



December 3, 2021

TO: Fresno County Board of Supervisors
2282 Tulare Street, Third Floor
Fresno, CA 93721
FresnoCounty2021Redistricting@fresnocountyca.gov

Transmitted via electronic mail

Re: Independent Redistricting in Fresno County

Dear Members of the Fresno County Board of Supervisors:

The undersigned organizations write to call for the establishment of a fully independent redistricting commission in the County of Fresno. Our organizations have been monitoring the 2021 redistricting process led by the Fresno County Board of Supervisors [hereinafter referred to as the “Board”] and Fresno County Advisory Redistricting Commission [hereinafter referred to as the “Advisory Commission”]. We are committed to ensuring that the Fresno County redistricting process prioritizes community voices, builds public trust, and results in maps that allow for fair representation over the next decade. Unfortunately, the Board has exerted control over the redistricting process to serve its own interests at the cost of a fair and transparent process.

A Fresno County map originally drawn in 1991 has barely been changed for the third redistricting cycle in a row despite a significantly different citizen voting age population (CVAP) and a much more diverse population.¹ This is because, despite countless hours of community

¹ See, e.g., The Fresno Bee, *Where is Fresno Latino population growing the fastest? Explore our maps to learn more* (October 12, 2021) (“the greatest growth spurt among both Hispanic residents and the overall population was Census Tract 59.12, east of Clovis and south of the Harlan Ranch subdivision...the Hispanic population climbed by more than 385% in that census tract”); see also The Fresno Bee, *All three GOP Fresno County supervisors have links to man who drew district maps they favor* (November 15, 2021) (“The district map in Fresno County has not been significantly changed since 1991, according to Michael Evans, a member of the Central California Coalition for Equitable Realignment”); see also November 16, 2021 Board of Supervisors Hearing at 00:44:35-00:45:10 at <http://www2.co.fresno.ca.us/VisionLive/Board%20of%20Supervisors/Redistricting/Board%20Redistricting%20Nov%2016%20Eng.mp4>. (“Fresno County is not the Fresno County from the 1990s, yet its supervisorial map from today looks very similar to the one three decades ago, and the same goes for the map you are considering today. In

testimony supporting new lines that accurately reflect the changes of Fresno County and comply with state law, the Board has instead chosen a map that serves the status quo and insulates the incumbency of those already in power. It was originally proposed by a partisan attorney and political strategist with close ties to three Supervisors.²

Our request that you initiate the process necessary to create a fully independent redistricting commission for 2031 is based on the following specific concerns about the current process and Fresno County Map D2³ currently under review:

1. The appointment of a highly political Advisory Commission,⁴ indicating to the public that commissioners were a reflection of a partisan Board focused on maintaining the existing political majority;
2. Indication early in the redistricting process to the public, and thus to the Advisory Commission, that the Board's intent was to make the bare minimum changes to existing district boundaries, thus ensuring their reelection;⁵
3. Not taking the necessary precautions or actions to ensure a safe and secure public meeting for all people involved, and taking a passive approach to maintaining meeting decorum;⁶

1990 the Latino community made up 35.4% of the county's population. In 2020 the Latino community now makes up 53.6% of the county's total population, and as the Census data confirms, nearly all of Fresno County's growth for the past decade is attributable to the growth in communities of color. Any final map you all adopt must adequately reflect this reality rather than preserve the status quo.”)

² The Fresno Bee, *All three GOP Fresno County supervisors have links to man who drew district maps they favor* (November 15, 2021).

³ See <https://www.co.fresno.ca.us/home/showpublisheddocument/61561/637739477358183503>

⁴ See, e.g., The Fresno Bee, *Think Fresno County's redistricting maps are unfair? Don't let politicians decide them* (November 16, 2021) (“Next, the board's Republican majority appointed an advisory commission stacked with conservative voices.”); see also, The Fresno Bee, *Citizens, not Fresno County politicians, need the final say on political redistricting* (October 1, 2021) (“The supervisors formed an advisory commission to help with the redistricting. It has nine members. While the effort is to be nonpartisan, at least six of the commissioners are conservative. Here is hoping they focus on fairness.”).

⁵ During the April 13, 2021, Fresno County Board of Supervisors meeting, Supervisors stated that, as part of the 2021 redistricting process, they expected only minor changes to the existing Fresno County supervisorial map. See Agenda Item 6 starting at 1:07:45, available at

http://fresnocounty.granicus.com/player/clip/804?view_id=1&redirect=true. For example, Supervisor Buddy Mendes said that the 2021 redistricting process was simply about “tweaking” or “moving over” somewhere “between 3 to 5 census tracts.” *Id.* at 1:15:37. He noted that during the 2010 redistricting process, any district line changes mostly occurred in District 5 where “the census tract boundaries basically moved slightly to the North East...just slightly.” *Id.* at 1:16:03. Supervisor Nathan Magsig stated that he was saddened that his district will likely be impacted the most with the redistricting process and if he could, he would “keep the lines exactly as they are because [he] appreciate[s] the opportunity to serve everyone in [his] district.” *Id.* at 1:36:52. Supervisor Brian Pacheco echoed the sentiment that the redistricting process would result in little change because he did not expect “wholesale changes” in the Fresno County districts lines. *Id.* at 1:45:40. Lastly, Supervisor Steve Brandau foreshadowed to the public that the Fresno County district map would only “shift relatively slightly” because of some “border changes based on population growth.” *Id.* at 1:51:52.

⁶ See, e.g., Your Central Valley, *Panel: Fair and Equitable or Anti-Black? Is the redistricting process playing out on the Fresno county/city level, an equitable one or does it discriminate?* (In discussions concerning the October 21 Advisory Commission Hearing Board Supervisor, Steve Brandau, although admitting absence, minimized the situation and equated it to a disagreement at a football game. At 2:02-02:19: “I wasn't in the process at all and so I

4. The Board's preferred map does not keep existing political subdivisions whole, as required by the FAIR MAPS Act:
 - a. The City of Fresno is split by all five districts;
 - b. The City of Clovis is split by District 2, 3, and 5;
 - c. A Fresno County island northwest of Sunnyside is split by District 5 and 3;
 - d. The Clovis Unified School District is split by District 5 and 2;
 - e. The Fresno Unified School District is split by all five districts; and
 - f. The Central Unified School District is almost kept whole except for the northeast portion that is split by District 2.
5. The Board's preferred map does not preserve or keep Communities of Interest (COI) whole, as required by the FAIR MAPS Act:
 - a. African American COIs are primarily in district 1 but small portions are split by district 2 and 3;
 - b. Hmong COIs are not kept whole in any of the districts;
 - c. Muslim COIs are split by district 2,3, and 5;
 - d. The Sunnyside neighborhood has a small corner split by district 4; and
 - e. The Tarpey neighborhood is split by districts 3 and 5.

Fresno County can, and should, do better. The current process allows the powerful to place their thumbs on the scales, ensuring that their interests are protected at the expense of transparency, fairness, equity, and community-driven maps. It also leads to political posturing, subterfuge, and backroom planning, all of which generates negative headlines and decreases the

heard that some negative happened, just like negative things happen in a football game. Right? That's people, and when you get a lot of people with a lot of disagreements, in the same room, you can have things happen. It doesn't meant the process is bad.") (In dismissing concerns from community leader Kaya Herron when describing her experience in the redistricting process at the Fresno County Board of Supervisors Redistricting Hearing, November 2, 2021, Supervisor Brandau at 00:58 to 01:14 states: "That's the number one thing we do in this country now, if there's something you disagree with, throw out the word racism, throw out the race card. When it happens to you Alex on the first ten times, it's kind of unnerving, but after that you just find out that it's just a strategy. I don't believe it at all, the young lady seemed confused to me.") (Fresno City Councilmember Miguel Arias responds, "In the two meetings that the County of Supervisors had on redistricting, in both meetings members of the audience and participants who were being threatened by members of the Republican party. They're being intimidated. They're being threated, and the county didn't do anything to remove individuals from the process and from the meeting. They failed to maintain civility. Now the Supervisors can't be completely at fault, but the system, the process at fault, when people are allowed to intimidate folks at public meetings and we don't take any action to move them."), available at

<https://www.yourcentralvalley.com/news/local-news/panel-fair-and-equitable-or-anti-black-is-the-redistricting-process-playing-out-on-the-fresno-county-city-level-an-equitable-one-or-does-it-discriminate/>; see also, Your Central Valley, *Exclusive – Deputy director of Fresno Metro Black Chamber: Fresno County redistricting process is hostile and anti-black!* (November 14, 2021) (Commenting on the process, Kaya Herron states at 04:53 to 05:24: "No, I am not comfortable with the process in the way it has been conducted. I experienced some very significant intimidation at the County Advisory Commission Meeting. It was very hostile, it was clearly anti-Black, and it was an uncomfortable place to be. Those concerns were shared with the Supervisors, and have been submitted in writing, and we haven't yet received an adequate response."), available at: https://www.yourcentralvalley.com/news/local-news/exclusive-deputy-director-of-fresno-metro-black-chamber-fresno-county-redistricting-process-is-hostile-and-anti-black/?fbclid=IwAR3niVBw7-eZSxagfe69hNz3qHSe9BgxZ8GdBdtnCY_4ZFgL_c4kXsW-FA4.

public's trust in their local politics. **The alternative is clear and it has been demonstrated to work. An independent redistricting commission provides for a better redistricting process and restores public trust in local democracy.** It does so in at least two major ways:

1. An independent redistricting commission depoliticizes the process, leading to greater public trust in the results. Multiple studies have shown that elected bodies that delegate their drawing powers to politically appointed commissions get processes that are more partisan and political than truly independent commissions. One study during the previous redistricting cycle found that maps drawn by politically appointed commissions have “the highest overall levels of partisan bias,” whereas maps drawn by independent commissions demonstrate “a near elimination of partisan bias.”⁷ In part, this occurs because an independent redistricting commission uses an application and appointment process that is governed by trusted third-party entities, not sitting incumbents who have an obvious stake in the outcome of the line-drawing process. Furthermore, it employs carefully constructed conflict-of-interest criteria in the state Elections Code to weed out applicants who are connected to incumbent politicians and political parties. The result is line-drawers who the public knows are not serving any hidden agenda. This creates much greater public trust in the redistricting process, even if the public may disagree with specific choices or decisions.
2. Unlike advisory commissions, independent redistricting commissions are free of political considerations, political interference, and obligations to the incumbent politicians who appointed them. As a result, line-drawers have the freedom to put community empowerment and public testimony front and center in their work. Independent commissions can focus on what matters: honoring communities and the stories they tell about their families and neighborhoods.

The counties of Los Angeles and San Diego, the Cities of San Diego, Long Beach, Sacramento, Oakland, and many others, as well as the State of California all use independent redistricting commissions. Combined, around *17.5 million* Californians now reside in a local jurisdiction that uses an independent commission – more than the population of 46 states. It is time for Fresno County to join this trend.

⁷ See, e.g., The Effect of Redistricting Commissions on Electoral Competitiveness in the U.S. House Elections, 2002-2010, JOURNAL OF POLITICS AND LAW 16 (2013) (independent commissions result in more competitive elections than partisan commissions); see also Barry Edwards et al., Institutional Control of Redistricting and the Geography of Representation, UNIVERSITY OF CHICAGO JOURNAL OF POLITICS 724-25 (Apr. 2017) (independent commissions draw more compact districts than do state legislatures or partisan commissions); see also LOS ANGELES TIMES, Editorial: For a better L.A. City Council, Make It Bigger (Mar. 5, 2012) (“The Los Angeles City Redistricting Commission, composed of 21 political appointees, has proposed a map of 15 reshaped City Council districts, which probably do what a majority of the current council members, the mayor, the city attorney and the controller intended them to do: They secure districts and fundraising opportunities for favored incumbents; they punish members who act too independently; and they pave the way toward election for various aides and pols who are looking for a start in electoral politics.”).

Despite a large volume of public testimony calling for maps that kept a variety of communities of interest -- including working communities, rural communities, farmworker communities, Black communities, Hmong communities, and Muslim communities -- whole, as required by the FAIR MAPS Act, the Board elected to move forward with a map that rejected that testimony. Instead, the Board selected a map that made minimal changes, that was totally in accordance with statements made by Supervisors at the beginning of the process that pre-judged the outcome, and that keeps incumbent Supervisors in power.

The County of Fresno should use a fully independent commission, which will enable subsequent redistricting commissions to conduct their duties in a way that centers public input, prioritizes empowerment of and representation for Fresno communities above all other considerations, and will be free of political reproach and meddling. It will make communities feel invested in co-governance helping to shape the county's future. The perimeters of democracy should not be drawn by those in power, but by the governed.

Respectfully,

Jonathan Mehta Stein, *Executive Director*
California Common Cause

Kaya Herron, *Deputy Director*
Fresno Metro Black Chamber of Commerce

Sukaina Hussain, *Deputy Executive Director*
Council on American-Islamic Relations Sacramento Valley/ Central California

Pablo Rodriguez, *Executive Director*
Communities for a New California Education Fund

Dillon Savory, *Executive Director*
Fresno-Madera-Tulare-Kings Central Labor Council
and The Central Valley Partnership

Nancy Xiong, *Executive Director*
Hmong Innovating Politics

Deep Singh, *Executive Director*
Jakara Movement