

Assembly Bill No. 1248

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 Section 8545.7 to the Government Code, and to amend Sections 23000, 23001, 23003, and 23004 of, and to add Sections 23000.5, 23001.5, 23003.5, 23005, and 23006 to, the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1248, Bryan. Local redistricting: independent redistricting commissions.

Existing law generally requires county boards of supervisors, city councils, and the governing boards of school districts, community college districts, and other special districts, if those bodies are elected using district-based elections, to adopt new boundaries for the districts following each federal decennial census. Notwithstanding that requirement, existing law authorizes a local jurisdiction other than a charter city to establish an independent redistricting commission to adopt new boundaries for the local jurisdiction's districts.

This bill would require a county, general law city, charter city, or charter city and county that contains over 300,000 residents, and a school district or community college district that contains over 500,000 residents, to establish an independent redistricting commission to adopt district boundaries after each federal decennial census. The bill would require a county, general law city, charter city, or charter city or county with over 300,000 residents, and a school district or community college district with over 500,000 residents, that does not enact an ordinance, resolution, or charter amendment establishing an independent redistricting commission by January 1, 2030, and January 1 of every subsequent year ending in 0, to establish a 14-member independent redistricting commission according to specified procedures, including procedures for the random selection of the members of the commission from among applicants meeting certain qualifications. By requiring certain local jurisdictions to establish independent redistricting commissions to adopt district boundaries, the bill would impose a state-mandated local program.

The bill would prohibit a member of an independent redistricting commission from communicating with any individual or organization regarding redistricting matters, except as provided. The bill would require the State Auditor to provide the contact information of any applicant to serve on the Citizens Redistricting Commission, which is responsible for adjusting the boundary lines of the congressional, legislative, and State Board of Equalization districts, to any city or county that has established an independent or hybrid redistricting commission, provided that the applicant has consented to share this information and the city or county has requested to receive this information, and to inform those applicants of opportunities to serve on an independent or hybrid redistricting commission. The bill would require the State Auditor to establish a database and create and advertise a process for this exchange of information.

Under existing law, independent redistricting commissions have been established for the Counties of Los Angeles, San Diego, Riverside, Fresno, and Kern.

The bill would exempt the Counties of Los Angeles, San Diego, Riverside, Fresno, and Kern from the bill's provisions requiring a county with over 300,000 residents to establish an independent redistricting commission, unless the existing law provisions establishing independent redistricting commissions for those counties are repealed or invalidated. The bill also would exempt a charter city with a population of at least 2,500,000 people from the bill's provisions if specified conditions are met, including if both this bill and Senate Bill 52 are enacted and if the city complies with certain provisions in Senate Bill 52 that require such cities to establish independent redistricting commissions.

This bill would incorporate additional changes to Section 23003 of the Elections Code proposed by Assembly Bill 764 to be operative only if this bill and Assembly Bill 764 are enacted and this bill is enacted last.

The bill would include findings that changes proposed by this bill address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

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. The Legislature finds and declares all of the following:

(a) To maintain a healthy democracy in California, it is important that communities are fairly and equitably represented.

(b) The State of California has a strong state interest in ensuring that cities, counties, and other jurisdictions follow a fair and equitable redistricting process to ensure representation of communities, and thus redistricting is not solely a municipal affair.

(c) The State of California has a strong state interest in the integrity of elections throughout the state, and a fair and equitable redistricting process ensures the integrity of elections.

(d) In the 2020 redistricting cycle and historically, observations of the redistricting process in California jurisdictions conducted by independent redistricting commissions indicate independent redistricting commissions lead to better outcomes for communities in terms of fairness, transparency, public engagement, and representation.

(e) Independent redistricting commissions help thwart threats of minority vote dilution.

(f) Political appointment of commissioners has been found to create potential conflicts of interest and opportunity for corruption of the redistricting process.

SEC. 2. Section 8545.7 is added to the Government Code, to read:

8545.7. (a) The State Auditor shall provide the contact information of any applicant to serve as a commissioner on the Citizens Redistricting Commission established pursuant to Article XXI of the California Constitution, who has consented to the sharing of this information, to any city or county that has established an independent or hybrid redistricting commission and requests applicant contact information from the State Auditor.

(b) After an applicant is no longer being actively considered for appointment to the Citizens Redistricting Commission, the State

Auditor shall inform that applicant of opportunities to serve on an independent or hybrid redistricting commission for any city or county of which the applicant is a resident, if the independent or hybrid redistricting commission has requested applicant contact information pursuant to subdivision (a), and shall provide an internet link to the database established pursuant to subdivision (e).

(c) The State Auditor is encouraged to also provide specific information about opportunities to serve on local independent or hybrid redistricting commissions for jurisdictions other than cities or counties to an applicant who is no longer being actively considered for appointment to the Citizens Redistricting Commission, provided that such local independent or hybrid redistricting commissions have requested that the State Auditor provide this information in accordance with the process established in subdivision (d).

(d) For purposes of complying with this section, the State Auditor shall create and advertise a process whereby established local hybrid and independent redistricting commissions may request applicant contact information pursuant to subdivision (a) and may furnish application and other informational materials to be provided to potential interested applicants pursuant to subdivisions (b) and (c), including geographic information that may be requested by the State Auditor to determine jurisdictional boundaries.

(e) At least three months before the application period to serve on the Citizens Redistricting Commission opens, the State Auditor shall establish a database of all local hybrid and independent redistricting commissions in the state that have requested applicant contact information, or have provided application or other informational materials, pursuant to any of the provisions of this section. An internet link to that public database, provided to potential applicants, shall be sufficient to comply with the provisions of subdivisions (b) and (c).

SEC. 3. Section 23000 of the Elections Code is amended to read:

23000. For purposes of this chapter, the following terms have the following meanings:

(a) “Advisory redistricting commission” means a body that recommends to a legislative body placement of the district boundaries for that legislative body.

(b) “Family member” means a spouse, parent, sibling, child, or in-law.

(c) “Hybrid redistricting commission” means a body that recommends to a legislative body two or more maps for the placement of the district boundaries for that legislative body, where the legislative body must adopt one of those maps without modification, except as may be required to comply with state or federal law.

(d) “Independent redistricting commission” means a body, other than a legislative body, that is empowered to adopt the district boundaries of a legislative body.

(e) “Legislative body” means a county board of supervisors, a city council of a general law city or charter city, a governing board of a school district, a governing board of a community college district, or an elected governing board of a special district.

(f) “Local jurisdiction” means a county, general law or charter city, school district, community college district, or special district.

(g) “Redistricting” means either districting or redistricting.

(h) “Spouse” means a spouse or registered domestic partner.

SEC. 4. Section 23000.5 is added to the Elections Code, to read:

23000.5. (a) This chapter applies to a local jurisdiction in which the legislative body is elected using a method in which the candidate must reside within an election district that is a divisible part of the local jurisdiction.

(b) This chapter does not apply to any of the following:

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

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

(3) The County of Riverside, unless Chapter 6.4 (commencing with Section 21540), or a commission established pursuant to that chapter, is repealed or invalidated by a court.

(4) The County of Fresno, unless Chapter 6.7 (commencing with Section 21560), or a commission established pursuant to that chapter, is repealed or invalidated by a court.

(5) The County of Kern, unless Chapter 6.8 (commencing with Section 21570), or a commission established pursuant to that chapter, is repealed or invalidated by a court.

SEC. 4.5. Section 23000.5 is added to the Elections Code, to read:

23000.5. (a) This chapter applies to a local jurisdiction in which the legislative body is elected using a method in which the candidate must reside within an election district that is a divisible part of the local jurisdiction.

(b) This chapter does not apply to any of the following:

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

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

(3) The County of Riverside, unless Chapter 6.4 (commencing with Section 21540), or a commission established pursuant to that chapter, is repealed or invalidated by a court.

(4) The County of Fresno, unless Chapter 6.7 (commencing with Section 21560), or a commission established pursuant to that chapter, is repealed or invalidated by a court.

(5) The County of Kern, unless Chapter 6.8 (commencing with Section 21570), or a commission established pursuant to that chapter, is repealed or invalidated by a court.

(6) A charter city with a population of at least 2,500,000 people, if that city has established an independent redistricting commission in its city charter, whose members are not directly appointed by the city council or an elected official of the city, or if the city has an independent redistricting commission pursuant to Article 3 (commencing with Section 21700) of Chapter 7.

SEC. 5. Section 23001 of the Elections Code is amended to read:

23001. A local jurisdiction, except for a jurisdiction that is required to create an independent redistricting commission pursuant to Section 23001.5, may establish by resolution, ordinance, or charter amendment an independent redistricting commission, a

hybrid redistricting commission, or an advisory redistricting commission composed of residents of the local jurisdiction to change the legislative body's district boundaries or to recommend to the legislative body changes to those district boundaries.

SEC. 6. Section 23001.5 is added to the Elections Code, to read:

23001.5. (a) (1) A county with more than 300,000 residents on July 1, 2029, and on July 1 of every subsequent year ending in the number nine, other than a charter city and county, shall establish an independent redistricting commission composed of residents of the county to adopt the county's supervisorial district boundaries after each federal decennial census. The county shall establish the commission not later than 250 days before the deadline to adopt supervisorial district boundaries.

(2) If a county required to establish an independent redistricting commission pursuant to paragraph (1) does not enact an ordinance, resolution, or charter amendment establishing an independent redistricting commission by January 1, 2030, and by January 1 of every subsequent year ending in the number zero, the county shall establish an independent redistricting commission pursuant to Section 23005.

(b) (1) A general law city, charter city, or charter city and county with more than 300,000 residents on July 1, 2029, and on July 1 of every subsequent year ending in the number nine, or a school district or community college district with more than 500,000 residents on July 1, 2029, and on July 1 of each subsequent year ended in the number nine, shall establish an independent redistricting commission composed of residents of the local jurisdiction, or contract with a county commission pursuant to Section 23004, to adopt the local jurisdiction's district boundaries after each federal decennial census. The general law city, charter city, charter city and county, school district, or community college district shall establish the commission not later than 250 days before the deadline to adopt the local jurisdiction's district boundaries.

(2) If a general law city, charter city, charter city and county, school district, or community college district does not enact an ordinance, resolution, or charter amendment establishing an independent redistricting commission by January 1, 2030, and by January 1 of every subsequent year ending in the number zero, or

contract with a county commission pursuant to Section 23004, the general law city, charter city, charter city and county, school district, or community college district shall establish an independent redistricting commission pursuant to Section 23006.

(c) Subdivisions (a) and (b) do not apply to a local jurisdiction that, before January 1, 2023, has enacted by ordinance, resolution, or charter amendment an independent redistricting commission for which no commissioners are directly appointed by the legislative body or any elected official of the local jurisdiction.

(d) (1) For purposes of subdivisions (a) and (b), the latest available estimate of a county or city'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.

(2) The Department of Finance shall prepare a population estimate for each school district and community college district by May 1 in each year ending in the number nine. This estimate of a school district's population or community college district's population shall be determinative for the purposes of subdivision (b).

SEC. 7. Section 23003 of the Elections Code is amended to read:

23003. (a) This section applies to hybrid redistricting commissions, and to independent redistricting commissions, including independent redistricting commissions established by an ordinance, resolution, or charter amendment of the local jurisdiction, as described in Section 23001.5, and independent redistricting commissions established pursuant to Section 23005 or Section 23006.

(b) (1) Notwithstanding any other law, the local jurisdiction 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.

(2) Paragraph (1) does not apply to a local jurisdiction required to establish an independent redistricting commission pursuant to Section 23005 or Section 23006.

(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 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 person'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 person'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 (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(i) The commission shall be subject to the same redistricting deadlines, requirements, procedures, criteria, and restrictions that would otherwise apply to a legislative body. 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, or the number of public hearings that would otherwise apply to the legislative body for which district boundaries are being drawn, whichever is greater.

(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. 7.5. Section 23003 of the Elections Code is amended to read:

23003. (a) This section applies to hybrid redistricting commissions, and to independent redistricting commissions, including independent redistricting commissions established by an ordinance, resolution, or charter amendment of the local jurisdiction, as described in Section 23001.5, and independent

redistricting commissions established pursuant to Section 23005 or Section 23006.

(b) (1) Notwithstanding any other law, the local jurisdiction 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 appointed by the legislative body or an elected official of the local jurisdiction.

(2) Paragraph (1) does not apply to a local jurisdiction required to establish an independent redistricting commission pursuant to Section 23005 or Section 23006.

(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 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 person'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 person'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 (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code).

(i) The commission shall be subject to the same redistricting deadlines, requirements, procedures, criteria, and restrictions that would otherwise apply to a legislative body. 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, or the number of public hearings that would otherwise apply to the legislative body for which district boundaries are being drawn, whichever is greater.

(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. 8. Section 23003.5 is added to the Elections Code, to read:

23003.5. (a) (1) A member of an independent redistricting commission established pursuant to subdivision (a) or subdivision (b) of Section 23001.5 shall not communicate with any individual or organization regarding redistricting matters outside of a public meeting. This subdivision does not restrict the commission from communicating with the staff of the legislative body of the local jurisdiction regarding administrative matters of the commission.

(2) This subdivision does not restrict a commissioner from directly communicating with another commissioner, commission staff, legal counsel, or consultants retained by the commission.

(b) A member of an independent redistricting commission established pursuant to subdivision (a) or subdivision (b) of Section 23001.5 shall receive a stipend, in an amount to be determined by the local jurisdiction, for each day in which they attend any meeting of the commission or any meeting of a committee or subcommittee of the commission, of which committee or subcommittee they are a member and which committee or subcommittee meeting is conducted for the purpose of carrying out the powers and duties of the commission.

(c) A local jurisdiction shall provide for reasonable funding and staffing of a commission established pursuant to subdivision (a) or subdivision (b) of Section 23001.5.

(d) This section applies to independent redistricting commissions established by an ordinance, resolution, or charter amendment of the local jurisdiction, as described in Section 23001.5, and independent redistricting commissions established pursuant to Section 23005 or Section 23006.

SEC. 9. Section 23004 of the Elections Code is amended to read:

23004. 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, or the number of public hearings that would otherwise apply to the legislative body for which district boundaries are being drawn, whichever is greater.

SEC. 10. Section 23005 is added to the Elections Code, to read:

23005. (a) In each county required to establish an independent redistricting commission pursuant to paragraph (2) of subdivision (a) of Section 23001.5, 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 in accordance with this section.

(b) (1) The selection process is designed to produce a commission that is independent from the influence of the board of supervisors and reasonably representative of the county's diversity.

(2) 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 in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the county.

(c) (1) The commission shall consist of 14 members and 2 alternates.

(2) At least one commission member shall reside in each of the existing supervisorial districts.

(3) Alternates may fully participate in commission deliberations but shall not vote and shall not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners.

(d) Each commission member shall meet all of the following qualifications in addition to those listed in Section 23003:

- (1) Be a resident of the county.
- (2) Possess a history of civic engagement and participation.
- (3) 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.

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

(5) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the county.

(e) An interested person meeting the qualifications specified in subdivision (d) and Section 23003 may submit an application to the selection entity to be considered for membership on the commission. The selection entity shall review the applications and eliminate applicants who do not meet the specified qualifications.

(f) (1) The selection entity shall make public the number of qualified applicants and provide the demographic data of the qualified applicants by aggregated percentages.

(2) If the pool of applicants does not have a sufficient number of qualified applicants, or sufficiently represent the local jurisdiction's local diversity, as determined by the selection entity, the selection entity shall reopen the application period for at least 30 days and conduct additional outreach.

(3) From the pool of qualified applicants, the selection entity shall select 40 of the most qualified applicants, taking into account the requirements described in subdivision (d). The selection entity shall make public the names of the 40 most qualified applicants for at least 30 days. The selection entity shall not communicate with a member of the board of supervisors, or an agent for a member of the board of supervisors, about any matter related to the nomination process or applicants before the publication of the list of the 40 most qualified applicants.

(4) During the period described in paragraph (2) or (3), the selection entity may eliminate any of the previously selected applicants if the selection entity 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 selection entity shall create a subpool for each of the five existing supervisorial districts.

(2) (A) At a regularly scheduled meeting of the county board of supervisors, the Auditor-Controller of the county or clerk of the county board of supervisors shall conduct a random drawing to select one commissioner from each of the five subpools established by the selection entity.

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

(3) (A) The eight selected commissioners shall review the remaining names in the subpools of applicants and shall appoint six additional applicants and two alternates to the commission.

(B) The six appointees and two alternates 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.

(h) The county board of supervisors shall prescribe the selection entity used to appoint members to the commission from any of the following options:

(1) The civil grand jury of the county, as described in Title 4 (commencing with Section 888) of Part 2 of the Penal Code.

(2) A panel of three retired judges appointed by the chief judge of the superior court of the county.

(3) The county elections official.

(4) The clerk of the county board of supervisors.

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

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

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

(l) (1) The commission may remove one of its members in the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Removal shall require nine or more affirmative votes from the other members, after the member was served written notice and provided an opportunity to respond.

(2) In the case of a vacancy in the commission that occurs prior to the applicable redistricting deadline, the commission shall select

one alternate commissioner to fill the vacancy as a voting member. If no alternate exists, the vacancy shall be filled by the commission from the pool of qualified applicants within 30 days after the vacancy occurs.

SEC. 11. Section 23006 is added to the Elections Code, to read:

23006. (a) In each general law city, charter city, charter city and county, school district, or community college district required to establish an independent redistricting commission pursuant to Section 23001.5, in the year following the year in which the decennial federal census is taken, the commission shall adjust the boundary lines of the districts of the legislative body in accordance with this section.

(b) (1) The selection process is designed to produce a commission that is independent from the influence of the legislative body and reasonably representative of the local jurisdiction's diversity.

(2) The local jurisdiction shall recruit eligible residents to apply to serve on the commission. The local jurisdiction 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 in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the local jurisdiction.

(c) (1) The commission shall consist of 14 members and 2 alternates.

(2) Alternates may fully participate in commission deliberations but shall not vote and shall not be counted towards the establishment of a quorum. Alternates are subject to the same terms of office, qualifications, restrictions, and standards of conduct as other commissioners.

(d) Each commission member shall meet all of the following qualifications in addition to those listed in Section 23003:

(1) Be a resident of the local jurisdiction.

(2) Possess a history of civic engagement and participation.

(3) 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.

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

(5) Possess experience that demonstrates an appreciation for the diverse demographics and geography of the local jurisdiction.

(e) An interested person meeting the qualifications specified may submit an application to the selection entity to be considered for membership on the commission. The selection entity shall review the applications and eliminate applicants who do not meet the specified qualifications in Section 23003.

(f) (1) The selection entity shall make public the number of qualified applicants and provide the demographic data of the qualified applicants by aggregated percentages.

(2) If the pool of applicants does not have a sufficient number of qualified applicants, or sufficiently represent the local jurisdiction's local diversity, as determined by the selection entity, the selection entity shall reopen the application period for at least 30 days and conduct additional outreach.

(3) From the pool of qualified applicants, the selection entity shall select 40 of the most qualified applicants, taking into account the requirements described in subdivision (d). The selection entity shall make public the names of the 40 most qualified applicants for at least 30 days. The selection entity shall not communicate with a member of the legislative body, or an agent for a member of the legislative body, about any matter related to the nomination process or applicants before the publication of the list of the 40 most qualified applicants.

(4) During the period described in paragraph (2) or (3), the selection entity may eliminate any of the previously selected applicants if the selection entity becomes aware that the applicant does not meet the qualifications specified in subdivision (d).

(g) (1) In jurisdictions that have a legislative body with eight members or fewer, the selection entity shall create a subpool for each of the existing districts of the local jurisdiction from the pool of qualified applicants.

(2) (A) At a public meeting, the selection entity shall conduct a random drawing to select one commissioner from each of the subpools established by the selection entity.

(B) (i) The commissioners selected pursuant to subparagraph (A) shall review the remaining names in the subpools of applicants and shall appoint additional commissioners and alternates as necessary to create a commission with 14 members and 2 alternates.

(ii) Commissioners appointed pursuant to this subparagraph shall be appointed by the randomly selected commissioners based on relevant experience, analytical skills, and ability to be impartial, and to ensure that the commission reflects the local jurisdiction's diversity, including racial, ethnic, geographic, and gender diversity. However, formulas or specific ratios shall not be applied for this purpose.

(h) (1) If a jurisdiction has a legislative body with more than eight existing districts, the selection entity shall conduct a random drawing from the pool of qualified applicants to select eight commissioners. Of the eight commissioners selected pursuant to this paragraph, not more than one commissioner shall reside in each of the existing districts of the local jurisdiction. If an applicant whose name is drawn resides in the same existing district as a person whose name has already been drawn as part of the random drawing, that applicant shall not be seated as a commissioner pursuant to this paragraph, and another name shall be drawn from the pool. An applicant whose name is drawn but who is not seated as a commissioner pursuant to this paragraph shall be eligible to be appointed to the commission pursuant to paragraph (2).

(2) The commissioners selected pursuant to paragraph (1) shall appoint additional commissioners and alternates to create a commission with 14 members and 2 alternates. Commissioners appointed pursuant to this subparagraph shall be appointed by the selected commissioners 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. For the purpose of achieving geographic diversity, the selected commissioners shall consider appointing applicants who reside in existing legislative body districts that are not already represented among the selected commissioners.

(i) (1) A general law city, charter city, charter city and county, school district, or community college district shall prescribe, through their legislative process, the selection entity used to appoint members to the commission from any of the following options:

(A) The local jurisdiction's ethics commission, if one exists.

(B) A committee or commission with a holistic view of the local jurisdiction's governance process, including, but not limited to,

an elections commission or charter review commission, if one exists.

(C) A panel consisting of one representative each from three of the following:

(i) The local jurisdiction's ethics commission.

(ii) A committee or commission with a holistic view of the local jurisdiction's governance process.

(iii) The controller, city attorney, city clerk, or city treasurer, if these offices are not elective offices.

(iv) A retired judge appointed by the chief judge of the superior court of the county in which a plurality of the local jurisdiction's population is located.

(v) The civil grand jury of the county in which a plurality of the local jurisdiction's population is located.

(2) If neither of the options in subparagraphs (A) or (B) of paragraph (1) exists within the jurisdiction, and if at least three of the options in subparagraph (C) of paragraph (1) do not exist within the jurisdiction, the legislative body shall prescribe the selection entity used to appoint members to the commission from any of the following options.

(A) For cities, a panel consisting of the city attorney, city clerk, and city treasurer, if these offices exist and are not elective offices.

(B) A panel of three retired judges appointed by the chief judge of the superior court of the county in which a plurality of the local jurisdiction's population is located.

(C) The civil grand jury of the county in which a plurality of the local jurisdiction's population is located.

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

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

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

(m) (1) The commission may remove one of its members in the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office. Removal shall require nine or more affirmative votes from the other members, after the

member was served written notice and provided an opportunity to respond.

(2) In the case of a vacancy in the commission that occurs prior to the applicable redistricting deadline, the commission shall select one alternate commissioner to fill the vacancy as a voting member. If no alternate exists, the vacancy shall be filled by the commission from the pool of qualified applicants within 30 days after the vacancy occurs.

SEC. 12. The Legislature finds and declares that Sections 3 to 11, inclusive, of this act address a matter of statewide concern rather than a municipal affair as that term is used in Section 5 of Article XI of the California Constitution. Therefore, Sections 3 to 11, inclusive, of this act apply to all cities, including charter cities.

SEC. 13. 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. 14. Section 4.5 of this bill shall only become operative if (1) both this bill and Senate Bill 52 are enacted and become effective on or before January 1, 2024, and (2) Senate Bill 52 adds Article 3 (commencing with Section 21700) to Chapter 7 of Division 21 of the Elections Code, in which case Section 4 of this bill shall not become operative.

SEC. 15. Section 7.5 of this bill incorporates amendments to Section 23003 of the Elections Code proposed by both this bill and Assembly Bill 764. That section shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2024, (2) each bill amends Section 23003 of the Elections Code, and (3) this bill is enacted after Assembly Bill 764, in which case Section 7 of this bill shall not become operative.

Approved _____, 2023

Governor