

April 26, 2021

Sent Via Email

Orange County Board of Supervisors
Hall of Administration, Board Hearing Room
333 W. Santa Ana Blvd.
Santa Ana, CA 92701
response@ocgov.com

Re: Public Comment on the Supervisorial Redistricting Process for the April 27, 2021 Meeting

Dear Members of the Board of Supervisors:

The People's Redistricting Alliance (PRA) writes to urge the Orange County Board of Supervisors to agendize redistricting in May and begin preparing and executing its plan to redraw county supervisorial lines. Decennial redistricting is constitutionally mandated, and state and federal law lay out detailed steps that all counties in California must take, including Orange County. Some parts of the process, such as creating a redistricting website and retaining consultants to ensure maps comply with state and federal law, need to begin happening now. Other parts of the process, such as hosting public hearings and creating a process to receive public testimony and draft maps, take months of preparation. Below we provide an overview of the minimum requirements for the County's redistricting process. The County should strive to go well above this floor to maximize public participation, increase transparency, and draft a map that ensures fair representation for all communities.

I. Redistricting Process Requirements

AB 849 and AB 1276, or the Fair Maps Act,¹ provide detailed requirements that the County must follow before adopting a final map, discussed below. Under the Fair Maps Act, the County's deadline to adopt a final district map ahead of the June 2022 primary election is December 15, 2021.^{2,3} Because the release of census redistricting data has been delayed, however, stakeholders throughout the state are having conversations about potentially pushing back map-adoption deadlines. We encourage the County to be involved in these conversations and to support proposals that maximize the time for public participation. Even if the map-adoption deadline changes, the County will still have a tight timeline after the release of census redistricting data to put together draft maps, receive public testimony, and finalize a district map. Hundreds of jurisdictions across the state will be redistricting during this period and will also need redistricting consultants. It is therefore imperative for the County to expeditiously retain consultants and build the groundwork to engage the public.

¹ The county provisions of the Fair Maps Act are codified in sections 21500 to 21509 of the Elections Code.

² Cal. Elec. Code § 21501(a)(2).

³ Note that the map-adoption deadline is pegged to the date on which the ordinance selecting a final map is *adopted*, not to the date on which the ordinance becomes *effective*. The Office of Legislative Counsel released a memorandum earlier this month providing guidance on this issue, attached as Exhibit A. Senator Steve Glazer has also introduced AB 594, an urgency bill to further clarify this point.

A. Redistricting Webpage

The County must create a webpage dedicated to redistricting.⁴ The webpage must include an explanation of the redistricting process in English, Chinese, Korean, Spanish, and Vietnamese.^{5,6} The County should strive to go beyond these languages and also cover Section 14201 languages which are: Filipino, Persian, Gujarati, Hindi, and Japanese.⁷ The Secretary of State has already created templates in ten languages and posted them [here](#). Given that there are already existing templates, the County should prioritize taking its webpage live as soon as possible, even if, for now, it only includes an explanation of the redistricting process.

The webpage will also need to include or link to the following: procedures for the public to testify during a hearing or submit written testimony; a calendar of all public hearings and workshop dates; the notice and agenda for each public hearing and workshop; a recording or written summary of each public hearing or workshop; draft maps; and the final adopted map.⁸ To ensure that the public has all of the information they need, the County should have a full functioning website *before* hosting the first public hearings and workshops. The County is required to maintain this website for at least 10 years.⁹

B. Education and Outreach

The Fair Maps Act mandates a thorough education and outreach program. The County is tasked with encouraging residents, including those in underrepresented and non-English speaking communities, to participate in the redistricting process.¹⁰ To do this, the County must conduct public outreach about redistricting to local media organizations and to good government, civil rights, civic engagement, and community groups or organizations that are active in the jurisdiction, including those serving limited-English proficient communities, the disability community, and other historically underrepresented communities.¹¹ Additionally, the County must provide information to those people and organizations that have requested to be notified about redistricting.¹²

Implementing an education and outreach process that truly engages Orange County communities in redistricting requires planning, staff time, and an allocation of sufficient monetary resources. We strongly urge the Board to adopt a budget that accounts for a robust, multilingual effort to seek community input in this once-in-a-decade process. We further encourage the County to begin engaging with the PRA, which we introduce under a separate cover, and the communities member organizations serve. The County should identify a staff member for the public to contact about the redistricting process. Finally, we encourage the County to partner with other jurisdictions countywide to

⁴ Cal. Elec. Code § 21508(g).

⁵ Cal. Elec. Code § 21508(g)(1).

⁶ Memorandum from Lisa Alarcon, Special Counsel, to All County Clerks/Registrars of Voters regarding Additional Languages Required under California Elections Code section 14201, Language Minority Determinations at 9 (May 21, 2020), available at <https://elections.cdn.sos.ca.gov/ccrov/pdf/2020/may/20096la.pdf>.

⁷ *Id.*

⁸ Cal. Elec. Code § 21508(g)(2)-(7).

⁹ Cal. Elec. Code § 21508(g).

¹⁰ Cal. Elec. Code § 21508(a).

¹¹ Cal. Elec. Code § 21508(a)(1)-(2).

¹² Cal. Elec. Code § 21508(a)(2).

educate and notify residents of opportunities to engage in redistricting. This will maximize city and county resources, streamline information, and minimize confusion for residents.

C. Public Hearings and Workshops

Before adopting a final map, the County must hold at least four public hearings to receive input on where lines should be drawn.¹³ This includes at least one hearing before and at least two hearings after drawing the County's first draft map.¹⁴ The fourth required hearing and additional hearings can be held either before or after the draft map has been drawn.¹⁵ The Fair Maps Act contains more details on the accessibility, days and times, and the noticing and agendizing of these hearings.¹⁶

Because the County is large and diverse, the Board should strive to offer far more than four hearings, advertise them widely, and make the hearings as accessible as possible. Los Angeles County, for example, currently plans to hold nine public hearings and at least seven public workshops. The County needs ample opportunities to hear from the public about their communities of interest and where the lines should be drawn. For this reason, we encourage the County to begin engaging the public by hosting workshops and forums on redistricting as early as June, holding public hearings sometime in July, and continue these hearings throughout the summer and early fall.

The state will release data needed to redistrict sometime in September or October. Depending on when the data is released, the County may need to wait up to 21 days before releasing draft maps.¹⁷ This County waiting period will give the public time to assess data and submit their own draft maps, and ensures that the County takes the time it needs to assess federal Voting Rights Act (VRA) compliance and to draw maps that incorporate the robust public testimony the County receives over the summer and early fall.

Once the draft maps are published, they must be posted online for at least seven days before the County selects a final map.¹⁸ This requirement is reduced to three days in the last 27 days before the County's redistricting deadline.¹⁹ The County, however, should strive to give more than seven days to the community to evaluate draft maps and provide feedback, and should post draft maps considered at any public hearing or workshop well ahead of the hearing. Community members need a meaningful opportunity to digest draft maps, to identify recommendations, and to develop alternative maps.

II. Supervisorial Map Requirements

When preparing its redistricting plan and drafting and considering draft maps, the County must keep in mind the following redistricting requirements:

1. The final map must have districts that are substantially equal in population.²⁰

¹³ Cal. Elec. Code § 21507.1(a).

¹⁴ Cal. Elec. Code § 21507.1(a)(1)-(2).

¹⁵ See, generally, Cal. Elec. Code § 21507.1(a).

¹⁶ See, e.g., Cal. Elec. Code §§ 21507.1(b); 21508(b) & (c).

¹⁷ Cal. Elec. Code § 21508(d)(3).

¹⁸ Cal. Elec. Code § 21508(d)(1).

¹⁹ Cal. Elec. Code § 21508(d)(1).

²⁰ Cal. Elec. Code § 21500.

2. The final map must comply with Section 2 of the VRA. This may require the County to include one or more majority-minority districts.²¹
3. The County must follow traditional redistricting principles, including those laid out in the Fair Maps Act. In particular, the County must use the following redistricting principles in this order of priority: contiguity; maintain neighborhoods and communities of interest; minimize the division of any city or census designated place; follow natural and artificial boundaries, and compactness.²²
4. The County may *not* adopt a map that favors or discriminates against a political party²³ and cannot consider relationships with political parties, incumbents, or political candidates when assessing communities of interest.²⁴

Assessing VRA compliance and identifying communities of interest requires extensive public testimony, an understanding of historical discrimination in Orange County, and demographic and statistical analyses that can only be provided through expert consultants. This further highlights the need for the County to move quickly to retain necessary consultants and mobilize the community to submit testimony.

* * *

We urge the Board to agendize redistricting at a supervisorial meeting in May. The discussion should include, at a minimum:

- a presentation from appropriate staff on redistricting requirements, including an overview of the timeline;
- a discussion of who will draw the lines (e.g., a redistricting commission or the Board);
- an overview of available consultants, including demographers and outside counsel, and a timeline for retaining those consultants;
- a discussion of the possibility of creating or using existing public mapping tools to receive draft maps and communities of interest testimony; and
- a discussion of public outreach and education, including reaching out to media and organizations and the scheduling of public workshops and hearings.

Finally, we implore the Board to ensure a fair and transparent redistricting process that inspires and restores public trust in their local government. During the last redistricting cycle, the Board adopted a map that prioritized incumbency and partisanship over communities. Not only is this prohibited if it results in vote dilution of minority groups, but it is now also explicitly prohibited by the Fair Maps Act. This cycle, there are many more organizations that are engaging the public and monitoring the County's redistricting process. Further, many organizations, like the ACLU of Southern California, are prioritizing redistricting and, if necessary, redistricting litigation. We urge the Board to do what is right, plan and execute a redistricting process that is inclusive of all communities, and adopt a map that is representative of the County and complies with federal and state law.

We look forward to working with you to make this a fair, open, and transparent process.

²¹ 52 U.S.C. § 10301; Cal. Elec. Code § 21500(b).

²² Cal. Elec. Code § 21500(c).

²³ Cal. Elec. Code § 21500(d).

²⁴ Cal. Elec. Code § 21500(c)(2).

Sincerely,

The People's Redistricting Alliance

ACLU of Southern California

AHRI Center

California Healthy Nail Salon Collaborative

Coalition for Humane Immigrant Rights

Council on American-Islamic Relations

Latino Health Access

Orange County Asian and Pacific Islander Community Alliance

Orange County Civic Engagement Table

Orange County Congregation Community Organization

Orange County Communities Organized for Responsible Development

Orange County Environmental Justice

Orange County Voter Information Project

Pacific Islander Health Partnership

Resilience Orange County

South Asian Network

VietRISE