



July 6, 2023

The Honorable Anna Caballero, Chair
Senate Governance and Finance Committee
1021 O Street, Suite 7620
Sacramento, CA 95814

**RE: AB 1248 (Bryan): Local redistricting: independent commissions
As introduced 6/13/23 – OPPOSE UNLESS AMENDED
Set for hearing 7/12/23 – Senate Governance and Finance Committee**

Dear Senator Caballero:

On behalf of the Urban Counties of California (UCC), the Rural County Representatives of California (RCRC), and the California State Association of Counties (CSAC), we write to share our opposition to Assembly Bill 1248, which would require counties with populations of 300,000 or above to create an independent redistricting commission for the 2030 redistricting process. While we acknowledge the Legislature's interest in requiring broad adoption of independent redistricting commissions at the local level, AB 1248 does not provide the necessary resources for counties to execute a successful independent redistricting commission process. To that end, we continue to urge amendments to the bill that ensure counties are fully reimbursed for costs and incorporate more robust statutory and technical assistance supports to ensure that local agencies are able to effectively deliver on the promise of independent redistricting. Additionally, we offer suggest amendments that would limit the scope of the bill in 2031 to those cities and counties with populations of 500,000 and to incorporate an independent assessment of the 2031 redistricting process in these jurisdictions to better understand the outcomes and impacts faced by local agencies, their independent commissions, and stakeholders before expanding a mandate to convene an independent redistricting commission to additional jurisdictions.

In terms of numbers of affected agencies, AB 1248 applies to counties most broadly. According to the most recent Department of Finance population estimates, the bill would currently apply in 22 counties; removing those counties already subject statutorily to independent redistricting commissions (Fresno, Los Angeles, Kern, Riverside, and San Diego) and those with ordinances establishing their own independent commissions (Santa Barbara), leaves 16 counties subject to the bill. These counties, and likely their city and

school counterparts, will be expected to faithfully execute the Legislature's direction to create, fund, and administer these commissions while at the same time managing their own activities to ensure that the new commissions are in fact independent. We do have concerns about the capacity for those counties between the 300,000 and 500,000 population to effectively carry out the provisions of the measure. These counties are likely to be the ones requiring additional technical assistance and support and resources to execute the provisions of the measure successfully.

Further, by requiring an independent study of independent redistricting commissions before expanding the requirements of the measure to additional jurisdictions allows for sharing of best practices, an assessment of necessary resources, and an understanding of common challenges in order to help facilitate successful implementation in smaller communities.

Balancing the need for appropriate and necessary involvement at the county level with the statutory directive to ensure the commission's independence is a complex and challenging endeavor and, to date, California law does not contain additional direction to counties or their corresponding commissions nor does the state provide any technical assistance to assist when issues arise. In general, the state should provide additional guidance to counties and the corresponding commissions in the statute in areas where there is a lack of clarity and provide some avenue for technical assistance; this work should be informed by the experiences in Los Angeles, San Diego, and Santa Barbara Counties during the previous redistricting cycle, to ensure consistent practices on issues like contracting for staff, reasonable expectations for covering costs, managing litigation, maintaining a commission, and the like. Without such direction, counties and their commissions will be left to make decisions about managing the commission process on their own, informed only by the practices of their peers or their own best judgment. While counties are capable of addressing such uncertainties in the normal course of business, the "independent" nature of these commissions make it inherently difficult to have confidence as to where the line between independence and not exists.

We also reiterate the well-known fact that county elections and redistricting work are under-resourced, from a fiscal and human perspective and that there is a current lack of redistricting professionals available to provide competent assistance at a reasonable cost. The existing shortage of redistricting professionals will be exacerbated by the proposed AB 764, the FAIR MAPS Act of 2023, which will apply to hundreds of local government entities and require significant professional assistance to accomplish. There are simply not enough redistricting attorneys, map drawers, and consultants to go around and counties – and their independent redistricting commissions – will be ill-equipped to assess the expertise of such professionals without assistance. In addition, we are concerned with the capacity to implement this bill in the five rural counties included within the population threshold. The funding disparities, along with staffing and consultant shortages, are often magnified in smaller and more remote counties.

The promise of local independent redistricting commissions, as outlined in AB 1248, is to "ensure better outcomes for communities, in terms of fairness, transparency, public

engagement, and representation.” To successfully achieve this promise, counties need more than a directive to establish a commission. They – and their corresponding commissions – need real, concrete supports from the state, including statutory changes informed by the experiences of counties that have already been through the process, financial resources, and real-time technical assistance. Without this kind of support, we are concerned that counties will be set up for failure and such a failure would only serve to validate public distrust in the redistricting process and in our democratic systems that are already under intense public scrutiny.

We appreciate your consideration of these concerns, as well as our suggested amendments, as we offer them in recognition of the Legislature’s interest in requiring local independent redistricting commissions. If these efforts are to be successful, the state must do more to ensure that counties have the resources they need to effectuate a process that the Legislature expects and that voters deserve. Please don’t hesitate to reach out if we can offer additional assistance.

Sincerely,



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cc: Members and Consultants, Senate Governance and Finance Committee
The Honorable Isaac Bryan, California State Assembly