

From:
To:
Subject:
Date:
Importance:

From: Andy Caldwell <andy@colabsbc.org>
Sent: Thursday, May 6, 2021 4:11 AM
To: sbcob <sbcob@co.santa-barbara.ca.us>
Subject: redistricting commission
Importance: High

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Dear COB,

I would like you to withdraw my earlier email for the Redistricting Commission since my note was for the sups....BUT, I still want the column submitted (BELOW) into the public record for the commission.

Thanks

Mr. Mercado lays out here in this SM Times oped:

Robert Mercado: Race matters when it's convenient in redistricting

Racial equity and diversity are a focus of modern politics. Yet, too often, the second that prioritizing racial representation undermines a political agenda, it becomes irrelevant.

The Santa Barbara County Redistricting Commission is guilty of such behavior. As the Commission deliberates the best way to fill the recent vacancy created by the resignation of James Hudley, commissioners such as Jannet Rios, who originally prioritized racial representation in commissioner selection, have suddenly flipped to prioritizing political affiliation over representation of the diverse racial makeup of Santa Barbara County.

The independent commission is considering forgoing willing and qualified applicants in District 3 like Lupe Alvarez, who would bring another Latino voice to the redistricting process, in pursuit of a member affiliated with the Democratic Party.

Currently, only two Latino members sit on the commission, and are expected to adequately represent a county which is 46% Latino. When presented the opportunity to advance the voices of Latino community members, specifically those in a city like Guadalupe, this committee is actively choosing not to do so on partisan grounds. This is a blatant example of how race does not matter when it fails to serve partisan ends.

In the hopes of gaining another Democrat member, the commission is tossing around the idea of using current at-large commissioner Benjamin Olmedo of District 3 as Hudley's replacement, and then choosing an at-large replacement from the entire remaining pool of applicants.

However, the ordinance does not ever state that such an action is acceptable when willing and qualified applicants are available in the district from which Mr. Hudley resigned.

When the original five commissioners were deliberating who would fill the six remaining seats, members of the public implored the representation of Guadalupe, a continually overlooked community. The city has been misplaced in District 3 now for 10 years, and with no representation on the commission, the

community holds little influence over where the city will be placed for the next 10 years.

The hypocrisy of the commissioners and their willingness to place partisanship over racial diversity demonstrates that race does not matter when it does not promote partisan ideals.

The actions of the commission are just another example of the highly educated South County residents exerting their influence to diminish the voices of the Brown and blue-collar residents in the North County, where the majority of the Latino community members reside.

From: [Kathy](#)
To: [CEO Redistricting RES](#)
Subject: Redistricting Concerns
Date: Friday, May 7, 2021 6:15:13 AM

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To whom it may concern:

Our country is becoming a divided country enough through partisanship and private funding from people who do not like our American freedoms. It seems money is driving decisions, not the will of the people. The Citizens Independent Redistricting Commission connotes just that, being independent.

Recently, the Commission has hired a law firm with a political past; what are their positions on our way of life? At this point the commission appears to be seeking democrat candidates to fill vacated positions. Is this the will of the people, or the decision of a few ideologues?

The 3rd District is made up of an economically and demographically diverse population. I hope that through redistricting, district boundaries can be changed so that everyone has a voice and a true vote. In the 3rd District, we have neither.

I hope you choose with conscience.

Sincerely,

Kathy Grace-Velazquez

Sent with [ProtonMail](#) Secure Email.

From: [Kimmis Brady](#)
To: [CEO Redistricting RES](#)
Subject: Santa Ynez valley
Date: Monday, May 10, 2021 11:05:48 AM

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I would like to see a voting district that includes common interests. North county residents treasure our open spaces. The North county is not Goleta and UCSB and Ventura. We have no affinity with south county goals and ambitions.

We're rural. We don't want more rules imposed by urban officials. There has to be a way to address these diverse needs, without setting up a new county.

Kimmis Brady
1100 Mustang Dr
Santa Ynez CA 93460
805-691-9020
Sent from my iPhone

From: [Philip Seymour](#)
To: [CEO Redistricting RES](#)
Cc: aordin@strumwooch.com
Subject: Letter re Replacement Commissioner Selection
Date: Tuesday, May 11, 2021 10:30:32 AM
Attachments: [Letter from Democratic Central Committee to Independent Redistricting Commission 5.6.2021.pdf](#)

Caution: This email originated from a source outside of the County of Santa Barbara. Do not click links or open attachments unless you verify the sender and know the content is safe.

Dear Staff: Please accept for filing, submission to the Commission, and consideration the attached letter submitted on behalf of the Santa Barbara County Democratic Central Committee regarding selection of a replacement Commissioner.

Philip Seymour
Attorney for SBCDCC

Philip A. Seymour
Attorney at Law
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Santa Barbara, CA 93105
(805) 692-9335
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May 6, 2021

Santa Barbara County Independent Redistricting Commission
c/o County Executive Office
105 E. Anapamu Street, Suite 406
Santa Barbara, CA 93101

Re: Selection of Replacement Commissioner
Agenda Item 5, May 12, 2021

Dear Commission Members:

This letter is submitted on behalf of the Santa Barbara County Democratic Central Committee. The Central Committee shares the concerns of all County citizens, regardless of political leanings, that the Citizen's Redistricting Commission Ordinance ("Redistricting Ordinance" or "Ordinance"), adopted by majority vote of the County electorate, be fairly and impartially administered by your Commission. For obvious reasons, the Central Committee is also concerned that the Commission not be manipulated to confer unfair political advantage on our opposing political party, and that the Redistricting Ordinance not be applied in a manner which undermines, in fact or in appearance, the impartiality of the Commission.

The Central Committee fully appreciates the difficulties faced by the Commission at this time. The Ordinance requires that Commissioners be selected from a list of 45 applicants (nine from each supervisorial district) determined to be most qualified by the County Elections Officer. The County Elections Officer is not directed to consider age, gender, ethnic background or other demographic factors in selecting these 45 applicants. Consequently, the pool of 45 potential commissioners was not required to be balanced – and in fact manifestly was not balanced – to reflect the County's political, ethnic, age and gender makeup. The Commission's ability to fully balance these political and demographic considerations when selecting Commissioners was thus seriously compromised even before the selection of Commission members began. This problem is aggravated by the fact that the first five Commissioners were chosen by lottery, leaving only six seats to be filled using the balancing criteria of subsection 2-10.9A(4)(h)(3).

As you know, subsection 2-10.9A(4)(h)(3) states as follows:

(2) The six appointees shall be chosen based on relevant experience, analytical skills, and ability to be impartial, and to ensure that the commission reflects the county's diversity, including racial, ethnic, geographic, age and gender diversity. However, formulas or specific ratios shall not be applied for this purpose. The five commissioners shall also consider political party preference, selecting applicants so that the political party preferences of the members of the commission, as shown on the members' most recent affidavits of registration, shall be as proportional as possible to the percentage of voters who are registered with each political party in the County of Santa Barbara, as determined by registration at the most recent statewide election. However, the political party preferences are not required to be exactly the same as the proportion of the political party preferences among the registered voters of the county. For this purpose, voters registered without stating a party preference or registered with any party that had a total registration of less than five percent in the County at the time of the last statewide election shall be considered unaffiliated. Unaffiliated members shall also be appointed to the commission in rough proportion to the percentage of unaffiliated registered voters at the time of the most recent statewide election.

Critically, the Ordinance requires that the Commission be balanced "as proportional as possible" to the percentage of voters who are registered with each political party in the County of Santa Barbara, as determined by registration at the most recent statewide election." Subsection 2-10.9A(4)(h)(3) also directs that in addition to selecting candidates on the basis of "relevant experience, analytical skills, and ability to be impartial," the selection process should seek to ensure that the Commission "*reflects* the county's diversity, including racial, ethnic, geographic, age and gender diversity." The Ordinance, however, does not further define what it means to "reflect" diversity, nor does the Ordinance give priority to racial or ethnic diversity over age, gender or other forms of diversity. Instead, the Ordinance expressly forbids the Commission to utilize "formulas or specific ratios" when considering demographic diversity. This is in direct contrast with the requirement that selections be made as "proportional as possible" to the statistical percentages of registered Democrats, Republicans and unaffiliated voters in the County.

The bottom line here is that the Ordinance requires roughly proportional representation based on political affiliation. Consideration of other factors, including demographic diversity, is important, but cannot override the mandate for proportional representation of the two major political parties and unaffiliated voters. This conclusion is further reinforced by subsection 2-10.9A(4)(j)(1)(C)(3) which governs replacement of commissioners. This subsection provides:

"If any vacancy occurs in the commission by reason of the death, removal or resignation of any commissioner, the remaining members of the commission shall select a replacement commissioner from the pool of most qualified applicants previously selected by the county elections officer, utilizing the criteria set for in subsection (4)(h)(3). To the extent practical the replacement commissioner shall be selected to maintain the balance of district representation and political affiliations that existed prior to the vacancy."

Here again, the Ordinance specifically mandates that priority be given to maintaining proportional representation based on political affiliation to the extent practical.

B. Compliance with the Redistricting Ordinance Requires Appointment of Registered Democrat to Fill the Current Vacancy

Due to the resignation of former Democratic Commissioner Hudley, the Commission currently includes three registered Democrats, three registered Republicans, and four unaffiliated commissioners. At the time of the last statewide election, however, the County electorate was composed of 47% registered Democrats (111,222 out of 238,334); 25% registered Republicans (59,764 out of 238,334); and 28% unaffiliated voters (67,348 out of 238,334). Democrats are thus entitled to 5 seats, unaffiliated commissioners to 3 seats and Republicans to a maximum of 3 seats. The Ordinance does not require mathematically perfect proportioning, but only rough proportionality. Even taking that into account, however, Democrats are entitled to a minimum of 4 seats on the Commission, one more that is currently seated. The consequences of this are obvious. The Ordinance requires the Commission to do what it can to restore proportionality in terms of political preference. This can only be done by selecting a replacement who is a registered Democrat.

C. The Republican Opposition Has No Legal or Moral Basis

Notwithstanding the actual terms of the Ordinance discussed above, the Republican Party and allied conservative California Hispanic Chambers of Commerce (“Chambers”) have demanded that the Commission disregard the requirement for proportional representation based on political affiliation, and instead appoint a replacement commissioner on the basis of Hispanic ethnicity. As their attorney points out, all three remaining Hispanic or Latino citizens in the selection pool are Republicans. Selection of one of these candidates would thus further aggravate the underrepresentation of Democrats on the Commission, and actually give Republicans, who represent only 25% of the electorate, more seats than Democrats, who represent approximately 47%, or nearly twice as many actual voters in the electorate. The Republicans’ request cannot legally be granted for reasons stated above. It should also be understood that granting such a request is manifestly inconsistent with the spirit and intent of the Redistricting Commission, and would seriously compromise any appearance of neutrality and impartiality on the part of the Commission itself.

To begin with, Hispanic and Latino residents are already adequately represented on the Commission. As Mr. Bell’s letter of April 21, 2021 acknowledges, Hispanic commissioners occupy 3 seats, or 29.7% of the 11 possible seats, while Hispanic residents constitute 39.4% of the County’s population overall. This is a deficit of 1 seat, but not out of range of rough proportionality. Moreover, selecting a Hispanic or Latino replacement commissioner simply to close this statistical gap would violate the Ordinance’s express prohibition on using “formulas or specific ratios” to achieve demographic diversity. As noted before, the Redistricting Ordinance does not require exact proportionality or even roughly proportional representation based on ethnic background. It merely requires that the Commission “reflect” the county’s diversity to the extent possible given all other considerations. Beyond this, no one to this date has seriously

claimed or could claim that the Commission has intentionally excluded Hispanic or Latino representatives. Given the constraints imposed by the County Election Officer's initial selection of potential commissioners, the actual requirements of the Ordinance, and the unfortunate pattern of resignations that have occurred, the Commission has done a remarkable job of ensuring fair, if not mathematically perfect, representation of all demographic groups in the County. The Commission is not required to bend over backwards, much less violate the actual terms of the Redistricting Ordinance merely to appease the Republican Party's or the Hispanic Chambers' interest in imposing ethnic quotas when it serves their political purposes.

As a further matter, acceding to the Republican and Chambers' demands would not actually result in better representation of Hispanic or Latino residents. It would do precisely the opposite. Official statistics from the state-maintained Statewide Database (SWDB) show that the great majority of Hispanic or Latino-identified voters in Santa Barbara County are either registered Democrats (37,834 out of 69,099, or 55%) or unaffiliated (21,130 out of 69,099, or 31%). Registered Republicans constitute a mere 15% (10,135 out of 69,099) of Hispanic and Latino voters. Appointing yet another Republican to the Commission based on Hispanic or Latino ethnicity would thus actually run directly contrary to the stated political preferences of over 5 out of every 6 registered Hispanic or Latino-identified voters. The Republican claim that Hispanic or Latino-identified residents will be better represented on the Commission if a Hispanic Republican is added is pure opportunism and cynicism.

As a final matter, the Redistricting Ordinance is obviously concerned with maintaining the appearance of political balance and neutrality as well as actual balance and neutrality to the extent possible under its terms. As stated in subsection 2-10.9A(4)(b) of the Ordinance, the process for selecting commissioners "is designed to produce a commission that is independent from the influence of the board [of County Supervisors], political parties, campaign contributors or other special financial interests, and is reasonably representative of the county's diversity." This is vital to preserving the long-term credibility of the Commission. For that reason, the Democratic Central Committee has been reluctant to actively take positions regarding the actions of the Commission to date, particularly since the Commission has so far successfully addressed the problems that have arisen from multiple resignations among the original Commissioners. Our Republican counterparts, in contrast, have blatantly attempted to politicize the process, both by falsely accusing others of political bias and suing the Commission or threatening to sue whenever the Commission has not submitted to its demands. Demanding the appointment of a fourth Republican under the guise of seeking ethnic balance is simply another effort to subvert the process to their political advantage, in direct violation of both the actual language and the clear intent of the Redistricting Ordinance. Submitting to such transparently politically motivated demands can only serve to undermine the credibility of the Commission itself. The Commission cannot stop Republicans or their conservative allies from making self-serving false allegations about the biases or motives of the Commission or others, but it can preserve the integrity of the Commission and the respect of the vast majority of County residents by adhering to the rules established by the Redistricting Ordinance itself, and by not submitting to blatantly partisan efforts to manipulate the composition of the Commission for political advantage.

The Democratic Central Committee has great faith in the impartiality of the Commission, and wishes to support the Commission's continued actions to uphold and enforce the terms of the Redistricting Ordinance as adopted by the citizens of Santa Barbara County. The Democratic Central Committee sincerely hopes that the Commission will be able to continue its mission to the end without any taint of political influence. However, in view of ongoing threats and other efforts by our Republican counterparts to subvert the selection process, the Democratic Central Committee also will not sit idly by if the purposes and intent of the democratically enacted Redistricting Ordinance are being thwarted.

Philip A. Seymour

Philip Seymour
Attorney on behalf of Santa Barbara County
Democratic Central Committee