements.

(6) Possess experience that demonstrates an ability to be impartial.

(7) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Orange.

(e) An interested person meeting the qualifications specified in subdivision (d) may submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.

(f) (1) From the pool of qualified applicants, the county elections official shall select 60 of the most qualified applicants, taking into account the requirements described in subdivision (c). The county elections official shall make public the names of the 60 most qualified applicants for at least 30 days. The county elections official shall not communicate with a member of the board, or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants.

(2) During the period described in paragraph (1), the county elections official may eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the qualifications specified in subdivision (d).

(g) (1) After complying with the requirements of subdivision (f), the county elections official shall create a subpool for each of the five existing supervisorial districts of the board.

(2) (A) At a regularly scheduled meeting of the board, the Auditor-Controller of the County of Orange shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.

(B) After completing the random drawing pursuant to subparagraph (A), at the same meeting of the board, the Auditor-Controller shall conduct a random drawing from all of the remaining applicants, without respect to subpools, to select three additional commissioners.

(h) (1) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint eight additional applicants, including two nonvoting, alternate appointees, to the commission.

(2) The eight appointees shall be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that 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. The eight commissioners shall also consider political party preference, selecting applicants so that the political party preference of the members of the commission complies with subdivision (c).

21583. (a) (1) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(2) Each alternate commission member may attend commission meetings, other than closed session meetings as permitted by 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 may give public comment to the commission. Unless subsequently appointed to serve on the commission as a voting member, an alternate commission member shall not vote in commission meetings or hearings.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

(d) Each commission member shall be present for all public hearings and internal meetings of the commission. Except in emergency situations, a commission member who misses an excessive number of public hearings and meetings may be subject to removal from the commission pursuant to Section 21586. For the purposes of this subdivision, a commission member misses an excessive number of public hearings and meetings by missing a significant number of meetings such that it interferes with the commission's work and the commission member's ability to meaningfully participate in discussions and deliberation.

(e) (1) The commission shall require a consultant to, before delivering advice to the commission or a commission member pursuant to paragraph (2), disclose to the commission potential or actual conflicts of interest. The commission shall weigh the consultant's potential or actual conflicts of interest against the

consultant's qualifications in determining whether to retain the consultant.

(2) For purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

(f) Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Orange pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

21584. (a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and

economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) 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 purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Orange.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Orange who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

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

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

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Orange that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The commission shall ensure that all outreach materials, public notifications, agendas, and content on its internet website, including instructions for testifying and submitting written public testimony, are translated in all applicable languages.

(A) For the purposes of this paragraph, “applicable language” has the same meaning as in subparagraph (B) of paragraph (5).

(8) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the

public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(9) The board shall provide reasonable funding and staffing for the commission.

(10) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section 21501. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (d) of Section 21508.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

21585. A commission member shall not do any of the following:

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

(b) Be a candidate for an elective office of the County of Orange if any of the following is true:

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

(2) 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.

(3) 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.

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

(1) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the County of Orange.

(2) Receive a noncompetitively bid contract with the County of Orange.

(3) Register as a lobbyist for the County of Orange.

(d) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the County of Orange.

21586. (a) The commission may only remove a commission member for substantial neglect of duty, gross misconduct in office, causing the commission to be unable to discharge its duties with nine affirmative votes, or if it is later discovered that the commission member did not meet the required qualifications, as set forth in subdivision (d) of Section 21582, at the time of appointment or if the commission member no longer meets those required qualifications while serving on the commission. At least three affirmative votes to remove a member shall be from commission members of one political party, and at least three affirmative votes to remove a member shall be from commission members of one other political party.

(1) A commission member or alternate commission member who is subject to removal shall not vote on their own removal.

(b) Prior to removal pursuant to subdivision (a), a commission member is entitled to receive all of the following from the commission:

(1) The reasons for their proposed removal, in writing.

(2) At least one week's written notice of the public meeting where the commission will vote on their proposed removal.

(3) The opportunity to respond to or rebut the reasons for their removal in writing and at the public meeting described in paragraph (2).

(c) The commission may employ legal counsel in seeking removal of a commission member pursuant to this section.

(d) The decision of the commission to remove a member pursuant to this section is final, nonappealable, and is not subject to judicial review.

21587. If a commission member resigns or is removed pursuant to Section 21586, the chair of the commission shall select one alternate commissioner to fill the vacancy as a voting member. The alternate member who is appointed to fill the vacancy shall have the same political party preference as the commission member who vacated their position.

21588. If the commission is unable to act because it has fewer than nine voting commission members, the Auditor-Controller of the County of Orange shall, within one month of making the determination that the commission has fewer than nine voting members, recruit a pool of qualified applicants to fill the vacancies to bring the commission to nine voting members, taking into account the requirements described in subdivision (c) of Section 21582. Within two weeks of the Auditor-Controller constituting a pool of qualified applicants, the remaining commission members shall appoint replacement commission members to fill the vacancies by a two-thirds vote. Each commission member that is selected to fill a vacancy pursuant to this section shall have the same political party preference as the commission member who vacated their position.

SEC. 1.5. Chapter 6.9 (commencing with Section 21580) is added to Division 21 of the Elections Code, to read:

CHAPTER 6.9. COUNTY OF ORANGE CITIZENS REDISTRICTING
COMMISSION

21580. As used in this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Supervisors of the County of Orange.

(b) “Commission” means the Citizens Redistricting Commission in the County of Orange established pursuant to Section 21582.

(c) “Immediate family member” means a spouse, child, in-law, parent, or sibling.

21581. (a) There is, in the County of Orange, a Citizens Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.

(b) Notwithstanding Chapter 9 (commencing with Section 23000) or any other law, Chapter 9 (commencing with Section 23000) does not apply to the Citizens Redistricting Commission in the County of Orange, which instead shall be governed by this chapter.

21582. (a) The commission shall be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

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

(c) The commission shall consist of 14 voting members and 2 alternate, nonvoting members. 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 the County of Orange, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. However, the political party or no party preferences of the commission members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

(d) Each commission member shall meet all of the following qualifications:

(1) Be a resident of the County of Orange.

(2) Be a voter who has been continuously registered in the County of Orange with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the commission.

(3) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the commission.

(4) Be subject to and meet the conditions set forth in subdivisions (c) and (d) of Section 23003.

(5) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess

an ability to comprehend and apply the applicable state and federal legal requirements.

(6) Possess experience that demonstrates an ability to be impartial.

(7) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Orange.

(e) An interested person meeting the qualifications specified in subdivision (d) may submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.

(f) (1) From the pool of qualified applicants, the county elections official shall select 60 of the most qualified applicants, taking into account the requirements described in subdivision (c). The county elections official shall make public the names of the 60 most qualified applicants for at least 30 days. The county elections official shall not communicate with a member of the board, or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants.

(2) During the period described in paragraph (1), the county elections official may eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the qualifications specified in subdivision (d).

(g) (1) After complying with the requirements of subdivision (f), the county elections official shall create a subpool for each of the five existing supervisorial districts of the board.

(2) (A) At a regularly scheduled meeting of the board, the Auditor-Controller of the County of Orange shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.

(B) After completing the random drawing pursuant to subparagraph (A), at the same meeting of the board, the Auditor-Controller shall conduct a random drawing from all of the remaining applicants, without respect to subpools, to select three additional commissioners.

(h) (1) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint eight additional applicants, including two nonvoting, alternate appointees, to the commission.

(2) The eight appointees shall be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that 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. The eight commissioners shall also consider political party preference, selecting applicants so that the political party preference of the members of the commission complies with subdivision (c).

21583. (a) (1) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(2) Each alternate commission member may attend commission meetings, other than closed session meetings as permitted by 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 may give public comment to the commission. Unless subsequently appointed to serve on the commission as a voting member, an alternate commission member shall not vote in commission meetings or hearings.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

(d) Each commission member shall be present for all public hearings and internal meetings of the commission. Except in emergency situations, a commission member who misses an excessive number of public hearings and meetings may be subject to removal from the commission pursuant to Section 21586. For the purposes of this subdivision, a commission member misses an excessive number of public hearings and meetings by missing a significant number of meetings such that it interferes with the commission's work and the commission member's ability to meaningfully participate in discussions and deliberation.

(e) (1) The commission shall require a consultant to, before delivering advice to the commission or a commission member pursuant to paragraph (2), disclose to the commission potential or actual conflicts of interest. The commission shall weigh the consultant's potential or actual conflicts of interest against the

consultant's qualifications in determining whether to retain the consultant.

(2) For purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

(f) Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Orange pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

21584. (a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and

economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) 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 purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Orange.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Orange who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

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

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

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Orange that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The commission shall ensure that all outreach materials, public notifications, agendas, and content on its internet website, including instructions for testifying and submitting written public testimony, are translated in all applicable languages.

(A) For the purposes of this paragraph, “applicable language” has the same meaning as in subparagraph (B) of paragraph (5).

(8) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the

public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(9) The board shall provide reasonable funding and staffing for the commission.

(10) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section 21501. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (d) of Section 21508.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

21585. A commission member shall not do any of the following:

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

(b) Be a candidate for an elective office of the County of Orange if any of the following is true:

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

(2) 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.

(3) 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.

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

(1) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the County of Orange.

(2) Receive a noncompetitively bid contract with the County of Orange.

(3) Register as a lobbyist for the County of Orange.

(d) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the County of Orange.

21586. (a) The commission may only remove a commission member for substantial neglect of duty, gross misconduct in office, causing the commission to be unable to discharge its duties with nine affirmative votes, or if it is later discovered that the commission member did not meet the required qualifications, as set forth in subdivision (d) of Section 21582, at the time of appointment or if the commission member no longer meets those required qualifications while serving on the commission. At least three affirmative votes to remove a member shall be from commission members of one political party, and at least three affirmative votes to remove a member shall be from commission members of one other political party.

(1) A commission member or alternate commission member who is subject to removal shall not vote on their own removal.

(b) Prior to removal pursuant to subdivision (a), a commission member is entitled to receive all of the following from the commission:

(1) The reasons for their proposed removal, in writing.

(2) At least one week's written notice of the public meeting where the commission will vote on their proposed removal.

(3) The opportunity to respond to or rebut the reasons for their removal in writing and at the public meeting described in paragraph (2).

(c) The commission may employ legal counsel in seeking removal of a commission member pursuant to this section.

(d) The decision of the commission to remove a member pursuant to this section is final, nonappealable, and is not subject to judicial review.

21587. If a commission member resigns or is removed pursuant to Section 21586, the chair of the commission shall select one alternate commissioner to fill the vacancy as a voting member. The alternate member who is appointed to fill the vacancy shall have the same political party preference as the commission member who vacated their position.

21588. If the commission is unable to act because it has fewer than nine voting commission members, the Auditor-Controller of the County of Orange shall, within one month of making the determination that the commission has fewer than nine voting members, recruit a pool of qualified applicants to fill the vacancies to bring the commission to nine voting members, taking into account the requirements described in subdivision (c) of Section 21582. Within two weeks of the Auditor-Controller constituting a pool of qualified applicants, the remaining commission members shall appoint replacement commission members to fill the vacancies by a two-thirds vote. Each commission member that is selected to fill a vacancy pursuant to this section shall have the same political party preference as the commission member who vacated their position.

SEC. 1.7. Chapter 6.9 (commencing with Section 21580) is added to Division 21 of the Elections Code, to read:

CHAPTER 6.9. COUNTY OF ORANGE CITIZENS REDISTRICTING
COMMISSION

21580. As used in this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Supervisors of the County of Orange.

(b) “Commission” means the Citizens Redistricting Commission in the County of Orange established pursuant to Section 21582.

(c) “Immediate family member” means a spouse, child, in-law, parent, or sibling.

21581. There is, in the County of Orange, a Citizens Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.

21582. (a) The commission shall be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

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

(c) The commission shall consist of 14 voting members and 2 alternate, nonvoting members. 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 the County of Orange, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. However, the political party or no party preferences of the commission members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

(d) Each commission member shall meet all of the following qualifications:

- (1) Be a resident of the County of Orange.
- (2) Be a voter who has been continuously registered in the County of Orange with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the commission.
- (3) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the commission.
- (4) Be subject to and meet the conditions set forth in subdivisions (c) and (d) of Section 23003.
- (5) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess an ability to comprehend and apply the applicable state and federal legal requirements.
- (6) Possess experience that demonstrates an ability to be impartial.
- (7) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Orange.

(e) An interested person meeting the qualifications specified in subdivision (d) may submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.

(f) (1) From the pool of qualified applicants, the county elections official shall select 60 of the most qualified applicants, taking into account the requirements described in subdivision (c). The county elections official shall make public the names of the 60 most qualified applicants for at least 30 days. The county elections official shall not communicate with a member of the board, or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants.

(2) During the period described in paragraph (1), the county elections official may eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the qualifications specified in subdivision (d).

(g) (1) After complying with the requirements of subdivision (f), the county elections official shall create a subpool for each of the five existing supervisorial districts of the board.

(2) (A) At a regularly scheduled meeting of the board, the Auditor-Controller of the County of Orange shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.

(B) After completing the random drawing pursuant to subparagraph (A), at the same meeting of the board, the Auditor-Controller shall conduct a random drawing from all of the remaining applicants, without respect to subpools, to select three additional commissioners.

(h) (1) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint eight additional applicants, including two nonvoting, alternate appointees, to the commission.

(2) The eight appointees shall be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that 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. The eight commissioners shall also consider political party

preference, selecting applicants so that the political party preference of the members of the commission complies with subdivision (c).

21583. (a) (1) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(2) Each alternate commission member may attend commission meetings, other than closed session meetings as permitted by 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 may give public comment to the commission. Unless subsequently appointed to serve on the commission as a voting member, an alternate commission member shall not vote in commission meetings or hearings.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

(d) Each commission member shall be present for all public hearings and internal meetings of the commission. Except in emergency situations, a commission member who misses an excessive number of public hearings and meetings may be subject to removal from the commission pursuant to Section 21586. For the purposes of this subdivision, a commission member misses an excessive number of public hearings and meetings by missing a significant number of meetings such that it interferes with the commission's work and the commission member's ability to meaningfully participate in discussions and deliberation.

(e) (1) The commission shall require a consultant to, before delivering advice to the commission or a commission member pursuant to paragraph (2), disclose to the commission potential or actual conflicts of interest. The commission shall weigh the consultant's potential or actual conflicts of interest against the consultant's qualifications in determining whether to retain the consultant.

(2) For purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

(f) Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Orange pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

21584. (a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to

encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) 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 purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Orange.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days

of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Orange who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

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

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

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Orange that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The commission shall ensure that all outreach materials, public notifications, agendas, and content on its internet website, including instructions for testifying and submitting written public testimony, are translated in all applicable languages.

(A) For the purposes of this paragraph, “applicable language” has the same meaning as in subparagraph (B) of paragraph (5).

(8) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(9) The board shall provide reasonable funding and staffing for the commission.

(10) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (f) of Section 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

21585. A commission member shall not do any of the following:

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

(b) Be a candidate for an elective office of the County of Orange if any of the following is true:

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

(2) 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.

(3) 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.

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

(1) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the County of Orange.

(2) Receive a noncompetitively bid contract with the County of Orange.

(3) Register as a lobbyist for the County of Orange.

(d) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the County of Orange.

21586. (a) The commission may only remove a commission member for substantial neglect of duty, gross misconduct in office, causing the commission to be unable to discharge its duties with nine affirmative votes, or if it is later discovered that the commission member did not meet the required qualifications, as set forth in subdivision (d) of Section 21582, at the time of appointment or if the commission member no longer meets those required qualifications while serving on the commission. At least three affirmative votes to remove a member shall be from commission members of one political party, and at least three affirmative votes to remove a member shall be from commission members of one other political party.

(1) A commission member or alternate commission member who is subject to removal shall not vote on their own removal.

(b) Prior to removal pursuant to subdivision (a), a commission member is entitled to receive all of the following from the commission:

(1) The reasons for their proposed removal, in writing.

(2) At least one week's written notice of the public meeting where the commission will vote on their proposed removal.

(3) The opportunity to respond to or rebut the reasons for their removal in writing and at the public meeting described in paragraph (2).

(c) The commission may employ legal counsel in seeking removal of a commission member pursuant to this section.

(d) The decision of the commission to remove a member pursuant to this section is final, nonappealable, and is not subject to judicial review.

21587. If a commission member resigns or is removed pursuant to Section 21586, the chair of the commission shall select one alternate commissioner to fill the vacancy as a voting member. The alternate member who is appointed to fill the vacancy shall have the same political party preference as the commission member who vacated their position.

21588. If the commission is unable to act because it has fewer than nine voting commission members, the Auditor-Controller of the County of Orange shall, within one month of making the determination that the commission has fewer than nine voting members, recruit a pool of qualified applicants to fill the vacancies to bring the commission to nine voting members, taking into account the requirements described in subdivision (c) of Section 21582. Within two weeks of the Auditor-Controller constituting a pool of qualified applicants, the remaining commission members shall appoint replacement commission members to fill the vacancies by a two-thirds vote. Each commission member that is selected to fill a vacancy pursuant to this section shall have the same political party preference as the commission member who vacated their position.

SEC. 1.9. Chapter 6.9 (commencing with Section 21580) is added to Division 21 of the Elections Code, to read:

CHAPTER 6.9. COUNTY OF ORANGE CITIZENS REDISTRICTING
COMMISSION

21580. As used in this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Supervisors of the County of Orange.

(b) “Commission” means the Citizens Redistricting Commission in the County of Orange established pursuant to Section 21582.

(c) “Immediate family member” means a spouse, child, in-law, parent, or sibling.

21581. (a) There is, in the County of Orange, a Citizens Redistricting Commission. In the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the supervisorial districts of the board in accordance with this chapter.

(b) Notwithstanding Chapter 9 (commencing with Section 23000) or any other law, Chapter 9 (commencing with Section 23000) does not apply to the Citizens Redistricting Commission in the County of Orange, which instead shall be governed by this chapter.

21582. (a) The commission shall be created no later than December 31, 2030, and in each year ending in the number zero thereafter.

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

(c) The commission shall consist of 14 voting members and 2 alternate, nonvoting members. 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 the County of Orange, or who decline to state or do not indicate a party preference, as determined by registration at the most recent statewide election. However, the political party or no party preferences of the commission members are not required to be exactly the same as the proportion of political party and no party preferences among the registered voters of the county. At least one commission member shall reside in each of the five existing supervisorial districts of the board.

(d) Each commission member shall meet all of the following qualifications:

(1) Be a resident of the County of Orange.

(2) Be a voter who has been continuously registered in the County of Orange with the same political party or no party preference and who has not changed their political party or no party preference for five or more years immediately preceding the date of their appointment to the commission.

(3) Have voted in at least one of the last three statewide elections immediately preceding their application to be a member of the commission.

(4) Be subject to and meet the conditions set forth in subdivisions (c) and (d) of Section 23003.

(5) Possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights, and possess an ability to comprehend and apply the applicable state and federal legal requirements.

(6) Possess experience that demonstrates an ability to be impartial.

(7) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the County of Orange.

(e) An interested person meeting the qualifications specified in subdivision (d) may submit an application to the county elections official to be considered for membership on the commission. The county elections official shall review the applications and eliminate applicants who do not meet the specified qualifications.

(f) (1) From the pool of qualified applicants, the county elections official shall select 60 of the most qualified applicants, taking into account the requirements described in subdivision (c). The county elections official shall make public the names of the 60 most qualified applicants for at least 30 days. The county elections official shall not communicate with a member of the board, or an agent for a member of the board, about any matter related to the nomination process or applicants before the publication of the list of the 60 most qualified applicants.

(2) During the period described in paragraph (1), the county elections official may eliminate any of the previously selected applicants if the official becomes aware that the applicant does not meet the qualifications specified in subdivision (d).

(g) (1) After complying with the requirements of subdivision (f), the county elections official shall create a subpool for each of the five existing supervisorial districts of the board.

(2) (A) At a regularly scheduled meeting of the board, the Auditor-Controller of the County of Orange shall conduct a random drawing to select one commissioner from each of the five subpools established by the county elections official.

(B) After completing the random drawing pursuant to subparagraph (A), at the same meeting of the board, the Auditor-Controller shall conduct a random drawing from all of the remaining applicants, without respect to subpools, to select three additional commissioners.

(h) (1) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint eight additional applicants, including two nonvoting, alternate appointees, to the commission.

(2) The eight appointees shall be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that 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. The eight commissioners shall also consider political party

preference, selecting applicants so that the political party preference of the members of the commission complies with subdivision (c).

21583. (a) (1) A commission member shall apply this chapter in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process.

(2) Each alternate commission member may attend commission meetings, other than closed session meetings as permitted by 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 may give public comment to the commission. Unless subsequently appointed to serve on the commission as a voting member, an alternate commission member shall not vote in commission meetings or hearings.

(b) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission.

(c) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action.

(d) Each commission member shall be present for all public hearings and internal meetings of the commission. Except in emergency situations, a commission member who misses an excessive number of public hearings and meetings may be subject to removal from the commission pursuant to Section 21586. For the purposes of this subdivision, a commission member misses an excessive number of public hearings and meetings by missing a significant number of meetings such that it interferes with the commission's work and the commission member's ability to meaningfully participate in discussions and deliberation.

(e) (1) The commission shall require a consultant to, before delivering advice to the commission or a commission member pursuant to paragraph (2), disclose to the commission potential or actual conflicts of interest. The commission shall weigh the consultant's potential or actual conflicts of interest against the consultant's qualifications in determining whether to retain the consultant.

(2) For purposes of this subdivision, "consultant" means a person, whether or not compensated, retained to advise the commission or a commission member regarding any aspect of the redistricting process.

(f) Each commission member shall be a designated employee for purposes of the conflict of interest code adopted by the County of Orange pursuant to Article 3 (commencing with Section 87300) of Chapter 7 of Title 9 of the Government Code.

21584. (a) The commission shall establish single-member supervisorial districts for the board pursuant to a mapping process using the following criteria as set forth in the following order of priority:

(1) (A) Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

(B) Population equality shall be based on the total population of residents of the county as determined by the most recent federal decennial census for which the redistricting data described in Public Law 94-171 are available.

(C) Notwithstanding subparagraph (B), an incarcerated person, as that term is used in Section 21003, shall not be counted towards the county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

(2) Districts shall comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, local neighborhood, or local community of interest shall be respected in a manner that minimizes its division to the extent possible without violating the requirements of paragraphs (1) to (3), inclusive. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) To the extent practicable, and where this does not conflict with paragraphs (1) to (4), inclusive, districts shall be drawn to

encourage geographical compactness such that nearby areas of population are not bypassed for more distant areas of population.

(b) 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 purposes of favoring or discriminating against an incumbent, political candidate, or political party.

(c) (1) The commission shall comply with the Ralph M. Brown Act (Chapter 9 (commencing with Section 54950) of Part 1 of Division 2 of Title 5 of the Government Code).

(2) (A) Before the commission draws a map, the commission shall conduct at least seven public hearings, to take place over a period of no fewer than 30 days, with at least one public hearing held in each supervisorial district.

(B) In the event a state or local health order prohibits large gatherings, the commission may modify the location of the hearings, including through the use of virtual hearings that use technology to permit remote viewing and participation, to the extent required to comply with public health requirements. If the commission modifies the location of a hearing, it shall provide opportunities to view and listen to proceedings by video, to listen to proceedings by phone, and to provide public comment by phone and in writing with no limitation on the number of commenters. The commission shall, to the greatest extent practicable, provide an opportunity for in-person participation for at least one hearing in each supervisorial district. Methods for providing in-person participation may include, but are not limited to, setting up multiple rooms with audiovisual connections to the hearing, allowing community members to make appointments to make public comment, providing personal protective equipment, or holding hearings in outdoor spaces.

(3) After the commission draws a draft map, the commission shall do both of the following:

(A) Post the map for public comment on the internet website of the County of Orange.

(B) Conduct at least two public hearings to take place over a period of no fewer than 30 days.

(4) (A) The commission shall establish and make available to the public a calendar of all public hearings described in paragraphs (2) and (3). Hearings shall be scheduled at various times and days

of the week to accommodate a variety of work schedules and to reach as large an audience as possible.

(B) Notwithstanding Section 54954.2 of the Government Code, the commission shall post the agenda for the public hearings described in paragraphs (2) and (3) at least seven days before the hearings. The agenda for a meeting required by paragraph (3) shall include a copy of the draft map.

(5) (A) The commission shall arrange for the live translation of a hearing held pursuant to this chapter in an applicable language if a request for translation is made at least 24 hours before the hearing.

(B) For purposes of this paragraph, an “applicable language” means a language for which the number of residents of the County of Orange who are members of a language minority is greater than or equal to 3 percent of the total voting age residents of the county.

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

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

(B) Coordinating with community organizations.

(C) Posting information on the internet website of the County of Orange that explains the redistricting process and includes a notice of each public hearing and the procedures for testifying during a hearing or submitting written testimony directly to the commission.

(7) The commission shall ensure that all outreach materials, public notifications, agendas, and content on its internet website, including instructions for testifying and submitting written public testimony, are translated in all applicable languages.

(A) For the purposes of this paragraph, “applicable language” has the same meaning as in subparagraph (B) of paragraph (5).

(8) The board shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide to the public ready access to redistricting data and computer software equivalent to what is available to the commission members.

(9) The board shall provide reasonable funding and staffing for the commission.

(10) All records of the commission relating to redistricting, and all data considered by the commission in drawing a draft map or the final map, are public records.

(d) (1) The commission shall adopt a redistricting plan adjusting the boundaries of the supervisorial districts and shall file the plan with the county elections official by the map adoption deadline set forth in subdivision (a) of Section 21140. The commission shall not release a draft map before the date set forth in paragraph (3) of subdivision (f) of Section 21160.

(2) The plan shall be subject to referendum in the same manner as ordinances.

(3) The commission shall issue, with the final map, a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria described in subdivisions (a) and (b).

21585. A commission member shall not do any of the following:

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

(b) Be a candidate for an elective office of the County of Orange if any of the following is true:

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

(2) 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.

(3) 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.

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

(1) Accept employment as a staff member of, or consultant to, an elected official or candidate for elective office of the County of Orange.

(2) Receive a noncompetitively bid contract with the County of Orange.

(3) Register as a lobbyist for the County of Orange.

(d) For two years commencing with the date of the person's appointment to the commission, accept an appointment to an office of the County of Orange.

21586. (a) The commission may only remove a commission member for substantial neglect of duty, gross misconduct in office, causing the commission to be unable to discharge its duties with nine affirmative votes, or if it is later discovered that the commission member did not meet the required qualifications, as set forth in subdivision (d) of Section 21582, at the time of appointment or if the commission member no longer meets those required qualifications while serving on the commission. At least three affirmative votes to remove a member shall be from commission members of one political party, and at least three affirmative votes to remove a member shall be from commission members of one other political party.

(1) A commission member or alternate commission member who is subject to removal shall not vote on their own removal.

(b) Prior to removal pursuant to subdivision (a), a commission member is entitled to receive all of the following from the commission:

(1) The reasons for their proposed removal, in writing.

(2) At least one week's written notice of the public meeting where the commission will vote on their proposed removal.

(3) The opportunity to respond to or rebut the reasons for their removal in writing and at the public meeting described in paragraph (2).

(c) The commission may employ legal counsel in seeking removal of a commission member pursuant to this section.

(d) The decision of the commission to remove a member pursuant to this section is final, nonappealable, and is not subject to judicial review.

21587. If a commission member resigns or is removed pursuant to Section 21586, the chair of the commission shall select one alternate commissioner to fill the vacancy as a voting member. The alternate member who is appointed to fill the vacancy shall have the same political party preference as the commission member who vacated their position.

21588. If the commission is unable to act because it has fewer than nine voting commission members, the Auditor-Controller of the County of Orange shall, within one month of making the determination that the commission has fewer than nine voting members, recruit a pool of qualified applicants to fill the vacancies to bring the commission to nine voting members, taking into account the requirements described in subdivision (c) of Section 21582. Within two weeks of the Auditor-Controller constituting a pool of qualified applicants, the remaining commission members shall appoint replacement commission members to fill the vacancies by a two-thirds vote. Each commission member that is selected to fill a vacancy pursuant to this section shall have the same political party preference as the commission member who vacated their position.

SEC. 2. The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the County of Orange.

SEC. 3. 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.

SEC. 4. Section 1.5 of this bill shall only become operative if (1) Assembly Bill 1248 of the 2023–24 Regular Session is enacted and takes effect on or before January 1, 2024 and (2) Assembly Bill 764 of the 2023–24 Regular Session is not enacted, in which case Sections 1, 1.7, and 1.9 of this bill shall not become operative.

SEC. 5. Section 1.7 of this bill shall only become operative if (1) Assembly Bill 764 of the 2023–24 Regular Session is enacted and takes effect on or before January 1, 2024 and (2) Assembly Bill 1248 of the 2023–24 Regular Session is not enacted, in which case Sections 1, 1.5, and 1.9 of this bill shall not become operative.

SEC. 6. Section 1.9 of this bill shall only become operative if both Assembly Bill 764 and Assembly Bill 1248 of the 2023–24 Regular Session are enacted and take effect on or before January 1, 2024, in which case Sections 1, 1.5, and 1.7 of this bill shall not become operative.

Approved _____, 2023

Governor