



OFFICE OF THE
COUNTY ADMINISTRATOR



May 25, 2021

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Honorable Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

RE: Informational Presentation Regarding Proposed 2021 Redistricting Process and Timeline

Dear Board Members:

RECOMMENDATION: Accept report and provide staff direction regarding 2021 supervisorial redistricting process next steps, including:

- Formation of a redistricting ad hoc working group to advise staff regarding adherence to redistricting requirements and best practices;
- Launch of a public outreach program, including a required public website with tentative calendar and outline of the redistricting process and procedures for public testimony; redistricting criteria; meeting notices; agendas and minutes; demographic data; draft plans; and online submission of public comments;
- Provision of public mapping tools for community members to define "communities of interest" and to submit proposed map adjustments; and
- Planning four (4) mandated public hearings to consider adoption of a final map by the statutory deadline of December 15, 2021, consistent with Attachment A – Tentative Calendar.

Background

The United States Constitution requires a count every 10 years of everyone residing in the country. Information from the Census is used to help determine where to locate schools, roads, hospitals, and other facilities; is used in making decisions regarding business growth and housing needs; and is used for geographically defining state legislative districts, which initiates a "redistricting" process that begins in the year following a Census.

Census data also allow county officials to realign supervisorial districts, taking into account shifts in population growth since the last Census and assuring equal representation in compliance with the constitutional "one person, one-vote" principle and the Voting Rights Act. Generally speaking, each supervisorial district must be "substantially equal" in the number of residents. Every ten years, district lines must be redrawn to ensure each district is even in size.

California Elections Code provides basic criteria and process requirements the Board is required to consider in redistricting supervisorial districts. In addition to the Voting Rights Act, consideration is given to the following factors in order of priority:

- (1) geographic contiguity of the districts;
- (2) any local neighborhood or local communities of interest;
- (3) geographic integrity of cities and census designated places;

- (4) the bounding of districts by natural and artificial barriers, including streets and boundaries of the county; and
- (5) compactness of the population.

Recent Law Changes, Late Census Data Complicate Process

Recent legislation mandating more public hearings and specific, more extensive outreach strategies (see [AB 849 \(2019\)](#) and [AB 1276 \(2020\)](#)) has increased the complexity of the 2021 supervisorial redistricting process for all California counties.

AB 849, the Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act, in 2019 was the first significant reform of California local redistricting law since the 1940s, while AB 1276 in 2020 reconciled technical errors in AB 849. In short, AB 849:

- Creates standardized redistricting criteria that prioritize keeping neighborhoods and diverse communities intact and that prohibit partisan gerrymandering (previous to adoption of Assembly Bills 849 and 1276, county boards of supervisors historically had broad discretion to determine what criteria to take into account and how to do so. The FAIR MAPS Act, however, changes that and now provides specific criteria in Elections Code § 21500(c) that must be followed);
- Requires cities and counties to engage communities in the redistricting process by holding a minimum of four public hearings and doing public outreach, including to non-English-speaking communities; and
- Aligns the timing of local redistricting with state redistricting and June primary elections to allow more opportunities for public participation, and provides for court-ordered maps if deadlines are missed.

Complicating efforts, 2020 Census data will be received much later than in prior redistricting efforts (anticipated October 2021 instead of March 2021) due largely to extended Census response deadlines due to the COVID-19 pandemic.

Despite this significant delay in receipt of the Census data, and the new procedural requirements of AB 849 and AB 1276, a final map is nevertheless required to be approved no later than December 15, 2021 (174 days before the June 7, 2022 statewide primary), leaving a compressed timeline of only weeks to meet all statutory requirements. While [SB 594](#) (Glazer) is pending in the Legislature to provide some relief to counties in light of these challenges, relief options are very limited. We must therefore plan to comply with the numerous requirements despite any constraints. As a result, we have engaged expertise to help ensure an efficient and thorough process, including:

- [Nielsen Merksamer](#), at a cost up to \$50,000, to guide the County's efforts with legal support and process advice. Based in San Rafael, the firm is widely respected in the field and has local experience with Novato and San Rafael's redistricting efforts in recent years.
- [National Demographics Corporation \(NDC\)](#), a demographic consultant, also engaged at a cost up to \$50,000, will guide the County's technical efforts with respect to the data, its analysis, and Marin's compliance. NDC also has local experience with redistricting efforts in Marin.

Ad Hoc Working Group

Development of adjusted supervisorial district boundaries may be performed by the Board itself; an independent redistricting commission; an advisory redistricting commission; a hybrid commission; or an ad hoc working group. For independent, hybrid, or advisory commissions, members (1) must be County residents and (2) cannot be an elected official of the County, or a family member, staff member, or paid campaign staff of an elected County official. While there are benefits to formal commissions, they would require significant administrative support, legal assistance and training.

We are recommending staff form an ad hoc working group consisting of public members to review redistricting map alternatives and to act as a sounding board for staff and the County Administrator. Based on the complexity of this year's process; the very late receipt of US Census data; and because a more formal commission process would be much lengthier and substantially more expensive to support, we recommend this approach to assist the efforts of a multi-disciplinary staff team consisting of the CAO, County Counsel and Information Services and Technology (IST), which has been working with Nielsen Merksamer and NDC to develop a robust and compliant process.

With input from your Board's subcommittee of President Rodoni and Supervisor Moulton-Peters, we would plan to invite up to five (5) members of the Marin County Elections Advisory Committee (EAC) to partially form the working group option outlined above. The EAC was established by the Registrar of Voters in 2006 to act as a link between the voting public and the Registrar and provides regular feedback and advice on issues that affect voters in Marin County. The committee has an ongoing interest in helping to ensure that every eligible resident of Marin County has the opportunity to vote and that all valid ballots are counted accurately and securely.

In addition, with input from your Board's subcommittee, we would also work to invite up to five (5) additional members of the Marin County community, for a total of ten (10) ad hoc working group members to support and advise throughout the project this summer and fall.

Supervisorial District Adjustment Options

Pending Board direction, the County team will proceed with developing any boundary adjustment options with Nielsen-Merksamer and NDC in keeping with the requisite factors noted above. Initial options would be developed for Board consideration, and refined through a community review process for further Board action/approval, as outlined in the proposed tentative timeline (please see Attachment A).

We would plan to work with the ad hoc working group this summer and fall as we develop a compliant process. The timeline allows for the completion of the 2021 supervisorial redistricting effort with opportunities for community input and review, Board consideration and action/approval, and compliance with all legislative requirements by December 15, 2021. Recall that counties will need to focus in particular on the October through December time period given late receipt of the final Census data.

Online Mapping Tools

Although not required, we are also recommending online mapping tools that enable the public to draw and submit their own proposed maps. Under the FAIR MAPS Act,

the County is required to permit the submission of maps by the public, and though it does not specifically require online tools it does require that "electronic" submission be permitted. These online tools comply with that requirement and will help facilitate public input in a format that will streamline administration and consideration of map proposals and to inform "communities of interest" in Marin.

Hearings to identify communities of interest can begin before Census data are received, so we welcome and encourage members of the public to submit their own proposed maps to inform the process this summer.

County Redistricting Website

The County will also create and maintain a required redistricting website to include a tentative calendar and outline of the redistricting process; procedures for public testimony; redistricting criteria; meeting notices; agendas and minutes; demographic data; draft plans; and online submission of public comments. The website, which we are required to maintain for at least 10 years after the adoption of new supervisorial district boundaries, will also include a link to the online public mapping tools.

Equity Impact

Marin has historically been a slow-growth county with relatively small population changes. Preliminary review with our experts indicates that current boundaries are likely to meet all requirements that protect minority voting rights.

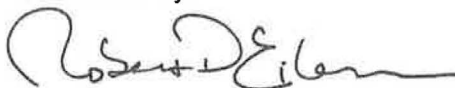
To support the public process, we will bring together a diverse ad hoc working group to ensure a thorough process, in concert with County staff and contracted legal and demographic expertise, to assure equal representation in compliance with the constitutional "one person, one-vote" principle and the Voting Rights Act.

Fiscal Impact

As noted earlier, the County engaged two professional services contracts up to \$50,000 each for legal and demographic expertise to ensure compliance with the new requirements and the challenging timelines associated with delayed receipt of Census data. The provision of the online mapping tools recommended above is estimated to cost an additional \$28,000, bringing total anticipated costs of ensuring compliance up to approximately \$128,000.

Staff will continue to report back to your Board as the 2021 redistricting process takes shape in the coming weeks and months at key intervals, including the development of preliminary map alternatives, community input/review and map finalization. The next update to your Board may be as early as June 15 to introduce (1) the legal and policy criteria governing redistricting, and (2) demographics of existing supervisorial districts based on the most recent official estimates.

Submitted by:



Daniel Eilerman
Assistant County Administrator

Reviewed by:



Matthew Hymel
County Administrator

Attachments: Attachment A – Tentative Calendar

Attachment A

**MARIN COUNTY BOARD OF SUPERVISORS
TENTATIVE 2021 REDISTRICTING TIMELINE**

(Note: most actions are goal dates subject to change.
Only items in red are legal deadlines.)

DATE	ACTION
May 25, 2021 BOS Meeting	BOS adopts tentative calendar for redistricting.
By late-May	County's redistricting website to go public with tentative calendar and SOS templates containing a general explanation of the redistricting process and procedures for public to testify during public hearing or submit written testimony and—when available—presentations, criteria, meeting notices, agendas and minutes, demographic data, and draft plans. Provide for online submission of comments from the public.
June 15, 2021 BOS Meeting	Presentations at BOS meeting re (1) legal and policy criteria governing redistricting, and (2) demographics of existing supervisorial districts based on most recent official <i>estimates</i>.
June – August	Consultants/staff to conduct at least one public hearing/virtual “town hall”/informational meeting to solicit testimony regarding criteria to be used for redistricting, esp. communities of interest, and to educate the public regarding online mapping tools. ¹
Mid-late August	Estimated date for federal government to release un-tabulated PL 94-171 demographic/redistricting data to States.
October 12, 2021 BOS Meeting	Board public hearing to solicit testimony regarding criteria to be used for redistricting, esp. communities of interest.
Mid-October	Estimated date for release of prisoner-adjusted population data by California Statewide Database.

¹ Public hearings must be noticed 5 days ahead of time, except that hearings between November 17 and December 15 can be noticed three days in advance.

Attachment A

DATE	ACTION
October 26, 2021 BOS Meeting	Demographer provides updated demographic analysis of existing districts with final adjusted Census numbers; Board conducts second public hearing to solicit testimony regarding criteria to be used for redistricting, esp. communities of interest; BOS adopts criteria for redistricting, identifies communities of interest, instructs demographic consultant to prepare draft district plans.
November 2, 2021	Deadline for submission of maps by the public for consideration at the November 9 BOS public hearing.
November 9, 2021 BOS Meeting²	Demographic consultant to present three initial draft district plans (or more, if the Board so instructs). BOS holds public hearing on draft plans. BOS may order modifications to any of the plans.
November 24, 2021	Final deadline for submission of public plans for consideration as part of the process.
December 4, 2021	Deadline to post final proposed map(s) on County redistricting website. ³
December 7, 2021 BOS Meeting	Demographer presents one or more additional draft plans and modified plans, incorporating public testimony as appropriate; BOS holds public hearing on draft plans, votes to choose one plan, adopts resolution setting actual boundaries. If the BOS instead orders modifications to any of the plans, another public hearing will be required.
December 15	Legal deadline for BOS to adopt redistricting plan.
January 4 or 11	Window period opens for candidates to begin collecting signatures in lieu of filing fees. 28 days after final adoption of the maps. Number of required signatures to be reduced proportionally. <i>See</i> Elec. Code § 21501(a)(2).
Jan. 6 or 13, 2022	Ordinance becomes effective (30 days after adoption)
February 14, 2022	First day for circulating nomination papers.
June 7, 2022	Primary election.

² Must be at least one week after release of adjusted data, if release takes place before October 16; If release occurs before September 17, the “cooling off” period is three weeks instead.

³ Maps must be made public at least 3 days before adoption if there are fewer than 28 days until the legal deadline of December 15 or seven days prior if more than 28 days are available.

Introduction to 2021 Redistricting Process & Criteria

A Presentation to the
Marin County Board of Supervisors
May 25, 2021

Key Dates – Availability of the Data

- April 1, 2021, is the deadline in federal law for the Census Bureau to release redistricting data (total population, voting age population by race/ethnicity)
 - The Bureau has already announced that in 2021 it will not meet the statutory deadline due to the need to correct data anomalies
 - Certain “legacy” data will be released August 16
- Once the Census data are released, the California Statewide Database is required to adjust those data to reassign inmates incarcerated in state correctional facilities back to their last known place of residence
 - Could be six weeks, though hopefully sooner
 - Estimated release by early October
- Under state law, the County and its consultants cannot publish draft district maps until three weeks after the SWDB releases the adjusted data

Key Dates – Deadline for Completion

- State law deadline to adopt final, readjusted map: Dec. 15, 2021
 - Failure to meet this deadline permits an interested party to petition the Marin County Superior Court to adopt a new map

Public Hearings

- **Elections Code § 21507.1:**
 - At least four public hearings required:
 - at least one before draft maps are drawn (and can be conducted by staff or consultant);
 - at least two after draft maps are drawn;
 - at least one on a Saturday, Sunday or after 6:00 P.M. Monday through Friday
 - Date, time, and location must be posted online at least five days before the hearing or workshop
 - Hearings must be conducted at a time certain
 - The Board may complete discussion on an item already under consideration, but then is required to advance the hearing on the agenda if necessary

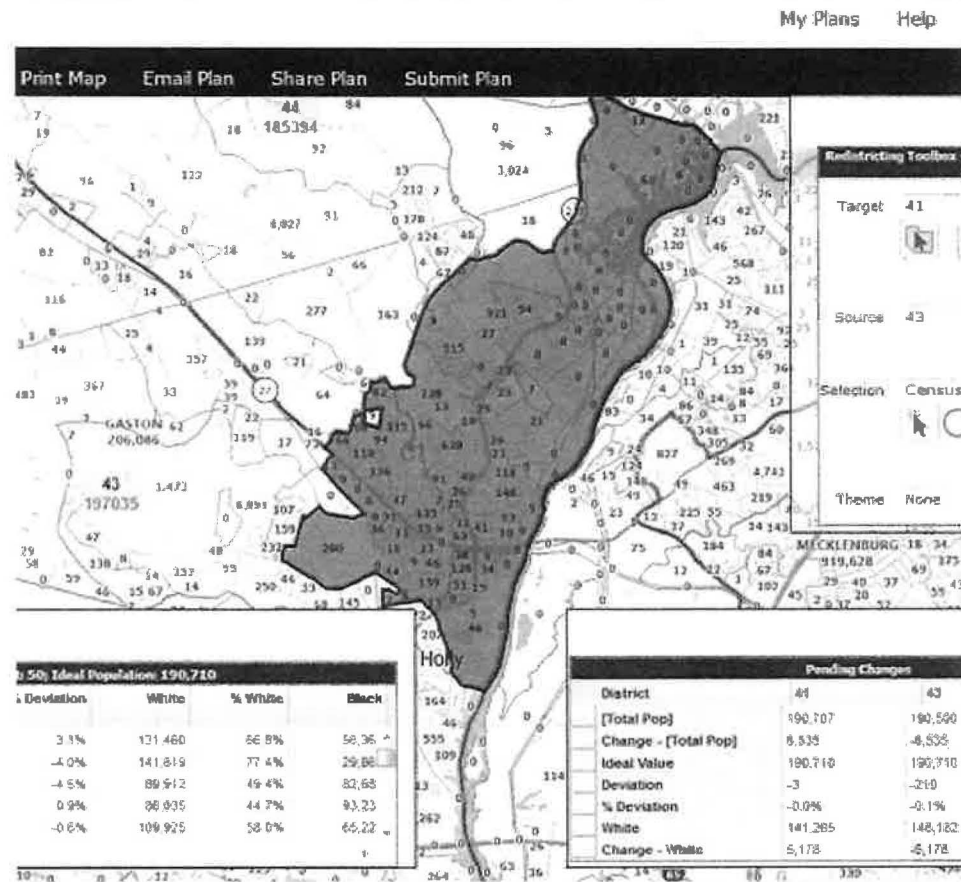
Public Outreach

- **Elections Code § 21508:**
 - The County must encourage public participation by:
 - Media outreach
 - Outreach to good government, civil rights, civic engagement & community groups, including those in underrepresented communities and non-English speaking communities
 - Live translation in “applicable languages,” if requested 72 hours in advance of meeting
 - Publication of notices on the internet
 - Publication of a draft map at least seven days before adoption
 - Publication of relevant demographic data

Public Outreach

Elections Code § 21508:

- The County must permit receipt of maps or testimony from the public in writing or electronically
- Online tools



Public Outreach

- **Elections Code § 21508(f):** A record of every public comment and governing body meeting—either written or recorded—must be made available to the public online within two weeks
- **Elections Code § 21508(g):** The Board shall establish, and maintain for at least 10 years after the adoption of new district boundaries, an internet web page dedicated to redistricting, containing the following:
 - An explanation of the redistricting process
 - Procedures for testifying or submitting written testimony
 - Calendar of all hearings and workshops
 - Notice and agenda for each hearing and workshop
 - Recording or written summary of each hearing and workshop
 - All draft maps & adopted map
 - SOS Website Template: <https://www.sos.ca.gov/elections/helpful-resources/redistricting>

Who Redraws the Lines?

- Board of Supervisors (Elec. Code § 21500(a))
- New Statutory Options for Commissions:
 - Advisory
 - Independent
 - Hybrid
- The Board can seek input in less formal ways
 - Ad hoc working group to consult with staff and consultants

Preliminary Review

- Marin historically a slow-growth county with relatively small population changes. Preliminary review indicates current boundaries likely to meet all requirements that protect minority voting rights
 - A majority-minority district likely not possible in Marin County
- Requirements for state to adjust Census data for San Quentin State Prison population may require some minor adjustments
 - We can likely expect some level of minor population rebalance between districts, particularly what may be a slightly underrepresented D4 and slightly overrepresented D5

Sample Step-by-Step Timeline

May 25 Board Meeting	Board receives presentation from special counsel and staff regarding estimated demographics, proposed timeline, proposed outreach plan, retention of demographic consultant, and budget. Adopts tentative timeline and process.
By June 1	County's redistricting website to go public with tentative calendar and SOS templates containing a general explanation of the redistricting process and procedures for public to testify during public hearing or submit written testimony and—when available—presentations, criteria, meeting notices, agendas and minutes, demographic data, and draft plans. Provide for online submission of comments from the public.
June 15 Board Meeting	Presentation re (1) legal and policy criteria governing redistricting, and (2) demographics of existing supervisorial districts based on most recent official estimates.
June – August	Consultants/staff to conduct at least one public hearing/virtual “town hall”/informational meeting to solicit testimony regarding criteria to be used for redistricting, esp. communities of interest, and to educate the public regarding online mapping tools.
August 16	Estimated date for federal government to release PL 94-171 demographic/redistricting data to states.

Sample Step-by-Step Timeline

October 12 Board Meeting	Board public hearing to solicit testimony regarding criteria to be used for redistricting, esp. communities of interest
Early- to mid-October	Release of final, state-adjusted Census data for redistricting purposes
October 26 Board Meeting	Updated demographic presentation regarding current districts based on final Census numbers; Board conducts second public hearing and adopts criteria
November 9 Board Meeting	Demographic consultant to present three initial draft district plans (or more, if the Board so instructs). BOS holds public hearing on draft plans. BOS may order modifications to any of the plans.
December 7 Board Meeting	Demographer presents one or more additional draft plans and modified plans, incorporating public testimony as appropriate; BOS holds public hearing on draft plans, votes to choose one plan, adopts resolution setting actual boundaries. If the BOS instead orders modifications to any of the plans, another public hearing will be required.
December 15	Legal deadline for adoption of final redistricting plan for use beginning in 2022

Federal Criteria:

- Equal Population
- Voting Right Act
- No Racial Gerrymandering

Statutory Criteria:

1. Geographically contiguous
2. Minimize division of neighborhoods and “communities of interest” to the extent practicable
3. Easily identifiable boundaries (major streets, etc.)
4. Compactness of population

Traditional Criteria:

- Keep incumbents in their current districts/respect voters’ choices/avoid head-to-head elections
- Minimize election year changes
- Future population growth

Impact on Current Supervisors

- Each current supervisor serves out the term to which he or she is already elected and then runs for re-election in the newly-adopted map
 - Elec. Code § 21506

Introduction to 2021 Redistricting Process & Criteria

A Presentation to the
Marin County Board of Supervisors
May 25, 2021

Evans, Joyce

From: Scott McKown <noreply@formresponse.com>
Sent: Monday, May 24, 2021 2:58 PM
To: BOS
Subject: Re: Board of Supervisors Contact Form

Board of Supervisors Contact Form

Your Name: Scott McKown
Your Email Address: samckown@mac.com
Subject: 5/25 mtg agenda item 13.
Select a Routing Method: District
What District Do You Live In? District 4 - Dennis Rodoni
Message: Letter to board from LWVMC re Redistricting process.
Attachment: [210524-BOS Redistricting Letter.pdf](#)
[Local Redistricting Checklist.pdf](#)



May 24, 2021

Marin County Board of Supervisors
Marin County Civic Center
San Rafael, CA 94903

Re: 2021 Redistricting Process

Dear Board Members:

The League of Women Voters believes our political maps should represent the people who live within them. To that end, we look forward to supporting your efforts in implementing a robust and transparent redistricting process. This letter outlines the League's recommendations for that process.

As soon as possible, the County should establish, implement and publish an outreach strategy to gather meaningful public input in developing the new maps. The delay in receipt of the final census data should not be allowed to impede this process.

The published outreach strategy should reflect the goals listed below:

- Protect and maintain communities of interest;
- Include at least one public hearing regarding the proposed consultant who will develop the map(s);
- Include at least one public hearing regarding the proposed outreach plan for the redistricting process;
- Ensure the consulting firm and redistricting process as a whole offers accessible online and in-person opportunities to provide input regarding communities of interest and the impacts of proposed lines, as well as other comments, questions, concerns, and ideas related to the proposed maps;
- Include accessibility approaches that remove physical, technological, language, and other barriers to public participation, including work schedules and family commitments;
- Include, for each of the five districts, accessible communication activities with opportunities for engagement before and after proposed maps are created

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Board of Supervisors
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Page 2

- Leverage the trusted messengers and communities of interest infrastructure used to ensure a complete 2020 census count, Municipal Advisory Councils, Interfaith Networks, and other existing network/neighborhood infrastructure to communicate about how and why to participate in the redistricting process;
- Provide adequate funding and personnel to accomplish these goals in partnership with community volunteers; and
- Provide meeting notices at least two weeks in advance, including notices of applicable Supervisor and Redistricting Committee meetings.

Finally, we recommend that the County establish a citizens redistricting commission or committee with a well-defined role and, further, that this advisory group follow the statutory rules for a Citizens Advisory Commission, namely, excluding any person who is an elected official of the County or a family member, staff member, or paid campaign staff of an elected County official.

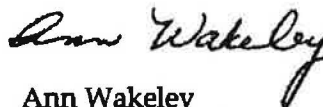
We will promote the use of the *Local Redistricting Checklist: For city and county governments of California*, a Common Cause publication, in assessing the redistricting process.

Thank you for considering these suggestions.

Sincerely,



Scott McKown
Chair, Local Redistricting Committee
redistricting@marinlwv.org



Ann Wakeley
President

Attachment: *Local Redistricting Checklist: For city and county governments of California*