

San Francisco Redistricting vs. Best Practices Redistricting Reforms

Commissioner Cynthia Dai prepared this document to spur discussion, but it may not be comprehensive. It is based on her 10+ years of experience as an inaugural 2010 California Citizens Redistricting Commissioner and educational speaker and trainer for reformers in 11 states and 11 cities and counties with citizens' commissions.

The goal of redistricting reform is to eliminate gerrymandering and ensure a fair and transparent process that strengthens democracy. Election reforms like San Francisco's Instant Runoff Voting (a form of ranked-choice voting) and multi-member districts are also known to improve democratic outcomes. San Francisco was on the vanguard when it established the Redistricting Task Force (RTF) at the same time Arizona's Independent Redistricting Commission was formed, but has since been surpassed with process improvements by California, other states, and municipalities. Given the chaos of the most recent redistricting cycle, it is timely to consider how to incorporate some of these best practice designs to improve San Francisco's RTF via charter amendment before the next cycle.

Element	SF	Best Practices	Exemplars	Comments
Type	Independent citizens commission	Independent citizens commission	AZ IRC, CA CRC, MI ICRC are all citizen bodies with final decision authority and control over their own staff and budget. The CA Legislature was required to adequately fund the CRC. The cities of Berkeley and Long Beach, San Diego & LA Counties are local examples.	While the RTF determines the final map w/out oversight, it does not have independent resources or control of staff or budget. In addition, other departments on which the RTF relied did not necessarily receive budget augmentation. This has been problematic for ensuring adequate language access and scheduling meetings for example.
Outreach and representative candidate pool	Limited to standard City channels. No requirement for diverse candidate pool.	Extensive and broad outreach to diverse communities to ensure diverse pool	CRC, ICRC: extensive outreach including ethnic media and CBOs resulting in large pool. Finalist pool required to be representative.	Only 35 applicants to SFEC. Only 8 applicants to BOS. Unknown number of candidates considered by Mayor. Some applied to multiple appointing authorities.

<i>Selection criteria and process to reduce political influence</i>	Appointed by Mayor, BOS, and SFEC by different processes without standard qualification criteria or ban on conflicts of interest	Vetted for conflicts of interest and transparently appointed by nonpartisan, independent body and/or randomly selected in standard process	CA CRC finalists vetted by CA State Auditor in public process, 8 randomly selected who choose 6. MI ICRC members selected randomly and publicly after basic qualification. Similar processes in Berkeley, Los Angeles County.	BOS appoints 3 members despite direct vested interest. Mayoral appointment process is not public, and the Mayor might also be considered an interested party. Timing of financial disclosures and qualification criteria inconsistent between appointing authorities.
<i>Composition and diversity</i>	9 members: 3 selected by each appointing authority. No diversity or representation requirements	Balanced composition and large enough to allow for representative diversity. Requirements for diverse representation.	CA CRC 14 members: multi-partisan, with requirement to represent CA by gender, race/ethnicity, socioeconomic status and geography. Local commissions often require representation from each district as well as racial/other diversity.	Large enough (9 members for 11 districts). Although no requirement for diverse representation, past RTFs have been diverse. However, lack of compensation may limit participation by those of lesser means.
<i>Training and preparation</i>	City Attorney wrote several legal memos to the RTF. Both the City Attorney & mapping consultant offered to train the RTF.	Extensive legal and practical training, much of it required	AZ IRC, CA CRC, MI ICRC all provided extensive training for their Commissioners, including by past Commissioners. Most local commissioners also received training.	Multiple public comments about the lack of training. Untrained citizen members can expose the City to lawsuits, result in unequal participation, and destroy faith in elections due to a poorly-run process. Was training budgeted?
<i>Redistricting criteria</i>	Population equality within 5%, VRA (assumed), communities of interest (not defined)--no ranking	Ranked standard redistricting principles (federal, state, local law)	CA CRC: population equality based on case law, VRA, contiguity, communities of interest [political geography], compactness, prohibition on political considerations. MI ICRC elevated communities of interest.	The 5% population equality requirement is more restrictive than the Equal Protection Clause and may force splits. The public and even RTF members reported being unclear about why lines were reversed/changing during the process and what was being prioritized.

Transparency	Public meetings governed by Sunshine ordinance & Brown Act, but no ban on discussing redistricting matters outside a public meeting	Bias toward transparency. Ban on ex-parte communication. Extended public notice period for maps. Required written rationale for maps.	CA CRC's restrictions exceeded Bagley-Keene (Brown Act at state level), requiring 14-day notice and published report with the rationale for each district. Berkeley IRC also bans members from discussing redistricting matters outside a public meeting.	This RTF reversed an 8-1 vote on a map at 2:53am. Members allegedly had private meetings with groups and even elected officials. The media reported on "opaque processes" and private texts.
Draft Maps and timeline	None required. Only final deadline stipulated	Draft map required several months before final map.	CA CRC: June 15 Draft Map and Aug. 15 Final Map deadlines. Some local laws require a minimum # of public hearings prior to mapping.	This RTF did not start drawing lines until a month before the deadline and did not publish an official draft map with sufficient time for the public to consider and propose creative alternatives. Consider a deadline tied to Census data availability.
Voting to approve maps	Simple majority	(Special) supermajority	CA CRC: at least 9 w/3 of 5 Ds, 3 of 5 Rs, 3 of 4 Is. Long Beach requires 2/3 majority to choose final 4 plus alternates.	This RTF only achieved the barest majority vote, reducing confidence in the result. A supermajority requirement encourages collaboration and creative problem-solving and may ensure minority rights.
Recourse if no agreement on final map	Unclear	Judges decide	CA CRC: CA Supreme Court appoints special masters	This RTF exposed the City to a lawsuit due to failure to meet the deadline. A well-designed backup plan can be motivating if not preferential to the body's success.
Replacement/removal of members	RTF members serve at the pleasure of their appointing authority	Removal only due to neglect of duty or gross misconduct. Must be replaced with a vetted, qualified alternate.	CA CRC: Commissioner can only be removed by Governor w/concurrence of 2/3 of Senate. Must be replaced with a finalist candidate.	The public came to SFEC to remove its appointees. Unclear how we would have replaced any members had we chosen to remove.