

INFORMATIONAL BRIEF

Campaign Finance Rules and Eligibility for Independent Redistricting Applicants

Timothy Krebs, PhD, University of New Mexico

Core Question

Should eligibility to serve on local Independent Redistricting Commission (IRCs) be related to previous political activities, in particular campaign contributions made before one applies? This brief discusses the variation in how California general law and charter cities and counties that currently employ IRCs address this issue.

Summary of Topline Findings

A common provision regarding contributions yielding ineligibility to serve on commissions is contributions of \$500 or more.

Background and Information

Local jurisdictions (e.g., counties, general law cities, school districts, community college districts, or special districts)¹ are bound by the California Elections Code, Division 21, Chapter 9, Sections 23000-23005. With respect to campaign contribution activity of IRC applicants, the following two provisions apply:

1. If an individual or his or her spouse contributed \$500 or more to a candidate for an elective office in the local jurisdiction in any of the eight years preceding the person's application, they are ineligible to serve. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.
2. If a family member of the applicant, other than the applicant's spouse, contributed \$500 or more to a candidate for an elective office in the local jurisdiction in any of the 4 years preceding the person's application, they are ineligible to serve. The local jurisdiction may adjust this amount by the cumulative change in the California Consumer Price Index, or its successor, in every year ending in zero.

Of the 20 cities or counties with IRCs for the 2020 and/or 2030 redistricting cycles, the following are in the general law category: Kern County, Lincoln, Martinez, Menlo Park, Riverside County, and Santa Barbara County.² As shown in the table below, the rules for Kern and Riverside counties—along with Los Angeles, San Diego, and Fresno counties—are governed by Chapter 6 of the Elections Code, specifically chapters 6.3-6.8. And the IRC for Santa Barbara County was created through a separate local initiative (Measure G) passed by voters in 2018 in that county. Of course, charter cities can make their own rules.

¹ Note that this does not include charter cities.

² See <https://www.localredistricting.org/ordinance>, accessed May 2, 2023.

The table on page 2 shows the variation in how charter cities, separately “chaptered” counties, and Santa Barbara County address eligibility based on previous campaign giving. The provisions noted are among many other provisions governing eligibility to serve on IRCs.

Campaign Giving and Eligibility to Serve on IRCs, 2020 and 2030 Cycles

City/County	Legal Status	Campaign Giving Rules for IRC Applicants
Berkeley	Charter	To be eligible applicants must disclose under penalty of perjury all monetary and non-monetary contributions made within the four years prior to the date of application to a candidate for Mayor or Councilmember in the City of Berkeley.
Carlsbad	Charter	A person, or the person's spouse, who has contributed \$500 or more in a year to any candidate for an elective city office in the preceding 8 years (or the person's non-spouse family member in the preceding 4 years) is ineligible to serve.
Fresno County	Charter	NA
Kern County	Charter	NA
Long Beach	Charter	A person who, or whose spouse, registered domestic partner, or child, within the eight (8) years immediately preceding their date of application to be on the Commission, has contributed to a candidate for City elective office, in a single year, more than \$250 is ineligible to serve.
Los Angeles County	Charter	NA
Oakland	Charter	IRC members shall not contribute 50% or more of the allowable amount to candidates for City of Oakland and Oakland Unified School District elective office in the election preceding the application date. In 2019, the 50% contribution amount that cannot be exceeded is \$400 for individuals.
Pomona	Charter	A person who, or whose spouse, within the eight (8) years immediately preceding the date of application to be on the commission; or whose parent, sibling, child or in-law, within the four (4) years immediately preceding the date of application to be on the Commission, has contributed to any candidate for city elective office, in a single year, \$500 or more is ineligible to serve.
Riverside County	General Law	NA
Roseville	Charter	A person who, or whose spouse, within the eight (8) years immediately preceding the date of application to be on the commission; or whose parent, sibling, child or in-law, within the four (4) years immediately preceding the date of application to be on the Commission, has contributed to any candidate for city elective office, in a single year, \$500 or more is ineligible to serve.

Sacramento	Charter	A person who – or whose spouse, registered domestic partner, or child – has contributed to a candidate for city elective office, in a single city election cycle in either of the last two city election cycles preceding their date of application to be on the commission, more than 50 percent of the allowable amount for a councilmember candidate is ineligible to serve.
San Diego County	Charter	NA
San Diego	Charter	NA
San Francisco City and County	Charter	NA
Santa Barbara	Charter	NA
Santa Barbara County	General Law	Established by county ballot initiative (Measure G) in 2018. No commissioner or immediate family member may, within the last eight years preceding appointment to the commission, have contributed five hundred dollars or more in one year to any candidate-controlled committee, primarily formed committee, or general purpose committee, independent expenditures committee or other political action committee that has expended more than \$1,000 in support or in opposition to the election campaign for any elective office of the County of Santa Barbara.
Santa Clara	Charter	A person, or the family member of a person (i.e., spouse, registered domestic partner, parent, sibling, child or in-law), who has contributed \$500 or more in a year to any candidate for an elective office of the City of Santa Clara is ineligible to serve.

Sources: <https://berkeley.municipal.codes/Charter/ArtV> (Berkeley); <https://www.carlsbadca.gov/city-hall/city-council/independent-redistricting-commission> (Carlsbad); <https://law.justia.com/codes/california/2022/code-elec/division-21/chapter-6-7/> (Fresno County); <https://law.justia.com/codes/california/2022/code-elec/division-21/chapter-6-8/> (Kern County); https://library.municode.com/ca/long_beach/codes/city_charter?nodeId=CH_ARTXXVCODIRE (Long Beach); <https://law.justia.com/codes/california/2022/code-elec/division-21/chapter-6-3/> (Los Angeles County); <https://www.oaklandca.gov/topics/am-i-eligible> (Oakland); <https://drawpomona.org/wp-content/uploads/2021/04/Independent-Redistricting-Commission-Application.pdf> (Pomona); <https://law.justia.com/codes/california/2022/code-elec/division-21/chapter-6-4/> (Riverside County); https://library.qcode.us/lib/roseville_ca/pub/municipal_code/item/the_charter-article_xi-sec_11_06 (Roseville); https://library.qcode.us/lib/sacramento_ca/pub/city_code/item/city_of_sacramento_charter-article_xii-173 (Sacramento); <https://law.justia.com/codes/california/2022/code-elec/division-21/chapter-6-5/> (San Diego County); <https://www.sandiego.gov/sites/default/files/bylaws.pdf> (San Diego); <https://sfethics.org/guidance/city-officers/ethics-laws-that-apply-to-the-citys-redistricting-task-force> (San Francisco City and County);

https://assets.ctfassets.net/mla2k9txthv8/4cbx1d0jgAWysU8qSqmgy6/b2a35c9ba3b88f2e8bd9ed31df7f9c32/Santa_Barbara_-_Indep_Comm_-_Banales_Settlement_Agreement_031015.pdf (Santa Barbara);
https://library.municode.com/ca/santa_barbara_county/codes/code_of_ordinances?nodeId=CH2AD_ARTIISUDI_S2-10.9ACIINRECO (Santa Barbara County); ; [https://www.santaclaraca.gov/our-city/government/redistricting-2021-22#:~:text=Must%20be%20a%20resident%20of,2\)%20two%20proofs%20of%20residency](https://www.santaclaraca.gov/our-city/government/redistricting-2021-22#:~:text=Must%20be%20a%20resident%20of,2)%20two%20proofs%20of%20residency) (Santa Clara)

