



ocapica



Sent via email

Garden Grove City Council
c/o City Clerk
Garden Grove City Hall
11222 Acacia Parkway
Garden Grove, CA 92840
cityclerk@ggcity.org

**Re: Opposition to Resolution to Forgo Redistricting Process and Readopt Current Map
November 9, 2021 City Council Meeting, Agenda Item No. 4a**

Dear Members of the Garden Grove City Council:

The undersigned organizations urge you to vote against a resolution to forgo decennial redistricting and readopt the existing map (Resolution), in violation of the requirements of the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions Act (Fair Maps Act).¹ The Fair Maps Act mandates a thorough redistricting process that requires that the City Council conduct robust outreach and education, hold a minimum number of public hearings and workshops to receive testimony from the public about, among other things, their communities of interest, and follow mandatory, ranked criteria when drawing lines that were previously only discretionary.

I. The Fair Maps Act

The Fair Maps Act, adopted in 2019 and amended in 2020, outlines detailed substantive and procedural requirements that all cities must follow this redistricting cycle. *See, e.g.*, Cal. Elec. Code §§ 21601, 21607.1, 21608. Section 21601(a) of the Elections Code provides that, following each decennial census, the City must adopt a new district map that balances the population. *Id.* § 21601(a). The map must also comply with the federal Voting Rights Act and must contain districts that, in order of priority and where practicable: are contiguous, maintain communities of interest, have boundaries that are easily identifiable and understandable, and are compact. *Id.* §§ 21601(b) & (c). Importantly, the Act prohibits partisan gerrymandering, *id.* § 21601(d), and prohibits you from considering relationships with political parties, incumbents, or political candidates as part of the communities of interest assessment, *id.* § 21601(b)(2). Unlike in 2016 when the City Council had discretion to consider or ignore traditional redistricting criteria like maintaining communities of interest and had discretion to give as much or as little weight to political factors like partisan gerrymandering and favoring City Council candidates, any new map that the City adopts this cycle must follow the mandatory line-drawing criteria in the Fair Maps Act. The Fair Maps Act contains no exceptions for the dozens of jurisdictions that transitioned to district-based elections this past decade, *see id.* § 21601, and other cities that recently transitioned understand this

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

and are currently engaged in a redistricting process to adopt maps that comply with the new requirements of the Act.²

The Resolution ignores all map-drawing requirements in the Fair Maps Act beyond Section 21601(a). See Draft Resolution, available at <https://bit.ly/3EUrLkK>. Instead, the Resolution provides that, because the current map is within the allowable population deviations, “no adjustments to the districts are required” and adopts the current map for use through the next decennial census in 2030. *Id.* at §§ 2 & 3. The Resolution’s focus on equality of population, to the exclusion of other criteria, reflects a basic misunderstanding of the decennial redistricting process. Equality of population is not important for its own sake. Instead, equality of population serves the larger goal of decennial redistricting: to “achiev[e] fair and effective representation for all citizens.” *Reynolds v. Sims*, 377 U.S. 533, 565-56, 560-61 (1964) (noting that “the fundamental principle of representative government in this country” mandates “equal representation for equal numbers of people”). The City must redraw the lines to “maintain[] a reasonably current scheme of legislative representation,” see *id.* at 583-84, that takes into account not just population changes, but also takes into account communities of interest and any changes over time in other demographic trends. Line drawers use a series of tools in addition to equality of population to draft maps that “observe and advance neutral democratic values.” *Bethune-Hill v. Va. State Bd. of Elec.*, 141 F. Supp. 3d 505, 534-35 (E.D. Va. 2015), *affirmed in part, vacated in part*, 137 S. Ct. 788 (2017). The Fair Maps Act reflects the California Legislature’s determination of which tools and criteria best advance these values, and the City has no discretion to ignore these criteria.

Beyond violating the substantive provisions of the Fair Maps Act, the City’s adoption of the Resolution would also violate the procedural requirements of the Act. The Council cannot adopt a new map until after it holds a minimum of four public hearings “at which the public is invited to provide input regarding the composition of one or more council districts.” Cal. Elec. Code § 21607.1(a); see also *id.* § 21607 (providing that “before adopting the boundaries of a council district pursuant to Section 21601[,] the council shall hold public hearings on the proposal in accordance with Section 21607.1”). These hearings must, among other things, be noticed and held at a time certain, *id.* § 21607.1(d), and the notices and a calendar of the hearings must be posted or linked to on the City’s redistricting webpage, *id.* §§ 21608(g)(3) & (4). The Act also requires the City to engage in a robust public education and outreach campaign precisely to “encourage residents, including those in underrepresented communities and non-English speaking communities, to participate in the redistricting public review process.” *Id.* § 21608(a).

To date, the City has not noticed or held any redistricting hearings or workshops that comply with the Fair Maps Act, and the City’s webpage on redistricting does not include a calendar or any notices for upcoming hearings. Redistricting 2021, City of Garden Grove, <https://ggcity.org/redistricting-2021> (last accessed Nov. 9, 2021) (hereinafter, Redistricting Webpage). Our partners have reached out to the City on multiple occasions to inquire about the redistricting process, to no avail, and only found out yesterday that the Council plans to vote to shut out public input and forgo a redistricting process during tonight’s hearing. The Fair Maps Act imposes mandatory, non-discretionary duties on the Council and adopting the

² For example, the City of Anaheim transitioned to district elections in 2016 and started its redistricting process earlier this year. Schedule of Public Hearings and Community Meetings, Redistricting Anaheim, <https://anaheimredistricting.org/schedule/> (last accessed Nov. 9, 2021) (hereinafter, Anaheim Redistricting Calendar). To date, Anaheim has held eleven public hearings and community meetings, and they held their first post-map hearing last Tuesday, November 2, to consider maps prepared by their demographer and maps submitted by the community. *Id.* Anaheim plans to hold additional public hearings and community meetings from now until February 2022. *Id.* The City of Fullerton, which also transitioned to district elections in 2016, established a redistricting advisory commission this September and will be holding a series of public hearings and workshops from now until their map-adoption deadline in April 2022. Redistrict Fullerton, City of Fullerton, <https://www.cityoffullerton.com/government/departments/city-clerk/redistrict-fullerton?locale=en> (last accessed Nov. 9, 2021).

Resolution would be a failure to comply with these duties. We urge you to follow the law, vote against the Resolution, and immediately begin planning the City's redistricting process.

II. Recommendations for a Fair and Transparent Redistricting Process

The various requirements of the Fair Maps Act are meant to ensure that communities in Garden Grove have a meaningful opportunity to participate in the redistricting process. Implementing a program that truly engages Garden Grove communities requires planning, staff time, and an allocation of sufficient monetary resources. The City must work with community-based organizations in the region, 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 Garden Grove, to educate and notify residents of opportunities to engage in redistricting. This will maximize city resources, streamline information, and minimize confusion for residents. We have attached as **Exhibit A** additional recommendations for outreach and education.

The City's webpage must include an explanation of the redistricting process in English, Spanish, and Vietnamese. Cal. Elec. Code § 21608(g)(1); California Secretary of State, Language Requirements for City Redistricting (PDF) at 5 (June 11, 2021), *available at* <https://elections.cdn.sos.ca.gov/language-requirements-city.pdf> (for the City of Garden Grove, listing Spanish and Vietnamese as a language requirements for redistricting purposes). The webpage also needs 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. *Id.* §§ 21608(g)(2)-(7). The Garden Grove redistricting webpage is missing a lot of this information. *See* Redistricting Webpage. To ensure that the public has all the information it needs, the City must immediately publish a complete, functioning website.

Because the City is large and diverse, the Council should offer far more than the four hearings required by the Fair Maps Act. For example, the City of Anaheim, which has the same map-adoption deadline as the City of Garden Grove, plans to host a total of twenty pre- and post-map public hearings and community meetings. Anaheim Redistricting Calendar. There is no reason why the Council cannot also go beyond the four public hearings so that you have ample opportunities to hear from the public about their communities of interest and where the lines should be drawn. 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 Vietnamese. *Id.* § 21608(b). We encourage the City to also commit to translating materials and providing interpretation in Korean.

Once draft maps are published, the City must post them online for at least seven days before it selects a final map. *Id.* § 21608(d)(1). This requirement is reduced to three days in the last 27 days before the City's map-adoption deadline. *Id.* 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 comply their mandatory duties under the Fair Maps Act and reject the Resolution. Once the City begins its redistricting process, we implore you to take the process seriously and incorporate public testimony into the final map. The process should be fair, transparent, and inspire public trust in local government. Please do not hesitate to contact us at jgomez@aclusocal.org or cvalencia@aclusocal.org.

Sincerely,

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Cc: Garden Grove Redistricting Team, redistricting@ggcity.org

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, 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 participating in the redistricting process 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 in all required languages; a calendar of all public hearings and workshop dates and locations; 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 them 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

- Create and translate additional materials, including the procedures for testifying during a public hearing 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} Your jurisdiction must make available to the public either a recording or written summary of each public comment and council deliberation made at each public hearing or workshop.^{viii}

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 and at different times to improve accessibility for all constituents.
- Make all public hearings and workshops, including in-person hearings and workshops, 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(s) 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.

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- 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).
- ^{viii} Cal. Elec. Code § 21508(f) (counties); *id.* § 21608(f) (general law cities); *id.* § 21628(f) (charter cities).

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