



TO: Public Engagement Commissioners

FROM: Kristy Schmidt, Assistant City Manager
Deborah Lopez, City Clerk

SUBJECT: 2022 Electoral Districting Process

RECOMMENDATION:

That the Commission receive a presentation from City staff and National Demographics Corporation as a formal kickoff of the 2022 Electoral Districting Process and provide its initial feedback and input on the process and timeline.

BACKGROUND:

As part of a Conditional Settlement Agreement entered into on May 16, 2017, the City Council adopted a resolution of intent to implement district elections by November 2022. At that same meeting the City Council established the Public Engagement Commission (PEC). Most of the goals for the Commission that were assigned by the City Council at that time have already been accomplished. The remaining goals are:

- Provide input to the City Council on the process of determining district lines for future district elections; and
- Explore outreach efforts between now and 2022 to increase participation in government (an ongoing effort).

The Commission and Council will consider the district lines of four new Council districts within the City. (The Mayor will continue to be elected “at-large” by all registered voters of the City.)

On February 20, 2019 the Public Engagement Commission received a report by staff on the upcoming district election transition process and the requirements to change from at-large to district-based elections. On August 21, 2019, the Commission received a preliminary overview of the District Drawing Process. In both of these cases, it was too early to formally kick off the process, however the timing is now right for this to occur.

On February 2, 2020, the City Council approved a contract with National Demographics Corporation (NDC) to provide the City with demographic analysis of census data, drawing of draft maps for proposed boundaries of districts, public outreach, professional advice, and interactive web tools related to the 2022 Electoral Districting Process. A staff evaluation team selected NDC following a request for proposals (RFP) process based the firm’s experience, based on their strong professional reputation statewide, and based on

staff's positive past experiences working with this team. NDC was instrumental in facilitating successful public participation in the initial creation of electoral districts when by-district elections were considered but ultimately not approved by Goleta voters in 2004. The City of Goleta also worked with NDC during the development of the 2017 Conditional Settlement Agreement. NDC has had success facilitating similar initial districting processes with other agencies in our area and will be advising both the County of Santa Barbara and the City of Santa Barbara in their upcoming redistricting processes. Staff was especially impressed by the level of importance that National Demographics Corporation accorded to the role of public engagement and community input into the districting process.

DISCUSSION:

What follows is a discussion of some of the considerations that will go into the 2022 Electoral Districting Process, as well as the rough outline of the recommended process, which will be covered more fully in the presentation from NDC.

Statutory and Other Legal Considerations

Elections Code Section 10010 (Attachment 1) sets out some very specific requirements for the District Drawing Process. The City Council must conduct a series of public hearings over a prescribed period of time to receive community input on the composition of proposed election districts. The Code provides that before any map or maps of the boundaries for the proposed districts are drawn, the City must conduct two public hearings over a period of no more than thirty days, at which time the public will be invited to provide input regarding the composition of said districts. Then, a draft map or maps must be published for the public. At least 7 days after publishing a draft map or maps, the City must hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable.

In addition to Elections Code 10010, there are a host of other federal and state laws that will affect how the districting process proceeds and what criteria must be considered in drawing districts (Attachment 1). These include, but are not limited to, the state and federal Voting Rights Acts, the state's Fair Maps Act, the state and federal constitutions, and state and federal case law. These requirements have grown more specific and restrictive in the years since the Public Engagement Commission was formed. However, even given all of the established legal requirements for district drawing, there is a lot of room for the community to engage in the process and for the City to draw its own electoral districts in a way that best reflects its specific character.

2020 Census Issues

The timing of the release of the 2020 census data is another key variable that will affect the district drawing process. This data would normally be finalized by April 1st, but now is expected on a date as yet to be determined, but not before July 31, 2021. Following its release by the federal government, the state must then adjust the data to count state

prisoners at their last known home address. The state adjustments could take as many as 30 days. This will necessarily change the timing of certain portions of the district drawing process, as districts must be based on the new census data. However, staff still anticipate there will be enough time for a robust public input process, even if our timeline is squeezed.

Tentative 2022 Electoral Districting Process

National Demographics Corporation (NDC) has helped more than 365 agencies in California and Arizona with their districting and redistricting processes. As such, NDC is proposing a process for the City of Goleta that will follow the following tentative timeline:

Tentative Dates	Project Stage
February – April, 2021	Project Planning and Initial Outreach
April – June, 2021	Ongoing Outreach
June – July, 2021	Pre-Draft-Map Hearings and (tentative) availability of public mapping tools
August – October, 2021	Official Draft Mapping Time (depending on data availability)
October – November, 2021	Initial Public Engagement Commission and Council Map Review and Direction
January – March, 2022	Map Adoption by City Council

As part of this process, NDC will be creating a Project Website for the Public Engagement Commission and the public to review project-related information. They will assist the City to conduct all of the public hearings. When the project enters the appropriate stage, they will also be providing mapping tools for the public to use to draw draft maps, both an online tool and a paper version for those more comfortable with that medium and will train the public in their use. Staff will check back in frequently with the Public Engagement Commission, sometimes with the participation of NDC, throughout the process.

More information about the process will be provided by NDC during its presentation (Attachment 2). The Commission is invited to ask questions and provide initial feedback as this process kicks off.

Reviewed By:



Kristine Schmidt
Assistant City Manager

ATTACHMENTS:

1. CA Elections Code Section 10010
2. Amended PowerPoint Presentation by National Demographics Corporation

ATTACHMENT 1

CA Elections Code Section 10010

ELECTIONS CODE - ELEC

DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS [10000 - 10735]

(Division 10 enacted by Stats. 1994, Ch. 920, Sec. 2.)

PART 1. GENERAL PROVISIONS [10000 - 10010]

(Part 1 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 2. District Boundaries [10010- 10010.]

(Chapter 2 added by Stats. 2014, Ch. 873, Sec. 1.)

10010.

(a) A political subdivision that changes from an at-large method of election to a district-based election, or that establishes district-based elections, shall do all of the following before a public hearing at which the governing body of the political subdivision votes to approve or defeat an ordinance establishing district-based elections:

(1) Before drawing a draft map or maps of the proposed boundaries of the districts, the political subdivision shall hold at least two public hearings over a period of no more than 30 days, at which the public is invited to provide input regarding the composition of the districts. Before these hearings, the political subdivision may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.

(2) After all draft maps are drawn, the political subdivision shall publish and make available for release at least one draft map and, if members of the governing body of the political subdivision will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections. The political subdivision shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven days before being adopted.

(b) In determining the final sequence of the district elections conducted in a political subdivision in which members of the governing body will be elected at different times to provide for staggered terms of office, the governing body shall give special consideration to the purposes of the California Voting Rights Act of 2001, and it shall take into account the preferences expressed by members of the districts.

(c) This section applies to, but is not limited to, a proposal that is required due to a court-imposed change from an at-large method of election to a district-based election.

(d) For purposes of this section, the following terms have the following meanings:

(1) "At-large method of election" has the same meaning as set forth in subdivision (a) of Section 14026.

(2) "District-based election" has the same meaning as set forth in subdivision (b) of Section 14026.

(3) "Political subdivision" has the same meaning as set forth in subdivision (c) of Section 14026.

(e) (1) Before commencing an action to enforce Sections 14027 and 14028, a prospective plaintiff shall send by certified mail a written notice to the clerk of the political subdivision against which the action would be brought asserting that the political subdivision's method of conducting elections may violate the California Voting Rights Act of 2001.

(2) A prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 45 days of the political subdivision's receipt of the written notice described in paragraph (1).

(3) (A) Before receiving a written notice described in paragraph (1), or within 45 days of receipt of a notice, a political subdivision may pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated timeframe for doing so.

(B) If a political subdivision passes a resolution pursuant to subparagraph (A), a prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 90 days of the resolution's passage.

(C) (i) A political subdivision and the prospective plaintiff who first sends a notice pursuant to paragraph (1) may enter into a written agreement to extend the time period described in subparagraph (B) for up to an additional 90 days in order to provide additional time to conduct public outreach, encourage public participation, and receive public input. The written agreement shall include a requirement that the district boundaries be established no later than six months before the political subdivision's next regular election to select governing board members. However, in a political subdivision that holds a primary election as part of its process for selecting governing board members, the written agreement shall include a requirement that district boundaries be established no later than six months before the political subdivision's next regular primary election.

(ii) No later than 10 days after a political subdivision enters into a written agreement pursuant to clause (i), the political subdivision shall prepare and make available on its internet website a tentative schedule of the public outreach events and the public hearings held pursuant to this section. If a political subdivision does not maintain an internet website, the political subdivision shall make the tentative schedule available to the public upon request.

(f) (1) If a political subdivision adopts an ordinance establishing district-based elections pursuant to subdivision (a), a prospective plaintiff who sent a written notice pursuant to paragraph (1) of subdivision (e) before the political subdivision passed its resolution of intention may, within 30 days of the ordinance's adoption, demand reimbursement for the cost of the work product generated to support the notice. A prospective plaintiff shall make the demand in writing and shall substantiate the demand with financial documentation, such as a detailed invoice for demography services. A political subdivision may request additional documentation if the provided documentation is insufficient to corroborate the claimed costs. A political subdivision shall reimburse a prospective plaintiff for reasonable costs claimed, or in an amount to which the parties mutually agree, within 45 days of receiving the written demand, except as provided in paragraph

(2). In all cases, the amount of the reimbursement shall not exceed the cap described in paragraph (3).

(2) If more than one prospective plaintiff is entitled to reimbursement, the political subdivision shall reimburse the prospective plaintiffs in the order in which they sent a written notice pursuant to paragraph (1) of subdivision (e), and the 45-day time period described in paragraph (1) shall apply only to reimbursement of the first prospective plaintiff who sent a written notice. The cumulative amount of reimbursements to all prospective plaintiffs shall not exceed the cap described in paragraph (3).

(3) The amount of reimbursement required by this section is capped at thirty thousand dollars (\$30,000), as adjusted annually to the Consumer Price Index for All Urban Consumers, United States city average, as published by the United States Department of Labor.

(Amended by Stats. 2019, Ch. 497, Sec. 105. (AB 991) Effective January 1, 2020.)

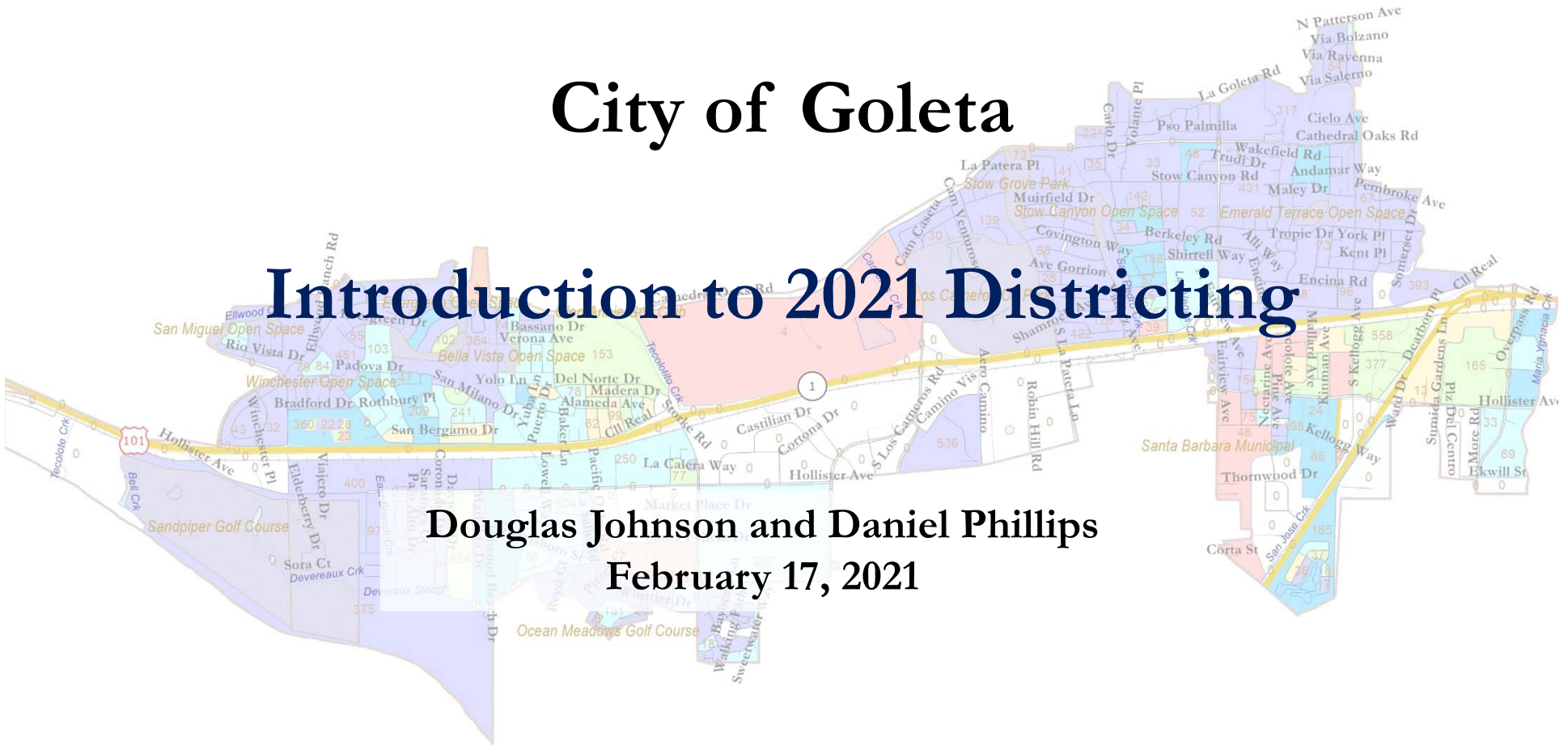
ATTACHMENT 2

Amended PowerPoint Presentation by National Demographics Corporation

City of Goleta

Introduction to 2021 Districting

Douglas Johnson and Daniel Phillips
February 17, 2021



Timing

2

Month(s)	Event
February / March / April	Project planning.
May / June / July	Public Outreach and Engagement. Possible opportunity for initial hearing(s) and for the public to draw draft maps using population estimates.
“No sooner than July 30”	2020 Census data released
Approximately 30 days later	California releases prisoner-adjusted population data
21 days later	No official city / consultant draft maps released before this date
August / September / October	Process Census data and update public mapping tools. Public draws and submits initial draft maps.
October / November	Hearings to discuss and revise draft maps
January – March	Additional public map submissions, hearings, and final map adoption.

- ❑ At least four hearings
 - ❑ One prior to drawing any official draft maps
 - ❑ At least two after release of draft maps
 - ❑ Initial “hearing” can be a formal hearing, study session or informal public forum
 - ❑ At least one hearing in the evening or on a weekend
 - ❑ “the public hearing shall begin at a fixed time regardless of its order on the agenda”

- ❑ Post the final map online at least 7 days prior to adoption
- ❑ Adopt as a regular ordinance



- By Statute, Census data should be released by April 1
 - ▣ But it will be late – “~~no sooner than July 30th~~” “by September 30”
- California requires Census data to be adjusted to relocate prison populations
 - ▣ Projected to take up to 30 days
- Only total population counts are delayed.
 - ▣ Demographic and socio-economic are available now.



“FAIR MAPS Act” Criteria

5

1. Federal Laws

- Equal Population
- Federal Voting Rights Act
- No Racial Gerrymandering

2. California Criteria

1. **Geographically contiguous**
2. **Undivided neighborhoods and “communities of interest”**
3. **Easily identifiable boundaries**
4. **Compact**
(Do not bypass one group of people to get to a more distant group of people)
5. **Shall not favor or discriminate against a political party.**

3. Other Traditional Redistricting Principles

- **Respect voters’ choices / avoid head to head contests**
- **Future population growth**
- **Minimize election year changes**

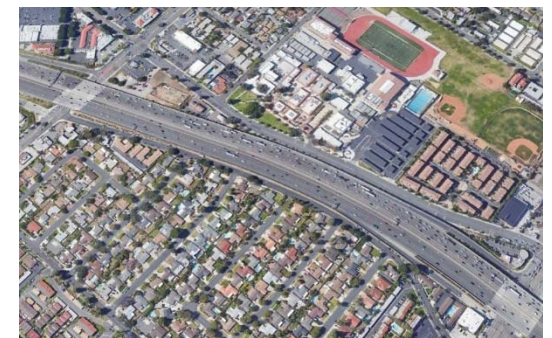


“Community of Interest” Defined

6

- Elections Code Section 21500(c)(2):
 - ▣ To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.
 - ▣ A “community of interest” is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.

- Cities should now formally identify “Section 21500 Communities of Interest” early in the process.
 - ▣ Cities, Towns and Census Designated Places are not “communities of interest”



Outreach Requirements

7

- “Good faith effort” to:
 - ▣ Notify all media organizations
 - ▣ Notify “good government, civil rights, civic engagement, or community groups or organizations that are active in the city”
 - ▣ Live translation if requested 72* hours in advance
 - ▣ Distribute hearing notices at least five* days in advance
 - ▣ Within two weeks, release either a recording or a written summary of each public comment and council deliberation made at every public hearing or workshop
 - ▣ Provide everything in all “applicable languages”

- Secretary of State provided template materials and the list of “applicable languages” for each city



- Audiences:
 - ▣ Identify Community Organizations
 - ▣ Identify existing communications channels
 - ▣ Identify potentially interested population groups not tied to existing community organizations and how to reach them

- Identify those willing to help with general outreach and those more focused on advocacy
 - ▣ Some early outreach helpers will naturally transition to more focused advocacy roles as maps are developed



□ Channels:

- Existing group meetings – “Go where the people are”
 - With help from CAUSE and other already-engaged groups
- Existing email distribution lists
 - Official City lists plus PEC and Council personal outreach
 - Encourage signup for official email notices
- Social media
- City newsletters
- Free media
- Paid newspaper, radio and/or local TV ads



- Messages:
 - ▣ Engage – why does this issue matter?
 - ▣ Educate – what are the rules and process?
 - ▣ Empower – how to impact the result?



Timing (Revised)

11

Month(s)	Event
February / March / April	Project planning.
May / June / July / August	Public Outreach and Engagement. Possible opportunity for initial hearing(s) and (tentative) time for the public to draw draft maps using population estimates.
September 30	2020 Census data released
October 30	California releases prisoner-adjusted population data
November	Residents revise their draft maps to balance using official Census data
November 21	No official city / consultant draft maps released before this date
November / December	Initial hearing to review draft maps
January – April	Additional public map submissions, hearings, and final map adoption.

Discussion

