

JANUARY 2021

Roadmap for Local Redistricting in California

*New Legal Requirements
and Best Practices*

California



Introduction

Every ten years, cities and counties with district elections must redraw the boundaries for city council districts and county supervisorial districts so that they have substantially equal populations and comply with the federal Voting Rights Act of 1965. New state laws cosponsored by California Common Cause -- [AB 849](#) (Bonta, 2019) and [AB 1276](#) (Bonta, 2020) -- have put in place new redistricting requirements that apply to counties, general law cities, and charter cities, and are designed to maximize public participation and increase transparency in the process. The requirements and the best practices outlined in this document provide a helpful roadmap for all entities engaging in redistricting this cycle, including school boards and special districts.



To ensure fair representation and full compliance with these new state laws, local jurisdictions must conduct a robust public engagement process that offers maximum accessibility for California’s language minority populations, people with disabilities, other historically underrepresented communities, and the public at large.


This document summarizes the key steps that local governments are required to take, indicated by a checkbox , and those they should take as a best practice, indicated by a star , to execute a successful and lawful redistricting process.

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Online Webpage

- ✓ **Create a webpage dedicated to local redistricting and maintain the webpage for at least 10 years after new maps are adopted.**

The webpage can be hosted on the local government’s website or another website maintained by the local government.

Source: Counties: EC 21508(g); GL Cities: EC 21608(g); Charter Cities: EC 21628(g)

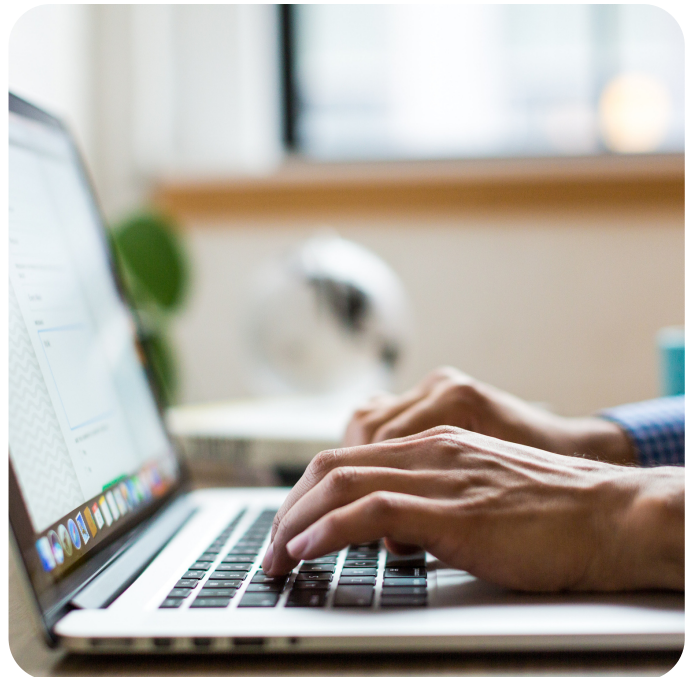
★ **Suggested Best Practice:**

Cities should link to their county’s redistricting webpage to help inform city residents about their county’s redistricting process, and vice versa, to encourage residents to engage in both their city and county redistricting processes.

- ✓ **Post an explanation of the redistricting process and the process for giving public comment in all legally required languages.**

The Secretary of State (SOS) has provided templates in 10 languages to help local jurisdictions meet this requirement, although cities and counties can also create their own materials. The templates provided by the SOS are available at www.sos.ca.gov/elections/helpful-resources/redistricting.

*Source: Counties: EC 21508(j); GL Cities: EC 21608(j); Charter Cities: EC 21628(j)**



*Citations preceded by “EC” refer to sections of the California Elections Code.

Online Webpage



Include or link to the following information on the webpage:

1. A general explanation of the redistricting process.
2. Procedures for a member of the public to testify during a public hearing or to submit written testimony directly to the council, board, or other redistricting body (such as an advisory or independent commission).
3. A calendar of all public hearing and workshop dates.
4. The notice and agenda for each public hearing and workshop.
5. An audio or video recording or written summary of each redistricting hearing and workshop.
6. A copy of every draft map considered by the city or county.
7. The final map that is adopted.

Source: Counties: EC 21508(g); GL Cities: EC 21608(g); Charter Cities: EC 21628(g)



Suggested Best Practice:

In addition to translating all redistricting-related materials and offering live translation in Section 203 languages, cities and counties should also translate materials and offer live translation in the languages required under EC 14201.



Public Engagement

-  **Identify local organizations that may be interested in redistricting and reach out to them with information and educational materials.**

Local governments must do 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 active in language minority communities. Additionally, local governments should identify and reach out to relevant local media outlets and groups/organizations, including those serving limited-English-proficient communities, the disability community, and other historically underrepresented communities. Ideally, this outreach should occur before redistricting hearings begin.

Source: Counties: EC 21508(a); GL Cities: EC 21608(a); Charter Cities: EC 21628(a)

-  **Suggested Best Practice:**

In the early stages of the redistricting process, invite local community groups to present to your redistricting body (city council, board of supervisors, or redistricting commission) to provide recommendations on the best ways to engage the community in the redistricting process.

-  **Suggested Best Practice:**

Cities and counties should identify a contact person for the public to contact should they experience technical problems, have questions about the redistricting process, or have meeting accommodation requests.

This contact should be identified on the redistricting webpage, in meeting notices, and on other redistricting-related materials.

-  **Suggested Best Practice:**

Cities and counties should partner together with school boards and special districts in their region to educate and notify residents of opportunities to engage in redistricting.

This practice will maximize city and county resources, streamline information, and minimize confusion for residents.

Public Engagement



Create an interested persons sign-up on the jurisdiction's webpage.

In addition to the types of organizations described above, local governments must provide redistricting information to organizations that have requested to be notified about the process. Local governments should create an email distribution list for local redistricting notifications and allow any person to sign-up for them from the redistricting webpage.

Source: Counties: EC 21508(a)(2); GL Cities: EC 21608(a)(2); Charter Cities: EC 21628(a)(2)



Identify the Applicable Languages for your city or county.

Cities and counties with large limited-English-proficient populations must translate certain redistricting materials and provide live translation at redistricting hearings upon request.

- **Applicable Languages for Counties:** These are the same languages that the county must already translate all voting materials into under Section 203 of the federal Voting Rights Act of 1965.
- **Applicable Languages for Cities:** The Secretary of State (SOS) will identify and post each city's required languages on the following webpage: www.sos.ca.gov/elections/helpful-resources/redistricting.*
- **Note:** American Sign Language (ASL) interpreters must be provided upon request pursuant to the Americans With Disabilities Act.

Source: Counties: EC 21508(h); GL Cities: EC 21608(h); Charter Cities: EC 21628(h)

*As of February 1, 2021, the applicable languages have not yet been posted on the Secretary of State's website. This data is forthcoming.



Suggested Best Practice:

In addition to translating all redistricting-related materials and offering live translation in Section 203 languages, cities and counties should also translate materials and offer live translation in the languages required under EC 14201.



Public Engagement



Create a process for receiving written public comment on redistricting.

Jurisdictions must accept redistricting testimony or draft maps in writing and electronically. To achieve this, local governments will need to establish a dedicated webform or email address for submitting this testimony, which must be able to accept attachments, as well as a physical mailing address. To maximize transparency, jurisdictions should consider posting all submitted testimony on their dedicated webpage.

Source: Counties: EC 21508(e); GL Cities: EC 21608(e); Charter Cities: EC 21628(e)



Suggested Best Practice:

Local jurisdictions should allow members of the public to provide live comment during redistricting hearings.

Jurisdictions should allow any member of the public to call in and request to speak during a hearing and should not discourage participation by requiring speakers to sign up ahead of hearings.

Public Hearings

Hold at least four public hearings for the public to give input on maps.

Local jurisdictions must hold at least four redistricting hearings before adopting a final map.* This includes at least one hearing before, and at least two hearings after, drawing their first draft map. The fourth required hearing and additional hearings can be held either before or after the draft map has been drawn. Cities and counties should strive to offer far more than these four hearings and to make these hearings as accessible as possible, as described below.

Options for hosting public hearings:

1. The city council or board of supervisors can hold all required hearings.
2. An advisory redistricting commission can hold up to two pre-draft map hearings to count toward the minimum four-hearing requirement, with the city council or board of supervisors holding all remaining required hearings. The advisory redistricting commission can hold additional hearings, but up to two hearings held by the advisory redistricting commission can be counted toward the minimum four-hearing requirement. State law provisions govern advisory commissions established by counties and general law cities. See EC 23003.
3. City or county staff or consultants can hold one pre-draft map hearing, with the city council or board of supervisors holding all remaining required hearings. The staff or consultants can hold additional hearings, but only one can be counted toward the minimum four-hearing requirement.
4. Jurisdictions with independent commissions have their independent commission hold all required hearings. State law provisions govern independent commissions established by counties and general law cities. See EC 23003.

Source: Counties: EC 21507.1(a), (e), & (f); GL Cities: EC 21607.1(a), (e), & (f); Charter Cities: EC 21627.1(a), (e) & (f); Independent Commissions: EC 23003(i); EC 21630; AB 1276, Sec. 29 (uncodified) (Bonta, 2020, Ch. 90, Stats of 2020)

Suggested Best Practice:

Local jurisdictions are encouraged to *substantially* exceed the minimum hearing requirement to maximize public access and discussion about maps.

*Please note that Los Angeles County and San Diego County are required to hold a minimum of nine redistricting hearings under EC 21534 and 21552.

Hearing Timing

 **Hold one hearing outside regular business hours.**


To improve accessibility for people with traditional working hours, at least one hearing must be held on a Saturday, on a Sunday, or after 6 p.m. on a weekday.

Source: Counties: EC 21507.1(b); GL Cities: EC 21607.1(b); Charter Cities: EC 21627.1(b)

 **Suggested Best Practice:**

In addition to holding more than the minimum number of required hearings, diversify the days and times of hearings to encourage and maximize public engagement in the redistricting process.



 **If a redistricting hearing is scheduled within a regular meeting of a jurisdiction's governing body, provide notice for the hearing at a fixed time and begin the hearing at that time.**

Cities and counties may hold stand-alone hearings on redistricting or include these hearings as part of a regular meeting. If a redistricting hearing is agendaized as part of a regular council or board meeting, the hearing must begin at a fixed time, which is publicly noticed.

- **Note:** The council or board may conclude any item that is in progress when the fixed redistricting hearing time occurs.

Source: Counties: EC 21507.1(d); GL Cities: EC 21607.1(d); Charter Cities: EC 21627.1(d)

 **Suggested Best Practice:**

Cities and counties, as well as school boards and special districts in a region, should coordinate redistricting-related meeting and hearing dates to minimize conflicts.

Local jurisdictions should also avoid scheduling redistricting hearings that conflict with [California Citizens Redistricting Commission](#) hearings in their region.

Hearing Accessibility

- ✓ **Ensure all hearing locations are accessible to persons with disabilities.**

Source: Counties: EC 21507.1(c); GL Cities: EC 21607.1(c); Charter Cities: EC 21627.1(c)

- ★ **Suggested Best Practice:**
Make sure that in-person and remote hearings are accessible and include American Sign Language (ASL) interpretation and closed captioning for individuals who are Deaf or Hard of Hearing.



- ★ **Suggested Best Practice:**
Consider holding hearings in different geographic areas to improve accessibility for all communities. For example, Los Angeles and San Diego Counties are required to conduct at least one hearing in each district, to the greatest extent practicable, in order to encourage participation from all corners of their jurisdictions. Hearing locations should be well-known venues in the community and should be accessible via public transit.

- ★ **Suggested Best Practice:**
All public hearings, including in-person hearings, should be available remotely using a remote video platform, e.g. Zoom or YouTube, to ensure that members of the public with health concerns are provided opportunities to observe and participate in the redistricting process.

Hearing Notice



Provide at least 5-day online notice of hearings.

Hearings must be noticed online at least five days in advance. This requirement is reduced to three days in the last 27 days before a jurisdiction's redistricting deadline. Hearing notices must indicate the date, time, and location of the hearing.

Source: Counties: EC 21508(c)& (g)(3); GL Cities: EC 21608(c)& (g)(3); Charter Cities: EC 21628(c)& (g)(3)



Suggested Best Practice:

Provide additional advance notice for all redistricting hearings. The California Citizens Redistricting Commission provides notice and agendas 14 days in advance for all meetings. Local jurisdictions also should strive to offer notices and agendas 14 days in advance of all meetings to give residents sufficient time to plan to attend and comment at each hearing.



Suggested Best Practice:

Meeting notices should be distributed to individuals who have requested to be notified concerning redistricting through the distribution list described on page 7.



Maintain and update a calendar of hearing dates on the redistricting webpage.

Calendars may be updated through the year and do not preclude adding additional hearings, so long as these hearings are noticed in advance. Calendars which include the date, time, and location of a hearing meet the regular 5-day notice requirement for hearings.

Source: Counties: EC 21508(g)(3); GL Cities: EC 21608(g)(3); Charter Cities: EC 21628(g)(3)



Suggested Best Practice:

To the extent possible, publish the timeline for redistricting and the schedule of hearings as early in the process as possible. Leave sufficient time toward the end of the redistricting timeline to allow additional meetings in case of deadlock.

Live Translation


 **Provide live translation at hearings upon request.**


Cities and counties must provide live translation of a redistricting hearing in any required language if a request is made by a member of the public at least 72 hours in advance. If less than five days of notice is provided for a hearing because a jurisdiction is close to its redistricting deadline, requests for translation only need to be made at least 48 hours in advance. See page 7 for more on required languages.

- **Note:** When limiting the time for public comment, the Brown Act requires that limited-English-proficient speakers using consecutive, as opposed to simultaneous, translation be allotted at least twice the time to provide comment. See CA Govt Code section 54954.3(b) (2).

Source: Counties: EC 21508(b) & (h); GL Cities: EC 21608(b) & (h); Charter Cities: EC 21628(b) & (h)



 **Suggested Best Practice:**
To promote an inclusive process, consider providing live translation in the required languages at all hearings regardless of whether a request is made in advance.

 **Suggested Best Practice:**
Create a list of people capable of performing live translation who can be available on short notice.

Recordkeeping

- ✓ **Record hearings, or prepare a written summary of each public comment and council or board deliberation.**

This recording or summary must be made available to the public within two weeks.

Source: Counties: EC 21508(f); GL Cities: EC 21608(f); Charter Cities: EC 21628(f)



- ★ **Suggested Best Practice:**

Local jurisdictions are encouraged to post recordings of their redistricting hearings as soon as possible to allow the public ample opportunity to review the hearing recording.

- ✓ **Post hearing materials online.**

Cities and counties must publish hearing-related materials (calendar, notices, agenda, recordings/summaries, considered draft maps, final map) online on a webpage that the jurisdiction maintains for 10 years.

Source: Counties: EC 21508(g); GL Cities: EC 21608(g); Charter Cities: EC 21628 (g)

- ★ **Suggested Best Practice:**

Redistricting-related materials should be flagged on the city or county's homepage.

Draft Maps & Map Adoption



Enable the public to submit written testimony and maps.

Cities and counties must accept redistricting testimony or draft maps in writing and electronically. When received in advance of a redistricting hearing, public testimony and proposed maps should be included in the agenda packet for that hearing.

Source: Counties: EC 21508(e); GL Cities: EC 21608(e); Charter Cities: EC 21628(e)



Suggested Best Practice:

Provide a mapping tool to the public and identify a contact person for questions or assistance. Redistricting consultants and line drawers can provide mapping tools, and there are publicly available tools that have been developed by the California Statewide Database (creator of Draw My CA Community), MGGG Redistricting Lab at Tufts University (creator of Districtr), and the Princeton Gerrymandering Project (creator of Representable). These can be helpful tools for the public to use to provide information on communities of interest and proposed maps and ensure that line drawers receive information from the public in a more consistent and digestible format.



Cities and counties may not release draft maps until at least 21 days after the release of State-adjusted census data.*

This waiting period applies to cities and counties and does not preclude community groups or members of the public from proposing maps during this period. In fact, this requirement was created to give the public sufficient time, before any draft maps are released, to provide input based on official census data. In addition, it ensures that cities and counties take the time needed to assess federal Voting Rights Act compliance and draw maps based on the official census data. If State-adjusted census data, which is released around 30 days after census data, is significantly delayed and released less than 90 days before a city or county's redistricting deadline, the waiting period may be reduced to seven days; if the State-adjusted census data is released less than 60 days before the deadline, the waiting period may be eliminated.

Source: Counties: EC 21508(d)(3); GL Cities: EC 21608(d)(3); Charter Cities: EC 21628(d)(3)

*See page 17 for more information on State-adjusted census data.

Draft Maps & Map Adoption



Suggested Best Practice:

Cities and counties should strive to allow more than 21 days for the drafting of their first maps to ensure sufficient time to evaluate the new census data and federal Voting Rights Act compliance, and to give the public more time to submit testimony and proposed maps based on the new data.



Draft maps must be posted online for at least seven days before a final map is selected.

This requirement is reduced to three days in the last 27 days before a jurisdiction's redistricting deadline.

Source: Counties: EC 21508(d)(1); GL Cities: EC 21608(d)(1); Charter Cities: EC 21628(d)(1)



Suggested Best Practice:

Cities and counties should strive to give substantially more than seven days to the community to evaluate draft maps and provide feedback before selecting a final map, or even before holding its next hearing. Community members need a meaningful opportunity to digest draft maps, to identify recommendations, and to possibly even develop alternative maps.



Add demographic information to local government draft maps.

Draft maps must include the total population, citizen voting age population, and racial and ethnic characteristics of the citizen voting age population of each district, to the extent that information is available. Most demographers will have access to this information and should be asked to include it with every draft map they produce.

Source: Counties: EC 21508(d)(2); GL Cities: EC 21608(d)(2); Charter Cities: EC 21628(d)(2)



Other Considerations



Cities and counties in California must redistrict based on total population data.

The California Statewide Database, the official redistricting database for the state of California, is responsible for providing adjusted census data for the entire state. These data, referred to as State-adjusted census data, will be made available on their website 30 days after the release of census data at statewidedatabase.org. The Statewide Database also makes additional data available that are used for voting rights assessments and compliance.

Source: Counties: EC 21500(a)(1)-(2); GL Cities: EC 21601(a)(1)-(2); Charter Cities: EC 21621(a)(1)-(2)



Suggested Best Practice:

Hire a redistricting consultant early. State law does not require local governments to hire a redistricting consultant, but the vast majority of jurisdictions decide to hire one. Consultants can help ensure local governments draw districts that comply with state and federal law. There are only a few California redistricting consultant firms, yet there are hundreds of California local governments that need to redistrict. Cities and counties, particularly those with a June 2022 primary or earlier, should hire a redistricting consultant early in 2021 and reserve their time for anticipated hearing dates. The public may wish to have input on the choice of the consultant, so make sure the selection process is transparent and publicized.

Other Considerations



Suggested Best Practice:

Consider creating an advisory or independent redistricting commission.

State law authorizes counties and general law cities to create redistricting commissions. Advisory commissions recommend maps to the city council or board of supervisors. Independent commissions have the power to adopt maps independently and would assume all of the hearing and posting responsibilities that would otherwise fall on the council or board. State law imposes restrictions on who can serve on advisory and independent commissions and on the appointment process for independent commissions. See EC 23000-23004. Charter cities have independent home rule authority to create advisory or independent commissions and are not bound by these restrictions.

Redistricting commissions can improve public participation and help depoliticize the redistricting process. As a result, they often increase public trust in the redistricting process and the resulting district map. Commissions, particularly independent commissions, are a recommended best practice by good government organizations. There are many resources available to cities or counties interested in creating an independent redistricting commission. For a list of jurisdictions that have created independent commissions, best practices compilations, and an ordinance generator, visit www.localredistricting.org. Interested local governments should also reach out to good government nonprofits like [California Common Cause](#) and the [League of Women Voters of California](#) that have experience assisting cities and counties in creating independent redistricting commissions.

Local Redistricting Checklist

- Create a webpage dedicated to local redistricting and maintain the webpage for at least 10 years. **Online webpage**
- Post an explanation of the redistricting process and the process for giving public comment in English and all legally required languages. [Access translated templates provided by the SOS.](#)
- ★ Cities should link to their county's redistricting webpage to help inform city residents about their county's redistricting process, and vice versa.
- Include or link to additional required information on the redistricting webpage, including a hearing calendar, notices and agendas, recordings or summaries of hearings, draft maps considered, and the final adopted map.
- Identify local organizations that may be interested in redistricting and reach out to them with information and educational materials. **Public Engagement**
- ★ Invite local community groups to present to your redistricting body to provide recommendations on the best ways to engage the community in the redistricting process.
- ★ Identify a person for the public to contact for problems, questions, or accommodation requests.
- ★ Counties and cities should partner together with school boards and special districts in their region to educate and notify residents of opportunities to engage in redistricting.
- Create an interested persons sign-up on the jurisdiction's webpage.
- Identify the Applicable Languages for your city or county.
- ★ In addition to translating all redistricting-related materials and offering live translation in Section 203 languages, cities and counties should also translate materials and offer live translation in the languages required under EC 14201.
- Create a process for receiving written public comment on redistricting, including a dedicated webform or email address and a physical address.
- ★ Allow members of the public to provide live comment during hearings.
- Hold at least four public hearings for the public to give input on maps. **Public Hearings**
- ★ Substantially exceed the minimum hearing requirement to maximize public access and discussion about maps.
- Hold one hearing outside regular business hours. **Hearing Timing**
- ★ In addition to holding more than the minimum number of required hearings, diversify the days and times of all hearings to encourage and maximize public engagement in the redistricting process.
- If a redistricting hearing is scheduled within a regular meeting of a jurisdiction's governing body, provide notice for the hearing at a fixed time and begin the hearing at that time.
- ★ Cities and counties, as well as school boards and special districts in a region, should coordinate redistricting-related meeting and hearing dates to minimize conflicts.
- Ensure all hearing locations are accessible to persons with disabilities. **Hearing Accessibility**

Local Redistricting Checklist

- ★ Make sure that in-person and remote hearings are accessible and include ASL interpretation and closed captioning for individuals who are Deaf or Hard of Hearing.
- ★ Consider holding hearings in different geographic areas to improve accessibility for all communities.
- ★ All public hearings, including in-person hearings, should be available remotely using a remote video platform, e.g. Zoom or YouTube, to ensure that members of the public with health concerns are provided opportunities to observe and participate in redistricting.
- Provide at least five-day online notice of hearings. *Hearing Notice*
- ★ Provide additional advance notice for all redistricting hearings; strive to provide 14-day notice.
- ★ Distribute meeting notices to individuals who have requested to be notified about redistricting.
- Maintain and update a calendar of hearing dates on the redistricting webpage.
- ★ Publish the timeline for redistricting and the schedule of hearings as early as possible.
- Provide live translation at hearings upon request by a member of the public. *Live Translation*
- ★ To promote an inclusive process, consider providing live translation at all hearings regardless of whether a request is made in advance.
- ★ Create a list of people capable of performing live translation who can be available on short notice.
- Record hearings, or prepare a written summary of each public comment and council or board deliberation. *Recordkeeping*
- ★ Post recordings of the hearings as soon as possible to allow the public ample time to review.
- Post hearing materials online, including notices, agendas, calendars, recordings/summaries, draft maps considered, and final map.
- ★ Flag redistricting-related materials on the city or county homepage.
- Enable the public to submit written testimony and maps. *Map Drafts & Adoption*
- ★ Provide a mapping tool to the public and identify a contact person for questions or assistance.
- Do not post draft maps until at least 21 days after the release of State-adjusted census data.
- ★ Strive to allow more than 21 days for the drafting of first maps to allow enough time for review of Census data.
- Post draft maps for at least seven days before adopting a final map.
- ★ Strive to give substantially more than seven days to the community to evaluate draft maps and provide feedback before selecting a final map.
- Add demographic information to local government draft maps. *Other*
- Redistrict based on total population data provided by the [California Statewide Database](#).
- ★ Hire a redistricting consultant early.
- ★ Consider creating an advisory or independent redistricting commission.