

July 13, 2021

Sent Via Email

Anaheim City Council
City Hall Council Chambers
200 S. Anaheim Blvd., First Floor
Anaheim, CA 92805
publiccomment@anaheim.net

Re: Public Comment on the City Council Redistricting Process for the July 13, 2021 Meeting

Dear Members of the City Council:

The Orange County Asian and Pacific Islander Community Alliance (OCAPICA) commend the City Council for agendizing redistricting well ahead of the Council's deadline to adopt a district map. OCAPICA is part of the Anaheim Citizens Redistricting Committee and the People's Redistricting Alliance, two coalitions made up of Anaheim residents and community-based organizations, respectively, working in the region to promote a greater community voice in the redistricting process. We write to provide feedback and suggestions on the City Council's planned process.

Decennial redistricting is constitutionally mandated, and state and federal law lay out detailed steps that the City of Anaheim must take. Some parts of the process, such as creating a redistricting website and retaining consultants to ensure maps comply with state and federal law, need to begin happening now. Other parts of the process, such as hosting public hearings and creating a process to receive public testimony and draft maps, take months of preparation. Below we provide an overview of the minimum requirements for the City's redistricting process. We urge the Council to strive to go well above this floor to maximize public participation, increase transparency, and draft a map that ensures fair representation for all communities.

I. Redistricting Process Requirements

AB 849 and AB 1276, or the Fair Maps Act,¹ provide detailed requirements that the City must follow before adopting a final map. Although the City's deadline to adopt a map is not until the spring of 2022, hundreds of other jurisdictions across the state will be redistricting during this period and will also need redistricting consultants. It is therefore imperative for the City to expeditiously retain consultants and build the groundwork to engage the public. We have attached as **Exhibit A** a two-page document with best practices on education and outreach and summarize legal requirements and provide suggestions below.

A. Redistricting Webpage

The City must create a webpage dedicated to redistricting² and we appreciate that the City has already started the process of building the webpage.³ The webpage must include an explanation of the

¹ The charter city provisions of the Fair Maps Act are codified in sections 21620 to 21630 of the Elections Code.

² Cal. Elec. Code § 21628(g).

³ City of Anaheim, Redistricting Process, <http://anaheim.net/2154/Redistricting-Process> (last accessed July 9, 2021)

redistricting process in English and Spanish.^{4,5} The City, however, should strive to go beyond these languages and also cover other commonly spoken languages in the region, including Arabic, Chinese, Korean, and Vietnamese. The Secretary of State has already created templates in ten languages and posted them [here](#).

The webpage will also need to include or link to the following: procedures for the public to testify during a hearing or submit written testimony; a calendar of all public hearings and workshop dates; the notice and agenda for each public hearing and workshop; a recording or written summary of each public hearing or workshop; draft maps; and the final adopted map.⁶ To ensure that the public has all of the information they need, the City should have a full functioning website *before* hosting the initial public hearings and workshops. The City is required to maintain this website for at least 10 years.⁷

B. Education and Outreach

The Fair Maps Act mandates a thorough education and outreach plan. The City is tasked with encouraging residents, including those in underrepresented and non-English speaking communities, to participate in the redistricting process.⁸ To do this, the City must conduct public outreach about redistricting to local media organizations and to good government, civil rights, civic engagement, and community groups or organizations that are active in the jurisdiction, including those serving limited-English proficient communities, the disability community, and other historically underrepresented communities.⁹ Additionally, the City must provide information to those people and organizations that have requested to be notified about redistricting.¹⁰

Implementing an education and outreach program that truly engages Anaheim communities in redistricting requires planning, staff time, and an allocation of sufficient monetary resources. We strongly suggest that the Council adopt a budget that accounts for a robust, multilingual effort to seek community input in this once-in-a-decade process. We further encourage the City to begin engaging with OCAPICA and the Anaheim Citizens Redistricting Committee. The City should identify a staff member for the public to contact about the redistricting process. Finally, we encourage the City to partner with other districted jurisdictions in the region, including Orange County and school and special districts that overlap with the City of Anaheim, to educate and notify residents of opportunities to engage in redistricting. This will maximize city and resources, streamline information, and minimize confusion for residents.

C. Public Hearings and Workshops

Because the City is large and diverse, the Council should strive to offer far more than the four hearings required by the Fair Maps Act.¹¹ For example, the City's advisory commission held ten public meetings during its districting process in 2015, and the Council held three additional hearings in 2016.

⁴ Cal. Elec. Code § 21628(g)(1).

⁵ California Secretary of State, Language Requirements for City Redistricting (PDF) at 1 (June 11, 2021), *available at* <https://elections.cdn.sos.ca.gov/language-requirements-city.pdf> (for the City of Anaheim, listing Spanish as a language requirement for redistricting purposes).

⁶ Cal. Elec. Code § 21628(g)(2)-(7).

⁷ Cal. Elec. Code § 21628(g).

⁸ Cal. Elec. Code § 21628(a).

⁹ Cal. Elec. Code § 21628(a)(1)-(2).

¹⁰ Cal. Elec. Code § 21628(a)(2).

¹¹ Cal. Elec. Code § 21627.1(a).

There is no reason why the City cannot match or exceed that number of hearings to ensure that the Council has ample opportunities to hear from the public about their communities of interest and where the lines should be drawn. The Council should also make the hearings as accessible as possible by providing video and in-person options to attend the hearings, scheduling the hearings at different times and days of the week to accommodate varying schedules, and holding the hearings across the City to ensure that those residents who want or need to attend in person can access hearing locations. We appreciate the fact that the City plans to offer Spanish interpretation at all redistricting hearings and encourage the Council to also commit to provide Arabic, Chinese, Korean, and Vietnamese interpretation.

The state will release adjusted data needed to redistrict sometime in September or October of 2021 and the City will need to wait at least 21 days after the data is released before posting draft maps.¹² This waiting period will give the public time to assess data and submit their own draft maps, and ensures that the City takes the time it needs to assess federal Voting Rights Act (VRA) compliance and to draw maps that incorporate the robust public testimony the City receives prior to the release of its own draft maps.

Once the draft maps are published, they must be posted online for at least seven days before the City selects a final map.¹³ This requirement is reduced to three days in the last 27 days before the City's redistricting deadline.¹⁴ The City, however, should strive to give more than seven days to the community to evaluate draft maps and provide feedback, and should post draft maps considered at any public hearing or workshop well ahead of the hearing. Community members need a meaningful opportunity to digest draft maps, to identify recommendations, and to develop alternative maps.

II. City Council Map Requirements

When preparing its redistricting plan and drafting and considering draft maps, the City must keep in mind the following redistricting requirements:

1. The final map must have districts that are substantially equal in population.¹⁵
2. The final map must comply with Section 2 of the VRA. This may require the City to include one or more majority-minority districts.¹⁶
3. The City must follow traditional redistricting principles, including those laid out in the Fair Maps Act. In particular, the City must use the following redistricting principles in this order of priority: contiguity; maintain neighborhoods and communities of interest; follow natural and artificial boundaries; and compactness.¹⁷
4. The City may *not* adopt a map that favors or discriminates against a political party¹⁸ and cannot consider relationships with political parties, incumbents, or political candidates when assessing communities of interest.¹⁹

¹² Cal. Elec. Code § 21628(d)(3)(A).

¹³ Cal. Elec. Code § 21628(d)(1).

¹⁴ Cal. Elec. Code § 21628(d)(1).

¹⁵ Cal. Elec. Code § 21621(a).

¹⁶ 52 U.S.C. § 10301; Cal. Elec. Code § 21621(b).

¹⁷ Cal. Elec. Code § 21621(c).

¹⁸ Cal. Elec. Code § 21621(d).

¹⁹ Cal. Elec. Code § 21621(c)(2).

Assessing VRA compliance and identifying communities of interest requires extensive public testimony, an understanding of historical discrimination in the City of Anaheim, and demographic and statistical analyses that can only be provided through expert consultants. This further highlights the need for the City to move quickly to retain necessary consultants and mobilize the community to submit testimony.

* * *

We encourage the City to continue planning its redistricting process by, among other things:

- deciding who will draw the lines (e.g., a redistricting commission or the Council);
- receiving a presentation on available consultants, including demographers and outside counsel, and a timeline for retaining those consultants; and
- working with the public and community-based organizations to develop a robust public outreach and education plan.

Finally, we implore the Council to ensure a fair and transparent redistricting process that inspires public trust in local government. Prior to the City's transition to district-based elections, the City was governed by a Council that was not representative of all residents of Anaheim and that prioritized corporate interests over communities. Drawing a map that entrenches corporate influence would not only be illegal under federal law if it results in vote dilution of minority groups, but it may now also be prohibited by the Fair Maps Act which requires that communities of interests, not corporations, be highly prioritized over all but a select few factors. This cycle, there are many organizations that are engaging the public and monitoring the City's redistricting process. Further, many organizations, like the ACLU of Southern California, are prioritizing redistricting and, if necessary, redistricting litigation. We commend the City for beginning to plan its redistricting process and urge you to do what is right, continue to plan and execute a redistricting process that is inclusive of all communities, and adopt a map that is representative of the City and complies with federal and state law.

We look forward to working with you to make this a fair, open, and transparent process.

Sincerely,

Orange County Asian and Pacific Islander
Community Alliance (OCAPICA)
Member of the Anaheim Citizens Redistricting
Committee and the People's Redistricting Alliance

American Civil Liberties Union (ACLU) of
Southern California
Member of the People's Redistricting Alliance

Exhibit A

Engaging Your Constituents in the LOCAL REDISTRICTING PROCESS

This year your jurisdiction will begin the process of redrawing district lines ahead of the 2022 elections. State law mandates that counties and cities conduct robust public education and outreach. The following are best practices to help facilitate the community engagement process.

ENCOURAGING CONSTITUENT PARTICIPATION IN THE REDISTRICTING PROCESS*

Your jurisdiction is tasked with encouraging residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting process.ⁱ To do this, you must conduct public outreach to local media organizations, good government, civil rights, civic engagement, and community groups or organizations that are active in your jurisdiction, including those serving different language communities, the disability community, and other historically underrepresented communities.ⁱⁱ

USE TARGETED RECRUITMENT STRATEGIES

- Partner with organizations that were involved with the 2020 Census count in your community, faith-based networks, and community organizations that work with different language communities.
- Reach out to other agencies and departments within your local government and ask them to share information with residents they come in contact with.
- Reach out to other jurisdictions redistricting in your geographical area to help educate and notify residents about getting involved.
- Use ethnic media to promote the opportunity within different language communities.
- Don't forget about youth! Reach out to high school leadership programs and youth-serving organizations to encourage them to get involved.
- Conduct outreach at virtual and in-person cultural events, community centers, schools, and places of worship.

CONSIDER DEDICATING A POINT PERSON FOR COMMUNITY OUTREACH

- Consider dedicating one or more staff members or consultants to be point people for outreach. The public should be able to contact them if they have questions about the redistricting process or have outreach and community education suggestions.

CREATING AND MAINTAINING A REDISTRICTING WEBPAGE*

Your jurisdiction must create a dedicated redistricting webpage.ⁱⁱⁱ The webpage must include an explanation of the redistricting process in all required languages.^{iv} It must also include or link to procedures for the public to testify during a hearing or submit written testimony; a calendar of all public hearings and workshop dates; the notice and agenda for each public hearing and workshop; a recording or written summary of each public hearing or workshop; draft maps; and the final adopted map. This webpage will be a critical source of information for your constituents.

TAKE ADVANTAGE OF RESOURCES CREATED BY THE SECRETARY OF STATE

- The Secretary of State created templates explaining the redistricting process and made it available in ten languages. You can find the templates [here](#).

ENSURE THAT TRANSLATED MATERIALS ARE EASY TO FIND

- Arrange your webpage so that translated materials are easy to find.
- Instead of listing available languages in English, list them in their respective language. For example, instead of listing “Spanish” list “Español.”

CREATE AND TRANSLATE ADDITIONAL MATERIALS

- Consider creating and translating additional helpful materials, such as the procedures for public testimony and submitting written testimony.

CREATE ENGLISH-LANGUAGE MATERIALS WITH AN EYE TOWARDS TRANSLATION

- Use plain English when creating materials so that they can be more easily translated.

CONSIDER PROVIDING TRANSLATION IN ADDITIONAL LANGUAGES

- Translate materials in additional languages, such as those covered by the state elections code, to better reach your constituents.

CREATING AN INCLUSIVE PUBLIC HEARING & PUBLIC INPUT PROCESS*

Before adopting a final map, your jurisdiction must hold at least four public hearings to receive input regarding line drawing.^v This includes at least one hearing before and at least two hearings after drawing your first draft map.^{vi} The fourth required hearing and additional hearings can be held before or after the draft map is drawn.^{vii}

PROVIDE ADDITIONAL OPPORTUNITIES FOR INPUT

- Your jurisdiction should strive to offer more than four hearings, advertise them widely, and make the hearings as accessible as possible.
- Hold hearings in different geographic areas to improve accessibility for all constituents.
- Make all public hearings, including in-person hearings, available over a video platform.
- Consider providing additional days than what is required for constituents to evaluate draft maps and provide feedback.
- Provide a public mapping tool to make the process more accessible.

BUILD TRANSPARENCY AND ACCOUNTABILITY INTO THE REDISTRICTING PROCESS

- Following each round of community input and feedback, consider posting all submitted testimony on your webpage, and if received in enough time, include the submitted public comment in the agenda packet for the hearing.

COORDINATE WITH OTHER JURISDICTIONS IN YOUR REGION

- Coordinate with other jurisdictions in your region about redistricting-related hearing and workshop dates to minimize conflicts.
- Avoid scheduling hearings that conflict with the California Citizens Redistricting Commission hearings in your region.

ENSURE LANGUAGE AND DISABILITY ACCESS

- Consider providing live interpretation and translation in all required languages regardless of whether an advance request was made.
- Include American Sign Language (ASL) interpretation and closed captioning for individuals who are Deaf or hard of hearing.

ⁱ Cal. Elec. Code § 21508(a) (counties); *id.* § 21608(a) (general law cities); *id.* § 21628(a) (charter cities).

ⁱⁱ Cal. Elec. Code § 21508(a)(1)-(2) (counties); *id.* § 21608(a)(1)-(2) (general law cities); *id.* § 21628(a)(1)-(2) (charter cities).

ⁱⁱⁱ Cal. Elec. Code § 21508(g) (counties); *id.* § 21608(g) (general law cities); *id.* § 21628(g) (charter cities).

^{iv} Cal. Elec. Code § 21508(g)-(h) (counties) (Required languages include “any language in which ballots are required to be provided in the county pursuant to Section 203 of the federal Voting Rights Act...”); *id.* § 21608(g)-(h) (general law cities); *id.* § 21628(g)-(h) (charter cities). Note, the Secretary of State’s Office will be releasing a list of required languages by city [here](#).

^v Cal. Elec. Code § 21507.1(a) (counties); *id.* § 21607.1(a) (general law cities); *id.* § 21627.1(a) (charter cities).

^{vi} Cal. Elec. Code § 21507.1(a)(1)-(2) (counties); *id.* § 21607.1(a)(1)-(2) (general law cities); *id.* § 21627.1(a)(1)-(2) (charter cities).

^{vii} See, generally, Cal. Elec. Code § 21507.1(a) (counties); *id.* § 21607.1(a) (general law cities); *id.* § 21627.1(a) (charter cities).

* For a complete set of legal requirements, please review the relevant code section.