

Voting Rights Act and Other Considerations in Redistricting

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Where to draw the lines?

**U.S. Constitution, 52 U.S.C. § 10301,
Cal. Election Code §§ 21500, 23003(i), Santa Barbara Code § 2-10.9A**

- Equal population
- Race and ethnicity
- Contiguity
- Neighborhoods and communities
- City or census designated place
- Identifiable bounds
- Compactness
- Partisan favoritism

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Equal population

District population must be “substantially equal” (< 10% difference)

	Population	Deviation
District 1	1,010	+ 1.0 %
District 2	1,035	+ 3.5 %
District 3	980	- 2.0 %
District 4	940	- 6.0 %
District 5	1,005	+ 0.5 %
District 6	990	- 1.0 %
District 7	965	- 3.5 %
District 8	1,020	+ 2.0 %
District 9	1,050	+ 5.0 %
District 10	1,005	+ 0.5 %
<i>Total population</i>		<i>10,000</i>
<i>Average</i>		<i>1,000</i>
<i>Total deviation</i>		<i>11.0%</i>

Equal representation: total population

Districts based on total population as reported by the Census

The logo for the United States Census 2020 is centered on a solid blue square. It features the words "United States" in a smaller, white, sans-serif font, followed by a registered trademark symbol (®). Below this, the word "Census" is written in a large, bold, white, sans-serif font. At the bottom, the year "2020" is also in a large, bold, white, sans-serif font.

United States[®]
Census
2020

Equal representation: Students

- **Census data will be helpful here, but you may review other data to confirm that the Census accurately captured the student populations that consider themselves to be residents of the county**
- **Such data may be used to attempt to rebut the presumption that a plan with greater than 10% deviation lacks equal population**

Equal representation: incarceration



State prisons:

people counted at their last residence

Federal prisons:

“unknown geographical location in the state”

Data adjusted by the Statewide Database

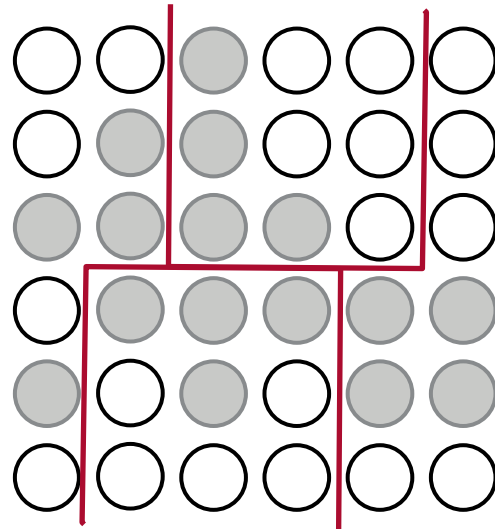
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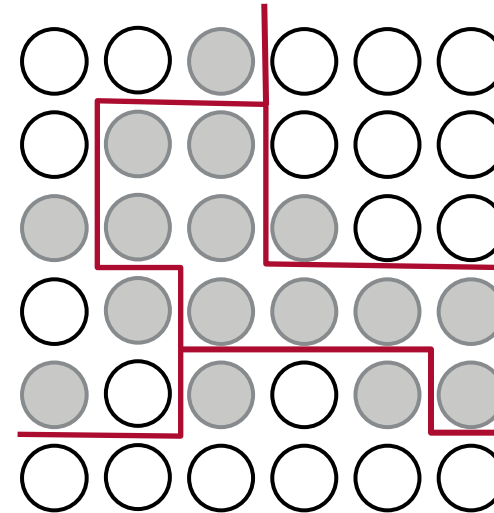
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Rule One

Don't set out to hurt voters based on their race or ethnicity



“Cracking”



“Packing”

- No matter if lines are “pretty”
- No matter the ultimate motive

Rule Two

Comply with the Voting Rights Act

- Are there sizable, relatively concentrated minority communities?
- Do the minority communities have distinct electoral preferences?
- Did (or do) underrepresented minorities face discrimination?
- Can we design districts to give minorities a fair shot?

Voting Rights Act predicate

Are there sizable, relatively concentrated minority communities?

- > 50% of the electorate in a district-sized population

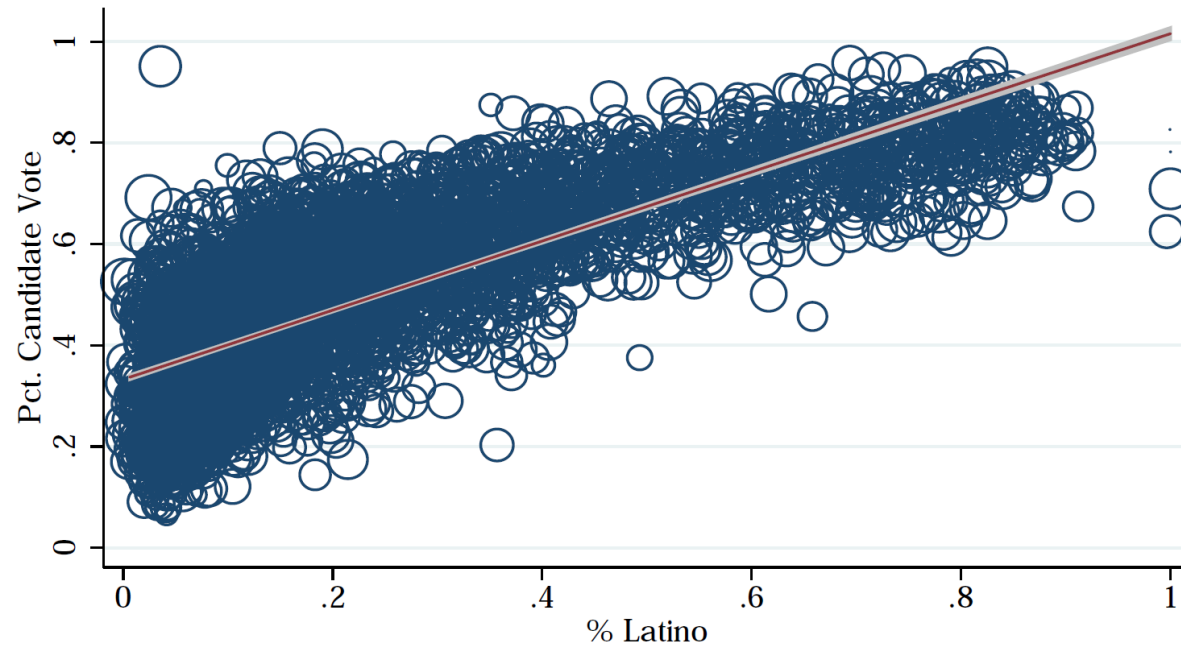
(CVAP)

(total population)

Voting Rights Act predicate

Do the minority communities have distinct electoral preferences?

(Is voting racially polarized?)



Voting Rights Act predicate

Did (or do) underrepresented minorities face discrimination?

- rough overall proportionality in the jurisdiction
- history of voting-related discrimination
- extent of racially polarized voting
- extent of discriminatory voting practices or procedures
- exclusion of minorities from candidate slating
- extent to which minorities bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process
- extent to which minorities have been elected
- extent to which elected officials are unresponsive to the particularized needs of minorities
- etc.

Voting Rights Act responsibility

Can we design districts to give minorities a fair shot?

Iterative process

- Determine approximate localized threshold for electoral effectiveness (not just 50% demographic)
- Seek pockets of population containing communities with effective electoral strength
- Consider other criteria at the same time
- Repeat

Rule Three

Consider other factors at the same time

Race can only “predominate” if there’s a really good reason



Avoiding insufficient attention to race

- Are local minority groups large enough to be > 50% “CVAP” (separately or together)
- Do local minority groups have distinct political preferences (separately or together, primaries or general elections)
- Is there a history of discrimination with lingering effects?
- Do minority groups have a meaningful opportunity in a proportional number of districts?
- What would it take for the local minority groups to have meaningful opportunities to elect candidates of their choice?

Avoiding the improper use of race

- It's fine to consider race and ethnicity
- Don't set out to overpack
- Don't set out to divide / splinter
- Consider factors in addition to race / ethnicity (and explain those other factors)
 - Communities of interest
 - City / county / neighborhood boundaries
 - Compactness (based on population)

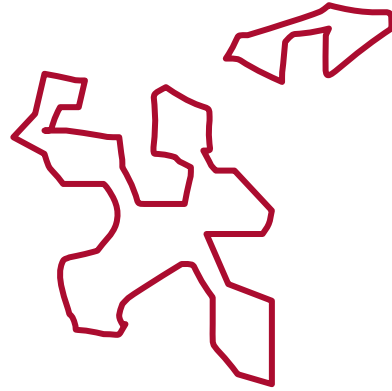
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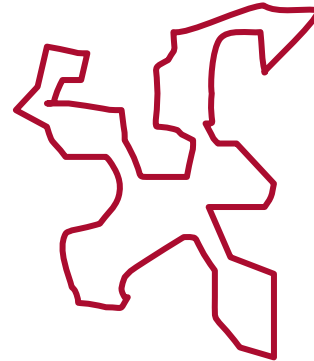
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Contiguity

All parts of a district must be connected to each other



No



Yes

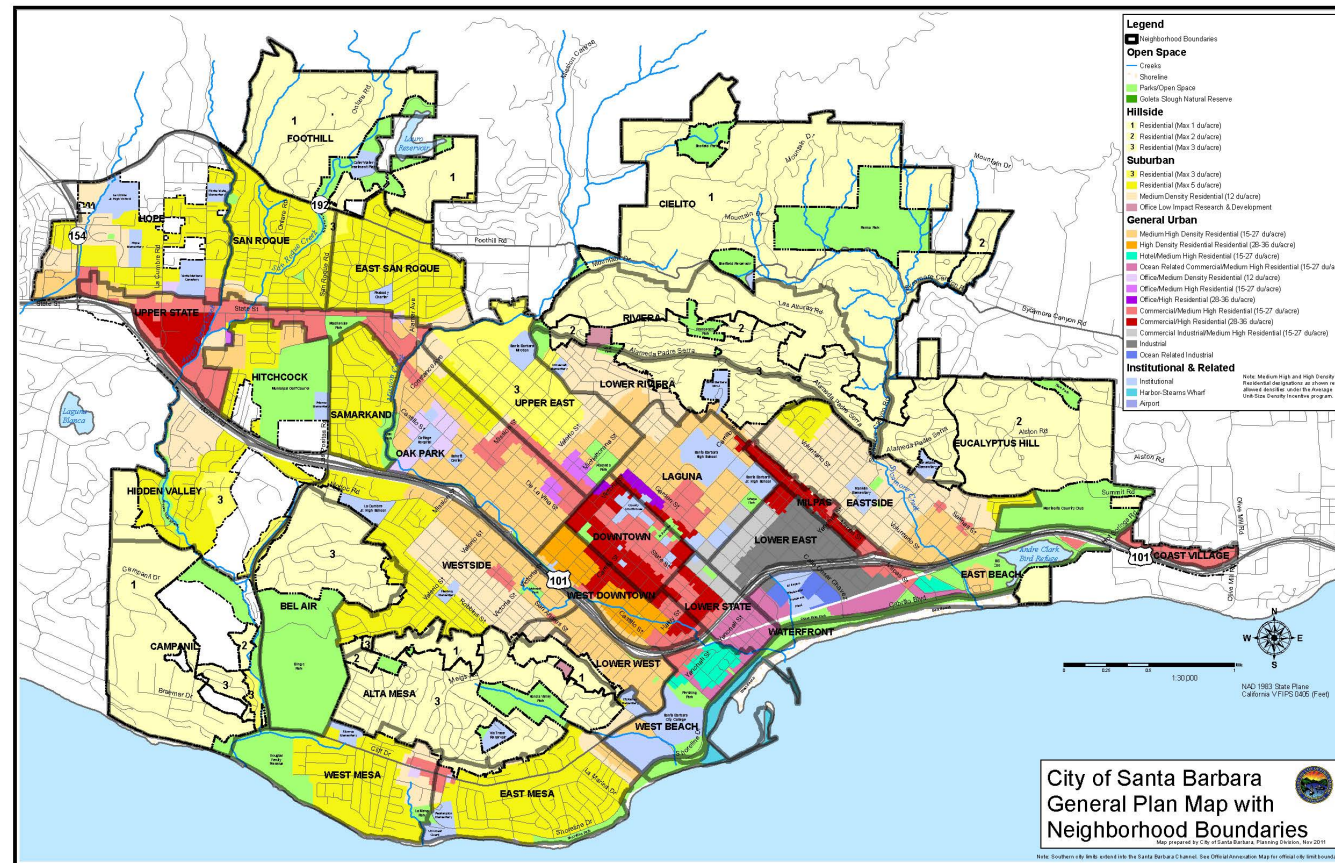
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Neighborhoods

Minimize division of a local neighborhood or local community of interest



Communities of interest

Minimize division of a local neighborhood or local community of interest

“A community of interest is a population that shares common social and economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.”

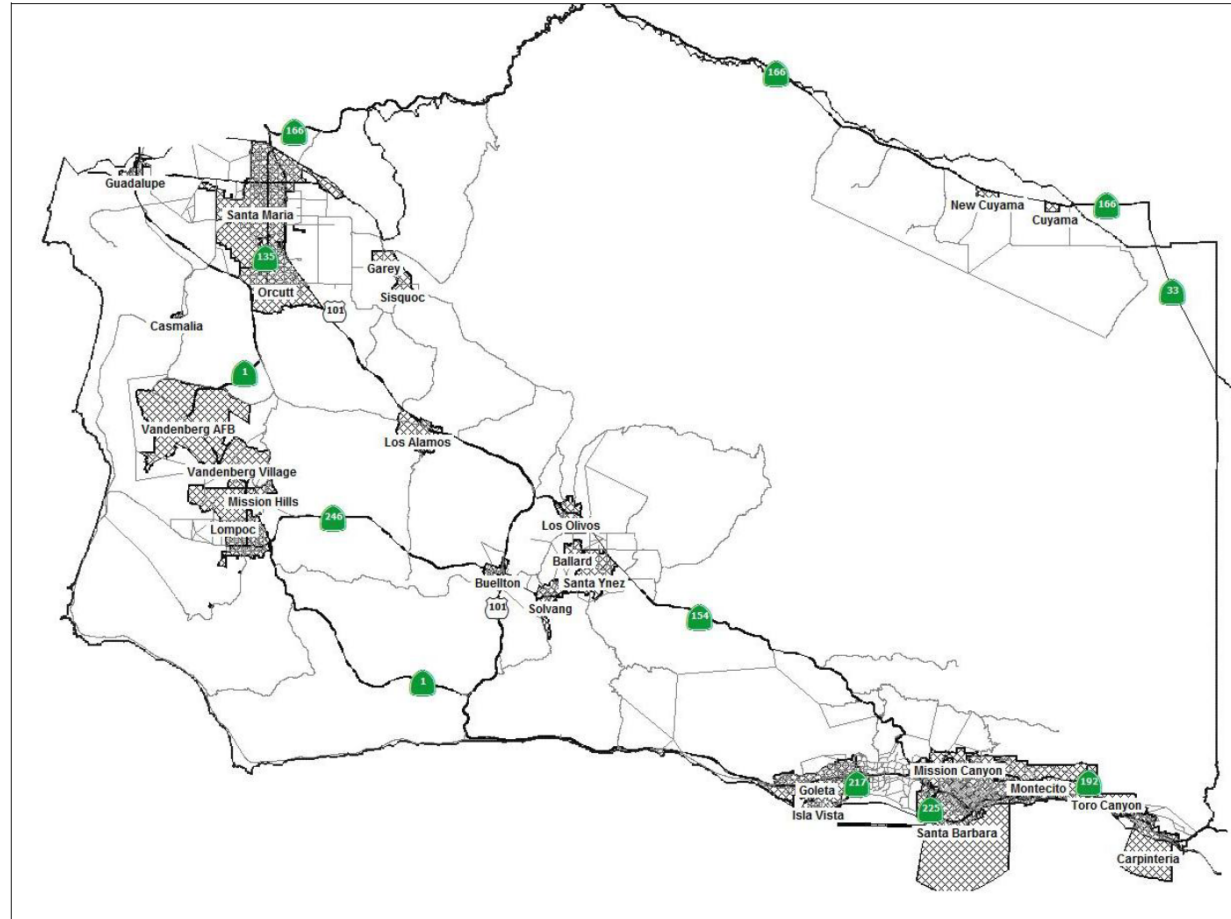
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Cities and census places

Minimize division of a city or census designated place



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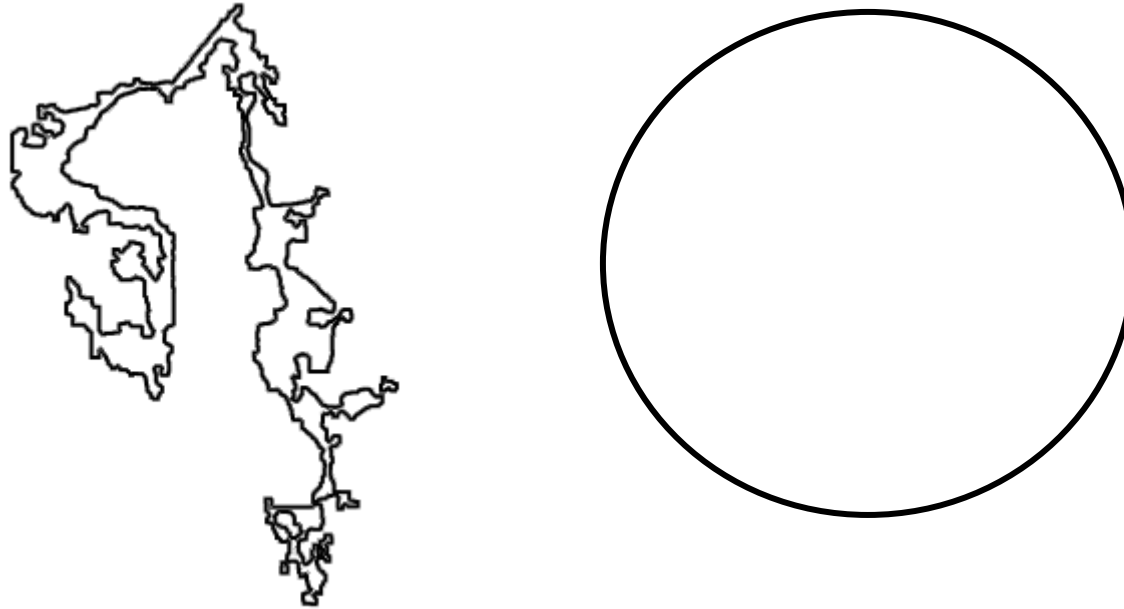
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Compactness

Many think of “compactness” in terms of abstract shapes



But that doesn't fit California law

Compactness

Some think of “compactness” in terms of geometric formulas

- Total perimeter length
- Area v. area of circle with same perimeter (Cox/Polsby-Popper)
- Area v. area of circumscribing circle (Reock)
- Area v. area of circumscribing convex hull (Niemi)
- Diameter of circumscribing circle (Frolov)
- Moment of inertia / distance to center of gravity (Boyce-Clark)
- Significant corners (Kaufman-King)
- Inward-bending v. outward-bending angles (Taylor)
- Shortest path remaining in district (Chambers-Miller)

But that doesn't fit California law

Compactness

California standard: Don't bypass nearby population



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Candidates and parties

State law

- Don't draw districts for the purpose of favoring or discriminating against a political party

Santa Barbara ordinance

- Don't draw districts for the purpose of favoring or discriminating against a candidate or party
- Don't consider the residence of any candidate

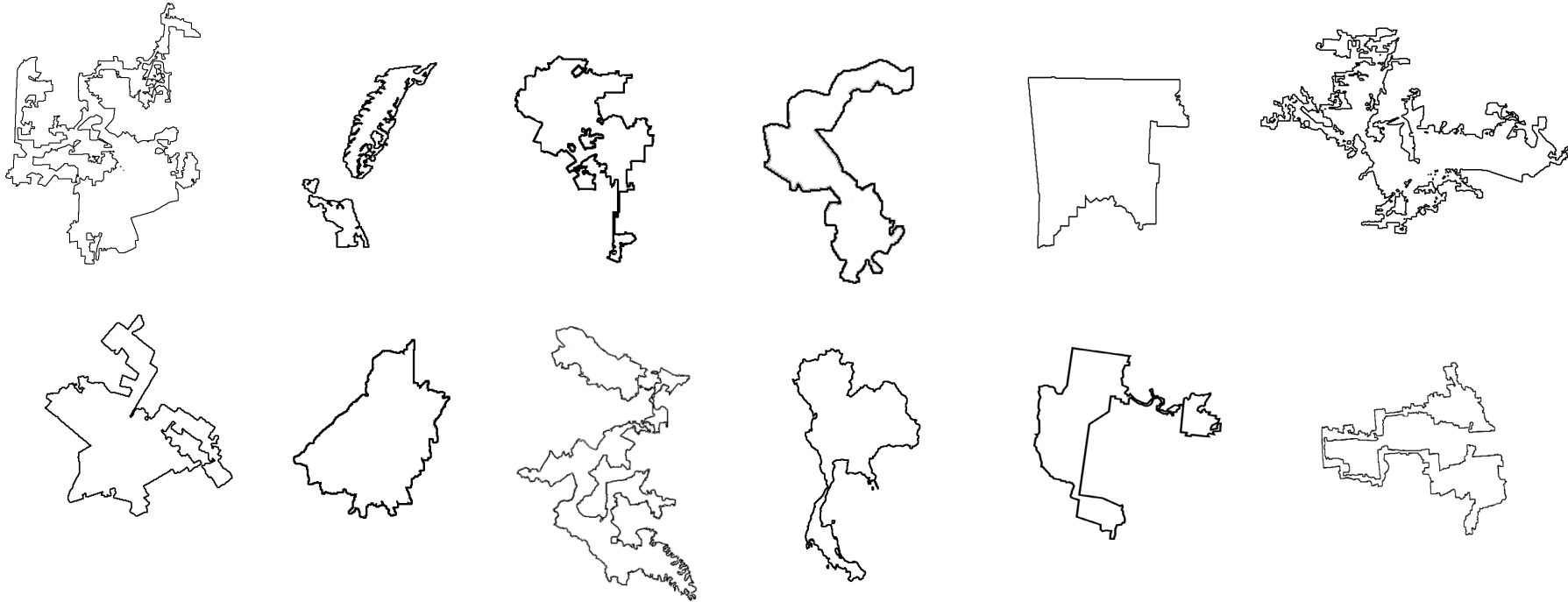
Every decision has tradeoffs

Strict constraints make everything else harder

- Maintaining reasonably equal population
- Compensating for known Census problems
- Providing equitable opportunity for minority voting power
- Preserving neighborhoods / communities / cities
- Adjusting shape

Watch out for learned human tendencies

Many people have preconceived notions about what “good” looks like



Without more info,
you can't know whether any of these are “good”

The right approach

- Is there a history of discrimination?
- Do minority groups already have proportional opportunity?
- What's the appropriate local minority concentration that gives a reliable practical opportunity to elect?
(doesn't have to be exact, but has to have "strong basis")
- Consider other factors too!
 - Communities of interest
 - City / county / neighborhood boundaries
 - Compactness (based on population)

Early and often – it's iterative

- Start early with data
- Give time to consider blocs of multiple minority groups
- Give time to try different combinations