

# City of Santa Barbara Independent Redistricting Commission

April 28, 2021 Meeting

Agenda Item #2: Extension of  
November 1, 2021 Redistricting  
Deadline

Presentation by:

Marguerite Mary Leoni,

Nielsen Merksamer Parrinello Gross  
& Leoni LLP

**Recommendation:  
That the  
Commission:**

1. Find and determine that it is presently impossible to comply with the November 1, 2021 redistricting deadline contained in City Charter Section 1301, and in the Settlement Agreement and Stipulated Judgment in *Banales v. City of Santa Barbara*, SBSC Case No. 1468167; and
2. Direct the City Attorney to take appropriate action, including the initiation of legal proceedings, to seek appropriate extensions of the November 1, 2021 deadline.

# Background: *Banales v.* *City of Santa* *Barbara &* 2018 Charter Amendments

- Settlement agreement and stipulated judgment entered in *Banales v. City of Santa Barbara* requires the IRC to adopt a redistricting map for the City Council districts “on or before November 1, 2021”.
- In 2018, City Charter (Art. XIII, § 1301) amended to incorporate judgment in *Banales*.

# Background: *Banales v.* *City of Santa* *Barbara &* 2018 Charter Amendments

- At the time of the *Banales* judgment and the Charter amendment, November 1 deadline was applicable by statute to other cities required to redistrict in time for the November 2022 city council elections. (See former Elec. Code 21500 et seq.)
- Those statutes have been amended.
- Now other cities, including chartered cities operating under state general law, must complete the redistricting process by **April 17, 2022.**

# Practically speaking, when does redistricting need to be completed?

- In time for the **2024** City Council Elections – the City does **not** have a general municipal election in 2022.
- 2018 Charter amendment: moved general municipal election from November of odd-numbered years to November of even-numbered years.
- The terms of Council members elected in 2019 extend to **2024**; terms of Council members elected in 2021 extend to 2026.
- The Charter and the Judgment provide that the current district map shall be used for the 2021 City Council elections.

# Why can't the November 2021 Deadline be met? – Delayed Census Data (P.L. 94-171)

- The City of Santa Barbara is required to use an adjusted version of P.L. 94-171 data for redistricting (the State's "official redistricting database"). (Elec. Code, § 21621(a).)
- The official redistricting database is prepared by the California Statewide Database ("SWDB") and is ready about four-weeks after receipt of the P.L. 94-171 data.
- The official redistricting database will not be available until about October 15, 2021 because of a delay in delivery of the 2020 P.L. 94-171 data to the State of California.

# Why can't the November 2021 Deadline be met? – Delayed Census Data (P.L. 94-171)

- February 12, 2021 Press Release United States Bureau of the Census:
  - “The U.S. Census Bureau announced today that it will deliver the Public Law 94-171 redistricting data to all states by **Sept. 30, 2021**. COVID-19-related delays and prioritizing the delivery of the apportionment results delayed the Census Bureau’s original plan to deliver the redistricting data to the states by March 31, 2021.”

# Why can't the November 2021 Deadline be met? – Delayed Census Data (P.L. 94-171)

- March 15, 2021 Press Release United States Bureau of the Census:
  - “[W]e can provide a **legacy format** summary redistricting data file to all states by mid-to-late **August 2021**. Because we recognize that most states lack the capacity or resources to tabulate the data from these summary files on their own, we reaffirm our commitment to providing all states tabulated data in our user-friendly system by Sept. 30, 2021.

# Why can't the November 2021 Deadline be met? – Statewide Database Processing

- The State of California can process the legacy format data at the SWDB.
- The SWDB determined that a 2-week period from the release of the “legacy” data required to complete the processing.
- This 2-week period would be in addition to, and precede, the 30-day period that the SWDB will require to build the State’s official redistricting database. (See slide 6, *supra*, middle point.)

# Why can't the November 2021 Deadline be met? – Extended Mandatory Statutory Process

- Waiting period after release of official redistricting database before any draft maps can be released: 21 or (likely) 7 days depending on release date.
- At least two public hearings after release of draft maps.
- Five-days notice of public hearings.
- Final map published for seven days before adoption.
- Mandatory good-faith effort to involve public including providing an opportunity for the public to submit proposed maps.

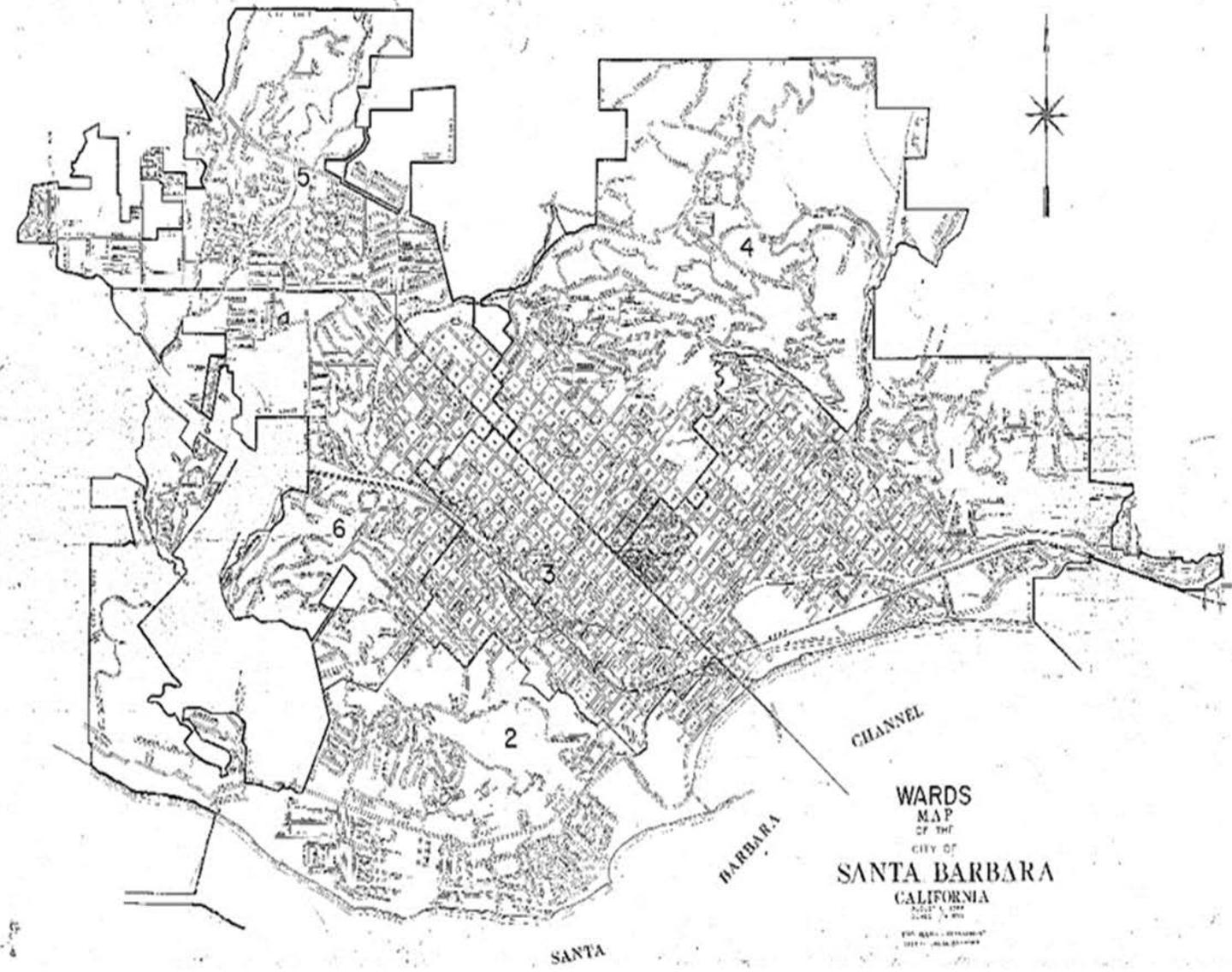
# Santa Barbara Ward Map, Circa 1966



KEY MAP  
SCALE 1:50,000



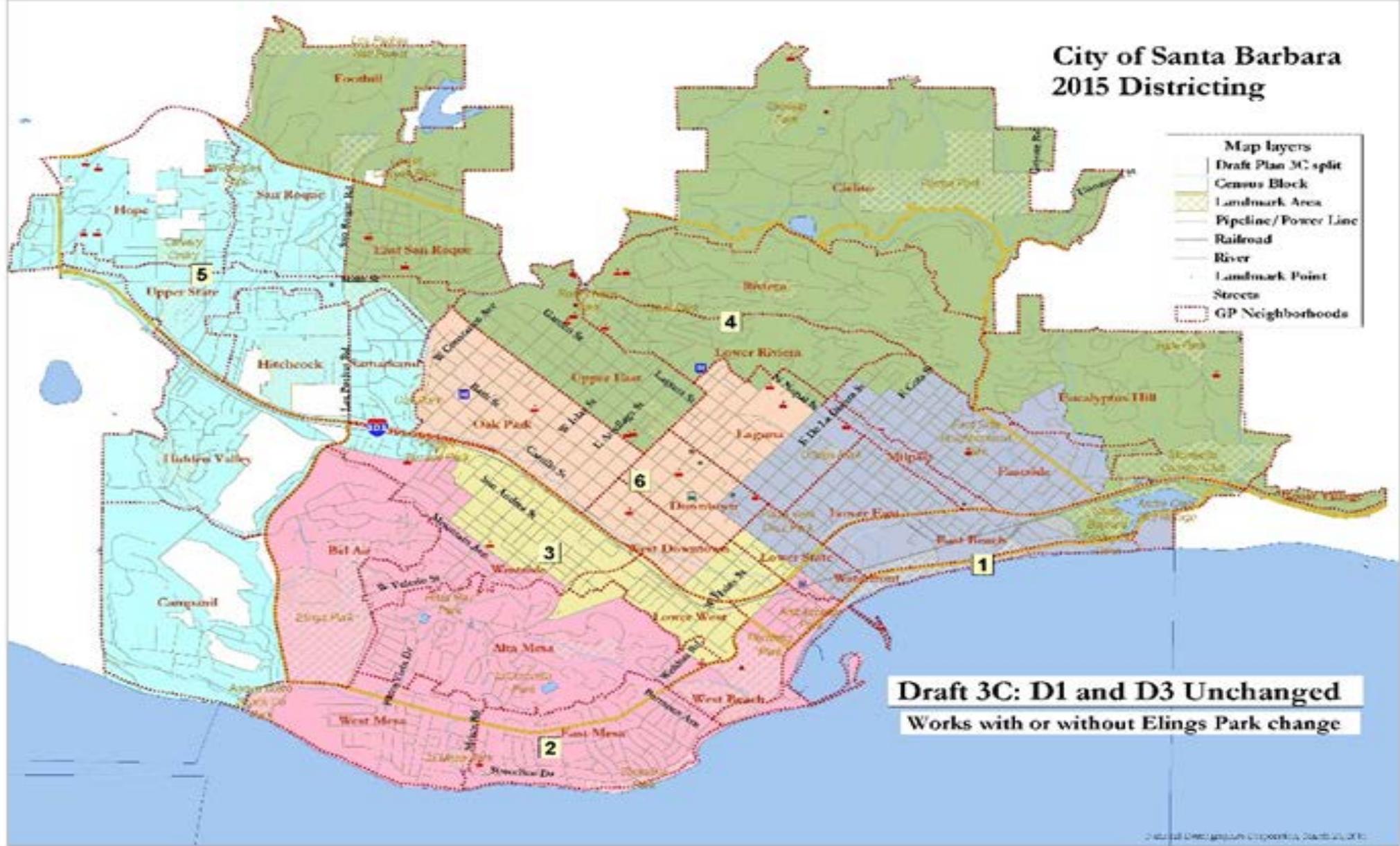
SANTA BARBARA AIRPORT



WARDS  
MAP  
OF THE  
CITY OF  
SANTA BARBARA  
CALIFORNIA

FOR SALE - \$1.00  
1966 - 1967

# City of Santa Barbara 2015 Districting



**Draft 3C: D1 and D3 Unchanged**  
Works with or without Elings Park change

# Why can't the November 2021 Deadline be met? – Extended Mandatory Statutory Process

- The abbreviated period between the availability of the official redistricting database and the November 1, 2021 deadline renders it impossible for the IRC to satisfy the intent if not the letter of these provisions.
- Even if the redistricting data were received somewhat earlier than announced, it likely will not be possible for the IRC to meaningfully engage the public in the redistricting process as contemplated by the law.

# Supreme Court to the Rescue – but only for the California Redistricting Commission

- On June 4, 2020, the Legislature filed an emergency petition with the State Supreme Court asking the Court to extend the August 15 deadline for the California Redistricting Commission to certify final maps for state legislative and congressional redistricting.
- On July 17, 2020, Supreme Court granted the petition extending the CRC's deadline for adopting final maps to December 15, 2021, with additional time if P.L. 94-171 data is delayed beyond July 31, 2021. *Legislature v. Padilla*, 9 Cal.5th 867 (2020).
- No other jurisdiction affected by *Padilla*.

# Legislature to the Rescue – but not for the City of Santa Barbara IRC.

- SB 970 (Umberg), Chapter 111, Statutes of 2020, moved the statewide primary in gubernatorial election years from March to June.
- AB 1276 (Bonta), Chapter 90, Statutes of 2020, adjusted certain city and county redistricting deadlines, essentially moving the redistricting deadline to December 15, 2021 when elections occur in June 2022.
- SB 594 (Glazer) currently pending as urgency has the stated purpose:
  - This bill would state the intent of the Legislature to enact legislation that would mitigate issues surrounding the potential delay in the release of census data and the effect of that delay on local redistricting.

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