

INFORMATIONAL BRIEF

Charter Cities Committing to Independent Redistricting Processes

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Core Question

The purpose of this brief is to address the following questions:

1. How much should a charter city commit to an independent redistricting process (IRP) as a matter of good practice (since it won't be out of legal obligation)?
2. What are the key differences between a charter city and those subject to CA Fair Maps (FMA) law relevant to our project?

Summary of Topline Findings

A charter city should commit to an independent redistricting process as a matter of good practice if the goals are to remove redistricting power from the hands of city officials as well as increase constituent representation, community participation, and transparency of the process. This move should build upon and improve Fair Maps Act criteria.

Background & Information

Charter cities do not need to comply with the redistricting criteria set forth in the FMA, which applies mainly to General Law cities, if they already have 2+ criteria. However, to minimize redistricting abuses such as gerrymandering and incumbency protections, it would be good practice for charter cities to abide by and build upon FMA criteria to prevent incumbents from drawing maps to protect their re-election prospects.

A main problem observed in the 2020 redistricting cycle was that cities exploited a loophole in the FMA that did not expressly prohibit incumbents' seat protection as criteria to consider. Even with FMA criteria, jurisdictions believed they didn't need to follow the ranked criteria in order of priority.¹

Jurisdictions under FMA produced better redistricting outcomes keeping COI whole, but redistricting abuses were the worst in jurisdictions not subject to FMA, such as school districts and special districts.² Application process may also be different: FMA jurisdictions select commissioners through an application process. Cities subject to FMA saw improved transparency, and public outreach and hearings, even if many cities only did the bare minimum.

¹ Nicolas Heidorn, *The Promise of Fair Maps California's 2020 Local Redistricting Cycle: Lessons Learned and Future Reforms* (California Local Redistricting Project, 2023), <https://www.localredistricting.org/research>.

² Ibid, 3.

Lastly, it is important to note a recent February 2023 bill passed in April - AB1248 - proposing to require cities over 300k population to establish 14-member IRCs.³

³ https://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=202320240AB1248