

AB 764 (Bryan): 2023 FAIR MAPS Act Reform

Background

Redistricting is of critical importance to democracy. How district lines are drawn has the power to determine whether communities' and neighborhoods' shared interests will be fairly represented in government, including on city councils, school boards, and county boards of supervisors. Every Californian's voice should be heard when determining how communities will be represented, and good redistricting practices can help achieve that.

[AB 849 \(Bonta, 2019\)](#) and [AB 1276 \(Bonta, 2020\)](#) created the FAIR MAPS Act (FMA), the first significant reform of California's local redistricting law since the 1940s. The FMA prohibits partisan gerrymandering and sets forth standardized, fair redistricting criteria for cities and counties meant to ensure neighborhoods and diverse communities are kept intact. The FMA also requires more transparency, public education, and outreach, particularly to underrepresented communities. In 2021 and 2022, cities and counties conducted their first redistricting under the FMA.

The Problem

Experiences of community members, community-based organizations, and good government groups in the 2020 redistricting cycle highlighted both strengths and weaknesses of the FMA in achieving equitable representation. While the redistricting process improved and overall resulted in more representative outcomes, problems included: local politicians abusing the redistricting process to protect their incumbency at the expense of communities; a lack of transparency in how adopted maps complied with redistricting criteria; difficulty engaging and meaningfully participating in the process; and confusion regarding when new lines would go into effect. Numerous examples of these issues are documented in ["The Promise of Fair Maps,"](#) a report based on observations by civic, voting rights, and good government organizations of over 100 local jurisdictions. In addition, the FMA currently only applies to cities and counties, meaning that other local jurisdictions, such as school districts, do not have to abide by even the same basic redistricting criteria.

The Solution: Strengthen the FAIR MAPS Act

AB 764 (Bryan) would strengthen the FMA's redistricting criteria, administrative requirements, public engagement requirements, and transparency measures based on lessons learned from the 2020 redistricting cycle, extend the FMA to large educational districts, and extend specified key provisions of the FMA, such as redistricting criteria, to special districts and small educational districts.

Redistricting Criteria: AB 764 would prohibit incumbency protection in the redistricting process, add clarity regarding communities of interest and the proper prioritization of criteria, and ensure jurisdictions do their due diligence to comply with the federal Voting Rights Act.

Administration: AB 764 would change the redistricting deadline from a weekend to a Monday and clarify that elected officials continue to represent the constituents who elected them for the duration of the office term.

Public Transparency and Outreach: AB 764 would add requirements to increase transparency of district line decision-making including: requiring jurisdictions to publish all public comments received in the process in a timely manner; increasing the number of required public hearings; requiring jurisdictions to adopt redistricting outreach and education plans; and ensuring equitable public access by allowing the public to provide comment either remotely or in-person at all redistricting hearings.