

# **SAN FRANCISCO ELECTIONS COMMISSION REDISTRICTING INITIATIVE REPORT TO THE BOARD OF SUPERVISORS**

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# EXECUTIVE SUMMARY

In 1996, San Francisco became the second California city to adopt citizen redistricting, taking the decennial task of redrawing electoral districts out of the hands of legislators and into the purview of a citizen body now referred to as the Redistricting Task Force.

At the state level, voter initiatives in 2008 and 2010 established the California Citizens Redistricting Commission to oversee line drawing for State Senate, Assembly and Congressional maps in recognition that “allowing politicians to draw their own districts is a serious conflict of interest that harms voters.”<sup>1</sup> Around a decade later, legislators passed a state law<sup>2</sup> extending citizen redistricting to cities and counties and outlining clear line-drawing criteria and requirements for greater transparency, public education, and community outreach. Many California cities and counties have since adopted reforms and new standards for local redistricting through Independent Redistricting Commissions (IRCs), protected from political influence, operating transparently, and working with their communities to draw more effective, fair, and representative district maps. As a charter city, however, San Francisco was exempt from implementing the law’s changes. In its third cycle since establishing one of the state’s first citizen redistricting bodies, San Francisco’s 2021-2022 Redistricting Task Force drew significant public attention and controversy.

The Elections Commission is one of three bodies responsible for appointing members to San Francisco’s Redistricting Task Force, alongside the Mayor and Board of Supervisors. The City Charter mandates the Elections Commission to ensure free, fair, and functional elections. Thus, the Elections Commission determined it could play a uniquely helpful role in researching and moving the City toward more effective redistricting practices and launched a strategic Redistricting Initiative in June 2022.

Over the last 18 months, the Elections Commission has extensively studied and publicly debated possible reforms, covering a series of topic explorations, testimony from previous Redistricting Task Force members, and special presentations from advocacy groups, field experts, and other independent redistricting commissioners outside of San Francisco. The Elections Commission has heard broad agreement that there are many opportunities to improve the City’s 27-year-old redistricting process.

This report is the outcome of the Elections Commission’s work and outlines the body’s proposed recommendations to reform redistricting in San Francisco and move toward more fair and representative districts.

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<sup>1</sup> [Proposition 11](#), § 2(a), California Voter Information Guide, Nov. 4, 2008

<sup>2</sup> [FAIR MAPS Act 2019](#)

## SUMMARY OF RECOMMENDATIONS

Figure 1 below summarizes the Elections Commission’s final recommendations for improving San Francisco’s redistricting process (titled “Elections Commission Recommendation”), relevant state law including recently passed legislation effective in 2024, and a brief outline of how the 2021-2022 redistricting process worked (titled “The Way It Is Now”), grouped into redistricting components.

The full report provides a comprehensive view of the context and background that led to these recommendations, a set of supporting materials and resources, and a detailed analysis of reforms for the Board of Supervisors’ and public’s consideration.

**Figure 1: Summary of Recommendations**

Redistricting Component	The Way It Is Now	Relevant State Law	Elections Commission Recommendation
<b>Composition</b>	<ul style="list-style-type: none"> <li>• 9 members</li> <li>• No alternates</li> <li>• No diversity requirements, though past RDTFs have been diverse</li> </ul>	None.	<ul style="list-style-type: none"> <li>• 14 voting members</li> <li>• 2 alternates</li> <li>• Diversity factors: gender, race/ethnicity, location, socioeconomic status</li> </ul>
<b>Outreach &amp; Recruitment</b>	None required. Each appointing body handles outreach differently, though Dept. of Elections posts notification on its website.	None.	<ul style="list-style-type: none"> <li>• Require comprehensive outreach and public education plan</li> <li>• Hold open, competitive, accessible application process</li> <li>• Require public reporting on size and demographics of applicant pool</li> <li>• Consider separate agency to run outreach</li> <li>• Ensure funding is available to effectively recruit</li> </ul>
<b>Qualifications &amp; Restrictions</b>	<ul style="list-style-type: none"> <li>• No special guidelines on who may be a member of the task force. However, the Charter has general requirements.</li> <li>• No standard qualification criteria or ban on conflicts of interest.</li> </ul>	None.	<ul style="list-style-type: none"> <li>• Open to SF residents 18yo+ living in SF 1+ years</li> <li>• Subjective qualifications: history of civic engagement, is impartial, has relevant skills, understands SF’s diversity and demographics</li> <li>• Objective qualifications and disqualifying conflicts of interest: Standard, mostly consistent with CCRC, including pre-, during- and post-service requirements.</li> </ul>
<b>Vetting &amp; Selection</b>	3 authorities each appoint 3 members for a total of 9: Mayor (political), Board of Supervisors (political) and Elections Commission (non-political)	None.	<ul style="list-style-type: none"> <li>• Vetting and selection of 40 most qualified applicants is conducted by a trusted, adequately resourced non-political body(ies) that leverages existing City capabilities, systems and processes</li> <li>• The vetting body publicly facilitates the</li> </ul>

Redistricting Component	The Way It Is Now	Relevant State Law	Elections Commission Recommendation
			<p>random draw of the first 8 IRC members</p> <ul style="list-style-type: none"> <li>• The 6 remaining IRC members and 2 alternates are chosen from the pre-vetted finalist pool by the group of the first 8 members to balance diversity of skills and representation</li> </ul>
<b>Removal</b>	Members serve at the pleasure of their appointing authority and may be removed by their appointing authority at any time.	None.	<ul style="list-style-type: none"> <li>• Members of the IRC are removed only if the IRC determines a member is guilty of neglect of duty, gross misconduct, or if they misrepresented themselves to qualify for service on the body</li> <li>• Allow for the resignation of IRC members and replacement by alternates</li> <li>• The IRC determines which pre-selected alternate will replace the outgoing member</li> </ul>
<b>Redistricting Line-Drawing Criteria</b>	<ul style="list-style-type: none"> <li>• The existing line-drawing criteria is not ranked</li> <li>• The lines are to substantially comply with "one person, one vote"</li> <li>• Population variations between districts are limited to 1% of mean unless larger variations up to 5% are deemed necessary to prevent minority vote dilution or keep neighborhoods intact</li> <li>• Lines must consider communities of interest, though this term is undefined</li> <li>• There is no prohibition on incumbency protection or discrimination</li> </ul>	None. Elections Code § 21130(g) exempts charter cities with "comprehensive or exclusive criteria."	<ul style="list-style-type: none"> <li>• Remove existing Charter line-drawing criteria and adopt and incorporate ranked criteria as defined in Elections Code § 21130)</li> <li>• Require the IRC's final report to include a rationale for map lines compared against the criteria (incorporated in Elections Code § 21130)</li> <li>• Prohibit incumbency protection and discrimination in line-drawing (incorporated in Elections Code § 21130)</li> </ul>
<b>Funding</b>	<ul style="list-style-type: none"> <li>• RDTF members do not receive stipends</li> <li>• There was a budget for outreach and a line-drawing consultant in the last cycle, expenditures that were managed by Dept. of Elections / Clerk of the Board, not the RDTF</li> <li>• The RDTF work was supported by the following City departments and staff without other budget augmentation:</li> </ul>	None.	<ul style="list-style-type: none"> <li>• Redistricting budget should include outreach and recruitment, vetting and selection prior to establishing the IRC</li> <li>• The IRC should have a reasonable, transparent budget that covers (some) dedicated staff as recommended by the Clerk of the Board, community outreach, translation services, remote participation access, equitable stipends and reimbursement for expenses incurred by commissioners in the course of duties</li> <li>• IRC should have influence in selecting key consultants and their scopes of work</li> </ul>

Redistricting Component	The Way It Is Now	Relevant State Law	Elections Commission Recommendation
	Clerk of the Board, Department of Elections, and City Attorney		<ul style="list-style-type: none"> <li>Departments supporting redistricting work should receive budget augmentation in multiple budget years, as appropriate</li> </ul>
<b>Training &amp; Preparation</b>	<ul style="list-style-type: none"> <li>The RDTF members received Sunshine Ordinance and Ethics training required for all City officials, though City Charter stipulates no requirements specific to the task force.</li> <li>The RDTF received briefings on its duties and powers from the Department of Elections, Office of the City Attorney, Clerk's Office, Q2 Data and Research LLC ("Q2"), and Civic Edge Consulting.</li> <li>The RDTF did not have early training on how to develop maps leveraging Census and other data—instead, learned during the mapping process.</li> <li>RDTF received various data sets including socioeconomic demographics, neighborhood maps, cultural district information, and community benefit district boundaries</li> </ul>	None.	<ul style="list-style-type: none"> <li>Require practical training shortly after seating (VRA, Robert's Rules, Census data and mapping, state and SF ranked mapping criteria)</li> </ul>
<b>Including the Public</b>	<ul style="list-style-type: none"> <li>None required by City Charter but FMA 2019 required outreach to underrepresented and non-English-speaking communities.</li> <li>The RDTF created an outreach plan, but implementation was limited due to budget and the predetermined scope of the outreach consultant, Civic Edge (selected by the Clerk's Office prior to RDTF seating).</li> <li>Civic Edge developed marketing materials, identified community organizations for engagement, and digital outreach efforts, supplemented by the Clerk's Office with other collateral.</li> <li>RDTF members participated in</li> </ul>	San Francisco must comply with FMA 2023, including Elections Code § 21160(b), which requires a detailed public outreach plan.	<ul style="list-style-type: none"> <li>Outreach must be adequately resourced and should leverage existing City infrastructure, including agency expertise, language access resources, and community organization relationships</li> <li>Public input hearings should be accessible and convenient to the public</li> <li>The IRC should have a voice in the scope of any consultants' work used for public outreach</li> <li>See <a href="#">Transparency</a> (p.51) and <a href="#">Timing</a> (p.54) sections for related recommendations</li> </ul>



Redistricting Component	The Way It Is Now	Relevant State Law	Elections Commission Recommendation
	<p>outreach activities.</p> <ul style="list-style-type: none"> <li>• RDTF emphasized language access, which was also required by FMA 2019.</li> <li>• Mapping consultant Q2 provided mapping and community of interest submission tools for the public to create and submit maps, as well as provided a map training video</li> </ul>		
<b>Transparency</b>	<ul style="list-style-type: none"> <li>• Public meetings are governed by the Sunshine Ordinance and Brown Act. There is no ban on discussing redistricting matters outside of a public meeting.</li> <li>• The RDTF produced and posted the required VRA analysis.</li> </ul>	<ul style="list-style-type: none"> <li>• The FMA 2023 (Elections Code § 21130(b)) requires that the required analysis of the possible creation of any majority minority districts under the federal Voting Rights Act (VRA) be posted on the website within seven days of completion or prior to adopting election district boundaries, whichever occurs first.</li> <li>• FMA 2023 (Elections Code § 21130(f)) mandates a final report explaining any splits of neighborhoods or communities of interest</li> <li>• FMA 2023 (Elections Code § 21160(g) and (h)) requires</li> </ul>	<ul style="list-style-type: none"> <li>• Ban ex-parte communication</li> <li>• Require disclosure of approaches by electeds or members of the public, educational sessions presented, etc.</li> <li>• Require 7-day advance posting of maps under consideration</li> <li>• Public comments should be posted on the IRC website</li> <li>• Require written rationale for final districts against ranked criteria, neighborhoods, communities included or split in each district (see also <a href="#">Redistricting Line-drawing Criteria</a>, p.41)</li> </ul>

Redistricting Component	The Way It Is Now	Relevant State Law	Elections Commission Recommendation
		posting comments on the website.	
<b>Voting &amp; Decision-Making</b>	A simple majority (5 of 9 votes) is required for any decisions, including final maps	None.	Supermajority (9 of 14) for all votes
<b>Impasse Procedure</b>	None. The City Attorney wrote a legal memo to the 2021-2022 RDTF advising of the obligation to complete task despite missing the legal deadline.	FMA 2023 (Elections Code § 21180) says that if the final map is not produced on time, it will be referred to the Superior Court who is authorized to hire a Special Master to draw the districts. This law will apply to San Francisco because the charter is silent on this issue. The new law does not require adopting the state deadline.	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 (incorporated in Elections Code § 21180).
<b>Timing</b>	<ul style="list-style-type: none"> <li>Seating of the RDTF is tied to the Census.</li> <li>Official draft maps are not required and therefore not bound by a deadline. Only a (non-standard) final deadline is stipulated. This is currently by April 15 in the year in which the first election using the redrawn lines will be conducted.</li> <li>FMA 2019 required a minimum of 4 public hearings before a redistricting plan can be adopted, with at least one occurring on a weeknight or weekend; the RDTF complied.</li> </ul>	<ul style="list-style-type: none"> <li>FMA 2023 (Elections Code § 21150(d)(1)) requires at least 2 public hearings before mapping and § 21150(d)(2) requires at least 3 after a draft map before a final map can be adopted</li> <li>Elections Code § 21160(f)(1) requires 7-day posting of maps or 72 hours if within 28 days of the final map deadline</li> </ul>	<ul style="list-style-type: none"> <li>The ordinance establishing the IRC should be passed 18-24 months prior to the map deadline, rather than tying establishment to the Census as is currently in Charter</li> <li>The IRC should be seated at least 12 months before the final map deadline</li> <li>Require an official draft map at least 2 months before the final map</li> <li>Require a 7-day public comment period before final map adoption</li> <li>Consider adopting earlier state deadline for final map</li> </ul>

# FREQUENTLY USED ACRONYMS

The use of acronyms throughout this report was avoided except for the ones below due to their frequent appearance throughout the text.

RDTF = Redistricting Task Force

IRC = Independent Redistricting Commission

BOS = Board of Supervisors

CCRC = California Citizens Redistricting Commission

FMA 2019 = Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act (FAIR MAPS Act) of 2019

FMA 2023 = FAIR MAPS Act of 2023 (Assembly Bill 764)

SFEC = San Francisco Elections Commission

# INTRODUCTION

San Francisco was a pioneer in citizen redistricting, taking the decennial task of redrawing electoral districts out of the hands of legislators and giving the decision-making authority instead to a citizen body in 1996. Only the city of San Diego predated San Francisco in establishing such a commission in 1992, and these cities were the only ones that used commissions in the 2001 redistricting cycle. By 2008, California voters had passed Proposition 11, the Voters First Act, followed by Proposition 20, the Voters First Act for Congress, in 2010. These initiatives created the California Citizens Redistricting Commission (CCRC) in recognition that “allowing politicians to draw their own districts is a serious conflict of interest that harms voters.”<sup>3</sup> The effectiveness<sup>4</sup> of the CCRC in drawing maps that met constitutional criteria<sup>5</sup> and better represented California’s diverse communities<sup>6</sup> inspired national and local reformers alike. By the 2020 redistricting cycle, 22 cities and counties representing 42% of California’s population<sup>7</sup> used independent redistricting commissions (IRCs).

A key distinction between San Francisco’s Redistricting Task Force (RDTF) and IRCs is its political appointees. In fact, for 18 of the 22 IRCs across California, commissioners are not appointed directly by elected officials,<sup>8</sup> as state law prohibits this<sup>9</sup> – except for charter cities. More recently established IRCs have also taken a cue from the CCRC, setting strict eligibility criteria and qualifications to serve. In yet another example of a major city looking to update its practices after a recent challenging and controversial redistricting process,<sup>10</sup> Los Angeles has just approved a ballot measure to replace its Advisory Redistricting Commission with an IRC, to go before voters in 2024.<sup>11</sup>

*“...the City and County of San Francisco, whose commission predates Proposition 11, is one of the few IRCs to have elected officials directly appoint commissioners; its controversial redistricting in 2022 illustrates the risks and potential conflicts of interest associated with this model.”*  
  
*--The Promise of Fair Maps (Heidorn, 2017)*

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<sup>3</sup> [Proposition 11](#), § 2(a), California Voter Information Guide, Nov. 4, 2008

<sup>4</sup> Sonenshein, Raphael, [When People Draw the Lines](#), 2013

<sup>5</sup> Kogan, Vladimir & McGhee, Eric, [Redistricting California: An Evaluation of the Citizens Commission Final Plans](#), California Journal of Politics and Policy, 2012

<sup>6</sup> Stephanopoulos, Nicholas, [Communities and the California Commission](#), Stanford Law and Policy Review, 2012

<sup>7</sup> Heidorn, Nicholas, [The Promise of Fair Maps](#), January 2023, p.1

<sup>8</sup> Heidorn, Nicholas, [The Promise of Fair Maps](#), January 2023, p.13-14

<sup>9</sup> [California Elections Code § 23003](#)

<sup>10</sup> [How a New City Council Map of L.A. Turned Into a Political Brawl](#), New York Times, Sept. 5, 2023

<sup>11</sup> [L.A. will switch to independent redistricting if voters approve in 2024 election](#), Los Angeles Times, November 29, 2023

## WHY HAVE THIS CONVERSATION NOW?

The San Francisco Elections Commission heard broad agreement both from observers of the recent redistricting process, such as Asian Americans Advancing Justice - Asian Law Caucus, California Common Cause, the League of Women Voters San Francisco,<sup>12</sup> and many members of the public – as well as from the Redistricting Task Force itself<sup>13</sup>—that some improvements should be made for the next redistricting cycle. There was consensus on what some of those components should be and disagreement on others. The Commission attempted to capture these sentiments throughout the report.

The public's recent range of experiences with redistricting allows for more meaningful community engagement and input for potential reforms. While the 2030 redistricting cycle may seem far into the future, designing and running a fair and democratic process requires ample time, preparation, and resources. The Elections Commission knows the City will need adequate time to get voter approval on outstanding items, prepare a new independent redistricting body, as well as support City agencies to plan and operationalize a fair process. In addition to a large bureaucracy as befits its size, the City and County of San Francisco has a notoriously slow hiring process<sup>14</sup> and a two-year budgeting process. Other IRCs like Long Beach have planned over three budget years (see [Funding](#), p.44) to account for an adequate outreach planning and recruitment period for an open and competitive application process (see [Timing](#), p.54).

## WHY US?

The Elections Commission is responsible for ensuring free, fair, and functional elections in San Francisco. This Commission believes fair processes that result in participation across the City's diverse communities<sup>15</sup> and a representative government are foundational to its mandate. The City Charter specifically recognizes the Commission's unique, non-political role in the redistricting process as one of three appointing authorities for the RDTF, alongside the Mayor and Board of Supervisors. As the oversight body for the Department of Elections, the Commission also hires and oversees the Director of Elections who has specific responsibilities in the redistricting process.

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<sup>12</sup> [Letter to the RDTF re: Recommendations for inclusion in Redistricting Task Force final report](#), May 2022

<sup>13</sup> [2021-2022 San Francisco Redistricting Task Force Final Report](#), May 23, 2022, pp.13-16

<sup>14</sup> [Here's how S.F. is trying to fix its 'absolutely insane' hiring process](#), SF Chronicle, Jan. 27, 2023

<sup>15</sup> [2023-2024 SFEC Voter Registration Policy Priority](#)

Ensuring every San Franciscan has representation requires fair districts. The Commission recognizes that fair representation in this very diverse city, with its high economic inequality,<sup>16</sup> significant immigrant population, and relatively lower voter registration rates compared with other Bay Area counties,<sup>17</sup> is challenging.

The Commission also recognizes that redistricting is fundamentally a diversity, equity, and inclusion (DEI) issue.<sup>18</sup> In fact, since the CCRC took over redistricting, the percentage of women elected to the State Legislature more than doubled, Asian American Pacific Islanders tripled, Black electeds almost doubled, and Latinx legislators jumped by eight points since 2002<sup>19</sup>—now more closely reflecting California’s demographics.<sup>20</sup> Research confirms why representation matters: a study of California’s and LA County’s recent redistricting concluded that an independent and inclusive process with community engagement results in “communities of color being more empowered to elect candidates of choice”<sup>21</sup>—a principle enshrined in both the federal and California Voting Rights Acts.

## STATE LAW

The Fair And Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS Act<sup>22</sup> or FMA 2019) became law in 2019. Inspired by the CCRC, the FMA 2019 was the most significant and comprehensive overhaul of the local redistricting process in state history. It prohibits partisan gerrymandering and sets forth standardized, fair redistricting criteria for cities and counties meant to ensure neighborhoods and diverse communities are kept intact. The FMA 2019 also requires greater transparency, public education, and outreach, particularly to underrepresented communities. It does not apply to charter cities with existing “comprehensive or exclusive redistricting criteria”<sup>23</sup>, and therefore, San Francisco was not obligated to comply, and didn’t. This law prompted the formation of many IRCs throughout the state. The law, along with a recent report<sup>24</sup> about its effects across 100+ local redistricting processes thus far, provides many recommendations and effective practices for local jurisdictions’ reference.

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<sup>16</sup> [Even the richest San Franciscans think economic inequality is out of control. Here’s how bad it is](#), SF Chronicle, September 27, 2022

<sup>17</sup> [Bay Area Equity Atlas](#)

<sup>18</sup> The Commission has consequently included redistricting reform as part of its 2022 Racial Equity Action Plan: [2022 Racial Equity Progress Report](#), Dept. of Elections, May 8, 2023, pp.16-17

<sup>19</sup> [Grose, Christian, Fair Maps in the State of California: The 2020 California Citizens Redistricting Commission’s Successes and Challenges](#), pp. 23-25

<sup>20</sup> [U.S. Census estimates July 1, 2023](#)

<sup>21</sup> [True Representation: Communities of Color Shape California’s Redistricting](#), Catalyst California, November 2022

<sup>22</sup> [FAIR MAPS Act 2019](#)

<sup>23</sup> [Legal Requirements for Redistricting – 2021 Memo to RDTE](#), p. 2, SF City Attorney, Sept. 27, 2021

<sup>24</sup> Heidorn, Nicholas, [The Promise of Fair Maps](#), January 2023

Several pieces of state legislation related to local redistricting were introduced in 2023. One major bill proposed by Assembly Member Isaac Bryan would have imposed broader redistricting requirements than existing legislation across the state of California, covering charter cities previously excluded from legislation. This bill, Assembly Bill 1248 (AB 1248),<sup>25</sup> passed the Legislature<sup>26</sup> but was vetoed<sup>27</sup> by the Governor for budgetary reasons. It would have required all California counties and cities (including charter cities) with over 300k people to establish IRCs. The San Francisco City Attorney's office provided a memo on possible implications for San Francisco in April 2023 (see [Appendix C](#), p.A-4). Assembly Member Bryan also introduced Assembly Bill 764 (AB 764),<sup>28</sup> which was signed into law by the Governor and provides enhancements to the FAIR MAPS Act, now known as the FAIR MAPS Act of 2023 (FMA 2023).<sup>29</sup> FMA 2023 will have some implications for San Francisco, as detailed in a memo from the SF City Attorney included in [Appendix D](#), p.A-7. There were a few other redistricting bills that created IRCs for certain local jurisdictions that were signed by the Governor as well. It is generally understood that good governance groups will continue to advocate for improvements to local redistricting efforts at the state level.

## A BRIEF HISTORY OF REDISTRICTING IN SAN FRANCISCO AS DISTRICT ELECTIONS RETURNED

In 1994, voters approved Proposition L, creating a nine-member Elections Task Force consisting of three members appointed by the mayor, three by the Board of Supervisors, and three by the Registrar of Voters.<sup>30</sup> This task force's mandate was to "propose a system of electing supervisors that meets the needs of the entire city as well as of our individual neighborhoods."<sup>31</sup> The task force concluded that "the present system of electing supervisors was flawed and failed to provide adequate representation for most of the diverse populations of San Francisco" and that a different system should be adopted to "more closely reflect the ethnic, political, social, and economic diversity of San Francisco."<sup>32</sup> They made recommendations on voting methods and the Board of the Supervisors put two options on the 1996 ballot: Prop G would re-establish district elections and Prop H would keep at-large elections but use

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<sup>25</sup> [AB 1248 text](#)

<sup>26</sup> Assembly: 62 Ayes; 16 Noes. Senate: 30 Ayes; 7 Noes. AB 1248 bill tracking on [FastDemocracy](#).

<sup>27</sup> [Governor Newsom's public veto statement](#)

<sup>28</sup> [AB 764 summary and bill text](#)

<sup>29</sup> FAIR MAPS Act of 2023 ([Sect 21100 et seq.](#))

<sup>30</sup> On November 7, 1995 the voters adopted a new Charter that replaced the Registrar of Voters with a Department of Elections administered by a Director of Elections "vested exclusively with the conduct and management of voter registration and matters pertaining to elections in the City and County." ([A Brief History of Elections Administration in San Francisco](#). SF City Attorney Memo. July 6, 2005.)

<sup>31</sup> San Francisco Registrar of Voters, [Voter Information Pamphlet and Sample Ballot](#), November 8, 1994 Consolidated General Election, "Proponent's Argument in Favor of Proposition L"

<sup>32</sup> San Francisco Elections Task Force, [A Report of the Elections Task Force to the Board of Supervisors](#), City and County of San Francisco (May 1, 1995), p.3

proportional ranked choice voting (PRCV). Prop G would also establish the first district lines and procedures for future redistricting to be overseen by another “elections task force.”

The initial maps put before voters in Prop G were drafted by Professor Richard DeLeon, Director of the Public Research Institute at San Francisco State University, under the direction of the Elections Task Force. According to Steven Hill, co-founder of FairVote and advisor to the Elections Task Force, they faced many similar challenges to San Francisco’s 2021-2022 Redistricting Task Force (RDTF) when creating the initial districts.<sup>33</sup> These challenges included shaping districts according to where people live, who they are and how they are represented in maps, as well as vague criteria for drawing the lines.

Voters approved Prop G with 57% of the vote, re-establishing district elections, but rejected Prop H. (San Francisco voters subsequently approved Prop A Instant Runoff<sup>34</sup> in 2002, a form of Ranked Choice Voting (RCV), which went into effect in 2004.) Prop G went into effect in 2000, and San Francisco returned to voting in district elections. Incorporated in the San Francisco City Charter as §13.110 Elections of Supervisors, it established “a nine-member elections task force” and focuses on composition, selection process, line-drawing criteria, and timing. San Francisco was first redistricted in 2002 by the Elections Task Force on Redistricting (now known as the RDTF).<sup>35</sup> In 2001, the Elections Commission was created by voters through Proposition E.<sup>36</sup> Upon establishment in 2002, the Commission replaced the Director of Elections as an appointing authority for the RDTF per the charter and replaced two of the Director’s appointees with its own.<sup>37</sup>

## SAN FRANCISCO’S CURRENT REDISTRICTING PRACTICES

Every ten years the Director of Elections is required by the Charter to evaluate the federal, state, and local legal compliance of San Francisco’s supervisorial boundaries and advise the Board of Supervisors on relevant population changes no later than 60 days after the decennial Census results have been published. Should the Director of Elections find that the boundaries do not align with population requirements, a nine-person, independent RDTF is convened.

The purpose of San Francisco’s redistricting process is to ensure fair supervisorial representation for all San Francisco voters. The RDTF must adhere to various requirements in local, state, and federal law and produce a final map by April 15 of the year in which new district elections will be held.

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<sup>33</sup> [Steven Hill’s testimony](#), SF Elections Commission, June 15, 2022

<sup>34</sup> [March 5, 2002 Consolidated Primary Election Voter Information Pamphlet](#)

<sup>35</sup> [2001-2002 Elections Task Force on Redistricting Final Report](#)

<sup>36</sup> [A Brief History of Elections Administration in San Francisco](#), SF City Attorney, July 6, 2005

<sup>37</sup> [Gwenn Craig’s testimony](#), SF Elections Commission, Sept. 21, 2022



The 2010 Census did not result in large variations in San Francisco’s population and according to testimony from a 2011-12 RDTF member, the redistricting process was relatively uncontroversial, with the final map passing unanimously.<sup>38</sup> The 2020 Census showed a large change in San Francisco’s population and where people lived, requiring significant changes to the district lines the RDTF would need to draw. The 2021-2022 redistricting effort drew significant public attention across many facets of its operations and decision-making processes. The Elections Commission learned from the chair of the first 2001-02 RDTF that its process was also marred by “divisiveness and politicization” and, like the 2021-22 RDTF, resulted in a 5-4 vote on the final district map.<sup>39</sup>

## THE ELECTIONS COMMISSION’S INVOLVEMENT WITH THE 2021-2022 REDISTRICTING PROCESS

The Commission fulfilled its Charter obligations by appointing a diverse slate of three members to the RDTF at a June 22, 2021 special meeting. The Budget and Oversight of Public Elections (BOPEC) Committee ranked, then interviewed, finalists from a pool of 33 applicants in a 3-month open application process.<sup>40</sup> Separately, that evening, in response to concerns<sup>41</sup> about the delay of Census data due to the pandemic and other factors, the Board of Supervisors passed the ordinance convening the 2021-22 RDTF and opened its application process. The BOS appointed its three members on July 20, 2021. The Mayor opened applications for her appointees on July 2, 2021 and made her appointments on July 30, 2021. The RDTF first convened virtually on September 17, 2021.

The Director of Elections must support the RDTF as an ex-officio member and with contracting consultants. While the Commission oversees the Director, the body does not have direct redistricting responsibilities after appointing its three Task Force members. The Commission did not engage with the 2021-2022 process again until April 6, 2022. Held in lieu of the regular March 16, 2022 meeting cancelled for lack of a quorum, the April special meeting was the first in-person meeting since the Mayor ended the COVID-19 State of Emergency declaration and ordered all city agencies and departments to return to the office. During more than two hours of general public comment, the Commission heard from 44 members of the public expressing concerns about the RDTF and its processes, with several explicitly asking the Commission to investigate and consider removing its appointees.<sup>42</sup> Many commenters cited transparency issues, especially noting a 3am decision<sup>43</sup> the night

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<sup>38</sup> [Myong Leigh’s testimony](#), SF Elections Commission, September 21, 2022

<sup>39</sup> [Gwen Craig’s testimony](#), SF Elections Commission, September 21, 2022

<sup>40</sup> [June 22, 2021 Special Meeting Minutes](#), SF Elections Commission

<sup>41</sup> [March 15, 2021 letter from League of Women Voters of San Francisco](#) to SFEC, Dir Arntz, City Attorney Herrera, BOS, and Mayor Breed

<sup>42</sup> [April 6, 2022 Special Meeting Minutes](#), SF Elections Commission

<sup>43</sup> [U-turn on a U-turn: New map puts TL and SoMa in District 5](#), Mission Local, April 5, 2022

before to reverse a vote on a map supported by over 50 community groups,<sup>44</sup> including Black, LGBTQ+, and Asian American Pacific Islanders.<sup>45</sup>

Commissioners sought clarification from the Deputy City Attorney on the Commission's authority, the implications should the RDTF miss the April 15, 2022 map deadline, and the RDTF's ability to function should the Commission decide to take any action. After further discussion, the Commission unanimously agreed that the public's concerns deserved reasonable consideration and a forum "as soon as possible."<sup>46</sup> The Commission made arrangements to hear directly from its appointees and others at a special public hearing with a main agenda item, "Discussion and Possible Action Regarding Elections Commission Appointees to the San Francisco Redistricting Task Force"<sup>47</sup> that was ultimately scheduled<sup>48</sup> April 8, 2022.

The Commission's decision to hold this hearing was controversial itself, sparking commentary and letters from elected officials and citizens concerned about a possible intervention so close to the map deadline.<sup>49</sup> Some, including the Commissions' appointees,<sup>50</sup> were concerned this would undermine the RDTF's independence. Others, including democracy advocacy organizations,<sup>51</sup> took the opportunity to express concerns with the process without necessarily calling for removal. In the two-day span before the hearing, a number of news articles also speculated that political forces were influencing the redistricting process.<sup>52 53 54</sup>

At the April 8, 2022 meeting, the Commission made its own determination after hearing from all parties for almost seven hours<sup>55</sup> including testimony from SFEC appointees, invited speakers, and public commenters. These comments ranged from those praising its appointees and in support of allowing them to finish their work to those suggesting incompetence or malfeasance that deserved removal. However, after much discussion, the Commission did not find definitive merit for removal.<sup>56</sup> Commissioner Charles Jung expressed reservations about the decision to hold the meeting and later resigned from the Commission. Ultimately, the Commission resolved unanimously: "After hearing from

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<sup>44</sup> [SF Unity Map Coalition Redistricting Reform presentation](#), p. 4, October 19, 2022

<sup>45</sup> ['This is our Selma': Hundreds in S.F. show up to fight redistricting plan](#), SF Chronicle, April 2, 2022

<sup>46</sup> [April 6, 2022 Special Meeting video](#), SF Elections Commission

<sup>47</sup> [April 8, 2022 Special Meeting agenda](#), SF Elections Commission

<sup>48</sup> The meeting was originally scheduled for April 10, 2022, but was moved earlier to precede the RDTF's April 9th meeting after confirming that special meetings could be convened with fewer than 72 hours' notice.

<sup>49</sup> [S.F.'s redistricting process rocked by new controversy as task force members may get removed: 'shocking'](#), SF Chronicle, April 7, 2022

<sup>50</sup> [Letter from Raynell Cooper, Chasel Lee, and Ditka Reiner](#), SF Elections Commission

<sup>51</sup> [4/11/2022 Letter from California Common Cause](#), SF Elections Commission

<sup>52</sup> [S.F. redistricting drama: political power grab or consequence of bad housing policy?](#), SF Chronicle, April 8, 2022

<sup>53</sup> [Big real estate and GOP money is backing a move to gerrymander SF districts](#), 48hills, April 6, 2022

<sup>54</sup> [The unfolding drama of redistricting](#), SF Examiner, April 7, 2022

<sup>55</sup> [April 8, 2022 Elections Commission Meeting Part 1, Part 2](#)

<sup>56</sup> [S.F. Elections Commission decides not to remove redistricting task force members](#), SF Chronicle, April 8, 2022

the Elections Commissions' appointees to the Redistricting Task Force, invited speakers, and public commenters, the Commission finds no reason for removal. We applaud our appointees for their hard work. We affirm the independence of the Redistricting Task Force."<sup>57</sup>

The remaining RDTF meetings continued to draw significant attention and controversy. Four members walked out<sup>58</sup> after another late-night vote reversal,<sup>59</sup> made accusations against each other,<sup>60</sup> and the RDTF missed their deadline, drawing a lawsuit,<sup>61</sup> finally completing the map April 28, 2022.

## THE ELECTIONS COMMISSION'S REDISTRICTING INITIATIVE

At the Commission's May 18, 2022 meeting, Commissioner Cynthia Dai prepared a chart for discussion comparing the design of the RDTF to other IRCs based on her experience as a 2010 CCRC Commissioner and trainer for other IRCs.<sup>62</sup> In line with its mandate to ensure free, fair, and functional election administration, the Commission discussed possible improvements to the redistricting process and the necessity of amending the Charter to do so. President Lucy Bernholz suggested constraining the focus to redistricting for single-member districts rather than alternative democratic reforms such as multi-member districts to avoid an unmanageable scope. Commissioners Dai and Robin Shapiro (now President Stone) agreed to develop a six-month public education plan to review San Francisco's redistricting processes and learn about best practices from experts. Then the Commission could solicit input from the public and recommend possible reforms. This was the genesis of the Commission's Redistricting Initiative, a public forum for education, dialogue, and strategic recommendations to strengthen San Francisco's redistricting process.<sup>63</sup> After the RDTF released its final report on May 23, 2022, Commissioner Dai shared the discussion document with RDTF members as a public comment and invited them to participate.<sup>64</sup>

Armed with recommendations from the RDTF's report<sup>65</sup> and feedback from the public and democracy advocacy organizations (letters included in [Appendix F](#), p.A-14), the Redistricting Initiative began in June 2022 with a series of topic explorations, special presentations from field experts, and testimony from past RDTF members and other independent redistricting commissioners outside of San Francisco. In total, the full commission covered topics across six educational sessions, as detailed in Figure 2

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<sup>57</sup> [Redistricting Task Force members keep seats, win praise](#), Mission Local, April 9, 2023

<sup>58</sup> [Task force members walk out as last redistricting talk turns into chaos](#), Mission Local, April 10, 2022

<sup>59</sup> [New district boundaries for S.F. supervisors take shape, and few are happy with result](#), SF Chronicle, April 11, 2022

<sup>60</sup> [Redistricting Task Force members decry 'sham,' 'sellout' process](#), Mission Local, April 11, 2022

<sup>61</sup> [S.F. redistricting fiasco: Panel risks lawsuit after rejecting controversial map, blowing through deadline](#), SF Chronicle, April 14, 2022

<sup>62</sup> [San Francisco Redistricting vs. Best Practices Redistricting Reforms, SF Elections Commission, May 18, 2022](#)

<sup>63</sup> [May 18, 2022 Meeting Minutes](#), SF Elections Commission

<sup>64</sup> [Final Report Public Comments Received through May 19, 2022](#), RDTF

<sup>65</sup> [Redistricting: Task force report urges protection from 'inappropriate political influence'](#), Mission Local, May 13, 2022

below. After the initial presentation on the history of redistricting in San Francisco, topics were generated by questions and feedback from Commissioners as the educational effort progressed.

**Figure 2: SFEC Redistricting Initiative Meeting Topics**

Date	Presenter	Topic	Video and/or slides
June 15, 2022	<a href="#">Steven Hill</a> , FairVote co-founder; advisor to original SF Elections Task Force in 1996	San Francisco Redistricting Task Force history	<a href="#">Video</a>
	<a href="#">Julia Marks</a> , Voting Rights Manager and Staff Attorney at Asian Americans Advancing Justice - Asian Law Caucus	Overview of alternate redistricting structures	<a href="#">Video</a>
July 20, 2022	<a href="#">Gwenn Craig</a> , Former Chair of Elections Task Force and 2001 RDTF Chair	Brief history of the Elections Task Force and district elections	<a href="#">Video</a> ; <a href="#">Written remarks</a>
	<a href="#">Alesandra Lozano</a> , Voting Rights & Redistricting Program Manager, California Common Cause	Independent redistricting archetypes and case studies	<a href="#">Video</a> ; <a href="#">Slides</a> ; <a href="#">Slide Notes</a> ; <a href="#">Redistricting database</a>
September 21, 2022	Former SF RDTF members: <ul style="list-style-type: none"> <li><a href="#">Gwenn Craig</a>, 2001</li> <li><a href="#">Myong Leigh</a>, 2011</li> <li><a href="#">Raynell Cooper</a>, 2021</li> </ul>	San Francisco's citizen redistricting in practice	<a href="#">Video</a>
October 19, 2022	<a href="#">Angela Calvillo</a> , Clerk of the Board of Supervisors	Staffing and support	<a href="#">Video</a> ; <a href="#">Clerk of the Board Report</a> ; <a href="#">Ordinance No. 94-21</a>
	<a href="#">Fernando Martí</a> and <a href="#">Emily Lee</a> , San Francisco Unity Map Coalition	Community input	<a href="#">Video</a> ; <a href="#">Unity Map Coalition Redistricting Slides</a>
November 16, 2022	<a href="#">Alejandra Gutiérrez</a> , Long Beach Independent Redistricting Commission	Best practices and exemplars	<a href="#">Video</a> ; <a href="#">2021 Long Beach Redistricting Report</a>
	<a href="#">Rebecca Szetela</a> , Chair & Vice Chair, Michigan ICRC	Best practices and exemplars	<a href="#">Video</a> ; <a href="#">Lessons Learned from MI IRC</a>
	<a href="#">Nancy Wang</a> , Executive Director, Voters Not Politicians	Best practices and exemplars	<a href="#">Video</a>

Date	Presenter	Topic	Video and/or slides
March 15, 2023	<a href="#">Nicholas Heidorn</a> , Founder of the California Local Redistricting Project	Discussion of new report about results of cities implementing the FAIR MAPS Act of 2019	<a href="#">Video: Promise of Fair Maps Report: California Local Redistricting Commissions (2017)</a>

There was some interest on the Commission to develop a set of recommendations to share with the Board of Supervisors that would necessitate an amendment to the Charter, which would need to be brought to San Francisco voters for approval, as was done in 1996 when the original redistricting procedures were created. During the spring of 2023 it became clear that the SFEC did not have the capacity to run a community engagement process that would adequately engage the public in a matter that so deeply affected their representation in City Hall. The Commission also clarified its role and what was permitted with the City Attorney's office. Since the Commission is not a legislative body, any decision about whether or not future recommendations should go to the voters is in the hands of the Board of Supervisors. The Commission's role could be to submit a final report as a result of the research and learning conducted during its process.

In May 2023, the Commission formed the temporary Fair, Independent, and Effective Redistricting for Community Engagement (FIERCE) Committee to develop a set of redistricting reform recommendations to present to the full commission for consideration. Members of the committee included Chair Cynthia Dai and Commissioners Renita LiVolsi and Michelle Parker. The Commission would then determine whether to forward part or all the recommendations to the Board of Supervisors. The FIERCE Committee met six times between May 31 and October 30, 2023; the topics and discussions in those meetings are listed below in Figure 3. The Committee spent the first few meetings hearing from an advisory panel of organizations focused on effective governance, past members of the RDTF and two members of the 2020 CCRC, including one currently working on redistricting reforms in Los Angeles. The last few meetings were spent in discussion (see guide in [Appendix G](#), p.A-16) – reviewing the information shared with the Committee and full Commission over the previous year-plus and then identifying where there was agreement across Committee members on possible recommendations, where more discussion was needed, and where more public input was required. At its final meeting, the Committee voted on a set of recommendations, prepared a presentation and shared it with the full commission on November 15, 2023. The recommendations were presented as a set as opposed to individually because the Committee discovered multiple interdependencies across redistricting components that made it difficult to isolate them. The Commission provided feedback, disbanded the Committee, and charged Commissioners Parker and Dai with drafting this final report for the Commission's December 2023 meeting. Then, the Commission voted 6-0 in favor of advancing the report and recommendations to the Board of

Supervisors, subject to final content editing to reflect differing Commissioner perspectives and feedback.

**Figure 3: FIERCE Committee Meeting Topics**

Date	Presenter	Topic	Video and/or slides
May 31, 2023	<ul style="list-style-type: none"> <li>• <a href="#">Russia Chavis Cardenas</a>, Voting Rights &amp; Redistricting Program Manager, California Common Cause</li> <li>• <a href="#">Lauren Girardin</a>, Redistricting Team, League of Women Voters of San Francisco</li> <li>• <a href="#">Sietse Goffard</a>, Senior Program Coordinator, Voting Rights, Asian Americans Advancing Justice – Asian Law Caucus</li> <li>• <a href="#">Chema Hernández Gil</a>, Member, 2021-2022 Redistricting Task Force</li> <li>• <a href="#">Jenny Tse</a>, Advocacy Chair, League of Women Voters of San Francisco</li> </ul>	Discussion about proposed state legislation with a 2021-22 RDTF member and a panel of good government organization representatives who monitored San Francisco's and other local redistricting processes	<a href="#">Video: Summary of Redistricting Reform Recommendations: Memo to Elections Commission Regarding AB 1248</a>
June 26, 2023	<ul style="list-style-type: none"> <li>• <a href="#">Russell Yee</a>, Rotating Chair, and Final Recommendations Report Co-Author, 2020 California Citizens Redistricting Commission</li> <li>• <a href="#">Arnold Townsend</a>, Chair, 2021-22 Redistricting Task Force</li> <li>• <a href="#">Jeremy Lee</a>, Member, 2021-22 Redistricting Task Force</li> <li>• <a href="#">Eric McDonnell</a>, Chair, 2011-12 Redistricting Task Force</li> </ul>	Best practices from the 2020 CCRC; discussion about proposed state legislation with a panel of RDTF members	<a href="#">Video</a>
July 31, 2023	<a href="#">Sara Sadhwani</a> , Rotating Chair, 2020 California Citizens Redistricting Commission and University Leadership Team, LA Governance Reform Project	Best practices from the 2020 CCRC; lessons from LA's redistricting reform efforts	<a href="#">Video: "Redistricting by Do-Gooders" by Sara Sadhwani, PhD; Independent Redistricting: An Insider's View; LA Government Interim Report</a>
August 24, 2023	N/A	Finalize talking points;	<a href="#">Video: Draft Redistricting</a>

Date	Presenter	Topic	Video and/or slides
		discuss possible reform recommendations	<a href="#">Initiative Talking Points; Proposed Reforms for Fair and Effective Independent Redistricting</a>
September 5, 2023	N/A	Continued discussion of possible reform recommendations	<a href="#">Video</a>
October 30, 2023	N/A	Consideration of AB 1248 veto and passage of AB 764; vote on reform recommendations package and format for committee report	<a href="#">Video; FIERCE Preliminary Redistricting Reform Recommendations; Proposed FIERCE Committee Report Format</a>

## FEEDBACK FROM THE PUBLIC

When the Elections Commission launched its Redistricting Initiative, there wasn't a lot of engagement from the public beyond the organizations that had monitored the redistricting process closely, and some of these (e.g. League of Women Voters San Francisco, Asian Law Caucus, Common Cause) regularly shared recommendations with us. Those recommendation letters, as well as letters sent to the BOS and RDTE, are listed in Additional Resources ([Appendix E](#), p. A-14). When the Commission decided to form a temporary committee to develop recommendations, the general public began paying more attention. Commissioners were recipients of a few major form letter campaigns as well as individual emails generally supporting or opposing the process, and several members of the public regularly attended the committee meetings in person or participated remotely. The Commission is extremely grateful for any and all engagement by the public throughout this Initiative; their input informed both this process and final report.

Some of the various themes across comments the Commission received, both supportive and critical, are below. As noted earlier, the Commission is not staffed to run a broad outreach campaign that would solicit a representative range of opinions. While certainly not comprehensive, the Commission believes they are representative of the views expressed.

- Scope.** Some felt the Redistricting Initiative was out of scope for the Commission and didn't fit within its mandate to oversee free, fair and functional elections. Some felt the SFEC was trying to act inappropriately as a legislative body.



- **Selection process.** Some people supported the current RDTF member selection process (the mayor, BOS, and SFEC each appoint three members) because they felt there is better accountability with elected officials vs. with unaccountable unelected bodies. Additionally a few commented that they don't believe the cost associated with the recommended vetting and selection process is equal to the benefit.
- **Politicization.** Some people expressed frustration that some of the organizations that monitored the redistricting process, who they perceived to have acted in biased ways despite their nonprofit status, were also trying to inappropriately influence the SFEC in its recommendations. Some perceived the SFEC to be political itself when it responded to public pressure by holding a special hearing in the recent redistricting process to consider potential action on its RDTF appointees.
- **Wait for state action.** Some people wanted the Commission to delay any recommendations or action until after the bills being considered in the state legislature had resolution. Some also felt that AB 1248 in particular was primarily designed to address challenges Los Angeles was experiencing and was too blunt of an instrument to be useful to San Francisco.
- **Support for the effort.** Some expressed strong support for the Redistricting Initiative, commenting on how informed, detailed and thoughtful they believed the process to be.

Commissioners received email through six form letter campaigns during the work of the FIERCE Committee with the following subject lines (details in [Appendix E](#), p.A-9):

- Late May 2023: Suspend work on FIERCE Committee until recommendations are inclusive of all perspectives! (approx. 50 received)
- Late June 2023: I Oppose the Premature and Unauthorized Changes to our Redistricting Process by FIERCE: a Panel of Unelected, Self-Selected Election Commissioners (approx. 170 received)
- Late June, early July 2023: I support reforming redistricting now to respect and fairly represent SF's communities (approx. 20 received)
- Late October 2023: Support ending Gerrymandering in San Francisco (approx. 65 received)
- Early December 2023: Please support redistricting reform at the 12/12 meeting (approx. 55 received)
- Mid December 2023: I oppose the politically motivated (FIERCE) recommendations on redistricting (approx. 135 received)

Responding to feedback from the public, the FIERCE Committee delayed any action until after AB 1248 and AB 764 proceeded to the Governor's desk. Additionally in response to concerns that RDTF members were not engaged, the Committee reached out again individually to each member of the 2021-2022 RDTF to invite their participation in meetings during the summer. Several declined and sent lengthy emails with their thoughts, including frustrations about not receiving the previous invitation (which was sent to the general RDTF email May 19, 2022 when some were no longer checking their city



emails). Chair Townsend and Member Jeremy Lee did accept the invitation to participate in the June 2023 meeting, along with some former RDTF members from other Census cycles for whom personal emails could be found. Finally, both the critical and supportive questions and comments provided in each meeting provided valuable insights that enabled Committee members to draw thoughtful conclusions and develop its recommendations to the full commission.

## ADDITIONAL CONSIDERATIONS

Many of these recommendations are consistent with recommendations made by the 2021-2022 Redistricting Task Force and the Clerk of the Board in their final reports. Many are also aligned with proven practices from academic studies and are cited as such.

Some of these recommendations would require a charter amendment. If not in 2024, 2026 is likely the latest a measure could realistically go before voters in order to allow adequate time for the City to implement changes for the 2030 redistricting cycle. The Commission encourages thoughtful consideration of what belongs in the city Charter vs. what should be changed through ordinance, including avoiding adding items to the Charter that may conflict with state law and require future charter amendments. Additionally, existing language in the city Charter exempted San Francisco from falling under the FMA 2019, namely, that the Charter stipulate two or more mandatory traditional redistricting criteria other than the requirement that districts be equal in population. These included preventing minority vote dilution, keeping neighborhoods intact, and reflecting communities of interest. Minimally, removing these unranked criteria would allow San Francisco to align with best practices that are currently included or may eventually make their way into state law.

The Elections Commission's discussions on redistricting were limited to improving the process of drawing lines. The Commission did not consider broader changes like the number of districts, the number of supervisors per district, or the voting method. This isn't because changes like these aren't worth considering. For example, electing supervisors using a system of proportional representation like Proportional Ranked Choice Voting (PRCV) – either at-large or from multi-member districts – could possibly do a better job of representing communities of interest than single-member districts can.<sup>66</sup> This is because many communities aren't concentrated in any one district but instead are spread throughout the City. This is similar to one of the alternatives (Prop H) on the ballot in 1996 when the voters decided to reinstate district elections (Prop G). The 1994 Elections Task Force also proposed two additional voting methods: cumulative voting at-large and ranked choice voting in five 3-member districts, that the Board of Supervisors chose not to put before the voters.<sup>67</sup> To consider broader election reforms like

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<sup>66</sup> [Escaping the Thicket: The Ranked Choice Voting Solution to America's Redistricting Crisis](#), Cumberland Law Review, June 22, 2016

<sup>67</sup> [Gwenn Craig's testimony](#), SF Elections Commission, July 20, 2022

these, the Board of Supervisors could convene another independent Elections Task Force. For example, the City Council of Portland, Oregon convenes an independent Charter Commission every ten years, with their most recent one proposing several election-related reforms for voters to consider.

## HOW TO NAVIGATE THIS REPORT

The many components and considerations within any redistricting effort tend to be grouped into larger categories. The FIERCE Committee grouped these into six areas for discussion purposes in its August through October meetings before bringing recommendations to the full Commission. The categories selected are fairly consistent with the categories used in academic reports. They are:

1. Composition
2. Selection & Removal Process
3. Redistricting Line-Drawing Criteria
4. Funding
5. Commission Processes
6. Timing

Each section includes a core question the Commission considered when reviewing the research and talking with experts; a summary of the way that category is currently addressed in San Francisco (either as required by the Charter or has been the practice with the most recent RDTF); any relevant state law; and the SFEC recommendations and associated rationale.

Throughout this report, “Redistricting Task Force” or RDTF will be used when referring to past redistricting bodies in San Francisco, and “Independent Redistricting Commission” or IRC when referring to recommendations for an updated redistricting process and associated body. Selected charts are provided where data was readily available comparing various IRCs with San Francisco’s RDTF and/or the recommendations. The IRCs in these charts were selected based on:

- IRCs the Commission invited to present:
  - The Commission invited Michigan to consider another state’s process. Voters Not Politicians, the grassroots organization that wrote the ballot initiative creating the Michigan Independent Citizens Redistricting Commission (MI ICRC), modeled it after the CCRC but made some different choices the Commission wanted to learn about.
  - The Commission invited the city of Long Beach to consider a local jurisdiction with similar diverse demographics and key sub groups as San Francisco. They also have a reputation of a strong successful redistricting process and results.
- A few other (larger) county IRCs, both created by state legislation
- Other Bay Area IRCs

Following the recommendations, the Commission has included [appendices](#) of frequently-referenced documents, including a list of additional related resources.

## RECOMMENDATIONS

## COMPOSITION

### How many people and who should serve on the task force?

"Local redistricting commissions should have enough members to reasonably reflect the diversity of the jurisdiction, but not so many members that commission deliberation becomes difficult. Local redistricting ordinances should require the appointment of alternates so that commission vacancies can be replaced quickly without disrupting the commission's work."

– *California Local Redistricting Commissions (Heidorn-2017)*

### The way it is now

The San Francisco Charter requires the Redistricting Task Force to have nine members. Three members are selected by each of three appointing authorities: the Mayor, the Board of Supervisors, and the Elections Commission. There are no diversity requirements, although past RDTFs have been selected to be relatively diverse. There is no allowance for alternates to be selected at the beginning in case a member isn't able to finish their appointed term.

### Relevant state law

None.

### SFEC recommendations and rationale

In exploring this question, the Commission concluded that the RDTF should be a size and composition that allows for productive work, and also allows for experiences and expertise representative of SF's communities to draw maps that advance "one person, one vote."

- *Size/Number of Members:* 14 voting
- *Alternates:* 2, non-voting unless/until selected
- *Diversity Factors:* 1) gender, 2) race/ethnicity, 3) location, and 4) socioeconomic status

Consistent with the CCRC and other state and local IRCs that have 13-14 members to allow for more effective representation, the Commission recommends that the San Francisco IRC have 14 members and two alternates. Alternates would serve as non-voting members of the IRC until or unless they are seated to replace one of the 14 members (see [Removal](#), p.40). The Commission considered an odd vs. even number of members, but concluded that an odd number wouldn't be needed to break tie votes because nine votes would already be required to make decisions, per another recommendation (see

[Voting & Decision-making](#), p.53). Including the selection of alternates from the beginning has been a consistent recommendation the Commission heard from speakers throughout its Redistricting Initiative, including former CCRC Commissioners and RDTF members and in the 2021-2022 San Francisco RDTF Final Report ([Appendix A](#), p.A-2, see p.14). This is seen as necessary for continuity in case of unforeseen resignation or removal. See [Removal](#), p.40, for more information.

Figure 4 below provides a sample of IRCs along with the year they were established, their number of members, the number of alternates, and the population of the jurisdiction for which they draw maps. San Francisco was very clearly a pioneer in citizen redistricting—established 12 years before California’s—but also has the fewest members. The IRCs modeled on the CCRC lack alternates (Michigan, LA County and San Diego County). Newer IRCs do have alternates as well as more members to increase representation and diversity.

**Figure 4: Comparison of Independent Redistricting Commission Sizes**

IRC	Year Established	# of Commissioners	# of Alternates	Population <sup>68</sup>
CCRC	2008	14	0	39M
MI ICRC	2018	13	0	10M
LA County CRC	2016	14	0	9.8M
County of San Diego IRC	2017	14	0	3.3M
SF RDTF	1996	9	0	815k
City of Sacramento IRC	2016	13	2	525k
Long Beach IRC	2018	13	2	456k
Oakland RC	2014	13	2	434k
Berkeley IRC	2016	13	13	117k

The diversity factors that should be considered when pre-qualifying the pool of 40 finalists include: 1) gender, 2) race/ethnicity, 3) location (consider geographic diversity of SF neighborhoods and “regions”

<sup>68</sup> 2021 populations pulled from Google search; sources include the US Census Bureau

of candidates' homes independent of existing districts, which may split neighborhoods), and 4) socioeconomic status. This is similar to how the CCRC and other IRCs select finalists.

Geographic diversity in the final pool of applicants should not be based on existing districts, so as not to entrench previous redistricting or create the impression that members should represent "their district" rather than the entire City. Instead, this is to ensure different areas of the City are represented. Also, because San Francisco currently has 11 districts, requiring a member from each would leave only three seats of the total 14 to balance other diversity factors (see [Selection & Removal](#) p.27 for relevant recommendation details). Adding additional seats would mean a larger RDTF, which might be unwieldy for decision making.

Finally, the Board of Supervisors should provide stipends to members of the RDTF to reduce barriers for qualified people to apply—particularly meaningful to people of lesser means. This might include providing a per diem, which would compensate members according to the amount of time they are giving to the redistricting work. The Board of Supervisors should determine the appropriate amount of a stipend—outside of the Charter and in relation to other compensated city commissions. More detail about this suggestion and rationale is included in the [Funding](#) section, p.44.

## THE SELECTION & REMOVAL PROCESS

### What will build public trust?

This section is divided into four subsections:

1. Outreach & Recruitment
2. Qualifications & Restrictions
3. Vetting & Selection
4. Removal

### 1. OUTREACH & RECRUITMENT

"A commission that lacks diversity may miss important community perspectives and even struggle with public legitimacy if significant constituencies feel they were not adequately represented in the process."

– *California Local Redistricting Commissions Report (Heidorn-2017)*

## **The way it is now**

None required. Each appointing body handles outreach and recruitment to the RDTF in its own way, though the Department of Elections does post notification of convening the RDTF on its website.

## **Relevant state law**

None. The FMA 2023 only requires public outreach after the IRC is seated for community map input.

## **SFEC recommendations and rationale**

- Require a comprehensive outreach and public education plan to build a large candidate pool representative of San Francisco demographics.
- Hold an open, competitive application process that is accessible, available in-language (same languages the Department of Elections supports) 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 effectively recruit.

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.

San Francisco had only 38 known applicants to the most recent RDTF. Thirty-three applied to the Elections Commission, which had a 3-month open application process. In comparison, both the Mayor and the Board of Supervisors made their appointments within a month of opening applications. Broad, thoughtful outreach and a longer application period can result in a larger and more diverse applicant pool, e.g. Long Beach, at half of San Francisco's population, had 400+ after a broad outreach plan and 3-month application period conducted by the City Clerk.<sup>69</sup> Figure 5 below provides a sample of IRCs and the size of their applicant pool. San Francisco's applicant pool was significantly smaller than the other localities listed—even than cities smaller in population. Other than San Francisco, these localities all had significant outreach efforts in recognition that creating a diverse and representative body through an open, competitive application process requires a large, diverse, and representative pool.

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<sup>69</sup> [Update on Independent Redistricting Commission](#), City of Long Beach City Clerk, Aug. 25, 2020



**Figure 5: IRC Applicant Pool Sample**

IRC	# of Applicants	# of Commissioners (+ Alternates)	Population
CCRC	20,722	14	39M
MI ICRC	9367	13	10M
LA County CRC	735	14	9.8M
County of San Diego IRC	291	14	3.3M
SF RDTF	38 <sup>70</sup>	9	815k
City of Sacramento IRC	201	13 (+2)	525k
Long Beach IRC	400	13 (+2)	456k
Oakland RC	~150 <sup>71</sup>	13 (+2)	434k
Berkeley IRC	138	13 (+13)	117k

San Francisco is a diverse city already serving many of its residents in their native languages. It is important that this extends to efforts to ensure their representation in district line drawing. Therefore, the application process should be available in at least the same languages (nine, including English) supported by the Department of Elections.<sup>72</sup> Additionally, the process must be accessible and not overly burdensome so as to deter qualified candidates who may have difficulty navigating bureaucratic processes or who have limited free time.

Regular public reporting on the size and demographics of the applicant pool throughout the outreach and recruitment process provides accountability for inclusive efforts and may also spur mobilization to ensure a diverse pool as the public tracks participation.<sup>73</sup>

Some of San Francisco's existing agencies have extensive community connections and outreach experience, therefore it could make sense to leverage that expertise for this specific part of the selection process rather than using the same one for the vetting phase. The California State Auditor, which was

<sup>70</sup> [Memo re: BOPEC Recommendations](#), June 14, 2021; [Rules Comm Pkt 071921](#). There were 33 applicants to SFEC and 8 to the Board of Supervisors, which included 3 duplicate applications. The number of applicants to the Mayor beyond the three people appointed is unknown.

<sup>71</sup> Provided by California Common Cause. Oakland vetting panel only reported the number of semi-finalists interviewed and 30 finalists. [Screening Panel for the 2020-21 Redistricting Commission Announces Applicant Pool](#)

<sup>72</sup> [Language access for voting materials](#), SF Dept. of Elections

<sup>73</sup> [Women, nonwhites wanted: California redistricting panel struggles for diversity](#), SF Chronicle, July 25, 2019

ideally suited to vet CCRC applicants, has nonetheless had to outsource the outreach and recruiting efforts to (expensive) third-party firms. Other IRCs like the Long Beach IRC also utilized a different agency (the City Clerk) for this pool-building phase vs. the vetting phase (Ethics Commission). Michigan's Independent Citizens Redistricting Commission, which relies entirely on random selection, charged the Secretary of State to build a large representative pool. The Department of State partnered with over 150 outreach organizations and mailed 250,000 applications to a random selection of registered voters.<sup>74</sup> Possible agencies that might be able to run an effective outreach process could include the Office of Civic Engagement and Immigrant Affairs (OCEIA), the Mayor's Communication Office, Neighborhood Services, the Department of Elections, or others. The City should also consider duplicating other cities' successful outreach efforts. For example, Long Beach published inserts in utility bills, ran PSAs on local radio and ads on transit cards and bus shelters. Other creative outreach partnerships could include agencies that have broad interaction with the public such as the DMV, public libraries, etc. When looking for outreach partners, the City should use caution when considering 501(c)3 organizations that also have political arms.

Finally, adequate outreach requires adequate resourcing. The City must allocate funds for this early phase of redistricting work in addition to the work of the IRC once it's seated.

## 2. QUALIFICATIONS & RESTRICTIONS

"While critical to creating an impartial commission, reformers and policymakers should resist the temptation to adopt overly-strict eligibility qualifications. The tighter the objective criteria, especially for smaller jurisdictions, the harder it will be to recruit enough quality applicants to fill a commission."

-- *California Local Redistricting Commissions Report (Heidorn-2017)*

### **The way it is now**

There are no special guidelines on who may be a member of the task force, however the Charter has general requirements. There are no standard qualification criteria or bans on conflicts of interest.

### **Relevant state law**

None.

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<sup>74</sup> [Michigan's Independent Citizens Redistricting Commission draws more than 6,000 applications](#), Michigan Department of State, June 1, 2020

## SFEC recommendations and rationale

- **Residency:** Open to San Francisco residents 18 years and older who have lived in the City for one or more years
- **Subjective qualifications:** Applicant has a history of civic engagement, a demonstrated ability to be impartial, relevant skills (e.g. communications, good listener, collaboration, critical thinker, analytical/understands data), and an understanding of San Francisco's diversity and demographics
- **Objective qualifications and disqualifying conflicts of interest:**
  - Applicant, spouse or immediate family members cannot have not been candidates, elected officials, staffers, major donors, or lobbyists for the previous 5-8 years.
  - Financial disclosures are required, but the Form 700 (required of all City Commissioners) need not be filed until the finalist stage. Self-certification is all that is necessary for the initial application.
  - Commissioners cannot run for office in districts they drew or for citywide office for 10 years or other local office for 5 years (e.g. City College trustee) after their service.
  - Commissioners cannot be a political staffer, be awarded non-competitive City bids, or be a lobbyist in the City for 4 years after their service.
  - Commissioners cannot be appointed to positions for 2 years.
  - During service prohibition on endorsements, working or volunteering for campaigns, making campaign donations—consistent with requirements of Elections Commissioners

Unlike the CCRC, which requires voter registration and therefore citizenship, residency is a more inclusive way to set participation requirements in San Francisco, whose relatively low voter registration rate<sup>75</sup> (due to a high number of immigrants) would eliminate at least 21% of voting-age residents. Using residency as a requirement is consistent with City law, which after the passage of Prop C only requires residency rather than citizenship for all City commissions. Pursuant to Charter, § 4.101(a)(2), Boards and Commissions established by the Charter must consist of residents of the City and County of San Francisco who are 18 years of age or older (unless otherwise stated in the code authority).

The recommended list above is aligned with the CCRC's criteria and is a proven combination of objective and subjective criteria to reduce political conflicts of interest and ensure candidates are qualified for the tasks, without attracting those with aspirations for elected office within the same Census cycle as the redistricting work. The Commission can directly speak to what a great help a set of clear criteria would have been in its selection process. When soliciting applicants for its three RDTF seats, it didn't have any clear criteria for determining whether applicants were nonpartisan or politically aligned. This is a nuanced and potentially controversial question and is highly subjective. Different

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<sup>75</sup> [Bay Area Equity Atlas](#)

Commissioners had different perspectives and assessments. If it were spelled out in law, this would cease to be an issue. Can the Commission objectively choose the best three out of 30+ applicants if each appointing authority is applying a different set of criteria? A vetting process with an up-or-down option (is qualified or isn't qualified against defined criteria) would be more objective and easier to carry out.

As a point of interest, Governor Newsom signed two bills at the end of the 2023 legislative session that created local IRCs for Sacramento and Orange counties based on the CCRC, thus implying support for these criteria. Other local IRCs based on the CCRC were also created by past state legislation for the counties of Los Angeles, San Diego, Riverside, Fresno, and Kern. Additionally, all three of San Francisco's representatives in Sacramento (Haney, Ting, Wiener) supported AB 1248 in 2023,<sup>76</sup> which required these criteria though the bill was ultimately vetoed by the Governor for budgetary reasons as noted above. Finally, the 2021-2022 RDTF recommended in their final report that "a review should be conducted regarding...ways to reduce potential conflicts of interest" and that "minimum qualifications and restrictions such as those imposed on the California Citizens Redistricting Commission should be considered."<sup>77</sup> Finally, these criteria recommendations are consistent with recent legislation AB 1248 (was vetoed) and AB 764 (was signed), but revisions to Elections Code § 23003 required both bills to pass for this criteria to take effect. The following table (Figure 6) notes the pre-service lookback period during which an applicant or immediate family cannot have been a candidate or elected official, staffer, lobbyist, major donor or party official for other IRCs employing similar objective disqualifying criteria.

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<sup>76</sup> [FastDemocracy bill tracker for AB 1248](#)

<sup>77</sup> [2021-2022 San Francisco Redistricting Task Force Final Report](#), May 23, 2022, pp.13-14

**Figure 6: Sample of Pre-service Objective Criteria + Lookback Period**

IRC	Candidate/ Elected	Campaign/ Elected staffer	Lobbyist	Major donor	Party official/staff
CCRC	10	10	10	10	10
MI ICRC	6	6	6	N/A	6
LA County CRC	10	10	10	N/A	10
County of San Diego IRC	10	10	10	N/A	10
SF RDTF	N/A	N/A	N/A	N/A	N/A
City of Sacramento IRC	10	10	4	<4	N/A
Long Beach IRC	8	8	4	8	N/A
Oakland RC	10	10	10	<2	N/A
Berkeley IRC	2	2	N/A	Must disclose any w/in 4	N/A

There was not a consensus on the Commission on the length of time appropriate for pre-service restrictions so we have stipulated a minimum of five years to eight years, which corresponds to two supervisory terms and generally covers the previous redistricting cycle. (New district maps go into effect in years ending in 2.) Recruiting civically engaged candidates is important, which means they may have volunteered with nonprofits, community groups or political campaigns, may have donated some money to campaigns, etc. but having limits within the objective criteria means political insiders are less likely to be selected. There was some debate on the Commission on whether there should be pre-service criteria banning maximum donations and whether that unnecessarily excludes civically active people. For example \$500, the maximum donation allowed to local candidates—disqualifies wealthier (and presumably more influential) donors, but does not eliminate smaller donors. The CCRC excludes applicants who have donated the maximum donation at the state level, \$2000. Sacramento<sup>78</sup> and Oakland<sup>79</sup> classify “major donors” as 50% of the local maximum, and Long Beach is set at \$250.<sup>80</sup> An

<sup>78</sup> [2020 City of Sacramento Independent Redistricting Commission Selection Process](#)

<sup>79</sup> [Commission Eligibility](#), City of Oakland

<sup>80</sup> [Measure DDD](#), City of Long Beach, November, 2018

alternative approach could be to exclude applicants who make “reportable” contributions (currently \$100 or more),<sup>81</sup> Any final limit should balance the objective of separating the politically connected from those who are merely engaged and inadvertently reducing the potential pool of applicants.

The Commission recommends the City consider more inclusive alternatives to written essays for evaluating the subjective criteria listed. A common way to evaluate these has been through several written essays, but too many can create an unnecessary barrier for people who have capacity to serve and may have other ways to demonstrate their qualifications. For example, allowing video submissions as an option could still allow the vetting agency to adequately assess subjective criteria. In the application process for its 2021-2022 RDTF appointees, the Commission asked people to answer six questions within a three-page application. This might also be a reasonable option.

The Commission does have questions about how post-service requirements could and should be enforced, and suggest that process be built into IRC implementation plans. The Commission also encourage the BOS to validate these criteria through community input.

### 3. VETTING & SELECTION

“IRCs, whose members are not selected by incumbents and meet certain qualifications to ensure impartiality, were more transparent, more encouraging and receptive to public participation, and more likely to draw maps that kept communities whole than legislative bodies. IRCs also strengthened the public’s trust in the fairness of the local redistricting process.”

– *The Promise of Fair Maps* (Heidorn, 2023)

#### **The way it is now**

The City charter requires that the nine members of the RDTF be appointed by three different authorities—six are political appointments (three by the Mayor and three by the Board of Supervisors) and three are appointed by the Commission.

#### **Relevant state law**

None.

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<sup>81</sup> [San Francisco Ethics Commission Contributor Guide](#) and CA Code of Regs §§ 18401 and 18570

## SFEC recommendations and rationale

- Vetting and selection of the 40 most qualified applicants from the submission pool should be conducted by a trusted, adequately resourced non-political body that leverages existing City capabilities, systems and processes.
- The vetting body(ies) publicly facilitates the random draw of the first eight IRC members.
- The six remaining IRC members and two alternates are chosen from the pre-vetted finalist pool by the first eight members to balance diversity of skills and representation.

Who should select or appoint RDTF members was perhaps the most hotly debated component of the entire portfolio of considerations. The Commission received regular public comment on this item throughout the FIERCE Committee's work. While Committee meetings were not highly attended, several regular attendees vociferously opposed any changes to the current appointment process, stating that they felt there was better accountability for the public with elected officials selecting the members, and that the redistricting process is inherently political anyway. This group of commenters also liked the distributed and decentralized nature of the appointments (from three authorities vs. one single authority). From a differing perspective, the Commission also received several email campaigns stating strong support for a completely independent and transparent RDTF that would end perceived gerrymandering (see form letter campaigns in [Appendix E](#), p.A-9).

A recent report<sup>82</sup> by The Rose Institute of State and Local Government commissioned by TogetherSF observed that "While the balancing of mayoral and Board appointees was designed to ensure the [Redistricting] Task Force would act fairly and not prioritize one political faction over another, this appointment practice led to significant controversy this past cycle. The Task Force was accused of drawing districts to advance one political faction over another and Task Force members were accused of secretly taking direction from the elected officials who appointed them." To promote public trust, the report authors recommended "San Francisco consider changing the appointment method of Redistricting Task Force members so that no member is directly appointed by an elected official," sharing that "California has pioneered the use of independent redistricting commissions at the state and local level and there are now well-developed models for how to structure such commissions to be politically independent."<sup>83</sup> Additionally, political appointments are the reason San Francisco's RDTF is considered a political commission, and why San Francisco would have been forced to change had AB 1248 been signed into law. AB 1248's preamble stated, "Political appointment of commissioners has been found to create potential conflicts of interest and opportunity for corruption of the redistricting process." Given the legislative support for this type of selection process, it is likely that future state legislation will be written that includes this provision.

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<sup>82</sup> Heidorn, Miller, Nadon, [Re-Assessing San Francisco's Government Design](#), August 2023, p.60

<sup>83</sup> Heidorn, [California Local Redistricting Commissions](#), p.1

The Commission debated who the right vetting and selection body might be for San Francisco and did not come to a conclusion, recognizing that the necessary public trust would require input from the public on who it should be. The Commission is not resourced to adequately source that public opinion and recommends the BOS include this question in hearings on the topic. The Commission did, however, identify the qualities the vetting and selection body should have, which are that they should be trusted by the public, be adequately resourced, and have capable systems and processes that could transfer to an effectively run process. It is also possible that two separate agencies partner together on the outreach and selection processes. One that has particular skills and relationships with diverse communities could run the outreach and recruitment phase, and another with good investigative capabilities could run vetting and selection. Possibilities for the latter might include the Controller's office, the Clerk of the Board, or a panel with representatives from various bodies (see options proposed by AB 1248 to add Elections Code § 23006(i)(1)<sup>84</sup> for ideas).

To reiterate, the Elections Commission is not currently staffed or resourced to run a process like this and has direct experience as to why a resourced body should lead this. During the selection process, many Commissioners expressed a desire for its applicants to be nonpartisan or not politically aligned (in potential contrast to the applicants chosen by the Mayor and BOS). However, the Commission didn't have the resources to do this, nor to conduct any kind of investigation to confirm the veracity of applicants' stated backgrounds. The Commission are staffed only by a part-time Secretary, and Commissioners are volunteers. Additionally, while the idea of a distributed selection process suggested by some members of the public has its attraction, a single vetting body ensures consistent evaluation of qualifications, as well as holistic application of diversity factors across the entire finalist pool. The selection must be coordinated (e.g. performed by a single agency) to achieve this result.

With a trusted vetting and selection body in place, it would vet and select the 40 most qualified applicants considering the diversity factors described in the [Composition](#) section (p.25), and then publicly facilitate the random draw of the first eight of the total 14 IRC members from that diverse pool of finalists. The random draw guards against any potential bias of the vetting body, similar to jury selection. One way this could be conducted could be through a manner similar to how the Department of Elections handles the 1% random selection of precincts after each election, as required by California Elections Code § 15360.<sup>85</sup> Applicants would be assigned a number, and the Department would hold a public process rolling 10-sided dice for each decimal place. (The CCRC uses lottery balls similar to the California Lottery.) The six remaining members of the IRC and the two alternates are then chosen from the pre-vetted pool by the first eight members to balance diversity of skills and representation, as random selection will likely skew diversity.

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<sup>84</sup> [AB 1248 text, Sec. 11](#)

<sup>85</sup> [California Elections Code § 15360](#)



This recommended process (random draw followed by self-selection) is consistent with how the CCRC members are selected, and the 2021-2022 RDTF final report said that “To affirm and protect the independence of the Task Force from inappropriate political influence, a review should be conducted regarding the composition of the Task Force, including the member selection process...The review should examine whether implementing appointment procedures like that used for the California Citizens Redistricting Commission, but without any involvement of elected officials, are appropriate and will reinforce the independence of the Task Force. For example, the California Citizens Redistricting Commission selection process is managed by the California State Auditor, an independent nonpartisan office. San Francisco’s process should likewise be removed from real or perceived political pressure.”<sup>86</sup>

Figure 7 below compares the vetting bodies, random draw and self-selection methods of several IRCs. Note that the designers of the Michigan ICRC, Voters Not Politicians, chose an entirely random selection process because they did not believe the state had a trusted, nonpartisan body like the California State Auditor to vet applicants; however, according to MI ICRC Vice Chair Rebecca Szetela, this resulted in some commissioners who lacked important skills.<sup>87</sup> Locally, only Berkeley does not create a finalist pool before its random draw.

**Figure 7: Comparison of Vetting Bodies and Selection Methods**

IRC	Vetting Body for Finalists	# Random Draw (+ Alternates)	Random Draw Requirements	# Self-Selected (+ Alternates)
CCRC	Panel of 3 auditors	8	3 Democrats, 3 Republicans, 2 Other	6 (0)
MI ICRC	N/A (Department of State screens for minimum requirements)	13	Drawn from applicant pool weighted to match state demographics	0
LA County CRC	County Registrar	8	1 from each district	6 (0)
County of San Diego IRC	Clerk of the Board of Supervisors	8	1 from each district	6 (0)
Sacramento IRC	Ethics Commission	8	1 from each	5 (2)

<sup>86</sup> [2021-2022 San Francisco Redistricting Task Force Final Report](#), p.14

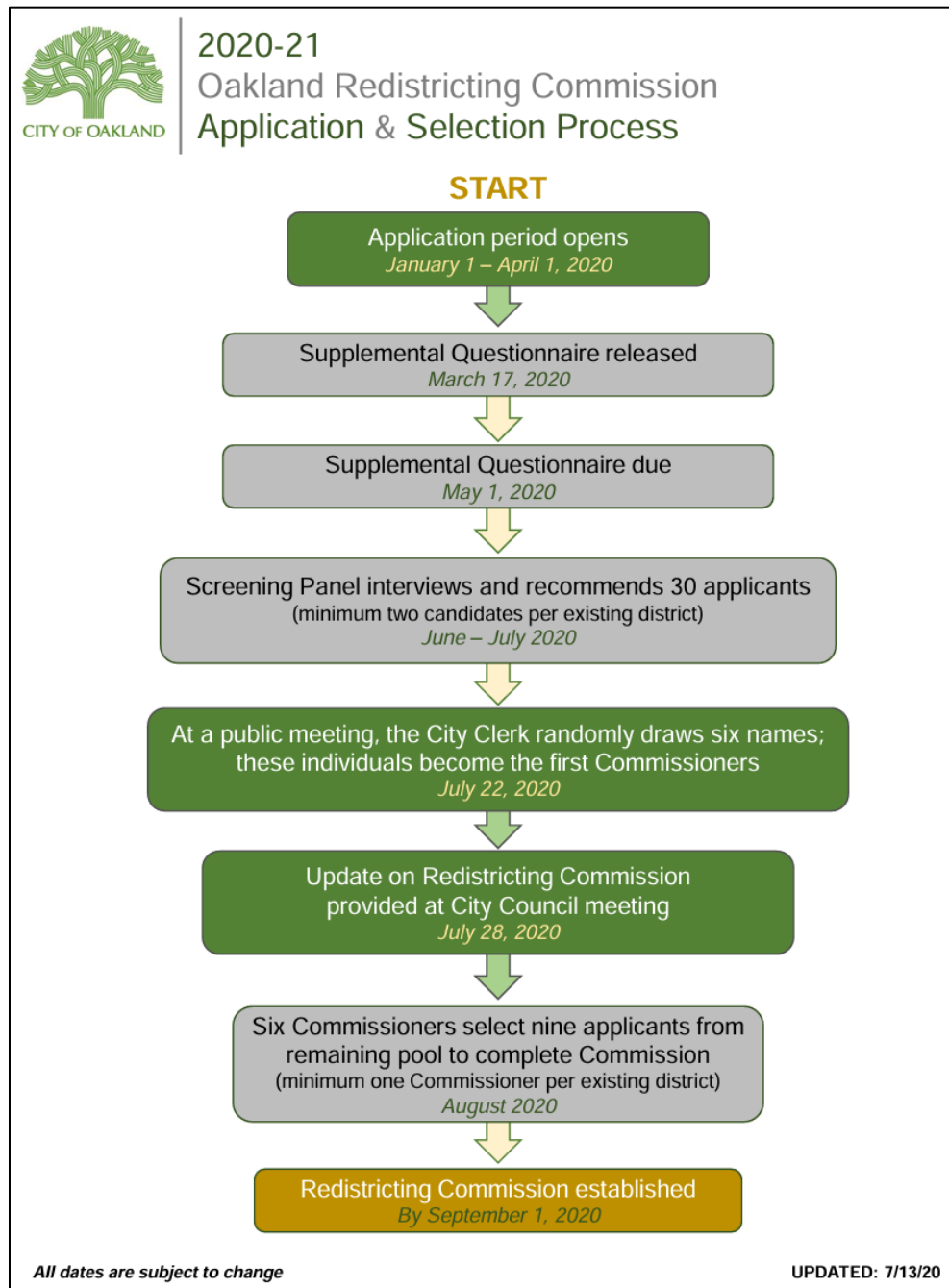
<sup>87</sup> [Rebecca Szetela’s testimony](#), SF Elections Commission, November 16, 2022

IRC	Vetting Body for Finalists	# Random Draw (+ Alternates)	Random Draw Requirements	# Self-Selected (+ Alternates)
			district	
SF RDTF	N/A (Political appointment by Mayor, BOS; independent appointment by SFEC)	N/A	Each appointing authority selects 3	N/A
Long Beach IRC	Ethics Commission	9	1 from each district	4 (2)
Oakland RC	Panel: 1 retired judge, 1 law/policy student, 1 member of good gov't nonprofit	6	1 from each district	7 (2)
Berkeley IRC	N/A (City Clerk screens for minimum requirements)	8 (8)	1 from each district	5 (5)

An example of a possible timeline for the vetting and selection process is that of the Oakland Redistricting Commission in Figure 8 below.

Most importantly, public trust in the process is key to faith in fair elections.

**Figure 8: 2020-2021 Oakland Redistricting Commission Application & Selection Process**



## 4. REMOVAL

“In addition to ethical rules of conduct, states should have clearly defined removal procedures for commissioner misconduct. These procedures should spell out the process through which commissioners found to have violated ethics rules can be removed and replaced.”

– *Designing a Transparent and Ethical Redistricting Process (League of Women Voters 2020)*

### The way it is now

Members of the Redistricting Task Force serve at the pleasure of their appointing authority and may be removed by their appointing authority at any time.

### Relevant state law

None.

### SFEC recommendations and rationale

- Members of the IRC are removed only if the IRC determines a member is guilty of neglect of duty, gross misconduct, or if they misrepresented themselves to qualify for service on the body.
- Allow for the resignation of IRC members and replacement by alternates.
- The IRC determines which pre-selected alternate will replace the outgoing member.

The current San Francisco law regarding removal is that RDTF members “shall serve at the pleasure of their appointing authority and may be removed at any time.”<sup>88</sup> This law perpetuates the stigma of political appointments and undercuts the RDTF’s independence. As an appointing authority, the Commission was faced with demands to remove its appointees when members of the public felt that some or all were not living up to their responsibilities under the Charter. (Notably, this same request was not made of the political appointing authorities.) The Commission was advised that it was not necessary to have any grounds for removal as they served “at the pleasure.” However, this put the Commission in an awkward position: an independent body that might remove members of another independent body.

If the RDTF were truly independent, it would have the ability to determine on its own if certain members were not fulfilling their responsibilities under the Charter or other laws. A truly independent body should be empowered to determine whether a commissioner must be replaced due to neglect of duty, gross misconduct, or if they misrepresented themselves in order to qualify for service and actually don’t

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<sup>88</sup> [San Francisco Ordinance No. 94-21 Sect 2](#)

meet the disqualifying criteria. The body should then be able to select a replacement from the two available alternates itself (see [Vetting & Selection](#) section, p.34), and their work should continue as seamlessly as possible. As noted in [Voting & Decision-making](#), p.53, the 14-member body would require at least nine affirmative votes for any action of the body – including member removal.

Finally, the reality is that things come up in life that one can't always foresee, and so allowing for resignation and replacement of RDTF members is also a compassionate policy if a member discovers they will not be able to fulfill their duties on the task force throughout their term—particularly with the longer term the Commission is recommending in this report due to earlier establishment of the body (see [Timing](#) section, p.54)—without significant disruptions to the work.

## REDISTRICTING LINE-DRAWING CRITERIA

### **What criteria will reduce political influence, keep communities of interest whole, and increase transparency?**

The California State Constitution defines a "Community of Interest" as a contiguous population which shares common social and economic interests that should be included within a single District for purposes of its effective and fair representation.

*– Article XXI of the California Constitution*

#### **The way it is now**

- The existing line-drawing criteria is not ranked
- The lines are to substantially comply with the rule of one person, one vote
- Population variations between districts are limited to 1% from the statistical mean unless additional variations, limited to 5% of the statistical mean, are necessary to prevent dividing or diluting the voting power of minorities and/or to keep recognized neighborhoods intact
- Lines must consider communities of interest, though this term is undefined
- There is no prohibition on incumbency protection or discrimination

#### **Relevant state law**

None. Elections Code § 21130(g) exempts charter cities with "comprehensive or exclusive criteria."

## SFEC recommendations and rationale

- Remove existing Charter line-drawing criteria and adopt and incorporate ranked criteria as defined in Elections Code § 21130
- Require the IRC's final report to include a rationale for map lines compared against the criteria (incorporated in Elections Code § 21130).
- Prohibit incumbency protection and discrimination in line-drawing (incorporated in Elections Code § 21130)

Criteria for line drawing has become fairly established in recent years so this is an area where San Francisco could benefit from clarity. There is no strong rationale to deviate from these generally accepted criteria. These recommendations are consistent with the FMA 2019 and 2023, but Elections Code § 21130(g) exempts charter cities like San Francisco so it has not had to comply. Elections Code § 21130 incorporates federal law and defines state criteria, including a clear definition of "communities of interest", as listed in Figure 9 below.

Having ranked criteria vs. unranked forces the IRC to make tradeoffs favoring higher ranked criteria rather than randomly cherry-picking unranked criteria when justifying district lines. While past RDTFs have published final reports, they have not included information justifying districts against criteria, with the exception of population deviation, largely because the other unranked criteria has been vague. This is also critical for [Transparency](#) (p.51) and to engage with communities (see [Including the Public](#) p.49).

The Commission also recommends that where San Francisco does not have its own law, the Charter include language that adopts State law regarding redistricting. This means that San Francisco will automatically evolve as the law evolves without requiring future charter amendments and effective practices will be established. For example, existing state law actually provides local jurisdictions more latitude to keep neighborhoods and communities of interest intact than San Francisco's limit of "5% of the statistical mean" constraint.

It's critical that incumbents' residences are not considered—neither protected nor discriminated against in line drawing since incumbent protection is often what prevents drawing fair districts<sup>89</sup> and was the motivation for enhancements to the law in the form of the FMA 2023. This question came up in the most recent redistricting process with draft maps, with some members of the public and elected officials unhappy with draft maps that might remove them from their districts as the RDTF tried to realign districts due to major population growth in the southeast part of the City.<sup>90</sup> No supervisor was ultimately drawn out of their district.

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<sup>89</sup> "...local redistricting too often has been used by incumbents...to entrench their power, advance one political party or faction over another, or stop or limit the ability of growing communities of color from electing their own representatives to office." [The Promise of Fair Maps](#), p. 1

<sup>90</sup> [SF supe would be cut out of district by new map](#), KRON 4, March 30, 2022

**Figure 9: FAIR MAPS Act Ranked Criteria**

**FMA ranked criteria are for supervisorial districts, to the extent practicable.**

Precise detail is in Elections Code § 21130(c) and (d) with the key point bolded by the SFEC:

(c) The districting body shall adopt election district boundaries using the following criteria as set forth in the following order of priority:

(1) To the maximum extent practicable, election districts shall **be geographically contiguous**.

Areas that meet only at the points of adjoining corners are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

(2) To the maximum extent practicable, and where it does not conflict with the preceding criterion in this subdivision, **the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division**. A

"community of interest" is a population that shares common social or economic interests that should be included within a single election district for purposes of its effective and fair representation. Characteristics of communities of interest may include, but are not limited to, shared public policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social services. Characteristics of communities of interest may also include, but are not limited to, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the maximum extent practicable, and where it does not conflict with the preceding criteria in this subdivision, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division. This paragraph does not apply to a city.

(4) To the maximum extent practicable, and where it does not conflict with the preceding criteria in this subdivision, election districts shall **be bounded by natural and artificial barriers, by streets, or by the boundaries of the local jurisdiction**. Election district boundaries should **be easily identifiable and understandable by residents**.

(5) To the maximum extent practicable, and where it does not conflict with the preceding criteria in this subdivision, election districts shall **be drawn to encourage geographical compactness** in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The districting body **shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party**.

## FUNDING

### What is needed to adequately resource the work, as well as decrease barriers to public participation?

"In the future, it is recommended that a department or division is established to provide a structure that increases the ability of a team of individuals to plan and problem solve at a high level."

*– Clerk of the Board of Supervisors*

#### The way it is now

- RDTF members do not receive stipends.
- There was a budget for outreach and a line-drawing consultant in the last cycle, expenditures that were managed by the Department of Elections / Clerk of the Board, not the RDTF.
- The RDTF work was supported by the following City departments and staff without any budget augmentation: Clerk of the Board, Department of Elections, and City Attorney.

#### Relevant state law

None.

#### SFEC recommendations and rationale

- The redistricting budget should include outreach and recruitment, vetting and selection prior to establishing the IRC each cycle.
- The IRC should have a reasonable, transparent budget that covers (some) dedicated staff as recommended by the Clerk of the Board, community outreach, translation services, remote participation access, equitable stipends and reimbursement for expenses incurred by commissioners in the course of duties.
- Once seated, the IRC should have influence in selecting key consultants and their scopes of work.
- Departments supporting redistricting work should receive budget augmentation in multiple budget years, as appropriate.

The 2021-2022 RDTF faced limits on its independence due to dependency on the limited resources of other agencies and decisions made before seating. While COVID was likely a major factor in scheduling meetings, so were competing duties of clerks. The Commission strongly encourages the BOS to consider the proposed budget recommended by the Clerk of the Board included with the final task



force report, which was endorsed by the RDTF ([Appendix B](#), p.A-3, see p. 12), as well as adequate resourcing for the outreach and selection processes prior to the seating of the task force.

From the Clerk of the Board's 2022 report (p.2), included as an appendix to the RDTF report:

"During the seven-month process, the entire leadership of the Clerk's office were committed to planning the critical administrative objectives of the Task Force. The clerking duties were done by an Assistant Clerk from the Clerk's Office who was still assigned to a committee at the Board of Supervisors. Additionally, backup Clerks, both remote and in-person each had their regular Board of Supervisors duties to perform, which was extremely draining on Department resources and caused focus to be diverted from the business of the Board. The Clerk's Office did an extraordinary job of stretching the limited staff resources on hand, while executing hybrid meetings at the Board that already doubled the workload of the Department.

In the future, it is recommended that a department or division is established to provide a structure that increases the ability of a team of individuals to plan and problem solve at a high level. At the very least, two Clerks should be assigned to the responsibility of Clerking the Task Force, with *not much else on their plate*, given that meetings may occur on consecutive days of the week.... Staff who are assigned to the Task Force, especially the Clerks, should also have an intimate knowledge of the City neighborhoods, streets, and districts. In order to accurately capture the voluminous comments and discussions of the various areas, the Clerks must be able to articulate those concisely.... During this current process, the Board was luckily able to loan a Clerk who already had that knowledge, and it benefitted the Task Force and the public tremendously.

The Commission cannot predict what the state of public meetings will be like in ten years, but can only assume that access will be even more expanded and technology utilized to facilitate more access, and a need to employ a similar amount of staffing solely designated to manage the Task Force. In addition to the two Clerks, at least five other staff should be considered to manage public comment, organize off-site locations, setup/take down of meeting rooms, interpreters needs, broadcasting needs, IT assistance and a position to coordinate and manage these positions. Again, a temporary division should be established to support the Task Force and their needs. It must be remembered that supporting duties of staff are in addition to regular duties and the business of the City should not be disadvantaged."

In addition to echoing recommendations of the Clerk's office, the RDTF's final report included recommendations that the "Board of Supervisors should also allocate more funding from the outset rather than having the Task Force draw on limited funds from the Clerk's Office and the Department of

Elections to meet public participation needs, as has occurred in this and previous iterations of the Task Force.”

***“With funding secure, the commission may draw the district lines without feeling beholden to the legislature’s power of the purse.”  
– A Citizen’s Guide to Redistricting (Levitt-2010)<sup>91</sup>***

Other budget constraints noted in the final RDTF report are essential for an inclusive, participatory and transparent process, and funds must be allocated in the next redistricting cycle to enable the City to successfully engage the community and draw representative districts. These include the significant resources needed to host dozens of meetings, including staffing remote and hybrid meetings. A detailed view of the actual costs from the 2021-2022 cycle can be found on page 5 of the Clerk of the Board’s report ([Appendix B](#), p.A-3). And, because redistricting is such a significant endeavor every ten years as noted in that report, the associated expenses cannot be expected to be absorbed by departments with business-as-usual budgets. The budgeting should also account for multiple years. For example the Long Beach IRC had an objectively successful process and accounted for the redistricting effort across three consecutive budget years. For other data points, a sample set of preliminary information regarding other California city and county redistricting budgets was provided by request by Common Cause at one of the SFEC’s meetings.<sup>92</sup>

The SFEC heard broad support for stipends across its educational meetings throughout the course of this Initiative. The questions asked were: What size stipend is meaningful enough to enable those of lesser means to participate and recognize all commissioners for their time? How can compensation be adjusted over time without putting another measure on the ballot? Some of the support was in recognition that a lack of stipends as well as expense reimbursements can limit the pool of applicants and create barriers to full participation. Stipends would need to be allowed in the Charter, with the specific amount determined by the BOS outside of the Charter and commensurate with the effort required vs. other typical commissions across the city.

Figure 10 below provides a range of different compensation of IRCs. The SFEC also did some research on compensation levels across City commissions in 2022 for reference.<sup>93</sup> Most receive fairly nominal compensation—similar to state-level bodies—which is why the Voters First Act set initial compensation for the CCRC at \$300 per diem (3x the average meeting rate), adjusted for inflation each cycle. A recent report recommended \$450 per diem for Los Angeles proposed IRC.<sup>94</sup> San Francisco could also consider

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<sup>91</sup> Levitt, Justin, [A Citizen's Guide to Redistricting](#), 2010

<sup>92</sup> [Data Points on Redistricting Budgets](#) provided courtesy of Common Cause

<sup>93</sup> [Memo: Racial Equity Action Item: Research on Commissioner Compensation](#), Commissioner Jerdonek, October 17, 2022

<sup>94</sup> [For the People: A Roadmap for Community-Centered Independent Redistricting in Los Angeles](#)

handling stipends equitably, similarly to how San Francisco’s “Be the Jury” program<sup>95</sup> works (this program encourages jury participation with increased stipends for low-income residents who cannot give up their wages to participate in jury service) or to how Long Beach is handling equitable compensation for commissioners.<sup>96</sup>

The kinds of expense reimbursements that should be considered include local transportation (or a Clipper card), parking, meals for extended meetings, and caregiving expenses as needed. Alternatively, the BOS could consider simply providing a higher per diem that would alleviate the need to provide additional reimbursements. The benefit of that would be the reduced time and effort needed for both members and staff to process expense reimbursements. Ultimately, the BOS should ask for community input on what the “right” amount should be. The IRC is not a full-time job, so a stipend should be modest yet allow someone to participate who wants to while meaningful enough to balance the sacrifices they must make to do the work.

**Figure 10: IRCs and Stipend Amounts in 2020 Redistricting Cycle**

IRC	Stipend Type	2020 Redistricting Amount
CCRC	Per Diem	\$378 per day worked, plus expense reimbursement
MI ICRC	Salary	At least 25% of Governor’s salary = \$39,825, but raised to 35% = \$55,755 by ICRC during mapping, plus expense reimbursement
Long Beach IRC	Per Meeting	\$200, up to a max of \$7k/yr
SF RDTF	None	None
Berkeley IRC	Per Meeting	\$100, plus expense reimbursement, including child or dependent care <sup>97</sup>

## COMMISSION PROCESSES

**How can the commission be properly supported and trained, transparent, and inclusive of diverse public input?**

<sup>95</sup> [Be the Jury: Preliminary Findings from First Six Months of Pilot Program](#)

<sup>96</sup> [Undocumented residents can now serve on Long Beach city commissions](#), Press-Telegram, March 21, 2023

<sup>97</sup> [IRC Redistricting Regulations](#), p. 14, Berkeley Charter Article V

“Transparency and public participation in redistricting are essential to drawing better district boundaries, maintaining public confidence in the fairness of the process, and building community support for the final maps.”

- *California Local Redistricting Commissions Report (Heidorn-2017)*

This section is divided into five subsections:

1. Training & Preparation
2. Including the Public
3. Transparency
4. Voting & Decision-making
5. Impasse Procedure

## 1. TRAINING & PREPARATION

### **The way it is now**

- The RDTF members received Sunshine Ordinance and Ethics training required for all City officials, though City Charter stipulates no requirements specific to the task force.
- The RDTF received briefings on its duties and powers from the Department of Elections, Office of the City Attorney, Clerk’s Office, Q2 Data and Research LLC (“Q2”), and Civic Edge Consulting, and were provided with opportunities to discuss.
- The RDTF did not have early training on how to develop maps leveraging Census and other data—instead, learned during the mapping process.
- RDTF received various data sets including socioeconomic demographics, neighborhood maps, cultural district information, and community benefit district boundaries.
- The City Attorney wrote several legal memos to the RDTF, and both the City Attorney & Q2 offered training to the RDTF.

### **Relevant state law**

None.

### **SFEC recommendations and rationale**

- Require practical training shortly after seating (VRA, Robert’s Rules, Census data and mapping, state and San Francisco ranked mapping criteria).

In addition to the briefings and data sets mentioned above, the RDTF also heard presentations from the Mayor's Office of Housing and Community Development on housing preferences and from the Office of Economic and Workforce Development about community benefit and green benefit districts.

The RDTF recommended in its final report ([Appendix A](#), p.A-2) that its members should receive training in mapping early in the process rather than waiting until mapping meetings begin so that it already has some experience and understanding before the mapping meetings are underway. This early public training would also aid communities to fully understand the ranked criteria and Census data so they can propose legally compliant maps and engage with the RDTF on its proposed maps. The RDTF also recommended that the initial preparation such as draft bylaws, tentative schedules, and proposed timelines should be presented for consideration when it first convenes so that members are not forced to grapple with those issues without important context.

IRCs need both generalized and specialized training to be set up for success. The City could consider leveraging the insights and experience of former CCRC, IRC and SF RDTF members to train new IRC members. This training was most helpful for many new IRCs whose members were trying to prioritize a myriad of tasks at the beginning of their terms.

Most of these commission process areas do not need to be included in the Charter, and should be established in other ways.

## 2. INCLUDING THE PUBLIC

### **The way it is now**

- None required by City Charter, but the FMA 2019 required outreach to underrepresented and non-English-speaking communities.
- The RDTF created an outreach plan, but implementation was limited due to budget and the predetermined scope of the outreach consultant, Civic Edge (selected by the Clerk's Office prior to RDTF seating). Note: The 2021-2022 RDTF was the first to retain an outreach consultant upon advice from the previous RDTF.
- Civic Edge developed marketing materials, identified community organizations for engagement, and digital outreach efforts, supplemented by the Clerk's office with other collateral.
- RDTF members participated in outreach activities such as speaking with residents, presenting to community-based organizations, and attending public events.
- The RDTF emphasized language access in both printed materials and with interpretation services at meetings (both consecutive and simultaneous), but was unable to practically manage

language access effectively during mapping due their late start (a month before the deadline). Language access was also required by FMA 2019.

- Mapping consultant Q2 provided mapping and community of interest submission tools for the public to create and submit maps, as well as provided a map training video.

## **Relevant state law**

San Francisco must comply with the FMA 2023, including Elections Code § 21160(b) , which requires a detailed public outreach plan prior to March 1, 2031, and every ten years thereafter.

## **SFEC recommendations and rationale**

- 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.
- The IRC should have a voice in the scope of any consultants' work used for public outreach.
- See [Transparency](#) (p.51) and [Timing](#) (p.54) sections for related recommendations.

The 2021-2022 RDTF did recognize the fundamental importance of community outreach throughout the redistricting process though faced challenges, not the least of which were the impacts of the pandemic. As noted above, they had several good processes that were supported universally by the RDTF members. The SFEC's recommendations center around the need to adequately resource the body to do its work effectively, recognizing that San Francisco has a very diverse population, including underrepresented communities that can be difficult to reach unless public outreach meets them where they are with resources they need.

The RDTF also noted in its final report, and the Commission agrees, that there are "various methods of running meetings more efficiently [during this process] while allowing for robust participation, including more focused public comment, better facilitation of discussion and action, and even recessing until the next day if necessary." (p.13) The Commission also recommend that the IRC engage with the public to determine the best meeting times and places to maximize participation. Fundamentally, the recent RDTF's biggest challenges with effectively engaging the public may have stemmed from starting mapping too late to give communities time to absorb and react to proposed maps, which is addressed in [Timing](#), p.54.

Finally, because City budgets continue to be constrained, the Commission recommend that the RDTF piggyback off existing City resources for cost-effectiveness. For example, taking advantage of existing meetings of other bodies, conducting outreach through existing communication channels, partnering with City agencies already working underrepresented communities, etc.

### 3. TRANSPARENCY

#### The way it is now

- Public meetings are governed by the Sunshine Ordinance and Brown Act. There is no ban on discussing redistricting matters outside of a public meeting.
- The RDTF produced and posted the required VRA analysis.<sup>98</sup>

#### Relevant state law

- The FMA 2023 (Elections Code § 21130(b) requires that the required analysis of the possible creation of any majority minority districts under the federal Voting Rights Act (VRA) be posted on the website within seven days of completion or prior to adopting election district boundaries, whichever occurs first.
- The FMA 2023 (Elections Code § 21130(f) mandates a final report within 21 days of adopting a map explaining any splits of neighborhoods or communities of interest.
- The FMA 2023 (Elections Code § 21160(g) and (h) requires posting comments on the website.

#### SFEC recommendations and rationale

- Ban ex-parte communication.
- Require disclosure of approaches by electeds or members of the public, educational sessions presented, etc.
- Require 7-day advance posting of maps under consideration.
- Public comments should be posted on the IRC website.
- Require written rationale for final districts against ranked criteria, neighborhoods, communities included or split in each district (see also [Redistricting Line-drawing Criteria](#) section, p.41).

The RDTF final report explained that it “witnessed unprecedented assaults on its independence by political actors, including purportedly nonpartisan actors, invested in a specific outcome”<sup>99</sup> and the Commission heard<sup>100</sup> and it was reported that some members felt political pressure that interfered with and influenced their votes.<sup>101</sup> One way to assert independence is to ban ex parte communication, meaning that discussion of redistricting matters with IRC members must happen in public meetings, eliminating opportunities for elected officials, individuals or groups to influence line-drawing privately. The California Government Code regulates the CCRC’s ex parte communication<sup>102</sup> which has been updated in the ballot measure for the newly proposed IRC for the City of Los Angeles based on

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<sup>98</sup> City Attorney’s [March 14, 2022 VRA analysis memo](#) was posted on the [March 25, 2022 RDTF meeting agenda](#)

<sup>99</sup> [2021-2022 San Francisco Redistricting Task Force Final Report](#), May 23, 2022, p.13

<sup>100</sup> [RDTF panel testimony](#), SF Elections Commission, September 21, 2022

<sup>101</sup> [Redistricting chair told others he felt mayor’s pressure on maps](#), Mission Local, April 13, 2022

<sup>102</sup> [CA Government Code, Division I, Ch. 3.2, Sect. 8253 Citizens Redistricting Commission](#)

subsequent CCRC practices to clarify that educational outreach is permitted, "All ex parte communications between Commission members and any other person concerning development of the map are prohibited. This does not restrict communication among Commissioners and their staff, consultants, or legal counsel, or communication with City staff regarding administrative matters. This does not restrict educational presentations to the public. At least two Commissioners must be present at any public meeting that is not an official Commission hearing or meeting and such a meeting must be posted on the Commission website for general public participation. This shall include in person and virtual meetings."<sup>103</sup>

Disclosure, while informative, is not sufficient. Required ex parte communication logs from the City of Los Angeles' last political redistricting process showed near constant communications with the Mayor, City Councilmembers and staffers that resulted in "the sudden appearance of maps of dubious origin and the eleventh-hour drop and the swapping out of commissioners by council members in a bid to reshape the map in their favor," according to Commission Chair Fred Ali.<sup>104</sup> While the LA Advisory Redistricting Commission was completely politically appointed with no pretense of independence in contrast to the RDTF, transparency was an issue for both. In August, 2022, the Sunshine Ordinance Task Force found that four 2021-22 RDTF members violated public records laws.<sup>105</sup> Because all of them voted for the final map, it led to speculation that damaged trust in the integrity of the process, which a clear ban would have precluded.

The recent RDTF held multiple live line-drawing sessions, including all meetings during the final few weeks, allowing the public to watch the work, understand the movement of district boundaries, and witness their impact on other districts in real time. This and similar innovative and transparent processes should be encouraged.

The public should know about all discussions that might influence the lines drawn by the IRC, and the IRC must be able to explain its compliance with ranked criteria for every district in an accessible format. Laudably, previous RDTFs have voluntarily published reports, but they have not provided detailed rationales for districts, nor explained why neighborhoods or communities of interest were split. This is now required by state law, but not for charter cities that have "comprehensive or exclusive redistricting criteria" (see related recommendation in [Redistricting Line-Drawing](#), p.41). The Commission encourages the BOS to refer to the 2021-2022 RDTF final report, which includes accompanying statements from various members ([Appendix A](#), p.A-2) on their frustrations with the process and interest in providing more transparency in the future to the public about district rationales.

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<sup>103</sup> [Report of the Chief Legislative Analyst re: Proposed Independent Redistricting Commission Program](#), Sept. 29, 2023

<sup>104</sup> [Op-Ed: By all means, make redistricting in Los Angeles truly independent](#), "Los Angeles Times, Nov. 1, 2021

<sup>105</sup> [Redistricting Task Force members failed to produce records, violated Sunshine laws](#), Mission Local, Aug. 4, 2022



## 4. VOTING & DECISION-MAKING

### The way it is now

A simple majority (five of nine votes) is required for any decisions, including final maps.

### Relevant state law

None.

### SFEC recommendations and rationale

- Supermajority of nine (out of 14 voting members) for all votes.

The SFEC debated whether a simple or supermajority should be necessary for votes of the IRC, and if a supermajority, whether that should only be for the final map vote or for all votes. The Commission wanted to promote collaboration but also allow for dissent, recognizing that unanimity is not necessary nor is it sometimes practical. In fact differing perspectives can be valuable to the process. Because the Commission has also recommended a larger body than the current size (see [Composition](#), p.25), nine members for any vote does not seem onerous. Additionally, requiring a supermajority lessens the possibility of a majority faction dominating a process. Figure 11 comparing various thresholds for final map votes is included below for reference. Note that San Francisco has the smallest number of members required for decision-making and passed its maps with a bare majority two out of three times (2001-02 and 2021-22). The special majority and special supermajorities are thresholds accounting for representation by multiple partisan groups and reduce the possibility of political dominance. This is present at the state level because of partisan congressional races but is usually irrelevant for local IRCs, thus the Commission has not recommended special supermajority requirements for San Francisco.

**Figure 11: Voting Threshold for Final Maps**

IRC	Vote Type	Vote Threshold	# of Commissioners
CCRC	Special supermajority	9 (3 Democrats, 3 Republicans, 3 Others)	14
MI ICRC	Special majority	7 (2 Democrats, 2 Republicans, 2 Others)	13
LA County CRC	Supermajority	9	14
County of San Diego IRC	Supermajority	9	14
SF RDTF	Majority	5	9

City of Sacramento IRC	Supermajority	9	13
Oakland RC	Supermajority	9	13
Long Beach IRC	Supermajority	9	13
Berkeley IRC	Majority	7	13

## 5. IMPASSE PROCEDURE

### The way it is now

There is no stipulated procedure to follow if the final map deadline is not met. The City Attorney wrote a legal memo to the 2021-2022 RDTF advising of its obligation to complete its task despite missing the legal deadline.<sup>106</sup>

### Relevant state law

The recently passed FMA 2023 (including Elections Code § 21180) says that if the final map is not produced on time, it will be referred to the Superior Court who is authorized to hire a Special Master to draw the districts. This law will apply to San Francisco because the city Charter is silent on this issue. The new law does not require adopting the state deadline.

### SFEC recommendations and rationale

Elections Code § 21180 now requires the City to petition the Superior Court within five days of missing the deadline for an order to adopt election district boundaries. If San Francisco does not file a petition, any City resident may do so if the final map is not produced on time (see [Timing](#) section, p.54).

San Francisco needs an acceptable failsafe that creates an incentive for the IRC to complete its work in time for the upcoming election processes to not be disrupted. The recommendation by the SFEC is now required by state law.

## TIMING

### When should the redistricting process begin prior to the deadline and when must draft maps be produced?

<sup>106</sup> [City Attorney Memo to RDTF on Redistricting–Deadline and Process](#), April 19, 2022

"It would be advisable for the Board of Supervisors to introduce and pass an Ordinance establishing the Task Force at least six months to a year before the Census results are released in April."

-- Clerk of the Board of Supervisors

### **The way it is now**

- Seating of the RDTF is tied to the Census.
- Official draft maps are not required and therefore not bound by a deadline. Only a (non-standard) final deadline is stipulated. This is currently by April 15 in the year in which the first election using the redrawn lines will be conducted.
- FMA 2019 required a minimum of 4 public hearings before a redistricting plan can be adopted, with at least one occurring on a weeknight or weekend; the RDTF complied.

### **Relevant state law**

- The FMA 2023 includes Elections Code § 21150(d)(1) which requires at least two public hearings before mapping and § 21150(d)(2) which requires at least three after a draft map before a final map can be adopted.
- Elections Code § 21160(f)(1) requires 7-day posting of all maps or 72 hours if within 28 days of the final map deadline.

### **SFEC recommendations and rationale**

- The ordinance establishing the IRC should be passed 18-24 months prior to the map deadline, rather than tying establishment to the Census as is currently in Charter.
- The IRC should be seated at least 12 months before the final map deadline.
- Require an official draft map at least 2 months before the final map.
- Require a 7-day public comment period before final map adoption.
- Consider adopting the earlier state deadline for final map.

The Clerk of the Board made strong recommendations in their final report regarding the timeline associated with San Francisco's redistricting work, stating the need to begin it much earlier in order for the task force to effectively do its job (p.1), which the RDTF agreed with in its final report. From the Clerk's report:

"Additional time to establish the Task Force would provide more opportunities to review the duties, establish a timeline for action, set expectations, and execute those requirements and additional demands. The Task Force would be able to focus on the actual District lines and duties to accomplish that task by the time the Census results are released.

The Census results are released around April the year prior to the Task Force's April 15th deadline to adopt a Final Map. It would be advisable for the Board of Supervisors to introduce and pass an Ordinance establishing the Task Force at least six months to a year before the Census results are released in April. The Ordinance should include the member structure, appointing authorities (and that they serve at the pleasure of those authorities), seat qualifications, deadline for appointments, attendance requirements, minimum number of meetings, assignment of administrative/clerking/legal support, language access standards, and outreach directives, including where the funding will be derived for each of these.

The earlier establishment of the Task Force will allow the appointing authorities additional time to make their appointments and for the appointees to arrange their upcoming schedules since the duties will require a significant proportion of their time and energy. This will provide the City Attorney's Office additional time to brief appointees with the California Ralph M. Brown Act, the Sunshine Ordinance and in general the City Attorney's Good Government Guide to ensure adherence to rules and best practices. The Task Force members must be made aware of how much time will be required and that their schedule will need to adapt to the Task Force's majority."

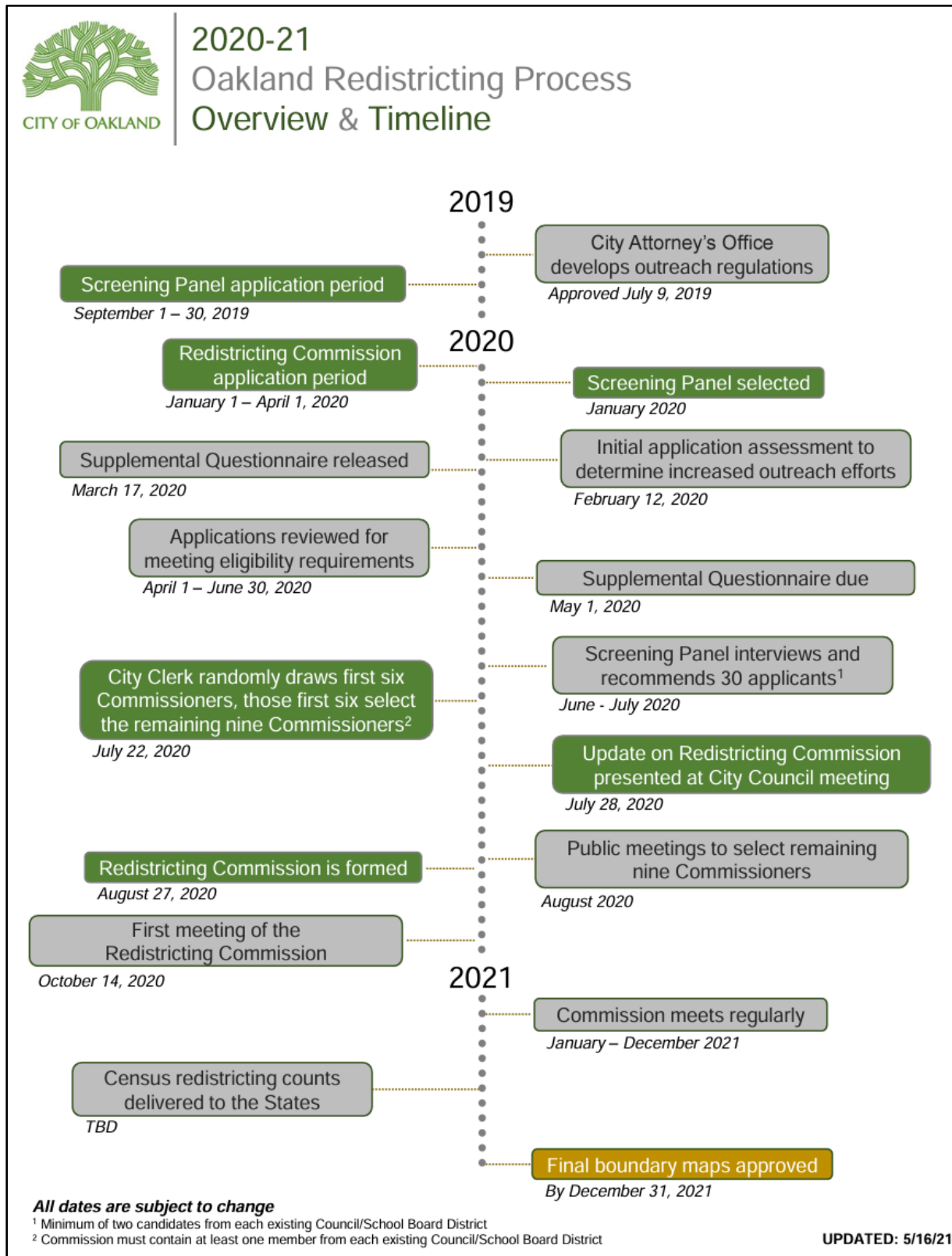
The BOS would need to pass an ordinance significantly in advance of seating the IRC due to the addition of an extensive outreach & recruitment process needed to build a large, diverse pool of candidates (see [Outreach and Recruitment](#), p.27), as well as the time required for vetting and selection (see [Vetting & Selection](#), p.34). San Francisco's size and complexity warrant a year to allow adequate time for the newly-seated IRC to get trained, organize itself, solicit community input, create draft maps to catalyze collaborative problem-solving, and refine a final map. As with the budget recommendations above ([Funding](#), p.44), the process should cover multiple years. One example of how this might look is Oakland's recent redistricting process plan (Figure 12 below), although their final maps were also delayed.

Additionally, the Commission saw in this last cycle that tying seating of the RDTF to the Census, rather than the map deadline, was problematic, given the delay in Census results. San Francisco should tie the seating of the IRC to the map deadline, not the Census. To note, San Francisco's final map deadline is also later than standard state law, which San Francisco should consider adopting—it would provide more room to prepare for upcoming elections as well as be more consistent with other jurisdictions.

While the RDTF utilized some innovative and inclusive processes like live map drawing, the lack of official draft maps with adequate time for the public to understand, reflect, and react made it difficult for large groups of the public to fully engage in the map-drawing process. Past RDTFs have always exceeded minimum public hearings before mapping but not *after* mapping which is most critical for public input, as will now be required in San Francisco to comply with the FMA 2023.



**Figure 12: 2020-2021 Oakland Redistricting Process Overview and Timeline**



## CONCLUSION

The San Francisco Elections Commission recommends improving the City’s redistricting process so it can be truly independent and fair. From democracy advocacy organizations and the public throughout the most recent process to the RDTF’s recommendations in its final report (see [Appendix A](#), p.A-2, see pp.13-14) and a recent governance report<sup>107</sup> recommending non-political appointments, the Commission believes redistricting reform has broad consensus and support. Our body hopes both the materials and resources gleaned over 18 months of learning and the resulting recommendations for the Board of Supervisors’ and the public’s consideration will help guide city leaders and ultimately benefit all San Franciscans.

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<sup>107</sup> Heidorn, Miller, Nadon, [Re-Assessing San Francisco’s Government Design](#), August 2023, p.60

## APPENDICES



## APPENDIX A: 2021-2022 SAN FRANCISCO REDISTRICTING TASK FORCE FINAL REPORT

The [main report](#), including the RDTF's recommendations for the future, can be found on pp 1-14, followed by additional statements from Task Force Members in the report's Appendix B. The full report with all appendices in several languages can be found at [Final Report | San Francisco \(sf.gov\)](#).



### **2021–2022 San Francisco Redistricting Task Force Final Report**

May 23, 2022  
San Francisco, California

## APPENDIX B: CLERK OF THE BOARD REPORT

This was also included as [Appendix C](#) in the full RDTF Final Report.

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 544-5227

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### MEMORANDUM

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Date: May 5, 2022  
To: San Francisco Redistricting Task Force (2021-2022)  
From: Angela Calvillo, Clerk of the Board  
Office of the Clerk of the Board  
Subject: Redistricting Task Force – Clerk of the Board Report

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In accordance with Board of Supervisors Ordinance No. 94-21, File No. 210606, which convened the Redistricting Task Force (RDTF, Task Force) and amended the San Francisco Campaign and Governmental Conduct Code, stating the Secretary to the Task Force shall be the Office of the Clerk of the Board, the Director of the Department of Elections shall manage any technical consultant and set for the controlling standard for language access as the 48-hour standard.

The Office of the Clerk of the Board (Clerk's Office, Department) provides the following information on legislative establishment and appointments; staffing; early planning; outreach; costs incurred; language access; meetings, facilities and logistics; and digital accessibility, for the benefit of the next decennial RDTF and the staff that will be supporting them.

#### **LEGISLATIVE ESTABLISHMENT AND APPOINTMENTS**

Due to the COVID-19 health emergency that complicated the completion of the Census, the timeline followed was not the usual practice from years before. In anticipation of the delayed receipt of the Census results from the federal government, the City decided to form the Task Force prior to receiving the Census report, in order to get the Task Force informationally ready to begin their duties. Normally, the Ordinance that establishes the Task Force is introduced after the Director of Elections reports on the Census results and whether the District lines are in compliance. This year, the City decided to forego waiting for the Director of Elections' report and moved forward with establishment and appointing the Task Force beforehand. The Clerk's Office recommends that the establishment of the Task Force and appointments be made even earlier before the Director of Elections' report is released.

Additional time to establish the Task Force would provide more opportunities to review the duties, establish a timeline for action, set expectations, and execute those requirements and additional demands. The Task Force would be able to focus on the actual District lines and duties to accomplish that task by the time the Census results are released.

The Census results are released around April the year prior to the Task Force's April 15th deadline to adopt a Final Map. It would be advisable for the Board of Supervisors to introduce and pass an Ordinance establishing the Task Force at least six months to a year before the Census results are released in April. The Ordinance should include the member structure, appointing authorities (and that they serve at the pleasure of those authorities), seat qualifications, deadline for appointments, attendance requirements, minimum number of meetings, assignment of administrative/clerking/legal support, language access standards, and outreach directives, including where the funding will be derived for each of these.

## APPENDIX C: MEMO RE: AB 1248 FROM THE CITY ATTORNEY

CITY AND COUNTY OF SAN FRANCISCO



DAVID CHIU  
City Attorney

OFFICE OF THE CITY ATTORNEY

ANA FLORES  
Deputy City Attorney

Direct Dial: (415) 554-4661  
Email: ana.flores@sfcityattty.org

### MEMORANDUM

TO: Members, San Francisco Elections Commission  
FROM: Ana Flores  
Bradley Russi  
Deputy City Attorneys  
DATE: April 24, 2023  
RE: Assembly Bill 1248, Independent Redistricting Commissions

You requested that we provide a written public analysis of Assembly Bill 1248 ("AB-1248"), legislation currently pending in the state Legislature that would regulate the redistricting processes of local entities with governing bodies elected to represent districts. A copy of the current version of the bill is attached. In sum, as we explain further below, the bill would require these entities to establish independent redistricting commissions with no members directly appointed by elected officials. And the bill would impose other requirements on the qualifications of members to serve on those bodies and restrictions on the members' activities during and after their service. The bill includes findings that the changes it proposes address a matter of statewide concern rather than a municipal affair and, therefore, apply to all cities, including charter cities.

If AB-1248 passes in its current form and applies to San Francisco, the bill would be inconsistent with the City Charter's requirements for redistricting, because the Mayor and Board of Supervisors appoint members of the City's Redistricting Task Force. As a result, to avoid that inconsistency and to allow for San Francisco to establish the total number of members on the commission and how members are selected and appointed to the commission, the City would need to obtain voter approval amending the Charter to establish a new redistricting commission, before March 1, 2030. In this memorandum, we provide a summary of the current version of the bill and a brief discussion of San Francisco's redistricting process.

#### I. Summary of AB-1248

AB-1248 would require cities, counties, school districts, community college districts, and other special districts with more than 300,000 residents that hold district elections for members of their governing bodies to create independent redistricting commissions before March 1, 2030 – and every ten years after – to redraw district lines following the federal decennial census. As mentioned above, AB-1248 purports to apply this requirement to a charter city and county like San Francisco. Under the bill, local elected officials like the Mayor and members of the Board of Supervisors could not directly appoint members of the required commission. Several counties in which state law already established independent redistricting commissions, including Los Angeles County and San Diego County, are exempt from AB-1248.

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The bill imposes specific requirements on the qualifications and post-service activities of members of all independent redistricting commissions, as well as rules limiting their activities while they serve. The bill authorizes the jurisdiction to establish its redistricting commission and specify the selection process and other aspects of the membership of the body by legislative act or charter amendment. For covered jurisdictions that do not comply with the bill's mandate to create a commission, the bill contains self-executing provisions that themselves create the body and provide the method for selecting members.

**A. Requirements Applicable to All Independent Restricting Commissions.**

AB-1248 would authorize a local jurisdiction like San Francisco to create the independent commission and set the number of members and the manner in which members are selected and appointed to the commission. To do so, the local jurisdiction must make the selection process open to all eligible residents and ensure that elected officials of the jurisdiction do not directly appoint the members.

The bill provides that people with specified connections to local politics would be ineligible for appointment to the commission. For example, a person would be ineligible if the person or their spouse has in the previous eight years (1) served as an officer, employee, or paid consultant to a campaign for a candidate for local elected office or a political party, (2) served as a staff member or consultant to any currently serving elected official of the jurisdiction, (3) been registered as a lobbyist, or (4) contributed \$500 or more in a year to any candidate for a local elective office. A person whose parent, sibling, child, or in-law engaged in any of these activities in the previous four years is also ineligible.

AB-1248 provides that while serving on a redistricting commission, members could not communicate with any individual or organization regarding redistricting matters, outside of a public meeting of the commission. Certain restrictions would also apply to members of a commission after their service has concluded, including prohibitions on running for local elective office for a specified period. And former members could not work for a local elected official or on a campaign for a local office for four years following their service.

**B. Composition and Selection Process for Jurisdictions that Choose Not to Legislatively Create an Independent Redistricting Commission.**

Under AB-1248, if a jurisdiction does not act to establish an independent redistricting commission, the jurisdiction must follow a separate set of rules. A commission created under this self-executing section of the bill would consist of 14 members and two alternates, with at least one commission member residing in each of the existing districts of the legislative body. Each commission member would need to meet the following qualifications: be a resident of the jurisdiction; possess a history of civic engagement; possess experience that demonstrates analytical skills relevant to the redistricting process and voting rights; possess an ability to comprehend and apply the applicable state and federal legal requirements; possess experience that demonstrates an ability to be impartial; and possess experience that demonstrates an appreciation for the diverse demographics and geography of the local jurisdiction.



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The jurisdiction's legislative body would choose the "selection entity used to appoint members to the commission" according to a required order of priority stated in the bill. If the bill applies to San Francisco, AB-1248 would require the Board of Supervisors to designate the Ethics Commission as the "selection entity." Finally, the bill sets out a general process the selection entity must follow for submission and review of applications for membership on the commission.

**II. Application to San Francisco's Current Redistricting Process**

Under Section 13.110 of the San Francisco Charter, the City must establish a Redistricting Task Force ("Task Force") to revise the supervisorial district boundaries following each decennial census. The Mayor, Board of Supervisors, and the Elections Commission appoint members of the Task Force. Task Force members must be broadly representative of the communities of interest, neighborhoods, and the diversity of the City in ethnicity, race, age, sex, gender identity, sexual orientation, and types of disabilities. Charter § 4.101. Further, all members must be residents of the City and at least 18 years old. *Id.* The Charter does not contain further qualifications or requirements for membership on the Task Force.

Assuming AB-1248 applies to San Francisco and the State enacts the bill in its current form, the appointment process for members of the Task Force contained in the Charter would not be consistent with the requirements of AB-1248 because elected officials – the Mayor and the Board of Supervisors – directly appoint members of the Task Force.

## APPENDIX D: MEMO RE: AB 764 FROM THE CITY ATTORNEY

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CITY AND COUNTY OF SAN FRANCISCO



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### MEMORANDUM

TO: Members, San Francisco Elections Commission  
John Arntz, Director of Department of Elections

FROM: Ana Flores  
Deputy City Attorney

DATE: December 8, 2023

RE: Assembly Bill 764, Fair And Inclusive Redistricting for Municipalities And Political Subdivisions Act of 2023

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You requested that we provide a summary of Assembly Bill 764 ("AB 764"), the Fair And Inclusive Redistricting for Municipalities and Political Subdivisions Act of 2023, legislation Governor Newsom signed into law on October 7, 2023. We attach a copy of the bill. AB 764 expands and reauthorizes Assembly Bill 849 (2019), also known as the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act ("Fair Maps Act"). The legislation governs aspects of the process local government entities with district-based elections for their governing bodies must follow when adjusting district boundaries following the decennial census.

Like the Fair Maps Act, several provisions of AB 764 do not apply to San Francisco, because the bill includes exceptions for a charter city that has adopted its own redistricting legislation. In particular, AB 764 sets out factors the redistricting body must consider in adopting district maps, but it contains an exception for a charter city that has adopted redistricting criteria. San Francisco's redistricting criteria are specified in Charter Section 13.110. Similarly, AB 764 sets a deadline for adoption of a final map, but there is an exception for a charter city like San Francisco that has established its own deadline.

The following changes in AB 764 apply to San Francisco:

- Number of required meetings. The Fair Maps Act required the redistricting body to hold at least four public meetings before adopting a final map. AB 764 requires at least one workshop (not necessarily held by the redistricting body), two public meetings before drawing a draft map, and three public meetings after drawing a draft map. Elec. Code § 21150. The redistricting body in San Francisco is the Redistricting Task Force (RTF). Charter § 13.110(d).
- Public education and outreach plan. AB 764 requires the Board of Supervisors or the redistricting body to adopt a public education and outreach plan to inform residents about the redistricting process prior to March 1, 2031, and every ten years thereafter. The plan has to cover a number of different topics specified in the bill. Elec. Code § 21160.
- Analysis of majority minority districts. Under the federal Voting Rights Act, the City must determine whether it is possible to create a district or districts in which

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## MEMORANDUM

TO: Members, San Francisco Elections Commission  
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a minority group is sufficiently large and geographically compact to constitute a majority in a single member district. AB 764 requires the redistricting body to publish on its redistricting web page, at a minimum, the results of its analysis within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first. Elec. Code § 21130 (b)(1).

- Final report. The Fair Maps Act did not require the redistricting body to issue a final report, though the RETF has done so. AB 764 requires the redistricting body to issue a final report within 21 days of adopting a map that explains the basis on which the body made its decisions in achieving compliance with state law requirements, including as to each neighborhood, community of interest, or census designated place that was split into two or more districts, the reason for that split. Elec. Code § 21130 (f).
- Steps when the redistricting deadline is missed. Under the Charter, the RETF must complete redrawing district lines before April 15 of the year the City will hold the first election using the redrawn lines. Charter § 13.110(d). San Francisco does not have a method for adopting district boundaries if the deadline is missed. AB 764 requires San Francisco to petition the Superior Court within five days of missing the deadline for an order adopting election district boundaries. If San Francisco does not file a petition, any City resident may do so. Elec. Code § 21180.

We are available to answer any further questions you have concerning AB 764.

## APPENDIX E: FORM LETTER CAMPAIGN EMAILS TO SFEC (6)

### LATE MAY 2023: SUSPEND WORK ON FIERCE COMMITTEE UNTIL RECOMMENDATIONS ARE INCLUSIVE OF ALL PERSPECTIVES!

Individuals sent over 50 emails to the Commission and all Commissioners.

#### Message to the Elections Commission, FIERCE Committee

**From:** Your constituent District 1

**Subject:** Suspend work on FIERCE Committee until recommendations are inclusive of all perspectives!

**Message:** To the Elections Commission, FIERCE Committee:

Legal and a-political district maps are foundational to democracy at every level of government. Fully evaluating the 2022 local redistricting process and trying to improve the next redistricting process in 2032 is a shared community goal.

However, your Redistricting Initiative has engaged with only two of nine of San Francisco Redistricting Task Force members. Why?

The 2022 Redistricting was a robust, highly engaged community process. Thousands of community members and dozens of community groups and associations spoke out during redistricting. Your FIERCE Advisory panelists represent only one community perspective. That's not fair or independent.

In order to be inclusive and engage the ENTIRE community, all future Redistricting Initiative meetings must include a diverse group of former RTF commissioners. Once a broader spectrum of RTF members has had the opportunity to weigh in on recommendations for revising the process, appropriate action can be taken.

I urge you to take no action on Item 3 and suspend work on the FIERCE initiative until diverse perspectives are integrated into your recommendations. Doing otherwise compromises the integrity of the work produced by this panel.

Thank you.



## LATE JUNE 2023: I OPPOSE THE PREMATURE AND UNAUTHORIZED CHANGES TO OUR REDISTRICTING PROCESS BY FIERCE: A PANEL OF UNELECTED, SELF-SELECTED ELECTION COMMISSIONERS

Individuals sent about 170 emails to the Commission and Commissioners.

### Message to the Elections Commission, FIERCE Committee

From:

**Subject:** I Oppose the Premature and Unauthorized Changes to our Redistricting Process by FIERCE: a Panel of Unelected, Self-Selected Election Commissioners

**Message:** To the Elections Commission, FIERCE Committee and City Attorney,

The Elections Commission is tasked with the important job of ensuring free and fair elections in San Francisco. The Elections Commission is not a legislative body. There is nothing in the Elections Commission's mandate that gives the authority to draft a Charter Amendment, let alone one that the Elections Commission itself is prohibited from taking a position on once it is on the ballot. Moreover, bringing this to the Board of Supervisors is inappropriate because it is a clear conflict of interest. Drafting changes to our redistricting process, itself, is an abuse of authority as Commissioners, but doing so without engaging seven of nine task force members is in direct violation of the one mandate this Commission has: ensuring free and FAIR elections. Additionally, even if this body had the authority to draft such a measure, (it doesn't) it would be highly irresponsible and woefully premature to do so at this time: nine years before it is necessary and prior to the outcome of the two State legislative measures (Assembly Bill 1248, Assembly Bill 764) currently being considered. It would be negligent to presume to know now, what San Francisco demographics will look like and require in 2031.

It is clear that FIERCE lacks the authority to unilaterally make changes to our redistricting process, and that prudence and good judgment dictate that at a minimum, any changes made should be done only after the results of the two State measures are decided, and closer to 2031 when a more accurate assessment of the needs of the demographics of the City will be possible. It is also clear that with participation from only two of the redistricting task force members (RDTF) any recommendations put forth by FIERCE would be, by definition, incomplete, inequitable, unfair, and biased.

This Commission cannot continue engaging in this unauthorized, biased, restrictive, premature, and potentially harmful behavior. We are asking you to postpone this conversation until after the State Legislature and Governor have decided on the fate of AB1248 and AB764.

Sincerely,

## LATE JUNE, EARLY JULY 2023: I SUPPORT REFORMING REDISTRICTING NOW TO RESPECT AND FAIRLY REPRESENT SF'S COMMUNITIES

Individuals and SOMA Pilipinas Cultural District sent about 20 emails to the Commission.

RE: I support reforming redistricting now to respect and fairly represent SF's communities



To the Elections Commission and FIERCE Committee,

I support redistricting reform in San Francisco, and taking action on reform now. Thanks to the Elections Commission and FIERCE Committee for all the care and effort you've been putting in since 2022 to come up with recommendations for how to improve the city's important redistricting process.

San Franciscans deserve to have the best and fairest elections. We must reform the city's redistricting process to respect and fairly represent communities, neighborhoods, and shared interests.

We cannot wait to take action on redistricting reform. San Franciscans need to know sooner, not later, that our next redistricting process will be fair, equitable, transparent, accessible, and community centered.

Thank you.

## LATE OCTOBER 2023: SUPPORT ENDING GERRYMANDERING IN SAN FRANCISCO

Individuals directed 65 emails to Commissioners.

Support ending Gerrymandering in San Francisco



Chair Cynthia Dai,

Thank you for your leadership in introducing an independent redistricting commission. I stand with you in support of putting a charter reform amendment on the November 2024 ballot to ensure fair maps are created. An Independent Redistricting Commission would reform San Francisco's redistricting process by ensuring it is completely independent and transparent. The commission would be impartial and prohibit preserving incumbency, partisanship, or supporting any candidate for office.

Please vote "aye" on Independent Redistricting.

## EARLY DECEMBER 2023: PLEASE SUPPORT REDISTRICTING REFORM AT THE 12/12 MEETING

Individuals and SOMA Pilipinas Cultural District sent over 55 emails (two versions) to the Commission and Commissioners.

Please support redistricting reform at the 12/12 meeting



Dear Members of the Election Commission,

I am a resident of District 1 and I'm writing to urge you to vote to forward the redistricting reform report to the in San Francisco Board of Supervisors.

The 2021-2022 redistricting cycle in San Francisco showed us the fissures in our process, leaving historical communities of interest and formal cultural districts split, thus diluting political representation for historically disenfranchised communities.

San Francisco's redistricting laws haven't been updated in decades, and flies in the face of all the best practices in the state and in the country. Many cities conduct thorough outreach processes to recruit qualified nonpartisan candidates, and insulate the selection as much as possible from partisan interests. Jurisdictions who have a more independent redistricting process free from political bias and special interests, require "Independent Redistricting Commissions," selected by nonpartisan bodies to lead the process of redrawing district maps.

A fairer process would mean that redistricting becomes about voters selecting their elected officials rather than elected officials selecting their voters. Marginalized communities in San Francisco would have a better shot at getting the representation we need in City Hall to stand by us and fight for what our communities need to thrive.

Supporting redistricting reforms would simply be asking for San Francisco's redistricting process to catch up with other big cities and counties in the state who are running a fairer process that is better insulated from partisan bias. That's why I am urging you to support the vote for the redistricting reform proposal recommendations at the Elections Commission meeting on December 12th.

Sincerely,

Subject: Please vote to support the redistricting reform recommendations at your December 12 meeting

To the Elections Commission,

I'm writing to ask you to vote to support the set of redistricting reform recommendations at your meeting on December 12, 2023.

San Franciscans deserve to have the best and fairest elections. We must reform the city's redistricting process to respect and fairly represent communities, neighborhoods, and shared interests.

We cannot wait to take action on redistricting reform. San Franciscans need to know sooner, not later, that our next redistricting process will be fair, equitable, transparent, accessible, and community centered.

Thank you, Elections Commission, for all your hard work to come up with these recommendations for how to improve the city's redistricting process.

## MID DECEMBER 2023: I OPPOSE THE POLITICALLY MOTIVATED (FIERCE) RECOMMENDATIONS ON REDISTRICTING

Although the campaign's subject line was directed at the Superintendent and Board of Education, individuals addressed their emails to the Elections Commission. Over 135 emails were sent to Commissioners and to the Department of Elections.

### Message to the Superintendent and Board of Education

From your constituent:

I am a resident of District 1

**Message:** I oppose the politically motivated (FIERCE) recommendations on redistricting.

Dear Elections Commission,

I'm writing to ask you to make NO RECOMMENDATIONS at your meeting on December 12, 2023. I urge you to reject bogus and politically motivated redistricting "reform" recommendations made by the very organizations that meddled in our most recently sworn redistricting task force's redistricting process.

San Franciscans deserve to have an Elections Commission dedicated to its mission to build confidence in elections. Not an Elections Commission serving as a tool of special interests.

We urge each of you Elections Commissioners to say NO to political advocacy groups seeking to use our Elections Commission to advance a political agenda for narrow political special interests.

Thank you.

## APPENDIX F: ADDITIONAL RESOURCES

### FINAL REPORTS FROM SAN FRANCISCO ELECTIONS AND REDISTRICTING TASK FORCES

- [A Report of the Elections Task Force to the Board of Supervisors, City and County of San Francisco](#), May 1, 1995
- [2001-2002 Elections Task Force on Redistricting Final Report](#), 2002
- [2011-2012 Redistricting Task Force Final Report](#), April 12, 2012
- [2021-2022 San Francisco Redistricting Task Force Final Report](#), May 23, 2022

### RELEVANT REPORTS AND STUDIES

- [California Local Redistricting Commissions: Landscape, Considerations and Best Practices](#), California Local Redistricting Project, Nicholas Heidorn 2017
- [The Promise of Fair Maps](#): California's 2020 Local Redistricting Cycle: Lessons Learned and Future Reforms, Nicholas Heidorn, January 2023
- [Re-Assessing San Francisco's Government Design](#): Is City Hall Well-Structured to Meet the Current Crisis? Nicholas Heidorn, Kenneth P. Miller, and Bipasa Nadon, Rose Institute of State and Local Government Commissioned by TogetherSF, August 2023
- [A Citizen's Guide to Redistricting](#), Justin Levitt, Brennan Center for Justice at New York University School of Law, 2010
- [A Brief History of Elections Administration in San Francisco](#), SF City Attorney Memo, July 6, 2005
- [California redistricting 101: What you need to know](#), Cal Matters, November 4, 2021
- [Other Research and Resources](#), from the California Local Redistricting Project

### RELEVANT LOCAL AND STATE LAW

- [FAIR MAPS Act 2019](#)
- [FAIR MAPS Act 2023](#)
- [SF Charter Section 13.110 Election of Supervisors](#)

## LETTERS FROM DEMOCRACY ADVOCACY ORGANIZATIONS OBSERVING SAN FRANCISCO'S 2021-2022 REDISTRICTING PROCESS

- [Recommendations for local redistricting amid Census delay](#), from League of Women Voters of San Francisco (LWVSF) to SFEC, Director of Elections, City Attorney, BOS and Mayor, March 15, 2021
- [Support for the ordinance convening the 2021–2022 San Francisco Redistricting Task Force](#), from LWVSF and SF Rising to the BOS, June 4, 2021
- [Recommendations on next steps](#), from coalition of organizations to RDTF, September 16, 2021
- [Recommendations on mapping tools](#), from coalition of organizations to RDTF, November 8, 2021
- [Recommendations on draft maps and timeline](#) from coalition of organizations to RDTF, January 21, 2022
- [Recommendations on timeline, outreach, and other concerns](#), from Asian Americans Advancing Justice - Asian Law Caucus (AAAJ-ALC), LWVSF, and SF Rising to the RDTF, February 3, 2022
- [Recommendations on considering race and other redistricting criteria](#), from AAAJ-ALC to the RDTF, March 11, 2022
- [Recommendations on language accessibility](#), from AAAJ-ALC, Chinese for Affirmative Action, and LWVSF, to the RDTF, March 25, 2022
- [Concerns regarding Elections Commission's Redistricting Task Force appointees](#), from LWVSF to SFEC, April 6, 2022
- [Concerns about transparency and 2:53 am vote reversal](#), from California Common Cause to the RDTF, April 11, 2022
- [Concerns about 2am vote reversal and basing maps on public input, April 12, 2023](#), from AAAJ-ALC to the RDTF, April 12, 2022
- [Recommendations for the final report](#), from LWVSF to RDTF, May 6, 2022

## APPENDIX G: FIERCE COMMITTEE DISCUSSION GUIDE

The FIERCE Committee used this [slide deck](#) at its August 24, 2023 and September 5, 2023 meetings to guide discussion of each redistricting component area to develop its recommendations for the full body.