



October 26, 2021

*Sent Via Email*

Fullerton City Council  
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303 West Commonwealth Avenue  
Fullerton, CA 92832  
[CouncilMembers@cityoffullerton.com](mailto:CouncilMembers@cityoffullerton.com)

Fullerton City Advisory Redistricting Committee  
City Council Chambers  
303 West Commonwealth Avenue  
Fullerton, CA 92832  
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**Re: Public Comment on the City Council Redistricting Process  
October 26, 2021, Advisory Commission Meeting**

Dear Members of the Fullerton City Council and the Fullerton Advisory Redistricting Commission:

The undersigned organizations and Fullerton residents write regarding Fullerton City Council's redistricting process. We urge the Council and the Advisory Commission to strive to go well above minimum state and federal requirements for the Council's redistricting process to maximize public participation, increase transparency, and draft a map that ensures fair representation for all Fullerton communities.

**I. Redistricting Process Requirements**

The Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act (hereinafter, the Fair Maps Act),<sup>1</sup> provides detailed requirements that the City must follow before adopting a final map. Although the Council's deadline to adopt a map is not until April 17, 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 Commission and staff to expeditiously retain consultants and build the groundwork to engage the public.

**A. Redistricting Webpage**

The City must create a webpage dedicated to redistricting that includes an explanation of the redistricting process in English, Spanish, and Korean.<sup>2,3</sup> Although the City has already held redistricting hearings and will hold another hearing tonight, the webpage is still missing this basic information.<sup>4</sup> The Secretary of State created templates in ten languages that the City can use as a starting point.<sup>5</sup> While we

<sup>1</sup> The general law city provisions of the Fair Maps Act are codified in sections 21600 to 21609 of the Elections Code.

<sup>2</sup> Cal. Elec. Code § 21608(g).

<sup>3</sup> Language Requirements for City Redistricting at 5, California Secretary of State (6/11/2021), available at <https://elections.cdn.sos.ca.gov/language-requirements-city.pdf>.

<sup>4</sup> See Redistricting Fullerton, City of Fullerton, <https://bit.ly/3jFm6Yi> (last accessed 10/26/2021).

<sup>5</sup> City and County Redistricting Process, California Secretary of State <https://www.sos.ca.gov/elections/helpful-resources/redistricting> (last accessed 10/26/2021).

appreciate that the webpage includes some materials in Spanish, Korean, Chinese, and Vietnamese, the City should also publish versions of the entire redistricting webpage in those languages to ensure that members of these communities have access to all available information on the process. We also request that the City translate materials into Cham.

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.<sup>6</sup> The Fullerton redistricting webpage is missing all this information. At a minimum, the webpage should link to instructions included in City meeting agendas on the process to submit feedback and public comment. Further, the City should include links to notices and agendas directly on the redistricting webpage. Currently, the page links to the entire City calendar for all commissions and committees, and this makes it difficult to locate the agenda for tonight's Advisory Commission hearing or any future hearings.<sup>7</sup> More concerning is the fact that the webpage does not have a calendar of all upcoming workshops and hearings, and this makes it almost impossible for the public and grassroots organizations to plan. To ensure that the public has all the information they need, the City must immediately publish a complete, functioning website.

## **B. Education and Outreach**

The Fair Maps Act mandates a thorough education and outreach program.<sup>8</sup> Implementing a program that truly engages Fullerton communities requires planning, staff time, and an allocation of sufficient monetary resources. The City must work with community-based organizations in the region,<sup>9</sup> and we invite the City to reach out to the undersigned organizations. We also recommend that the City set up an online form so that the public can subscribe to email updates. 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 Fullerton, to educate and notify residents of opportunities to engage in redistricting. This will maximize city resources, streamline information, and minimize confusion for residents.

## **C. Public Hearings and Workshops**

The Fair Maps Act recognizes that, to draw equitable maps, line drawers must collect detailed testimony about communities of interest from as many residents as possible.<sup>10</sup> The City must, among other things, conduct robust outreach and education “to encourage residents . . . to participate in the redistricting process”<sup>11</sup> and host a minimum number of public hearings so that the public can “provide input regarding the composition of one or more council districts.”<sup>12</sup> 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.<sup>13</sup> For example, the City of Anaheim, which has the same map-adoption deadline as the City of Fullerton, plans to host a total of sixteen pre- and post-map public hearings and community meetings.<sup>14</sup> There is no reason why the Council and Commission cannot match or exceed that number of meetings so that you have

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<sup>6</sup> Cal. Elec. Code § 21608(g).

<sup>7</sup> Legislative Information Center: Calendar, City of Fullerton, <https://fullerton.legistar.com/Calendar.aspx> (last accessed 10/26/2021).

<sup>8</sup> Cal. Elec. Code § 21608(a).

<sup>9</sup> Cal. Elec. Code § 21608(a)(2).

<sup>10</sup> *See, e.g.*, Cal. Elec. Code § 21608(a).

<sup>11</sup> Cal. Elec. Code § 21608(a).

<sup>12</sup> Cal. Elec. Code § 21607.1(a).

<sup>13</sup> Cal. Elec. Code § 21607.1(a).

<sup>14</sup> City of Anaheim, Calendar of Public Hearings and Community Meetings (Aug. 2021), <https://bit.ly/2XHswhD>.

ample opportunities to hear from the public about their communities of interest and where the lines should be drawn. The current calendar for the process includes limited opportunities for public participation, and we urge you to schedule additional workshops and hearings, including workshops and hearings before the City releases draft maps as required by state law.<sup>15</sup>

The City 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. The City must translate redistricting materials and provide interpretation in Spanish and Korean.<sup>16</sup> We encourage the City to also commit to translating materials and providing interpretation in Chinese, Vietnamese, and Cham.

Once draft maps are published, the City must post them online for at least seven days before it selects a final map.<sup>17</sup> This requirement is reduced to three days in the last 27 days before the City's map-adoption deadline.<sup>18</sup> 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. The City should also consider extending the redistricting process until April 2022 to provide more opportunities for the public to engage in the process.

## 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.<sup>19</sup>
2. The final map must comply with Section 2 of the federal Voting Rights Act (VRA). This may require the City to include majority-minority districts where Latinx and/or Asian voters have a real opportunity to elect candidates of choice.<sup>20</sup>
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; easily identifiable and understandable boundaries; and compactness.<sup>21</sup>
4. The City may not adopt a map that favors or discriminates against a political party<sup>22</sup> and cannot consider relationships with political parties, incumbents, or political candidates when assessing communities of interest.<sup>23</sup>

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<sup>15</sup> Cal. Elec. Code § 21607.1(a).

<sup>16</sup> Language Requirements for City Redistricting at 5, California Secretary of State (6/11/2021), available at <https://elections.cdn.sos.ca.gov/language-requirements-city.pdf>.

<sup>17</sup> Cal. Elec. Code § 21608(d)(1).

<sup>18</sup> Cal. Elec. Code § 21608(d)(1).

<sup>19</sup> Cal. Elec. Code § 21601(a).

<sup>20</sup> 52 U.S.C. § 10301; Cal. Elec. Code § 21601(b).

<sup>21</sup> Cal. Elec. Code § 21601(c).

<sup>22</sup> Cal. Elec. Code § 21601(d).

<sup>23</sup> Cal. Elec. Code § 21601(c)(2).

In 2015, the City transitioned to by-district elections and drew the existing map.<sup>24</sup> At the time, traditional redistricting principles were discretionary.<sup>25</sup> The City could completely ignore these principles and place as much or as little weight on other factors, including undemocratic factors such as protecting incumbents. In 2019, however, the California Legislature passed the Fair Maps Act which requires, among other things, that the City maintain communities of interest where this does not conflict with higher ranked criteria. The current map violates this principle. The map splits several communities of interest, including the AMEMSA<sup>26</sup> community in Districts 1 and 2 and Downtown Fullerton between all five districts. This cycle, the City will need to follow mandatory, ranked criteria that may result in a plan that looks very different from the current map.

Relatedly, we are extremely concerned that the City declined to establish an independent redistricting commission and that a former Councilmember sits on the Advisory Commission.<sup>27</sup> The Council and the Commission must keep in mind that the Fair Maps Act prohibits you from considering relationships with incumbents or political candidates when assessing communities of interest.<sup>28</sup> We urge you to follow state and federal law and adopt lines that protect communities of interest, not lines that protect incumbents or ensure that certain candidates can be elected in the future.

Finally, the City Council must also comply with Section 2 of the VRA to ensure that the final district map does not dilute the voting power of any protected communities. At the time that the Council adopted the current map, 24% of the City's citizen voting age population ("CVAP") was Latinx and 22% was Asian.<sup>29</sup> Although these demographics suggest the City could have drawn one to two districts where the majority of the CVAP was Latinx or Asian, the City did not. Instead, the City created a district that was 48% Asian CVAP and another district that was 44% Latinx CVAP.<sup>30</sup> It is incumbent on the Commission to work closely with counsel and consultants to explore the possibility of creating Section 2 compliant districts where Latinx and Asian voters have a real opportunity to elect candidates of choice. Assessing VRA compliance and identifying communities of interest requires extensive public testimony, an understanding of historical discrimination in the City of Fullerton, and demographic and statistical analyses. This further highlights the need for the City to provide the public with sufficient time to provide comment at hearings and workshops.

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

- scheduling more than four hearings and workshops across the City and at different times and days of the week to accommodate varying schedules;
- scheduling a series of workshops and public hearings to receive testimony about where the lines should be drawn *before* releasing draft maps;
- updating the redistricting webpage to include all required information, including a description of the redistricting process, a calendar of upcoming hearings and workshops, and information on how the public can participate in the redistricting process;

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<sup>24</sup> See Council District Map, City of Fullerton, available at <https://fullerton-ca.prod.govaccess.org/home/showdocument?id=183>.

<sup>25</sup> Cal. Elec. Code § 21601 (2015).

<sup>26</sup> AMEMSA stands for Arab, Middle Eastern, Muslim, and South Asian communities.

<sup>27</sup> Commissioner Greg Seibourn is a former Fullerton City Councilmember.

<sup>28</sup> Cal. Elec. Code § 21601(c)(2).

<sup>29</sup> See Submission 8A at 2, City of Fullerton, available at <https://bit.ly/3nvCwna> (listing demographic information about the districts in Submission 8A, the draft map that the Council ultimately adopted).

<sup>30</sup> *Id.*

- committing to offer interpretation at all public hearings in Spanish, Korean, Chinese, Vietnamese, and Cham;
- exploring the need to create Section 2 compliant districts; and
- working with the public and community-based organizations to develop a robust public outreach and education plan.

Finally, we implore the City to ensure a fair and transparent redistricting process that inspires public trust in local government. This cycle, there are many organizations and residents who are engaging the public and monitoring the City’s redistricting process. 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,

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