

## **Article 7: Elections, Campaign Finance and Lobbying**

### **Division 14: Redistricting Commission**

*(“Procedure for Making Appointments to the*

*Redistricting Commission” added 5-1-2000 by O-18792 N.S.)*

*(Retitled to “Redistricting Commission” on 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

#### **§27.1401 Purpose and Intent**

The purpose and intent of this Division is to establish an orderly procedure for the Appointing Authority established by Charter Section 5.1 to follow in making appointments to the Redistricting Commission; and for all individuals interested in being appointed to the Redistricting Commission, and all individuals or organizations desiring to nominate individuals for appointment to the Redistricting Commission, to follow in presenting their applications or nominations for consideration by the Appointing Authority. This Division also establishes a procedure for the related responsibilities of the *Clerk*, sets a duration for Redistricting Commissioner service, and confirms the prohibition on Redistricting Commissioners seeking public office in the *City* for a specific time period after their service.

*(“Purpose and Intent” added 5-1-2000 by O-18792 N.S.)*

*(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

#### **§27.1402 Appointing Authority**

The Appointing Authority for members of the Redistricting Commission shall be constituted as set forth in Charter Section 5.1. The *Clerk* shall conduct a random drawing from the names of judicial applicants submitted through outreach efforts conducted by the City Attorney’s Office.

*(“Appointing Authority” added 5-1-2000 by O-18792 N.S.)*

*(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

**§27.1403 Redistricting Commission Members**

The Redistricting Commission shall be composed of nine members, along with two alternate members, as set forth in Charter Section 5.1.

*(“Redistricting Commission Members” added 5-1-2000 by O-18792 N.S.)  
(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

**§27.1404 Period for Filing Application Forms**

- (a) There is a 60-calendar day nomination period for appointment to the Redistricting Commission, as set forth in Charter Section 5.1. The nomination period commences May 1 of every year in which a Federal Decennial Census is taken.
- (b) In a year in which a Federal Decennial Census is taken, if May 1 falls on a Saturday, Sunday or holiday, the nomination period for appointment shall commence on the next business day following May 1.
- (c) In a year in which a Federal Decennial Census is taken, if the 60th calendar day following the date the nomination period commences falls on a Saturday, Sunday or holiday, the nomination period for appointment shall end on the next business day following the 60th calendar day.

*(“Period for Filing Application Forms” added 5-1-2000 by O-18792 N.S.)  
(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

**§27.1405 Notice to be Published by Clerk**

As set forth in Charter Section 5.1, and except as provided for in Sections 27.1404(b) and (c), the *Clerk* shall publish the following notice in accordance with the *City’s* rules for publication of notices:

The nomination period for appointment to the Redistricting Commission of the City of San Diego shall be (insert dates in accordance with Section 27.1404). Interested applicants and individuals or organizations desiring to nominate persons for appointment to the Redistricting Commission may obtain information and forms at the office of the City Clerk, City Administration Building, 202 C Street, San Diego, California or from the City of San Diego website. To be considered, applications shall be returned to the office of the City Clerk by close of business, 5:00 p.m. on (insert date in accordance with Section 27.1404).

*(“Notice to be Published by Clerk” added 5-1-2000 by O-18792 N.S.)  
(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

**§27.1406 Application Forms and Requirements**

No earlier than May 1 and no later than the date for return of applications as published by the *Clerk* under Section 27.1405, applicants and individuals or organizations desiring to nominate individuals for appointment to the Redistricting Commission shall file the following with the *Clerk*:

- (a) On forms provided by the *Clerk*, background information certified by the applicant or nominee that it is true and correct, signed under penalty of California perjury laws, disclosing the following, if applicable to the applicant or nominee:
  - (1) Name of applicant or nominee.
  - (2) Current residence address, including City Council district.
  - (3) Length of residence at current address, and address for past five years if other than the current address.
  - (4) Ethnicity.
  - (5) Gender.
  - (6) Business or occupation engaged in during the past five years, together with address of and dates of service with each such business or occupation.
  - (7) Branch, dates and rank at discharge of military service.
  - (8) Educational background, including high school and any college credits. Information shall include the name of each educational institution attended and any degree or diploma received.
  - (9) Description of and dates of service in public office, and public service appointments.
  - (10) Description of and dates of service in civic or community organizations.
  - (11) Memberships in professional, technical, or other organizations.

- (12) Name of nominating individual or organization, if applicable. In the case of an organization making a nomination for appointment, a statement confirming the organization's intent, written on organization letterhead and signed by an officer of the organization, shall accompany the nomination.
- (b) A completed Statement of Economic Interests, Form 700. The scope of disclosure shall be as required by the Commission's conflict of interest code, decided by resolution of the *Council*.
- (c) A statement of qualifications not longer than 300 words expressing in the applicant's own words the reasons why the applicant believes they are qualified for the office, and signed by the applicant; or in the case of an individual nominated by another individual or an organization, a statement of qualifications not longer than 300 words expressing the reasons why the nominating individual or organization believes the nominee is qualified for the office. In the case of an individual nominated by another individual, the statement of qualifications shall be signed by the nominating individual. In the case of an individual nominated by an organization, the statement of qualifications shall be signed by an officer of the organization. The statement of qualifications should include discussion of the applicant's or nominee's knowledge of the neighborhoods and geography of the *City*, which is material to the redistricting process. Anyone submitting a statement of qualifications for appointment to the Redistricting Commission must submit a typed form, or a form in an otherwise approved alternative format.
- (d) On forms provided by the *Clerk*, a statement signed by the applicant or nominee acknowledging that they must be a registered *voter* of the *City* in order to serve as a Redistricting Commission member or alternate.
- (e) In the case of an individual nominated by another individual or an organization, on forms provided by the *Clerk* and signed by the nominee, a statement that they accept the nomination.
- (f) On forms provided by the *Clerk*, the date of birth and an acknowledgement to later provide, if requested by the *Clerk*, the applicant's or nominee's social security number, for the purpose of conducting the police background check pursuant to Section 27.1408(d). The social security number shall not be disclosed or made public by the *City* and shall be used only for the purpose of the background check, unless otherwise required by law.

- (g) A list of three individual references who can attest to the applicant's or nominee's ability to serve as a member or alternate member of the Redistricting Commission. The information provided shall include a current address and phone number for each reference. An e-mail address, if any, may also be provided.

*(“Application Forms and Requirements” added 5-1-2000 by O-18792 N.S.)  
(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)  
(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)*

**§27.1407 Acceptance or Rejection of Nomination Papers as Filed**

- (a) If the City *Clerk* determines that the nomination papers are in substantial compliance with this division, the City *Clerk* shall accept the nomination papers as filed.
- (b) If the City *Clerk* determines that the nomination papers are not in substantial compliance with this division, the City *Clerk* shall not accept the nomination papers as filed.

*(“Acceptance or Rejection of Nomination Papers as Filed” added 5-1-2000 by O-18792 N.S.)*

**§27.1408 Additional Responsibilities of the Clerk**

- (a) The *Clerk’s* responsibilities in the redistricting process include those provided in Charter Section 5.1 and in this Section. These will include soliciting nominations for appointment to the Redistricting Commission.
- (b) The *Clerk* will distribute to the news media the guidelines for selection of Redistricting Commission members.
- (c) The *Clerk* will furnish each applicant, or individual or organization desiring to nominate an individual for appointment, with a copy of this Division.
- (d) The *Clerk* will cause a police background check to be conducted on each applicant after informing applicants that the check will be conducted and that the Appointing Authority will be informed of the results.
- (e) The *Clerk* will transmit the names and information regarding all applicants and nominees to the Appointing Authority immediately upon the close of nominations.

- (f) In the event the *Clerk* serves as Appointing Authority to the Redistricting Commission in accordance with Charter Section 5.1, the *Clerk* will conduct a ministerial review of applications as the Charter provides, and advise each applicant or nominating individual or organization of the date set for the public, random selection of Redistricting Commission members and alternates from the pool of qualified applicants.
- (g) For the purpose of conducting the *Clerk's* random selection of members and alternates from the pool of qualified applicants:
  - (1) Applications will be grouped by the *Council* district in which an applicant resides.
  - (2) If there are at least two applications from a *Council* district, the *Clerk* will randomly draw a name to select a member from the district.
  - (3) All other applications will become part of a general applicant pool. To fill any remaining seats for members, and to select alternates, the *Clerk* will randomly draw from those names until all members and alternates are selected.

*(“Additional Responsibilities of the City Clerk” added 5-1-2000 by O-18792 N.S.)*

*(Retitled to “Additional Responsibilities of the Clerk” and amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

## **§27.1409 Public Hearing**

- (a) The Appointing Authority shall hold at least one public hearing to appoint the nine Redistricting Commission members and two alternates, as set forth in Charter Section 5.1. The Appointing Authority may hold a second public hearing if there are additional questions or if additional time for discussion is needed prior to making the appointments.
- (b) If the *Clerk* serves as the Appointing Authority, a single public hearing shall be held for the purpose of the *Clerk's* random selection of nine members and two alternates from the pool of qualified applicants.

*(“Public Hearing” added 5-1-2000 by O-18792 N.S.)*

*(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

## **§27.1410     Public Hearing and Appointment**

- (a) At the public hearing required by Section 27.1409(a), at the discretion of the Appointing Authority, each applicant and nominee may be allowed to make a presentation in support of the applicant's or nominee's candidacy for appointment. The Appointing Authority may ask brief questions for clarification concerning either the presentation or matters contained in the application or nomination filed with the *Clerk*. Applicants and nominees will also be expected to answer questions concerning their candidacy. Such questions may concern but need not be limited to the candidate's background, reasons for seeking appointment, and demonstrated capacity to serve with impartiality in a non-partisan role.
- (b) At the conclusion of the public hearing or at a later meeting required by Section 27.1409(a), the Appointing Authority may make appointments of the Redistricting Commission's nine members and two alternates.

*(“Public Hearing and Appointment” added 5-1-2000 by O-18792 N.S.)*

*(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

## **§27.1411     Optional Second Public Hearing**

- (a) If, during the public hearing required by Section 27.1409(a), the Appointing Authority determines that there are too many *candidates* to consider in a single public hearing, the procedures outlined in Section 27.1409(a) for a second public hearing shall be used.
- (b) Before the conclusion of the first public hearing, the Appointing Authority shall select the *candidates* to appear at the second public hearing. After the selection is made, the Appointing Authority shall announce the names of the *candidates* invited to appear at the second public hearing and set the date and time of such hearing.
- (c) At the second public hearing, *candidates* invited to appear will be expected to answer questions from the Appointing Authority concerning their candidacy. Such questions may concern but need not be limited to the *candidate's* background, reasons for seeking appointment, and demonstrated capacity to serve with impartiality in a non-partisan role.

- (d) At the conclusion of the second public hearing the Appointing Authority may then, or at a later meeting, appoint the Redistricting Commission's nine members and two alternates.

(*"Optional Second Public Hearing and Appointment"* added 5-1-2000 by O-18792 N.S.)

(Retitled to *"Optional Second Public Hearing and amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017."*)

#### **§27.1412 Deadline for Completion of Appointments**

The Appointing Authority shall appoint the members and alternate members of the Redistricting Commission as set forth in Charter Section 5.1, and no later than November 1 of every year in which a Federal Decennial Census is taken.

(*"Deadline for Completion of Appointments"* added 5-1-2000 by O-18792 N.S.)  
(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)

#### **§27.1413 Election of Redistricting Commissioner Prohibited**

When an applicant, nominee, or alternate accepts an appointment as a member of the Redistricting Commission, the individual shall, at the time of their appointment, file a written declaration with the *Clerk* that they will not seek election to a *City elective office* within five years of the Redistricting Commission's adoption of a Final Redistricting Plan.

(*"Election of Redistricting Commissioner Prohibited"* added 5-1-2000 by O-18792 N.S.)

(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)  
(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

#### **§27.1414 Length of Service on Redistricting Commission**

Members of the Redistricting Commission, and the alternates, shall serve as set forth in Charter Section 5.1, including, but not limited to, until the redistricting plan adopted by the Commission becomes effective and the referendary deadline for the Final Redistricting Plan has passed.

(*"Length of Service on Redistricting Commission"* added 5-1-2000 by O-18792 N.S.)  
(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)

**§27.1415 Vacancy on Redistricting Commission**

- (a) In the event of a vacancy for reasons including, but not limited to, the resignation, death or incapacity of a member of the Redistricting Commission, one of the two alternate members shall fill the vacancy. Alternates shall be seated based upon the order in which they were initially appointed by the Appointing Authority.
- (b) In the event that both alternates have already been seated on the Redistricting Commission and another vacancy occurs, the *Clerk* shall randomly select a member from the remaining names in the original pool of qualified applicants, at a public hearing held for that purpose.

*(“Vacancy on Redistricting Commission” added 5-1-2000 by O-18792 N.S.)  
(Amended 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*

**§27.1416 City Responsibilities for the Independent Redistricting Commission**

- (a) The Redistricting Commission is an independent panel that was created by *City voters* and is governed by the Charter. It is to operate independently of the *City*’s elected officials and the departments that serve them.
- (b) The *City* shall be responsible for ensuring that funds are allocated in the *City* budgets for the fiscal years in which the Redistricting Commission will be empaneled, in amounts sufficient to enable the Commission to carry out its legally required duties, with the budgets to be adjusted as the Commission may require so that it may complete its work. To determine the Redistricting Commission’s initial budget, the *City* shall consider the total amount spent by the previous Redistricting Commission, any necessary adjustments for inflation, and the potential cost of additional resources and consultants the Commission may require to complete its work.
- (c) The *City* shall provide designated staff necessary to ensure that the Redistricting Commission has adequate office space, supplies, and support to enable it to independently carry out its duties and to hire a Chief of Staff. Once hired, the Chief of Staff for the Redistricting Commission shall serve as the liaison between the Redistricting Commission and the *City* regarding the Commission’s additional administrative needs, if any. The Chief of Staff shall also work with the City Attorney’s Office and the *Clerk’s* Office regarding the development and filing of the Final Redistricting Plan.

*(“City Responsibilities for the Independent Redistricting Commission” added 12-16-2016 by O-20761 N.S.; effective 1-15-2017.)*