

July 15, 2018

Long Beach City Council
333 W Ocean Blvd,
Long Beach, CA 90802

RE: Long Beach Redistricting Charter Amendment Recommendations

Dear Mayor Garcia and Councilmember Austin,

On behalf of California Common Cause and our members, we would like to thank you for your work to propose a model for redistricting reform in Long Beach that would introduce greater fairness, transparency, and public participation to the process. We are writing to make suggestions we believe would improve the functioning of the proposed Independent Redistricting Commission based on our extensive experience working with communities on redistricting at the federal, state, and local level.

Recommended Amendments:

(1) Qualifications - Reduce requirement to 5 years: To serve on the Commission, applicants must be a registered voter and either (A) have voted in 2/3 of the last city elections or (B) resided in the city for 10 years. We recommend this be reduced to 5 years, to expand the pool of eligible applicants.

Suggested Change: Have been a resident of the city for at least ~~ten~~ **five** years immediately preceding his or her application to be on the commission.

(2) Selecting Final Commissioners – require a 6/9 vote, instead of a 9/9 vote, and appoint commissioners and alternates together. Following the model of the State Commission and numerous local commissions, the first 9 randomly-selected commissioners are to convene and select 2 alternates and the final 4 commissioners. This is to be done by 9/9 vote. This threshold is unnecessarily high, and could deadlock the commission before all its members have even been chosen. A 6/9 vote seems more reasonable to select the final commissioners. Also, there is no reason why the 2 alternates should be chosen before and separately from the final 4 commissioners; no other local commission does this. It would introduce delay and would make it harder to holistically compose the final commission. As such, we recommend that the selection of final commissioners and alternates be done together.

Suggested Change: (h) The commissioners selected pursuant to subsection (h) shall select **four (4) commissioners** and two (2) alternates from the remaining applicants in the subpool. Each selection requires ~~six nine~~ affirmative votes from among the nine commissioners, and the selection must be made at a publicly noticed meeting after the public has had the opportunity to provide written and oral comment. The commissioners shall make each selection on the basis of the applicant's relevant analytical skills, familiarity with the city's neighborhoods and communities, ability to be impartial, and apparent ability to work cooperatively with other commissioners. The commission should reasonably reflect the city's diversity; provided

that no quotas, formulas, or ratios may be applied for this purpose.

~~(j) Within thirty (30) days...~~ **[delete all of (j)]**

(3) Post-Service Restrictions – Make clear that a commissioner choosing to engage in political activity may resign from service: The proposal prevents commissioners from engaging in political activity, like endorsing or contributing to a candidate, while serving on the Commission. This is a sensible restriction, as the integrity of the process would be undermined if a commissioner was actively campaigning for a candidate while drawing the lines that candidate will be running in. However, because commissioners serve 10-year terms, this provision should also make clear that commissioners can resign from service following the adoption of a final map if they choose to engage in political activity. This will maintain the integrity of the process while softening a potential disincentive for potential applicants who are civically active.

(The prohibition on commissioners running for office in the districts they drew, however, should remain for the duration of the map they drew. That restriction is put in place to prevent commissioners from directly benefitting from the lines drawn, a different concern.)

Suggested Change: While serving on the Commission, a commissioner shall not endorse, work for, volunteer for, or contribute to any candidate campaign for City elective office.

Commissioners choosing to engage in such activity may resign at any time, including after the approval of a final map to ensure that the commissioner no longer serves if the Commission is reconvened to redraw districts.

(4) Timing – Leave application timing to City Clerk discretion: Following Sacramento's model, the proposed amendment includes specific dates for conducting the application process. While the timing seems right, we believe this level of detail is best left in the City Clerk's discretion. Instead, the proposed amendment could just specify that the application period must remain open for at least 3 months and should specify an end date when the Commission must be empaneled by.

Suggested Change:

~~(b) The City Clerk shall, no later than February 1, 2020, and by February 1 in each year ending in the number zero thereafter, initiate and widely publicize an application process, open to all city registered voters who meet the requirements of Section 953, in a manner that promotes a qualified commissioner applicant pool that is large and reflective of the diversity of the city. This process~~ ***The application period shall remain open for at least 3 months*** ~~until May 1, 2020 and until May 1 in each year ending in the number zero thereafter.~~

...

~~(d) No later than June 30 of each year ending in the number zero,~~ ***Approximately one month prior to the close of the application period,*** ~~the city clerk~~ ***City Clerk*** shall report to the City Council and Mayor on applications received up to that point and any additional outreach that is being undertaken or planned to ensure that the applicant pool has a sufficient number of qualified applicants and reasonably reflects the City's diversity.

~~(e) By August 1, 2020, and by August 1 in each year ending in the number zero thereafter,~~ ***After the close of the application period,*** the City Clerk shall review and remove individuals who are disqualified under Section 953 from among the commission applicants. ...



(f) ~~No later than September 15, 2020, and by September 15 in each year ending in the number zero thereafter,~~ **After removing ineligible applicants,** the City Clerk shall publish and transmit to a screening panel a list with the names of all qualified applicants. ...

(g) ~~From the **this** eligible applicant pool, the screening panel shall, no later than November 1, 2020, and by November 1 in each year ending in the number zero thereafter,~~ create a subpool of the 25 to 30 applicants most qualified to perform the duties of the commission, including at least two applicants from each existing council district. ...

...

(k) The Commission shall be fully established no later than December 1, 2020, and thereafter no later than December 1 in each year ending in the number zero. **To meet this deadline, the City Clerk may establish other deadlines for the commissioner application and selection process described in this section.**

(5) Screening Process – Increase transparency by making public the reason(s) for disqualifying an applicant: The proposed amendment requires the City Clerk to review and remove individuals who are disqualified from service. Requiring the City Clerk to record and make publicly available the conflict of interest provisions that disqualify applicants from service on the Independent Redistricting Commission would increase public confidence in the process by allowing the public to see that disqualifications are increasing the likely independence of the commission and not intended to target individuals for unjustified political reasons. The suggested edit in number 4 is included again as well.

Suggested Change: ~~By August 1, 2020, and by August 1 in each year ending in the number zero thereafter,~~ **After the close of the application period,** the City Clerk shall review and remove individuals who are disqualified under Section 953 of this Charter among the commission applicants. **The City Clerk shall maintain a public record of the disqualifications that apply to each person whose application is removed from the applicant pool...**

(6) Alternative Screening Panel – include former grand jury members. The proposed amendment has the Ethics Commission, if one is created, screen applicants – the same as Sacramento’s Commission. If an Ethics Commission is not created, a 3-person panel consisting of a retired judge, professor, and good government member becomes the screening panel. However, experience has shown that retired judges can be difficult to recruit; we recommend that you consider expanding who can serve. Alternatively, the 3-person panel could consist of a “retired judge *or former member of a county grand jury*” instead.

Suggested Change: If an ethics commission matching the description in subsection (1) does not exist, a panel consisting of: one retired judge **or former member of a Los Angeles County grand jury;** ...

(7) Redistricting Criteria – Require “substantially equal” population. The proposed charter amendment requires districts to be “as nearly equal as possible.” It is unclear if this is stricter than the U.S. Constitution’s standard of “substantially equal,” which generally permits deviation of up to 10% between districts to accomplish legitimate redistricting goals, like keeping neighborhoods and



communities together. We recommend using the broader, U.S. Constitutional standard (like Sacramento did) to allow greater flexibility in accomplishing important redistricting goals of community representation.

Suggested Change: Council districts are ~~as nearly equal as possible~~ **substantially equal** in total population, **as required by the U.S. Constitution.**

(8) Redistricting Criteria – Make contiguity to the “extent practicable.” Long Beach has non-contiguous territory (islands) and, it is always possible in the future, may annex non-contiguous territory. Therefore, contiguity should be required only to the extent practicable.

Suggested Change: Each Council district is geographically contiguous, **to the extent practicable**, and has a clearly defined boundary.

(9) Redistricting Criteria – Specify how the criteria should be applied and require, as a lower-tier criterion, compactness. The current language explains how to apply some criteria (use census blocks), but not others (neighborhoods). The application of each criterion should be spelled out. The existing criteria also omit compactness, which is a standard redistricting criterion, and should be included as a lower-priority requirement.

Suggested Change: In addition to following the requirements of subsection (a), the commission shall consider the following criteria when drawing the final map, in order of priority:

1. **The geographic integrity of a neighborhood should be respected in a manner that minimizes its division.** ~~Existing neighborhoods and community boundaries;~~
2. **The geographic integrity of a community of interest should be respected in a manner that minimizes its division.** ~~Communities of interest.~~ A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation;
3. Neighborhoods and communities sharing a common language, history, culture, and identity should not be divided so as to dilute their voting power;
4. Geography and topography; **Districts should respect major topographic and geographic features of the City;**
5. ~~Natural and artificial barriers and boundaries;~~ **District boundaries should be easily identifiable and understandable by voters. Districts should be bounded by natural and artificial barriers, by street lines, and/or by City boundary lines.**
6. **Where it does not conflict with the preceding paragraphs, districts should be geographically compact such that nearby areas of population are not bypassed for more distant population;**
- ~~6.~~ 7. All lines must correspond to census blocks in order to preserve the validity of data and avoid arbitrary boundaries; and
- ~~7.~~ 8. ~~Other commission-adopted~~ **The Commission may adopt other** criteria that do not conflict with the other requirements and criteria listed in this section or with state or federal law.



(10) Redistricting Criteria – Prohibit partisan gerrymandering. A standard criterion in local commissions is to prohibit intentional partisan gerrymandering. This protection is especially worth including as the Supreme Court debates whether partisan gerrymandering is unconstitutional.

Suggested Changes: ***(d) The Commission shall not draw districts for the purpose of favoring or discriminating against a political party.***

(11) Retaliation – City Staff and Employers Only: The proposed amendment includes beneficial language prohibiting retaliation against commissioners. However, as written the prohibition is quite broad, and may not be enforceable. Limiting its application to city employees and employers may be preferable.

Suggested Changes: ~~No person~~ ***No city official, city employee, or private employer*** may threaten, intimidate, coerce, or take adverse action against a commissioner, alternate, or a Commission staffer because of their affiliation with the commission, or because of any Council district boundaries that are considered, proposed, or adopted by the commission.

Please contact us at dvicuna@commoncause.org or (571) 218-6135 should you have any questions.

Sincerely,

/s/Nicolas Heidorn
Policy and Legal Director
California Common Cause

/s/ Dan Vicuna
National Redistricting Manager
Common Cause

