

Summary of FIERCE Consensus Preliminary Redistricting Initiative Reform Recommendations

This document summarizes discussions to align local redistricting practices with best practices at FIERCE committee meetings held August-September, 2023, as well as updates from state legislation, AB 1248 and AB 764. As many reforms are interdependent, they are presented as a package. We also note additional considerations that may not belong in a charter amendment.

Element	SF RDTF	Preliminary IRC Recommendation	Rationale	Comments
Composition (and diversity)	9 members: 3 selected by each appointing authority. No diversity or representation requirements. No alternates.	14 members + 2 alternates: 8 randomly selected from a pool of 40 most qualified candidates elevated by the vetting body. Each of the first 8 should not be from the same neighborhoods or “regions” (see “location” below). 6 remaining + 2 alternates chosen by the first 8 to balance diversity. Alternates serve as non-voting members until seated. Diversity factors to include 1) gender, 2) race/ethnicity, 3) location (consider geographic diversity of SF neighborhoods and “regions” of candidates’ homes independent of existing districts, 4) socioeconomic status. Equitable stipends to allow for differential effort and assist those of lesser means.	Consistent with best practice CCRC and other successful local IRCs, which have 13-14 members for better representation. Balances random selection to minimize political influence with diversity concerns. Alternates recommended by RDTF; ensures “hot standby” replacements in case of resignation or removal. Geographic diversity should not be based on existing districts, which may split neighborhoods or areas of the City arbitrarily.	Deviates slightly from state legislation, which specifies that the first 8 must be from different existing districts. Stipends to be determined by BOS (outside of charter) and be commensurate with effort required vs. other typical commissions, e.g. CCRC=\$378 per diem, Long Beach IRC=\$200 per diem; Common Cause recommends \$450 per diem for LA IRC. Consider SF’s “Be the Jury” program (to encourage jury participation for low-income residents) as a potential stipend model.

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Selection & Removal: Outreach and Recruitment	None.	Require a comprehensive outreach and public education plan to build a large candidate pool representative of SF demographics. Open, competitive application process that is accessible, available in-language and not overly burdensome to potential candidates. Require regular public reporting on size and demographics of the pool. Consider a separate City agency with experience in outreach to run this phase of the selection process. Ensure funding is available to do this effectively.	In order to create a well-qualified, representative body free of conflicts of interest, it is necessary to source broadly from the entire talent of the City—not just the politically connected. Public reporting provides accountability and may spur mobilization to ensure a diverse pool. Leverage City’s existing agencies with extensive community connections and outreach experience.	Consistent with AB 1248 and CCRC practices. Possible agencies that might run a good outreach process could include the Dept. of Elections, Office of Civic Engagement and Immigrant Affairs, others? Also encourage the city to leverage outreach efforts like Long Beach’s use of inserts in utility bills, or the DMV, libraries, etc.

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Selection & Removal: Qualifications & Restrictions	No guidelines on who may be a member of the task force. No standard qualification criteria or ban on conflicts of interest	Open to SF residents of 1+ years (not required to be a registered voter). Subjective qualifications: ability to be impartial, relevant skills (communications, good listener, collaboration, critical thinker, analytical/understands data), understanding of SF's diversity and demographics. Disqualifying conflicts of interest for a candidate, if s/he, spouse or direct family members have been candidates, elected officials, staffers, major donors, or lobbyists for the previous 5-8 years. Financial disclosures required, but Form 700 need not be filed until finalist stage. Cannot run for office in districts they drew or citywide office for 10 years (Census cycle).	Residency is more inclusive vs. voter registration, which would eliminate 21% of voting-age residents. Proven combination of objective and subjective criteria to eliminate political conflicts of interest, ensure candidates are qualified for the tasks, without attracting those with aspirations for elected office. Consistent with RDTF's recommendation to consider CCRC's criteria.	Consistent with AB 1248 and 764, but revisions to Elections Code 23003 required both to pass. Question about requiring longer residency (most commissions require 1 year), as well as length of certain pre-service disqualifications to reduce political influence beyond 5 years. Encourage BOS to validate with community input. Consider more inclusive alternatives to written essays for evaluating subjective criteria.

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Selection & Removal: Vetting & Selection	3 political appointments each by Mayor and BOS. Open selection of 3 by independent body (SFEC).	Non-political vetting/selection (of finalists) by trusted, adequately resourced bod(ies) that leverage existing City capabilities, systems and processes. This could entail different agencies for the outreach & recruitment phase (see above) and actual vetting and selection from the finalist pool.	Consistent with RDTF's recommendation to consider CCRC selection process, w/out involvement of elected officials. Restoring public trust in the process is key to faith in fair elections. Political appointments are the reason the RDTF is considered a political commission—and why SF would have been forced to change if AB 1248 were signed into law.	The BOS should hold community input hearings on which bodies are trusted by the public, are staffed and capable of running an effective vetting and selection process, including investigative capabilities. Possibilities might include: <ul style="list-style-type: none"> ● Controller's Office ● Dept of Elections ● City Clerk ● Panel w/representatives from other various bodies (see AB 1248 options as amended)

<i>Element</i>	SF RDTF	Preliminary IRC Recommendation	Rationale	Comments
<i>Selection & Removal: Removal & Replacement</i>	RDTF members serve at the pleasure of their appointing authority	Allow for resignations. Removal only if IRC determines a member is guilty of neglect of duty, gross misconduct or misrepresented themselves to qualify. IRC to choose a qualified alternate to replace selected in the initial selection process that met the same requirements as all IRC members.	IRC member should be able to step down if s/he cannot fulfill duty. A truly independent body should be empowered to determine if a commissioner must be replaced and choose a replacement from already vetted alternates.	Consistent with AB 1248. Should allow for resignations due to longer term.

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<i>Redistricting Line-Drawing Criteria</i>	Line drawing criteria not ranked. Substantially comply with one person, one vote. Districts should be contiguous, compact, and recognized neighborhoods. Population variations limited to 1% unless variations necessary. Must consider communities of interest (undefined). No prohibition on incumbency protection.	Remove existing charter criteria and replace with explicit ranked criteria inclu. compliance with Federal law, case law, existing state criteria and constitutional definition of communities of interest (FAIR MAPS Act). Require final report to include rationale for map lines against criteria.	No strong rationale to deviate from accepted best practices. Ranked criteria forces tradeoffs favoring higher-ranked criteria rather than enabling cherry picking to justify districts. Case law for population deviation may evolve and SF would automatically evolve with it.	Consistent with FAIR MAPS Act and AB 764, but Elections Code 21130(g) exempts charter cities. Cultural districts could be cited as evidence to support communities of interest testimony.

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Funding	No stipends. Budget for outreach and line-drawing consultants. Supported by Clerk of the Board and Department of Elections, and City Attorney staff without other budget augmentation.	Budget should account for outreach and recruitment, vetting and selection prior to establishing the IRC. IRC should have a transparent budget that covers (some) dedicated staff as recommended by the City Clerk, community outreach, equitable stipends and reimbursement for expenses incurred by commissioners in the course of duties. IRC should have influence in selecting key consultants and their scopes of work. Supporting departments to receive appropriate budget augmentation in multiple budget years as appropriate.	The RDTF faced limits on its independence due to dependency on the limited resources of other agencies and decisions made before seating. Even scheduling meetings was a challenge due to competing duties of clerks. Lack of stipends and expense reimbursement limit the pool of applicants. This is a significant endeavor once every 10 years and cannot be expected to be absorbed by departments with business-as-usual budgets. Long Beach IRC was accounted for in 3 budget years.	Consistent with AB 1248 requirement to provide “reasonable funding and staffing.” Strongly consider the proposed budget recommended by the City Clerk (endorsed by RDTF), plus adequate resourcing for outreach and selection. Long Beach and other IRCs can provide sample budgets. Expense reimbursement should include local transportation (or a Clipper card), parking, meals for extended meetings, and caregiving expenses as needed to enable full participation.

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Commission Processes: Training and preparation	City Attorney wrote several legal memos to the RDTF. Both the City Attorney & mapping consultant offered to train the RDTF.	Require minimally the same legal training for permanent commissions, i.e. Sunshine and Brown Act, and practical training (VRA, Robert's Rules, Census data and mapping) shortly after seating.	RDTF members noted that mapping training was too late.	Consider leveraging experience of former CCRC, IRC and RDTF members to train.
Commission Processes: Including the public	Funding provided for outreach consultant. The past RDTF did create an outreach plan, but implementation was limited due to budget and scope of outreach consultant (which they had no role in choosing).	Outreach must be adequately resourced and should leverage existing City infrastructure, including agency expertise, language access resources, and community organization relationships. Public input hearings should be accessible and convenient to the public. See Transparency and Timing for more.	San Francisco has a very diverse population, including underrepresented communities that are difficult to reach. The IRC should piggyback off existing resources for cost-effectiveness. An IRC should engage with the public to determine the best meeting times and places to maximize participation.	SF must comply with AB 764 (Elections Code 21160b) requires a detailed public outreach plan.

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<i>Commission Processes: Transparency</i>	Public meetings governed by Sunshine ordinance & Brown Act, but no ban on discussing redistricting matters outside a public meeting	Ban on ex-parte communication and required disclosure. 7-day advance posting. Comments should be posted on the website. Required written rationale for final districts against ranked criteria, neighborhoods, communities included or split in each district.	RDTF members asked to be shielded from inappropriate political influence. Public should know about all discussions that might influence lines. IRC must be able to explain compliance with ranked criteria for every district in an accessible format.	Consistent with state legislation. AB 764 (Elections Code 21130f) mandates a final report explaining any splits. Previous RDTFs have voluntarily published reports but have not provided detailed rationales for districts, nor explained why neighborhoods or communities of interest were split. i no 21160g and h require posting comments on the website.
<i>Commission Processes: Voting and decision-making</i>	Simple majority: 5 (of 9) votes	Supermajority of 9 (out of 14 voting members)	9 is not an onerous supermajority. Larger body and supermajority lessens the possibility of a majority faction dominating. Allows for dissent but promotes collaboration.	Consistent with AB 1248.

<i>Element</i>	SF RDTF	Preliminary IRC Recommendation	Rationale	Comments
<i>Commission Processes: Missed Deadline</i>	Unclear. Last RDTF negotiated directly with the Dept. of Elections to buy more time.	Refer to Superior Court and authorize it to hire a Special Master to draw the districts if the final map is not produced on time.	Need an acceptable failsafe that creates an incentive for the IRC to complete its work in time for election processes.	Remedy in AB 764 (Elections Code 21180), which will apply to San Francisco since the charter is silent on this issue. Does not require adopting the state deadline.

<p>Timing (and Draft Maps)</p>	<p>RDTF seating tied to Census. Draft maps not required. Only (non-standard) final deadline stipulated.</p>	<p>The ordinance establishing the IRC should be passed 18-24 months prior to the map deadline. Seat IRC at least 12 months before the final map deadline, rather than tying establishment to the Census as currently in charter. Draft map required at least 2 months before final map. Required 7-day public comment period before map adoption. Consider adopting earlier state deadline.</p>	<p>BOS would need to pass an ordinance significantly in advance of seating the IRC due to the addition of an extensive outreach & recruitment process needed to build a large, diverse pool of candidates, as well as the time required for vetting and selection. SF's size and complexity warrant a year to allow adequate time for the IRC to get trained, organize itself, solicit community input, create draft maps to catalyze collaborative problem-solving, and refinement of a final map. Tying seating to a potentially delayed Census was problematic. Lack of official draft maps with adequate time for the public to understand, reflect, and react made it difficult to engage in the map-drawing process. San Francisco's final map deadline is later than standard state law.</p>	<p>Longer timeline consistent with state legislation. Past RDTFs have always exceeded minimum public hearings before mapping but NOT after mapping as stipulated in AB 764 (Elections Code 21150d(1)), which requires at least 2 public hearings before mapping and 21150d(2) at least 3 after a draft map before a final map can be adopted. Elections Code 21160f(1) requires 7-day posting or 72 hours if within 28 days of the final map deadline.</p>
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