

Potential Legislative Changes (5/12/2023)

I: Areas Moved Forward

Priority order as voted by CRC		Topic	Code Section to Amend	Notes
A.	Commission voted on 3/30/2022.	Requiring reallocation of state incarcerated people to their last known place of residence	EC Section 21003 (d)	Completed: AB 1848 signed by the Governor on 9/29/2022.
B.	Commission voted on 3/30/2022.	Reallocation of federal incarcerated people to their last known place of residence, if provided.	EC Section 21003 (d)	<p>5/12/23: Senator Padilla's office has not responded to our multiple requests.</p> <p>1/19/23: Shared potential language with legislative staff.</p> <p>10/20/2022: Letter to Senator Padilla requesting his assistance in obtaining the needed information from the Federal Bureau of Prison.</p> <p>7/13/2022: shared draft language with the full Commission.</p> <p>3/30/2022: Commission voted to move forward.</p>
C.	Commission voted on 3/30/2022.	Empowering the Commission to make grants for prospective work	GC Section 8253.6(b)	<p>5/12/23: Will draft proposed language after 2023 legislative cycle to see if any current bills with similar language pass.</p> <p>3/30/2022: Commission voted to move forward.</p>
D.	Commission voted on 3/30/2022.	Exempting the Commission from State procurement and contracting regulations	GC Section 8253.6(b)	<p>1/19/23: Shared potential language with legislative staff.</p> <p>7/13/2022: shared draft language with the full Commission.</p> <p>3/30/2022: Commission voted to move forward.</p>
E.	<u>Commission voted on 8/31/2022.</u>	Clarify what a day is in defining mapping deadlines	GC Section 8251(b)	4/19/2023: AB 1761 passed the assembly floor unanimously. Bill is

				<p>awaiting assignment to a committee in the Senate.</p> <p>3/8/23: AB 1761 introduced by Committee on Elections.</p> <p>1/19/23: Shared potential language with legislative staff.</p> <p>Code defines a day as a calendar day. Black's Law Dictionary defines a day as a full 24 hours (midnight to midnight).</p> <p>8/31/22: Commission voted to move forward.</p> <p>7/13/22: General consensus to move forward with Black Law's definition.</p> <p>6/1/22: Draft two scenarios – one to use Black's Law Dictionary definition and the other to note the 24-hour clock starts from the time a motion is passed.</p>
F	<u>Commission voted on 8/31/2022.</u>	Ability to hire outside counsel without AG prior approval	GC Section 11041	<p>1/19/23: Shared potential language with legislative staff.</p> <p>Could either amend Commission GC or the Attorney General exceptions listing</p> <p>8/31/22: Commission voted to move forward.</p> <p>7/13/22: Agreement on language drafted.</p> <p>6/1/22: Move forward to draft government code language for AG exception.</p>
G	Commission voted on 2/10/23	Add language to note nothing impedes the Commission from rotating the chair and vice chair.	GC 8253 (a)(4)	<p>5/12/2023: Share draft language.</p> <p>2/10/23: Commission voted to move forward.</p> <p>Prior discussion on 6/1/22: Per Chair and Commissioners' discussion, move down to a lower priority.</p>

II: Areas Assigned to a Subcommittee

Priority order as voted by CRC		Topic	Code Section to Amend	Notes
2.	C18. 4 votes	Define Fully Functional – Executive and administrative teams on board?	GC Section 8251 (b), CCR Title 2 Section 60861	Work with the State Auditor on language, fully functional noted in GC Section 8253(a)(5) and CCR Title 2 Section 60861. Prior discussion on 6/1/22: Chair Toledo established a Continuity Subcommittee to address this area.
3C.	C9. 3 votes	Strikes by the Legislature are not transparent, should the Legislature be allowed to strike applicants from the subpools? How many strikes by the Legislature?	GC 8252 (c)	Prior discussion: This is the only part of the Commissioner selection process that is not transparent. Prior discussion on 7/13/22: Further activity was assigned to the Govt. Affairs subcommittee to address.
5D.	C16. 1 vote	Expand mandate to support local redistricting efforts		1/10/22: Legislative Subcommittee met with Statewide database staff to discuss adding ability for local redistricting efforts to access the COI data. Subcommittee will continue to monitor progress. Not urgent. 12/14/22: Reach out to the Statewide Database (Karin) to see if future statewide COI tools can be sharable with local governments. Statutory authority – add to GC 8/31/22: Further discussion needed. Talk with statewide database about sharing tools with local govts. Expensive for local efforts. No uniformity on how local redistricting efforts are created/done. Prior discussion: Outside the Commission's scope of redrawing the district.

III: Areas requiring further discussion

Priority order as voted by CRC		Topic	Code Section to Amend	Notes
5B.	C8. 1 vote	Earlier start date for Commissioners (office set up, coordination with Census), also would impact start date of application process	GC Sec 8252	<p>4/14/23: Legislative subcommittee met with State Auditor. Will brief the Commission at the 5/12/23 meeting.</p> <p>4/10/23: Meeting with State Auditor scheduled for April 14, 2023.</p> <p>1/11/23: Subcommittee has reached out to the State Auditor for a meeting. New State Auditor was recently appointed.</p> <p>12/14/22: Move forward with a potential January start date in the year ending in "0". Start conversation with the State Auditor because it will impact their recruitment/outreach timeline. Will also impact timing of redistricting funding for State Auditor and Commission.</p> <p>11/16/22: Panel discussion indicated timeline should be fine, recommended do a better job with training provided to the Commissioners.</p> <p>8/31/22: Chief Counsel Pane to research statutory language on deadlines.</p> <p>Prior discussion:</p> <ul style="list-style-type: none"> • Start in year ending in 9. Develop relationship with Census, learning curve to outreach & community engagement. • Start in early year ending in 0 which would not require a statutory change.

				<ul style="list-style-type: none"> Seated Commission is in a better position to know what the next Commission would need in terms of staffing, contracts, etc. New Commission can change whatever is put in place. Also, in better position to coordinate and collaborate with Census. <p>Outreach is not in our mandate. Careful with mission creep.</p>
	C11.	Commissioner Compensation – salary as exempt?	GC 8253.5	<p>2/10/23: Due to workload involved, tabled and deferred to a later date. No rush to address this year.</p> <p>1/11/23: Discussion:</p> <ul style="list-style-type: none"> Review Michigan’s salary language (25% of Governor’s salary). Consider tiered approach of salary until final maps approved then per diem/ Have staff research salary implications (benefits) and tiered approach. Inform future commissioners of average compensation. May have more diverse applicants if steady income stream. <p>Prior discussion: Need to incentivize prospective candidates.</p>
Added		Maintain website for 10 years.	EC 21508 (g)	<p>3/13/23: Added to the list. County Board of Supervisors have the requirement to maintain their redistricting website for 10 years. Chief Counsel to review the code language and report back.</p>

IV: Area Discussed and Action taken but not Legislatively

Priority order as voted by CRC	Topic	Code Section to Amend	Notes
3A	C3. 3 votes	Clarify taking public comment during regular, non-mapping business meetings does not constitute “receiving input on redistricting matters” (subject to 14-day meeting notice)	<p>2/10/23: Commission approved “Application of Public Input at Commission Meetings” policy.</p> <p>1/11/23: Draft policy shared with Commissioners. They are to forward their comments by 1/24/23.</p> <p>12/14/22: Subcommittee will draft language to provide additional clarification. Reminder that other government entities have 10 days.</p> <p>11/16/22: Panel discussion – panelist not in support due to time needed to organize communities. Appreciated run of show timeline.</p> <p>8/31/22: Maybe have future commissions decide or specify non-mapping meetings. May be a possible discussion for future meeting with interested groups.</p> <p>7/13/22: Disagreement on definition. Further discussion required by the Commission.</p> <p>6/1/22: Move forward to draft language to clarify public input during public comment is not considered input for agenda posting, i.e., non-mapping business meetings.</p>

V: Areas Discussed but Decided to Leave As Is

Priority order as voted by CRC		Topic	Code Section to Amend	Notes
4B.	C7. 2 votes	Clarify/provide definition of what redistricting matters means	GC Section 8251(b)	<p>Prior discussion on 7/13/22: Discussion to leave it as is. Each Commission can define separately.</p> <p>Notes: First appears in GC Section 8253(a)(3).</p> <p>Prior discussion/comments:</p> <ul style="list-style-type: none"> • Spent quite a bit of time discussing what it meant instead of concentrating on other pressing issues such as outreach, education, etc. • Good discussion for future commissions to decide for themselves so they are all on the same page. • If leave it vague, someone else may define it for the Commission.
	C10.	Liaisons with Attorney General, CA State Auditor, Department of Finance, Legislature	N/A	Include with lessons learned – add to job descriptions
	C13.	Statewide database to be open source	N/A	Not under Commission’s Authority.
4A.	C2. 2 votes	Clarify/provide definition for what public input means	GC Section 8251 (b) GC Section 8253 (a)(1)	<p>8/31/22: General consensus to leave as is. Can note our definition in Lessons Learned document.</p> <p>7/13/22: Disagreement on definition. Will require further discussion.</p> <p>Prior discussion: Like it to be broad which allows for community input. Let each Commission decide.</p>
5A.	C4. 1 vote	Commissioner Vacancies: Discuss need to fill vacancies after final maps are approved.	GC Section 8252.5	8/31/22: General consensus to leave as is. Ask State Auditor to remind remaining candidates they may be asked to fill a future vacancy.

				Prior discussion: Is it necessary to fill a vacancy after the maps are finalized? Maybe consider if there's a need based on the super majority impact.
5C.	C14. 1 vote	Randomly draw 6 versus 8 names from the remaining pool of applicants	GC 8252 (f)	8/31/22: General consensus to leave as is. Prior discussion: Allow for more to be selected by initial commissioners in order to appoint Commissioners that are representative of CA and Californians.
E.		Three days public notice three months prior to the final map date.	GC 8253 (a)(1)	12/14/22: Decision to leave as is. Future Commissions can agendaize daily if needed. 11/16/22: Panel discussion – panelist not in support of increasing the three-day public notice period due to time needed to organize communities. 8/31/22: Specify it's 3 days notification for public meetings not for review of draft maps. Will draft some language. Also, possible discussion for future meeting w/interested groups. 7/13/22: Shared draft language with the full Commission. Further discussion required by the Commission.
	C1.	Allow "No Party Preference" to be considered a party for purposes of considering commissioner membership categories	GC 8252 (f) &(g) Art. XXI, Sec 2 (c)(2)	1/11/23: Leave as is. Brought up adding another Commissioner (5+5+5) but this would require a constitutional change. Commission has opted to not forward constitutional changes. Further clarify existing language Prior discussion: <ul style="list-style-type: none"> Recent data shows NPP is 2nd largest party in CA. Republicans switching to NPP so possibly more republicans on the Commission.

				End result of all – don't want to assume why people decide how to identify themselves.
	C15.	Further restrict amendments to government code statutes (not within one year of certification of maps)		2/10/23: General consensus to leave as is.
	C17.	Changes to size or composition of Applicant review panel	GC 8251 (b)	<p>4/10/23: Decision to leave as is based on survey noting majority did not want a redesign of the applicant review panel.</p> <p>3/13/23: Per Continuity Subcommittee survey 9 commissions did not want a redesign of the panel and 2 did.</p> <p>2/10/23: Legislative subcommittee will discuss the Commission's concern when they meet with the State Auditor.</p> <p>Prior discussion:</p> <ul style="list-style-type: none"> • 2020 Panel were all white. Need to have a diverse panel. • State Auditor placed prospective panel candidates in separate groups similar to the Commissioner candidates and randomly selected one from each group. <p>Thought the panel did a good job sifting through all the applicants' qualifications.</p>

* *Government Code (GC), Election Code (EC), and CA Code of Regulations (CCR) Language*

Code Sections specifically mentioning the California Citizens Redistricting Commission:

- California Constitutional Provisions: Sections 1, 2, & 3 of Article XXI
- Government Code (GC): Sections 8251 to 8253.6
- Elections Code (EC): Division 1, Chapter 1, Section 21003; Division 8, Chapter 1.5, Section 8161
- California Code of Regulations (CCR): Title 1 Sections 60840, 60855, 60856, and 60861