



Alameda County Urgently Needs Fair and Independent Redistricting

It's time to ensure that Alameda County's 1.7 million residents have a fair, transparent, and independent redistricting process so that they can choose their representatives rather than elected officials choosing their voters. "Nonpartisan commissions appear to offer a consistent means to produce less biased and more competitive maps".⁽¹⁾

The Problem

Alameda County is one of the most diverse counties in America and is marked by a long history of redlining and racial inequality. Many of the urban areas are designated "Disadvantaged Communities" including "Disadvantaged Unincorporated Communities". Past and current redistricting disempowers these communities.

In 2021, during their redistricting process, the Supervisors ignored all the formally submitted community of interest (COI) and public comments that consistently requested that the Tri-Valley⁽²⁾ community be kept whole. Instead, the Supervisors drew lines that split the community to create a district that not only isolated part of Pleasanton, but also groups it with Castro Valley and east Oakland, each of which is distinctly different from each other. Other map options were offered by the community and consultants that would have prevented such division. Further, during the final meeting, the Supervisors moved lines without basis in COI or seemingly without reference to the standards outlined in AB849 and AB1276 (Bonta)⁽³⁾.

Moreover, in September of 2021, the Board of Supervisors denied a recommendation by the Alameda County Grand Jury to institute "an independent advisory committee or commission" to review the impartiality of proposed ballot initiatives including those proposed by the County⁽⁴⁾⁽⁵⁾. The lack of discussion or willingness to institute independent oversight in election issues further highlights a lack of commitment to transparency and inclusion.

A Call for Accountability

Communities have little to no legal recourse to address the issues raised in 2021. The five members of the Board of Supervisors are not subject to term limits, and incumbents often serve 20 years or more⁽⁶⁾. The Board exercises a wide range of powers, including executive control, legislative authority, and quasi-judicial appeals of land-use issues. They also have sole control of the redistricting process.

The solution is to follow the examples of the state and other counties and require Alameda County to establish an independent commission that will have full authority to complete Alameda County redistricting after the 2030 census. Independent redistricting commissions follow the rules set forth in AB 849 and AB 1276, authored by Rob Bonta. As such, we support AB 1248 (Bryan) and, in concept, AB 764 (Bryan).

Independent redistricting and strengthening the FAIR Maps Act will make the playing field fairer and more level so that our communities can have their voices consistently reflected in the county decision making processes. Per a recently released statewide report, "Local IRCs [Independent Redistricting commissions], where structured to be politically independent of the legislative body, conducted by far the most transparent and participatory redistricting processes and were more likely than legislative bodies to draw maps that fairly reflected different communities within a jurisdiction."⁽⁷⁾



Background

Redistricting is the process of drawing new electoral districts after each decennial census. In California, the power to draw new district lines for counties is generally in the hands of the Board of Supervisors. When elected officials draw their own district lines, the temptation to draw districts that protect the incumbents is strong.

No matter how impartial an elected official may be, drawing the boundaries of one's own district is a process fraught with conflicts of interest. The Political Reform Act of 1974 requires elected officials to recuse themselves from making decisions that can benefit them. Such laws are put in place so that residents do not have to rely on best intentions. Instead, elected officials are required to put aside their own interests and step away from votes that can enhance their personal or professional standing. California voters put state and federal redistricting into the hands of residents in 2008 and 2010. ***With your help***, we can have those same protections at every level of government.

A redistricting commission that is independent of the elected officials affected can act in the best interests of the community, keeping people with shared interests and concerns ("communities of interest") together. This includes keeping cities and census-designated places together, creating boundaries that make sense to the residents. The California Citizens Redistricting Commission has provided a model for other states, and also for local redistricting within California. A 2022 poll by Capitol Weekly found that 90% of California voters—including 90% of Democrats and 86% of Republicans—agreed that "all local redistricting should be done by independent commission". Increasingly, California counties are moving to using independent commissions to draw these lines. The state legislature has mandated independent redistricting commissions for Los Angeles and San Diego counties, and, this past year, added Riverside(8), Fresno(9), and Kern(10) Counties to this list. Santa Barbara County adopted an independent redistricting commission several years ago. Assembly Member Valencia recently introduced a bill mandating an independent commission for Orange County(11) as did Senator Ashby for Sacramento County(12).

Frequently Asked Questions:

Aren't the current legislative and legal remedies enough?

A lot of flexibility was left in the current legislation, which makes proving a case of gerrymandering difficult to prove. Further, the system of allowing elected officials to draw their own district boundaries can be exploited. Impartiality and transparency are greatly improved with independent redistricting processes and can address the underlying conflict of interest inherent in the current system. AB 764 will strengthen and clarify the FAIR Maps Act and AB 1248 will require independent redistricting in medium and large jurisdictions.

Is Independent Redistricting really the best practice? Weren't there issues with the new state map?

While no process is perfect, independent redistricting has produced fairer maps(7). One of the key issues for Alameda County in the State process was allocation of the urban unincorporated area to a Senate District in Contra Costa County that would never have been part of a common community of interest. By ensuring that there is local representation from throughout the county (including the unincorporated sections), we feel that such an oversight can be prevented. Independent redistricting commissioners for Alameda County, and those members of the public engaged in the local redistricting process, are likely to be much more intimately familiar with the County than statewide independent redistricting commissioners are with the state, as Alameda County is a much smaller area. This as well, would likely prevent issues seen in the statewide map. Further, the County residents can benefit from the impartiality that generally comes through an independent process as noted in by the Washington Post(13).



Why now? There are many years until the next redistricting cycle.

Redistricting is still relatively fresh in people's minds, as such, it's the perfect time to learn from the 2021 process and to make effective changes for the future. Further, setting up a new commission takes time. Passing legislation soon would allow the county and state to address necessary administrative and budget requirements.

Per, the Asian Law Caucus, Legislation today will set future redistricting bodies up for success in 2031 and beyond. Beyond simply establishing independent commissions, legislation can and should also set clear guidelines on aspects like how these bodies are appointed and structured, and how they will elicit robust and diverse public participation. To ensure that the next redistricting process is smooth and well designed, it's essential to get these details figured out early, especially while the lessons from 2021 are still fresh in our minds.

Is this just about a bad map?

No. This effort is about ensuring that best practices that have been implemented at the state, county, and local level across the state are used locally. Advancing Justice - Asian Law Caucus (ALC) strongly supports the move towards independent redistricting commissions at the local level. ALC and its advocacy partners monitored over 100 city and county redistricting processes in California in the 2021 cycle. Across the state, independent redistricting commissions generally had a far better track record of producing maps that kept communities of interest whole and reflected public input. They were much more likely to run transparent, participatory, high-integrity processes that prioritized community feedback. In contrast, redistricting processes led by elected officials themselves tended to be among the least participatory and transparent, often resulting in maps that were clearly manipulated for incumbency protection or that went against the vast majority of public input.

Who else is supporting this effort?

The Alameda County Coalition for Fair Redistricting is a network of county residents who volunteer to work towards transparent and equitable election processes in the county. As such, the Coalition is the lead organization in this advocacy effort.

The Alameda County Democratic Party and the Statewide California Young Democrats have passed a resolutions in support of Independent Redistricting. We - the Coalition - are still gathering official support from other organizations regarding specific legislation, but as you can see from our Coalition Website([14](#)), we have strong connections throughout the county. 50 organizations signed on to support our Fair Redistricting advocacy and action efforts in 2020-21. We anticipate that many of these groups will also support this legislation.

The League of Women Voters ([15](#)) , Common Cause, the Dolores Huerta Foundation, and, as noted earlier, Advancing Justice - Asian Law Caucus are all strong proponents of independent redistricting and most have worked with Assembly Member Bryan on these bills.

*"In 2021, many neighborhoods and communities of interest, and especially underrepresented communities of color and marginalized communities, were cracked into multiple districts, diluting their voice and voting power for the next decade."[\(7\)](#) **Now is the time to protect and empower our communities.***



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