



May 25, 2021

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Honorable Board of Supervisors
Marin County Civic Center
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RE: Informational Presentation Regarding Proposed 2021 Redistricting Process and Timeline

Dear Board Members:

RECOMMENDATION: Accept report and provide staff direction regarding 2021 supervisorial redistricting process next steps, including:

- Formation of a redistricting ad hoc working group to advise staff regarding adherence to redistricting requirements and best practices;
- Launch of a public outreach program, including a required public website with tentative calendar and outline of the redistricting process and procedures for public testimony; redistricting criteria; meeting notices; agendas and minutes; demographic data; draft plans; and online submission of public comments;
- Provision of public mapping tools for community members to define “communities of interest” and to submit proposed map adjustments; and
- Planning four (4) mandated public hearings to consider adoption of a final map by the statutory deadline of December 15, 2021, consistent with Attachment A – Tentative Calendar.

Background

The United States Constitution requires a count every 10 years of everyone residing in the country. Information from the Census is used to help determine where to locate schools, roads, hospitals, and other facilities; is used in making decisions regarding business growth and housing needs; and is used for geographically defining state legislative districts, which initiates a “redistricting” process that begins in the year following a Census.

Census data also allow county officials to realign supervisorial districts, taking into account shifts in population growth since the last Census and assuring equal representation in compliance with the constitutional “one person, one-vote” principle and the Voting Rights Act. Generally speaking, each supervisorial district must be “substantially equal” in the number of residents. Every ten years, district lines must be redrawn to ensure each district is even in size.

California Elections Code provides basic criteria and process requirements the Board is required to consider in redistricting supervisorial districts. In addition to the Voting Rights Act, consideration is given to the following factors in order of priority:

- (1) geographic contiguity of the districts;
- (2) any local neighborhood or local communities of interest;
- (3) geographic integrity of cities and census designated places;

- (4) the bounding of districts by natural and artificial barriers, including streets and boundaries of the county; and
- (5) compactness of the population.

Recent Law Changes, Late Census Data Complicate Process

Recent legislation mandating more public hearings and specific, more extensive outreach strategies (see [AB 849 \(2019\)](#) and [AB 1276 \(2020\)](#)) has increased the complexity of the 2021 supervisorial redistricting process for all California counties.

AB 849, the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act, in 2019 was the first significant reform of California local redistricting law since the 1940s, while AB 1276 in 2020 reconciled technical errors in AB 849. In short, AB 849:

- Creates standardized redistricting criteria that prioritize keeping neighborhoods and diverse communities intact and that prohibit partisan gerrymandering (previous to adoption of Assembly Bills 849 and 1276, county boards of supervisors historically had broad discretion to determine what criteria to take into account and how to do so. The FAIR MAPS Act, however, changes that and now provides specific criteria in Elections Code § 21500(c) that must be followed);
- Requires cities and counties to engage communities in the redistricting process by holding a minimum of four public hearings and doing public outreach, including to non-English-speaking communities; and
- Aligns the timing of local redistricting with state redistricting and June primary elections to allow more opportunities for public participation, and provides for court-ordered maps if deadlines are missed.

Complicating efforts, 2020 Census data will be received much later than in prior redistricting efforts (anticipated October 2021 instead of March 2021) due largely to extended Census response deadlines due to the COVID-19 pandemic.

Despite this significant delay in receipt of the Census data, and the new procedural requirements of AB 849 and AB 1276, a final map is nevertheless required to be approved no later than December 15, 2021 (174 days before the June 7, 2022 statewide primary), leaving a compressed timeline of only weeks to meet all statutory requirements. While [SB 594](#) (Glazer) is pending in the Legislature to provide some relief to counties in light of these challenges, relief options are very limited. We must therefore plan to comply with the numerous requirements despite any constraints. As a result, we have engaged expertise to help ensure an efficient and thorough process, including:

- [Nielsen Merksamer](#), at a cost up to \$50,000, to guide the County's efforts with legal support and process advice. Based in San Rafael, the firm is widely respected in the field and has local experience with Novato and San Rafael's redistricting efforts in recent years.
- [National Demographics Corporation \(NDC\)](#), a demographic consultant, also engaged at a cost up to \$50,000, will guide the County's technical efforts with respect to the data, its analysis, and Marin's compliance. NDC also has local experience with redistricting efforts in Marin.

Ad Hoc Working Group

Development of adjusted supervisorial district boundaries may be performed by the Board itself; an independent redistricting commission; an advisory redistricting commission; a hybrid commission; or an ad hoc working group. For independent, hybrid, or advisory commissions, members (1) must be County residents and (2) cannot be an elected official of the County, or a family member, staff member, or paid campaign staff of an elected County official. While there are benefits to formal commissions, they would require significant administrative support, legal assistance and training.

We are recommending staff form an ad hoc working group consisting of public members to review redistricting map alternatives and to act as a sounding board for staff and the County Administrator. Based on the complexity of this year's process; the very late receipt of US Census data; and because a more formal commission process would be much lengthier and substantially more expensive to support, we recommend this approach to assist the efforts of a multi-disciplinary staff team consisting of the CAO, County Counsel and Information Services and Technology (IST), which has been working with Nielsen Merksamer and NDC to develop a robust and compliant process.

With input from your Board's subcommittee of President Rodoni and Supervisor Moulton-Peters, we would plan to invite up to five (5) members of the Marin County Elections Advisory Committee (EAC) to partially form the working group option outlined above. The EAC was established by the Registrar of Voters in 2006 to act as a link between the voting public and the Registrar and provides regular feedback and advice on issues that affect voters in Marin County. The committee has an ongoing interest in helping to ensure that every eligible resident of Marin County has the opportunity to vote and that all valid ballots are counted accurately and securely.

In addition, with input from your Board's subcommittee, we would also work to invite up to five (5) additional members of the Marin County community, for a total of ten (10) ad hoc working group members to support and advise throughout the project this summer and fall.

Supervisorial District Adjustment Options

Pending Board direction, the County team will proceed with developing any boundary adjustment options with Nielsen-Merksamer and NDC in keeping with the requisite factors noted above. Initial options would be developed for Board consideration, and refined through a community review process for further Board action/approval, as outlined in the proposed tentative timeline (please see Attachment A).

We would plan to work with the ad hoc working group this summer and fall as we develop a compliant process. The timeline allows for the completion of the 2021 supervisorial redistricting effort with opportunities for community input and review, Board consideration and action/approval, and compliance with all legislative requirements by December 15, 2021. Recall that counties will need to focus in particular on the October through December time period given late receipt of the final Census data.

Online Mapping Tools

Although not required, we are also recommending online mapping tools that enable the public to draw and submit their own proposed maps. Under the FAIR MAPS Act,

the County is required to permit the submission of maps by the public, and though it does not specifically require online tools it does require that "electronic" submission be permitted. These online tools comply with that requirement and will help facilitate public input in a format that will streamline administration and consideration of map proposals and to inform "communities of interest" in Marin.

Hearings to identify communities of interest can begin before Census data are received, so we welcome and encourage members of the public to submit their own proposed maps to inform the process this summer.

County Redistricting Website

The County will also create and maintain a required redistricting website to include a tentative calendar and outline of the redistricting process; procedures for public testimony; redistricting criteria; meeting notices; agendas and minutes; demographic data; draft plans; and online submission of public comments. The website, which we are required to maintain for at least 10 years after the adoption of new supervisorial district boundaries, will also include a link to the online public mapping tools.

Equity Impact

Marin has historically been a slow-growth county with relatively small population changes. Preliminary review with our experts indicates that current boundaries are likely to meet all requirements that protect minority voting rights.

To support the public process, we will bring together a diverse ad hoc working group to ensure a thorough process, in concert with County staff and contracted legal and demographic expertise, to assure equal representation in compliance with the constitutional "one person, one-vote" principle and the Voting Rights Act.

Fiscal Impact

As noted earlier, the County engaged two professional services contracts up to \$50,000 each for legal and demographic expertise to ensure compliance with the new requirements and the challenging timelines associated with delayed receipt of Census data. The provision of the online mapping tools recommended above is estimated to cost an additional \$28,000, bringing total anticipated costs of ensuring compliance up to approximately \$128,000.

Staff will continue to report back to your Board as the 2021 redistricting process takes shape in the coming weeks and months at key intervals, including the development of preliminary map alternatives, community input/review and map finalization. The next update to your Board may be as early as June 15 to introduce (1) the legal and policy criteria governing redistricting, and (2) demographics of existing supervisorial districts based on the most recent official estimates.

Submitted by:



Daniel Eilerman
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Reviewed by:



Matthew Hymel
County Administrator

Attachments: Attachment A – Tentative Calendar