REDISTRICTING PARTNERS

City of Laguna Niguel

Districting 101

September 5, 2023

REDISTRICTING PARTNERS

Agenda

Things we will cover:

- The California Voting Rights Act (CVRA)
- What is Districting/Redistricting
- What is the Voting Rights Act
- What is Gerrymandering
- Required Districting/Redistricting Criteria
- The Mechanics of Districting
- Laguna Niguel Census Data
- Public Hearing Schedule

REDISTRICTING PARTNERS

What is the CVRA?

The California Voting Rights Act is a state law that prohibits the use of At Large Election Systems in local government if there is Racially Polarized Voting.

"At Large" is defined as anything other than a system in which an elected official lives in a district, and is only elected by members of that district. Does not include "multi-member" districts.

"Racially Polarized Voting" is defined as differences in voting patterns which can be shown to be correlated to race, religion, national origin, or membership in any other protected class.

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What is the CVRA?

The California Voting Rights Act takes the principles of the Federal Voting Rights Act and expands it regarding districted elections in two key ways:

While Federal law uses “majority minority” districts as a standard for vulnerability, the CVRA only requires “ability to influence.”

The CVRA requires that plaintiffs get full reimbursement for legal fees associated with any successful challenge.

REDISTRICTING PARTNERS

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The CVRA requires that plaintiffs get full reimbursement for legal fees associated with any successful challenge. ***These can be lessened or eliminated if the district follows a strict and prompt process for districting.***

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What is Districting

Definition

Districting is the initial process of creating election district boundaries.

These boundaries determine:

- Eligibility to run for office – must live within boundaries to qualify for election.
- Who votes in the election – only voters within the zone vote for their board member.

REDISTRICTING PARTNERS

What is Districting

Definition

Districting is the initial process of creating election district boundaries.

These boundaries do not determine:

- How the district decides to govern. The district can still work to achieve goals that benefit the district as a whole rather than the interests of any single zone.
- How services or relationships between the district and the public are managed.

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What is Redistricting?

Redistricting is at its core the act of equalizing population among districts. After a city districts, this occurs every ten years following the release of the decennial US Census datasets.

This is important in order to meet two requirements - one constitutional, one from Supreme Court precedent:

- *Equal Representation (14th Amendment)* - how effective any resident can be at advocating for themselves or being represented within a jurisdiction.

- *One Person One Vote* - equal ability to elect a candidate of choice.

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What is the Voting Rights Act?

The Voting Rights Act is federal law that seeks to remedy racial disenfranchisement. It has two sections impacting redistricting:

Section 2 – Majority Minority Districts

Section 5 – Preclearance (inactive)

The California Voting Rights Act prohibits the use of At Large Election Systems in local government if there is Racially Polarized Voting.

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What is the Voting Rights Act?

The Voting Rights Act Section 2 is enforced when a jurisdiction meets certain preconditions:

1) A minority group must be sufficiently large and geographically compact to comprise a majority of the district;

2) The minority group must be politically cohesive (it must demonstrate a pattern of voting for the same candidates, also known as “bloc voting”); and,

3) A majority of voters vote sufficiently as a bloc usually to defeat the minority group’s preferred candidate.

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What is the Voting Rights Act?

Determining Section 2 obligation requires legal counsel and sometimes a racially polarized voting analysis.

- Does the minority population qualify under Section 2?
- Is the proposed district a sufficient remedy – is it an "effective" majority minority district?
- Is there a claim for a coalition district?
- *Without Section 2, a community of interest can still be supported but race cannot be a predominant factor in drawing lines*.

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What is Gerrymandering

The Gerrymander

The term Gerrymander came from a cartoon depicting a rather serpentine looking district created by Governor Elbridge Gerry in Massachusetts.

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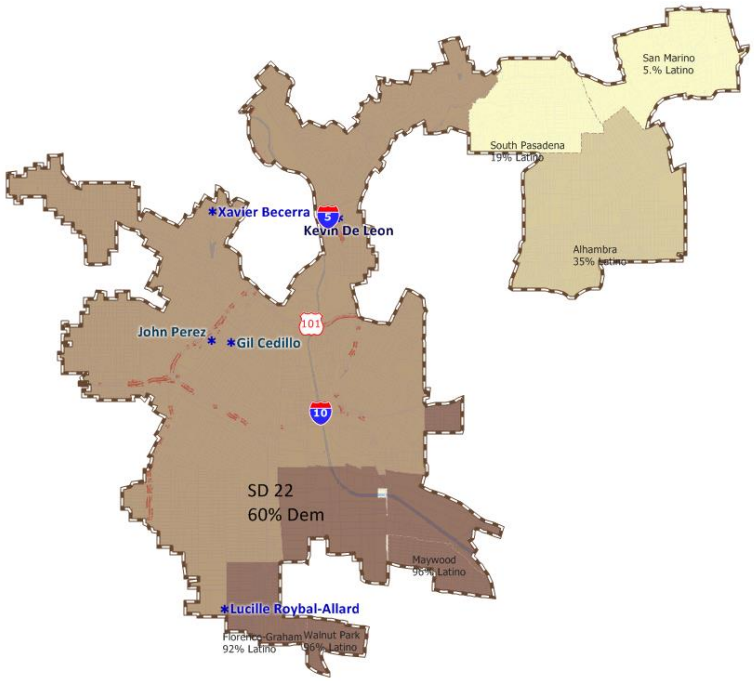
What is Gerrymandering

The Gerrymander

There are more recent examples of gerrymandering, even in California.

This 2001 Senate District is a great example.



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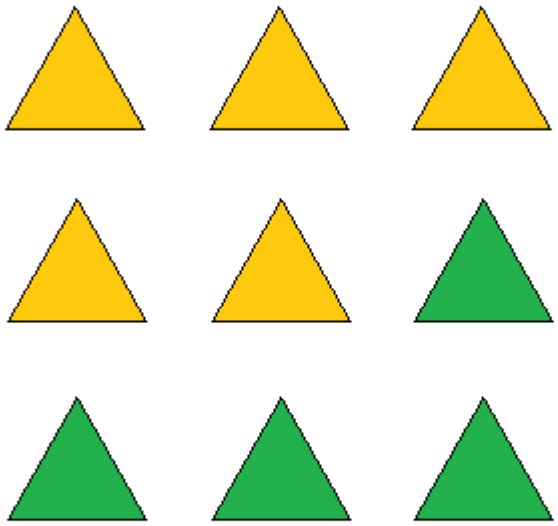
What is Gerrymandering

How does gerrymandering work?



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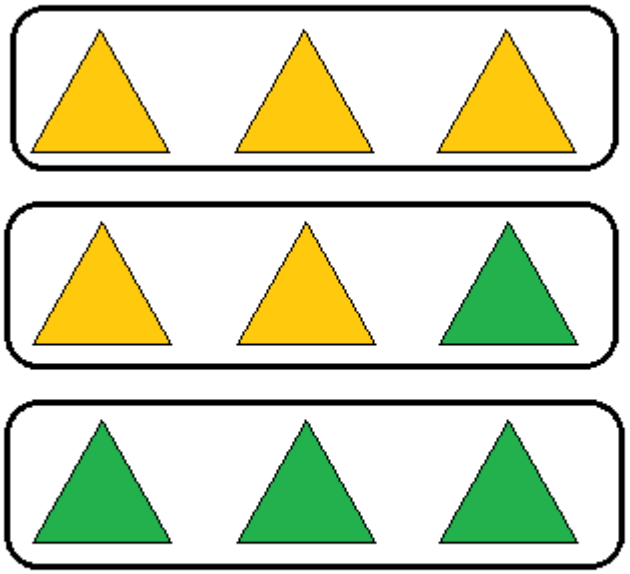

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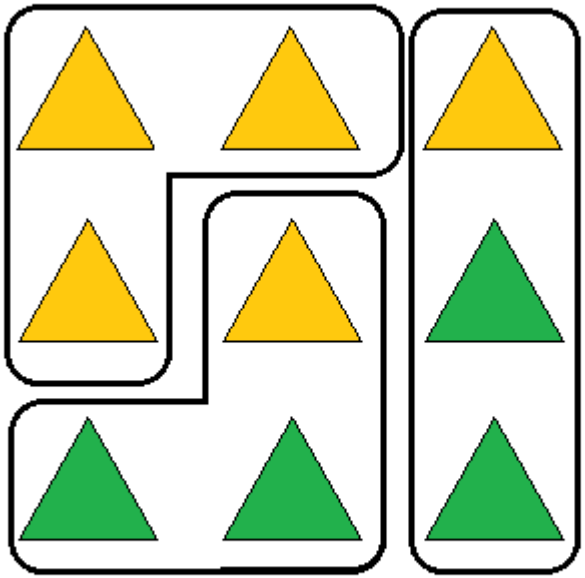

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What is Gerrymandering

Types of Gerrymanders

The two primary types of gerrymanders are Partisan and Racial, but there are more.

Partisan Gerrymandering – current Supreme Court has determined these *non-justiciable* but some state and local laws have stepped in to ban them.

Racial Gerrymandering – courts have repeatedly found these to be unlawful.

Incumbent Gerrymandering – common in any redistricting conducted by the agency itself.

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Required Redistricting Criteria

Traditional redistricting principles used throughout the country and written into state law

There are a number of criteria that are required under the FAIR MAPS Act (ranked):

- **Relatively equal size - people, not citizens**
- Contiguous – districts should not hop/jump
- Maintain "*communities of interest*"
- Easily identifiable and understandable lines, following natural and man-made boundaries
- Keep districts compact – appearance/function

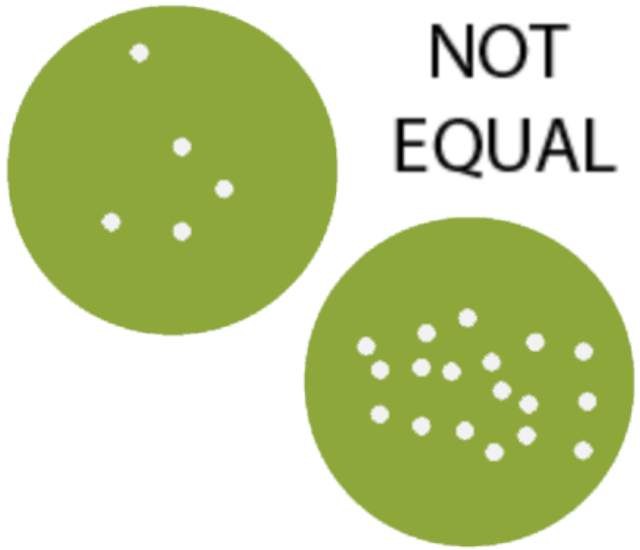
REDISTRICTING PARTNERS

Equal Population

Utilizing the US Census Decennial File

What is “equal” population has been a key subject in districting litigation.

- Population Equality is based on “People” not citizens or voters or other metrics.
- 10% deviation presumed equal. Other agencies / states have different plan deviation requirements.



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Contiguity

Two definitions for what is contiguous

Contiguity should be thought of as "literal" and "functional."

- An area that is one whole piece is "literally contiguous."
- An area that represents how the population functions or how people are connected is "functionally contiguous."

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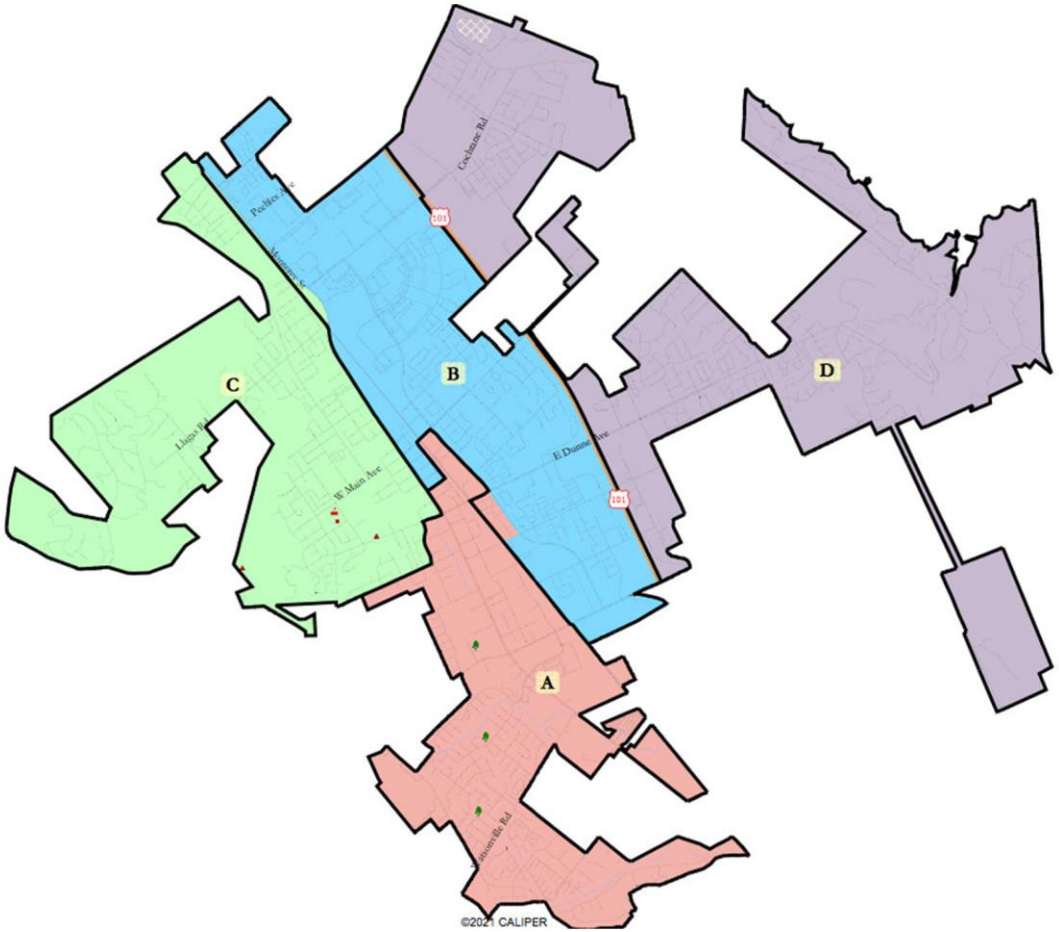
Contiguity

Determining what is “contiguous”



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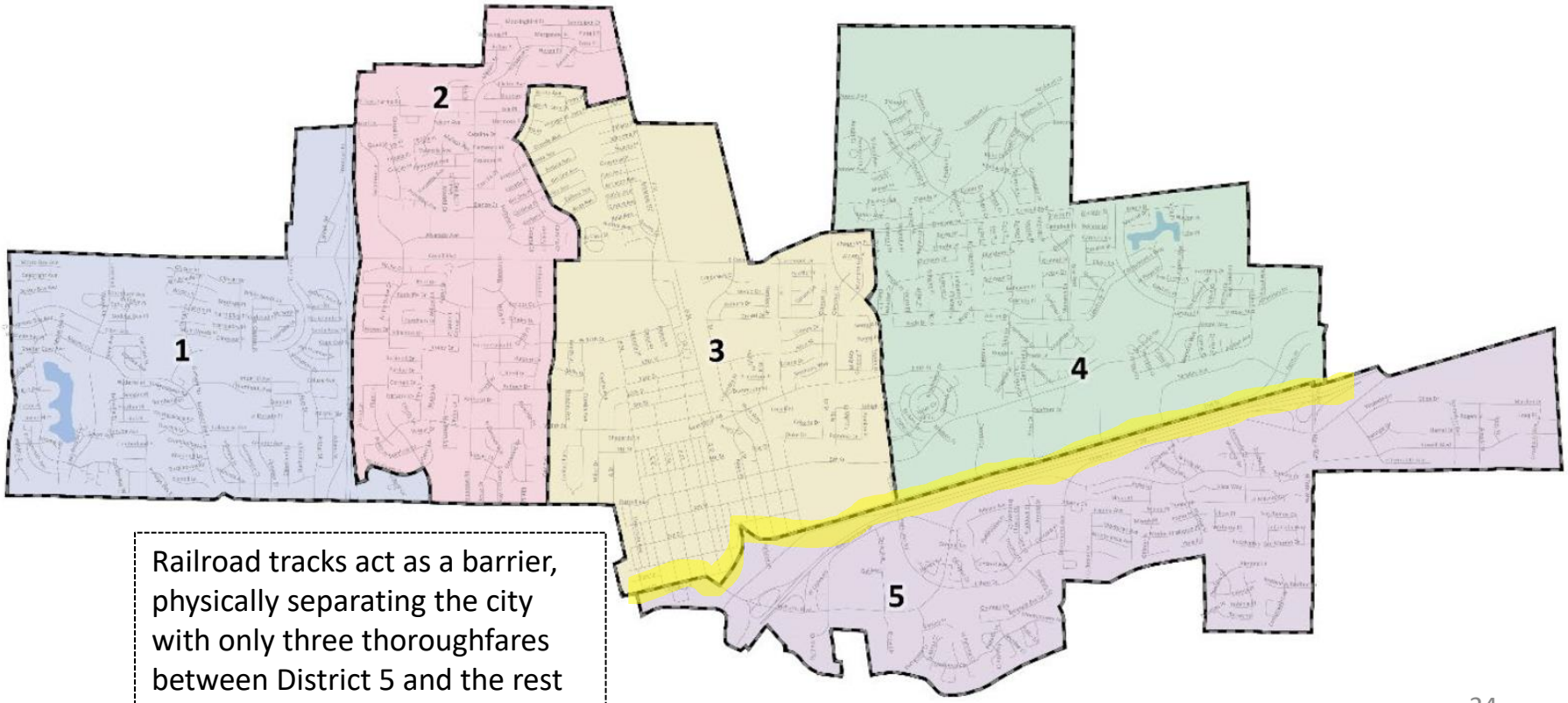

Railroad tracks act as a barrier, physically separating the city with only three thoroughfares between District 5 and the rest of the city.

REDISTRICTING PARTNERS

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- Keep districts compact – appearance/function

REDISTRICTING PARTNERS

Communities of Interest

Bringing like people together for representation

Communities of interest are the building blocks of election-districts. A community of interest includes ethnic and language minorities and other groups.

- Subjective
- Open-ended to be as inclusive as possible

Examples of Voting Rights Act Communities

- Latinos
- Asians
- African Americans

REDISTRICTING PARTNERS

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Examples of Voting Rights Act Communities

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While communities of interest may include race, it cannot be the *predominant factor* in drawing district boundaries.

REDISTRICTING PARTNERS

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- **Keep districts compact – appearance/function**

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Compactness

Determining what is “compact”

The measure of compactness can get complicated.

- Ratio of the circumference of a district and the area of a district.
- Measuring the number of distinct straight lines and the number of kinks and bends.
- Simply outlawing funny shapes.

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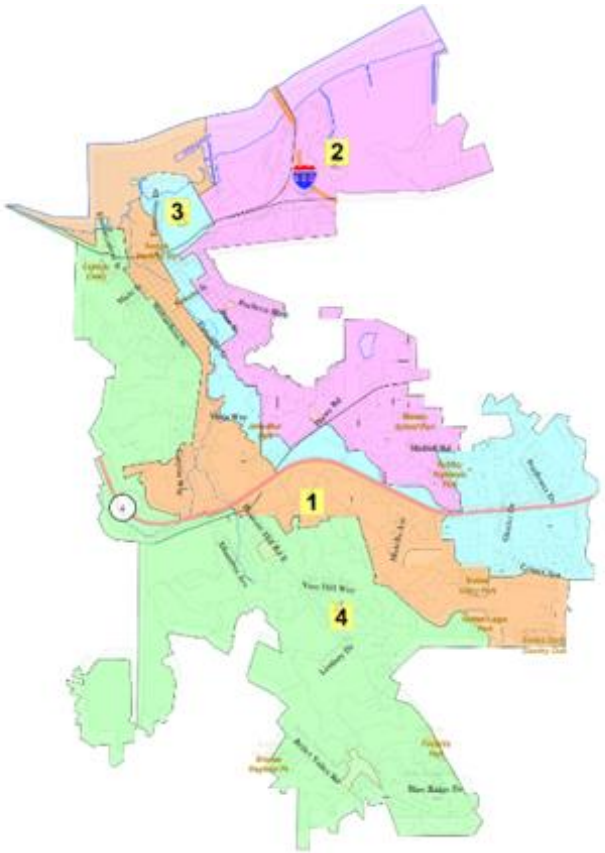
Compactness

Determining what is “compact”



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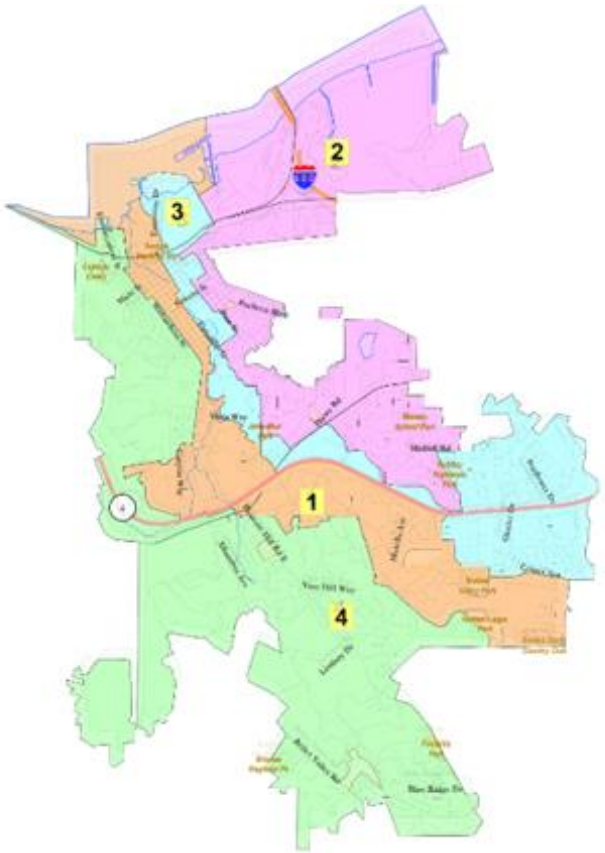
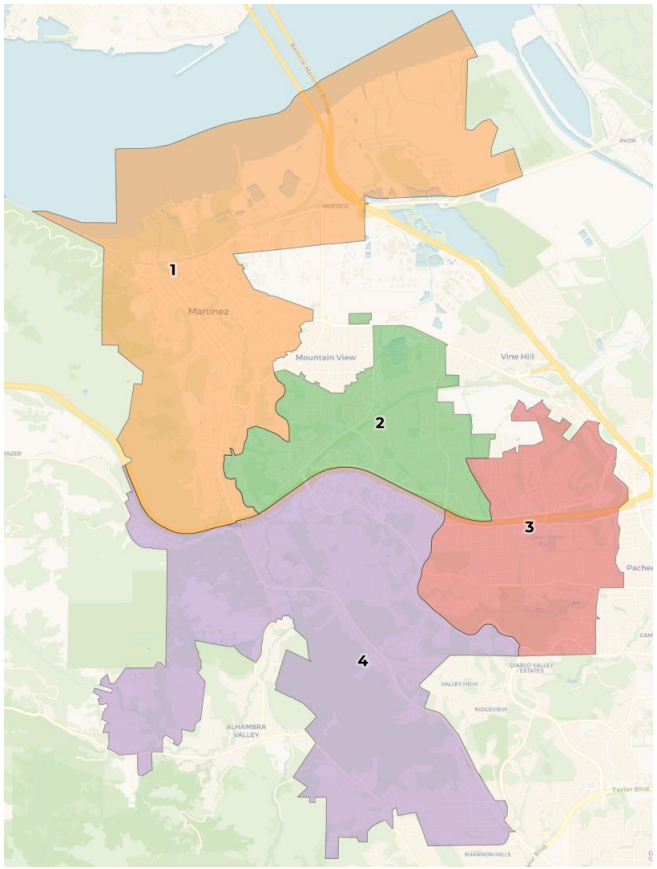
Compactness

Determining what is “compact”





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Additional Redistricting Rules

Criteria required in the City of Laguna Niguel Beyond Traditional Principles

The FAIR MAPS Act adds more criteria to the process.

- Not consider Incumbents / Candidates.
- Not draw districts to advantage or disadvantage a political party.
- Hold minimum set of hearings, encourage public engagement.
- Posting of all redistricting commission information on a website that is maintained *for the next 10 years*.

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The mechanics of Redistricting

Census Data

Census Files come in two parts:

Geography – the underlying framework of the data

Data – the counts of population and demographics

And they can convey different information:

Point in Time – Decennial Census

Multi-year Averages – Trends/Estimates

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The mechanics of Redistricting

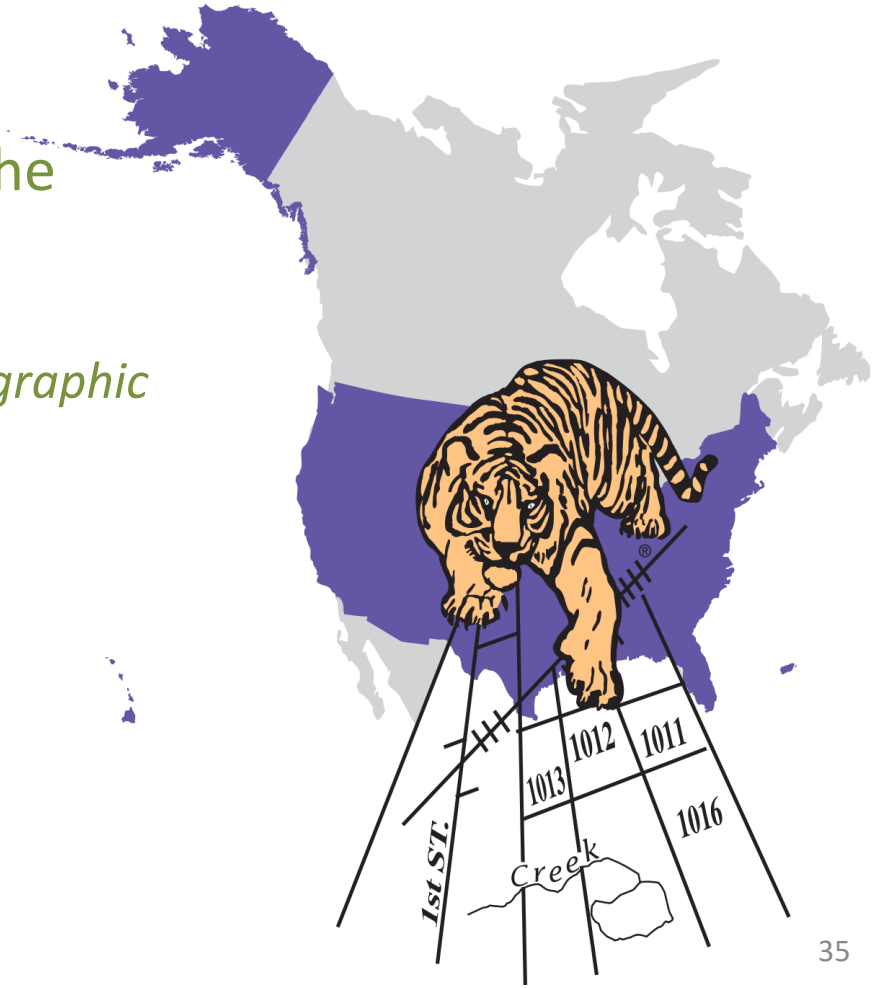
Census Data

The Geography is called the TIGER Files

- Topologically Integrated Geographic Encoding and Referencing

- Nested geographic units

- *Block*
- *Block Group*
- *Tract*



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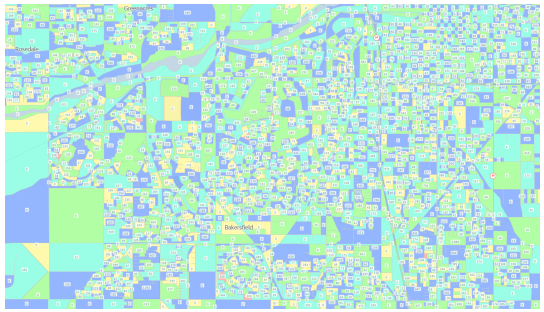
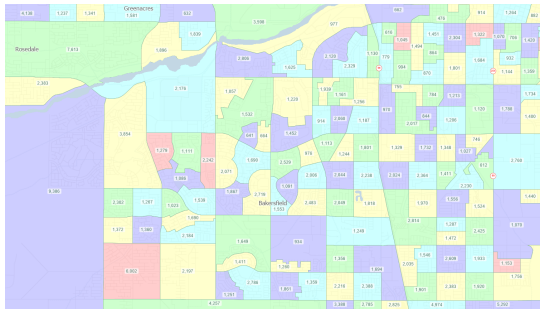
The mechanics of Redistricting

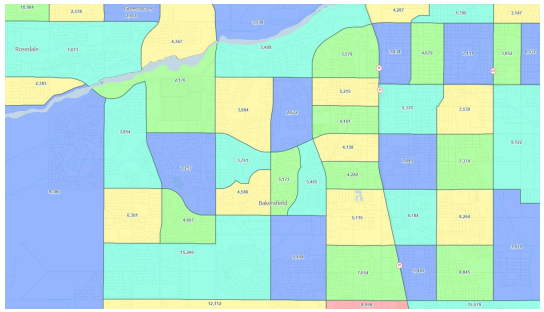
Census Data



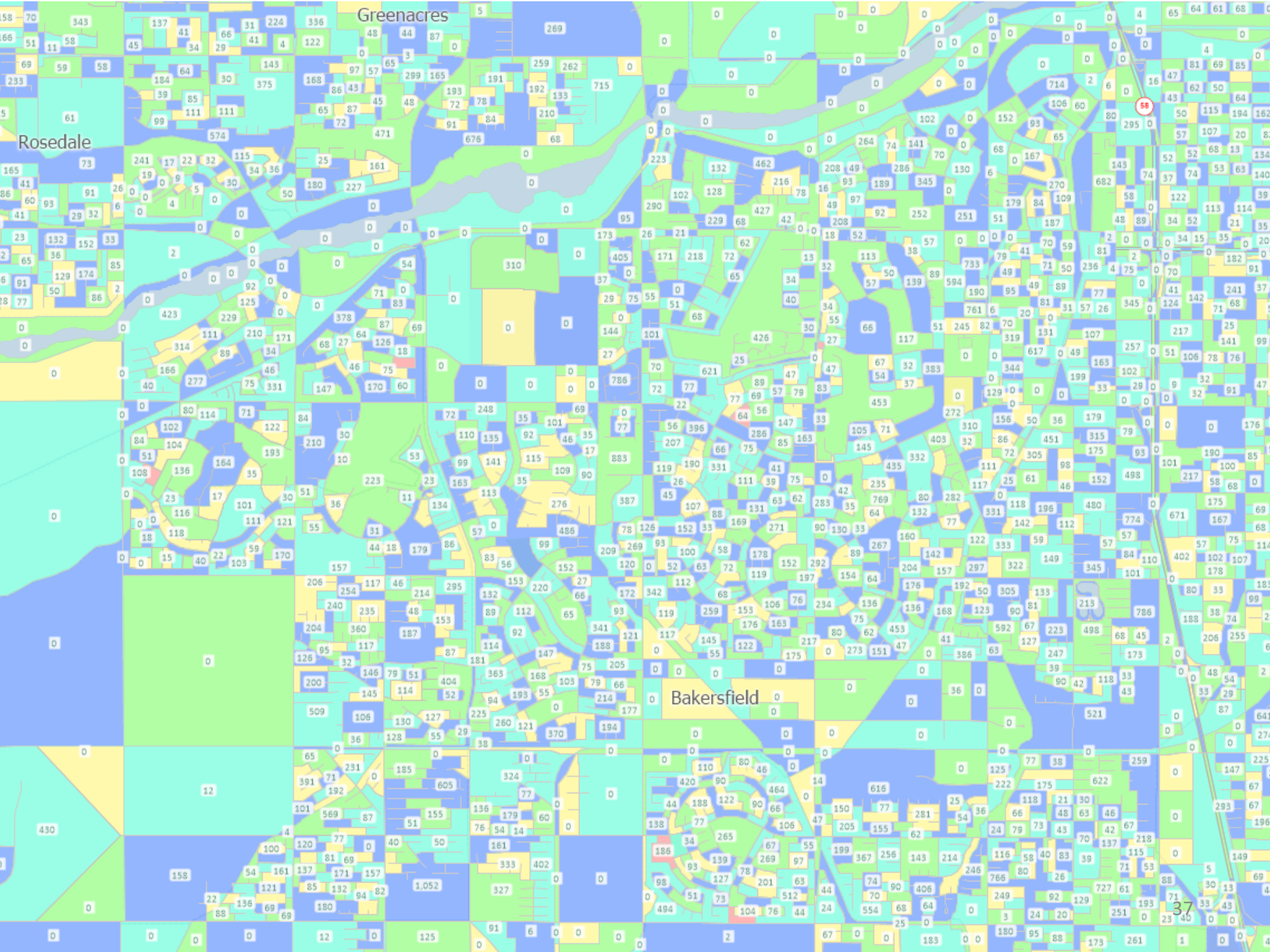
Census Blocks



Census Block Groups



Census Tracts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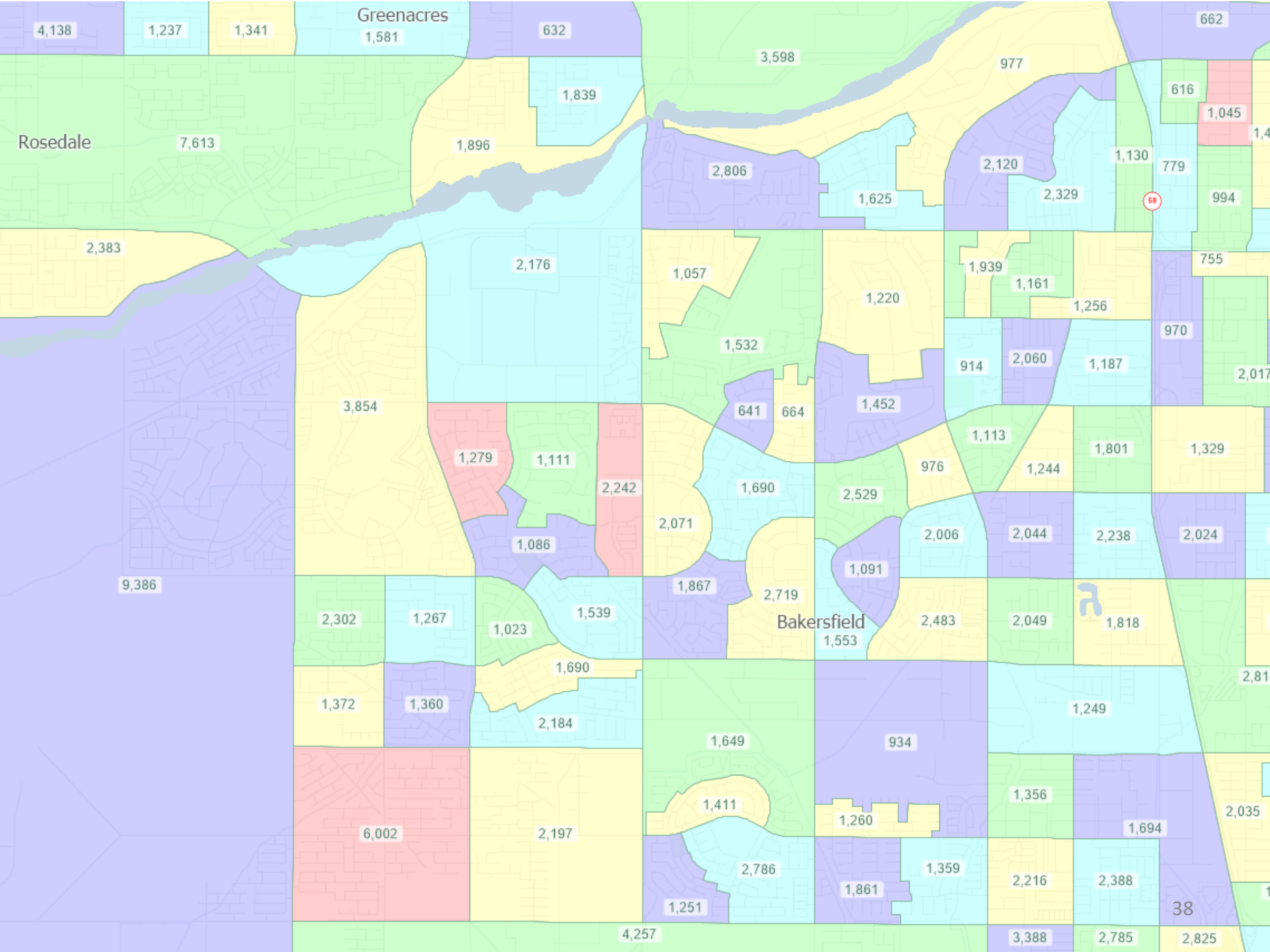
Rosedale
Bakersfield
58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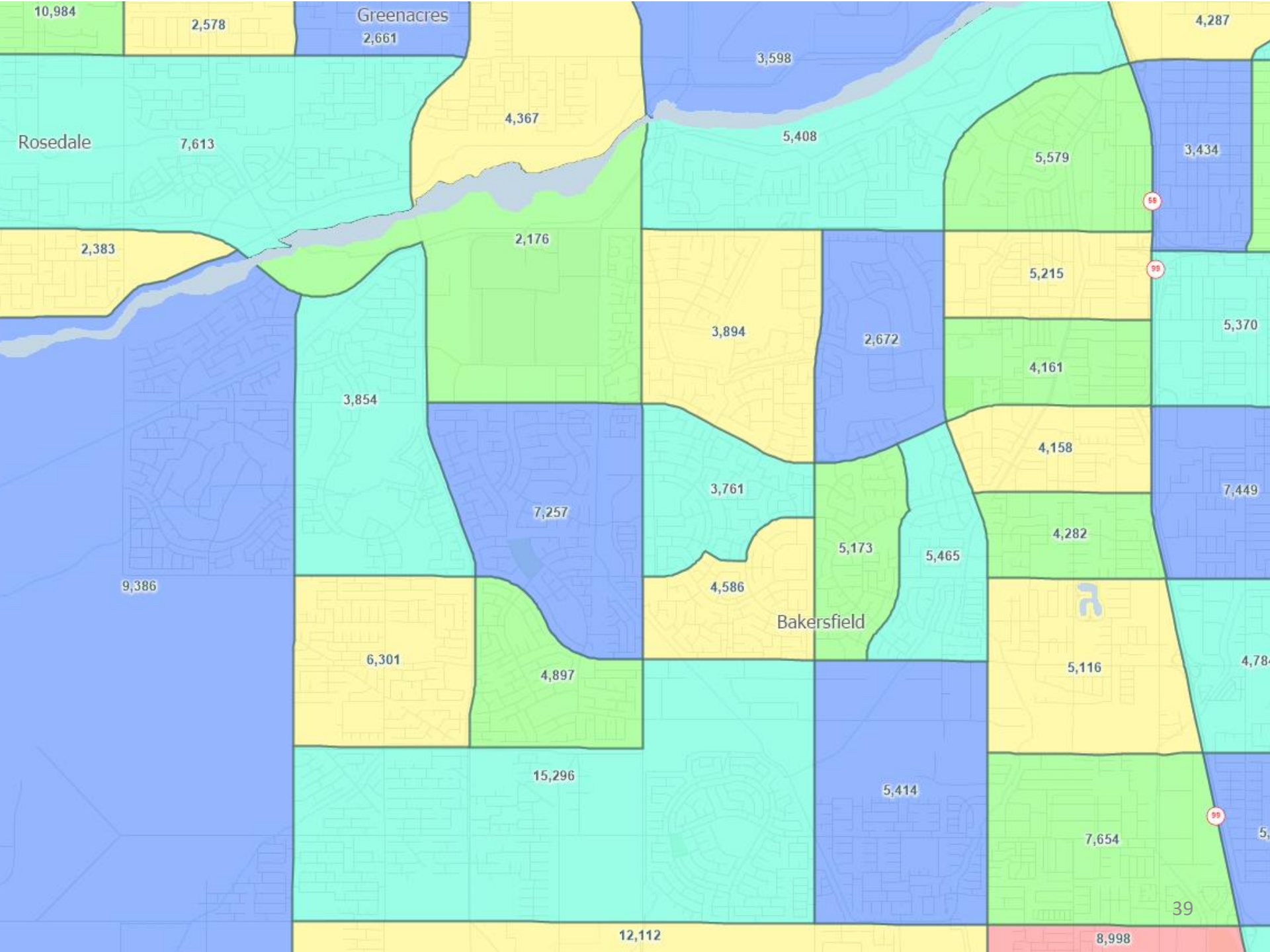
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Bakersfield
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4,897
5,116
15,296
5,414
7,654
12,112
8,998

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The mechanics of Redistricting

Census Data

Two different datasets most commonly used in redistricting:

- PL 94-171 - the Decennial Census File
  - Census Block Geography
  - Total Population Counts for April 1, 2020, used to determine the size of each district
    - Even though we are now in 2023, we are still required to use this dataset to balance the districts.

REDISTRICTING PARTNERS

The mechanics of Redistricting

Census Data

The census data file the city is required to use will be slightly different:

- Statewide Prisoner Reallocation
    - California Statewide Database | UC Berkeley – adjusted population removing state prison population and reallocating them based on where they lived prior to being incarcerated.
    - This allows a more equitable redistricting.

REDISTRICTING PARTNERS

The mechanics of Redistricting

Census Data

Two different datasets most commonly used in redistricting:

- American Community Survey (ACS)
  - Census Block Group and Census Tract or larger geographies
  - Results in estimated data that provides more context to the Census results with demographic and socioeconomic info.
  - Provides Citizen Voting Age Population (CVAP)

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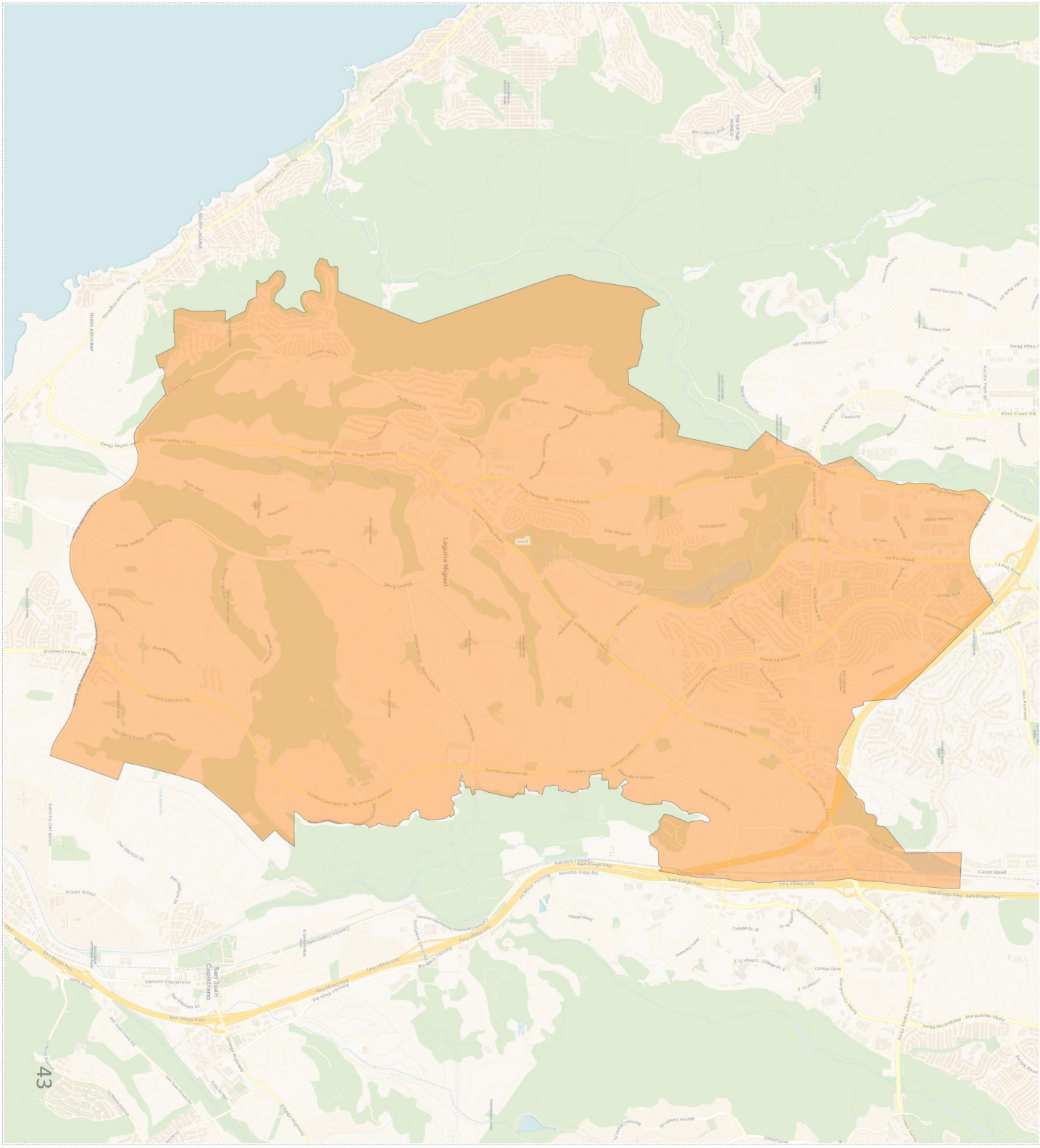
City of Laguna Niguel

At Large



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City of Laguna Niguel
At Large

2020 Census

	At Large
Population	64,417
Deviation	0
Deviation %	0.0%
Other	46,794
Other %	72.6%
Latino	10,537
Latino %	16.4%
Asian	6,309
Asian %	9.8%
Black	777
Black %	1.2%

Citizen Voting Age Population (CVAP)

	1
Total CVAP	48,210
Other CVAP	36,672
Other CVAP %	76.1%
Latino CVAP	5,595
Latino CVAP %	11.6%
Asian CVAP	5,052
Asian CVAP %	10.5%
Black CVAP	891
Black CVAP %	1.8%

REDISTRICTING PARTNERS

City of Laguna Niguel

Districting Timeline

Proposed Schedule:

September 5, 2023	**Public Hearing #1 (Pre-map)**
September 19, 2023	Public Hearing #2 (Pre-map)
November 7, 2023	Public Hearing #3: Introduce Draft Maps
December 5, 2023	Public Hearing #4: Revised Draft Maps
January 2024	Public Hearing #5: Final Vote