



ASIAN AMERICANS
**ADVANCING
JUSTICE**
LOS ANGELES

THE VOTING RIGHTS ACT *AND* BEST PRACTICES FOR REACHING AAPI COMMUNITIES IN REDISTRICTING

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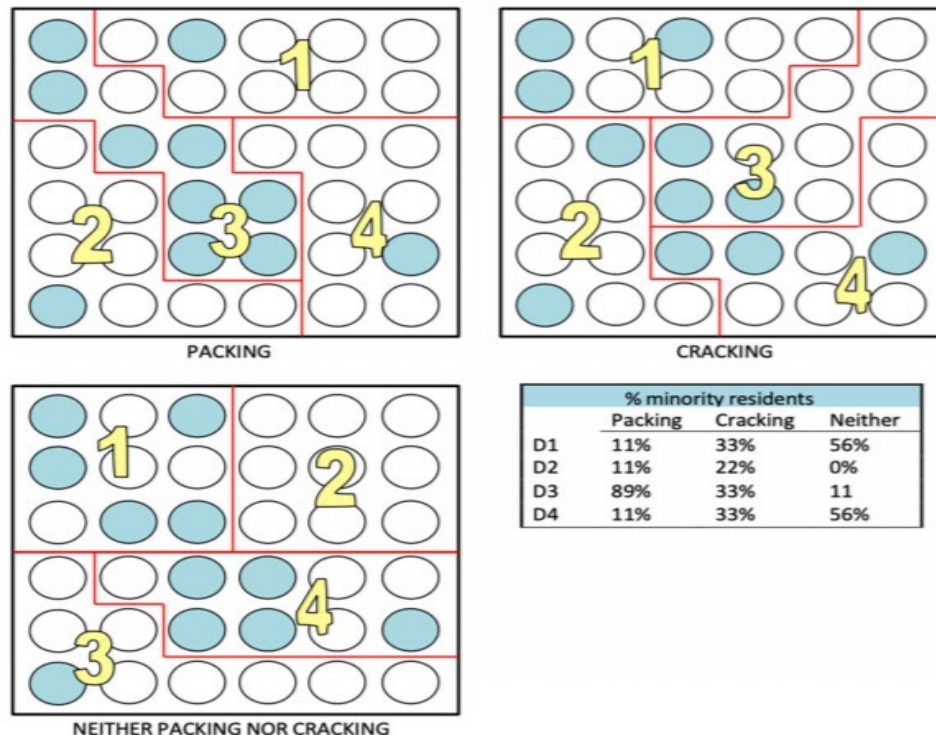
WHY IS THE VOTING RIGHTS ACT (VRA) IMPORTANT?

- The Voting Rights Act:
 - Prohibits discrimination in voting on the basis of race, color, or membership in a language minority group.
 - Stands for the idea that every citizen should have an equal opportunity to participate in our democracy.
 - Helps remedy the long history of racial discrimination in voting in our country.



WHY IS THE VRA IMPORTANT?

- Various districting and redistricting techniques have historically been used, and are still used, to dilute the political power of racial and ethnic groups. The two most common techniques are “packing” and “cracking.”



WHEN DOES THE VRA APPLY?

- 1) Is there a racial minority group that is sizable and relatively concentrated, so that it could form the majority of a hypothetical district?
- 2) Is that minority group politically cohesive—do they tend to vote for the same candidates and/or ballot measures (not always partisan)?
- 3) Does the majority vote differently from the minority group, making it difficult for the minority group to elect candidates of their choice?
- 4) Does the minority group have less of an opportunity to affect the electoral process, have they faced historic or present discrimination?



WHEN DOES THE VRA APPLY?

- Section 2 applies even if the decision makers did not *intend* to discriminate on the basis of race.
- Section 2 of the VRA establishes a floor—it is important to comply with the VRA, but you should also look beyond the VRA at opportunities to empower communities.





SANTA BARBARA COUNTY REDISTRICTING FUNDAMENTALS

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MEXICAN AMERICAN LEGAL DEFENSE AND EDUCATIONAL FUND (MALDEF)

REDISTRICTING RULES...

...AND WHAT INFORMATION YOU NEED TO ANALYZE
CRITERIA

REDISTRICTING RULES...

Santa Barbara County Redistricting Criteria

1. Constitutional Mandate: One Person, One Vote
2. Federal Legal Mandate: The Voting Rights Act
3. Contiguity
4. Maintaining Neighborhoods and Communities of Interest (COI)
5. Preserve Cities or Census Designated Places
6. Follow Natural or Artificial Boundaries
7. Compactness

...INFORMATION YOU NEED, PART 1

Santa Barbara County Redistricting Criteria

1. Constitutional Mandate: One Person, One Vote
 - Adjusted PL94-171 Redistricting data
 - Via Statewide Database (<https://statewidedatabase.org/>)

2. Federal Legal Mandate: The Voting Rights Act
 - Adjusted PL94-171 Redistricting data
 - Citizen Voting Age Population (CVAP) Data
 - via Census Bureau's American Community Survey
 - Election Information (Registration, Votes Cast, and Election Results)
 - Via Statewide Database (<https://statewidedatabase.org/>) or local election officials
 - Public Testimony

ONE PERSON, ONE VOTE

- **Each district must be substantially equal in total population**
 - **Census is the data source of total population**
 - **This is why redistricting happens ever 10 years**
- Census counts every person in the U.S. regardless of age or citizenship status.

HOW DO YOU CALCULATE EQUAL POPULATION: EXAMPLE

- City has Total Population = 100,000 and 4 City Council Districts
 - Ideal Population = $100,000 / 4 = 25,000$ People

Plan	District 1 Population	District 2 Population	District 3 Population	District 4 Population	District 1 Deviation	District 2 Deviation	District 3 Deviation	District 4 Deviation	District 1 Deviation %	District 2 Deviation %	District 3 Deviation %	District 4 Deviation %	Total Plan Deviation Range	Total Plan Deviation Range %
Draft 1	24,000	24,500	25,500	26,000	-1,000 (Low)	-500	+500	+1,000 (High)	-4.00% (Low)	-2.00%	+2.00%	+4.00% (High)	2,000 (-1000 to +1000)	8.00% (-4.00% to +4.00%)
Draft 2	26,500	24,000	28,000	21,500	+1,500	-1,000	+3,000 (High)	-3,500 (Low)	+6.00%	-4.00%	+12.00% (High)	-14.00% (Low)	6,500 (-3500 to +3000)	26.00% (-14.00% to +12.00%)
Draft 3	24,500	25,450	25,300	24,750	-500 (Low)	+450 (High)	+300	-250	-2.00% (Low)	+1.80% (High)	+1.20%	-1.00%	900 (-500 to +450)	3.80% (-2.00% to +1.80%)

KEY POPULATION TERM

- **Total Population** – Everyone!
- **Voting Age Population (VAP)** – Everyone 18 and over!
- **Citizen Voting Age Population (CVAP)** – All eligible voters; Everyone 18 and over AND a citizen
- **Registration** – Those registered to vote
 - **Surname Registration** – Estimated registration percentages of those with ethnic last names (Like Latinos!)
- **Votes Cast (VC)** – Those that cast a ballot in an election
 - **Surname Votes Cast** – Estimated votes cast percentages of those with ethnic last names (Like Latinos!)
 - Not to be confused with Turnout

QUESTIONS TO ESTABLISH A SECTION 2 VIOLATION

1. Is the minority group **sufficiently large and geographically compact** to make up a majority in a district?
 - Is the minority group greater than 50% of the CVAP?
 2. Is the minority group **politically cohesive**?
 - This means that the voters in the group tend to vote in favor of the same candidates and ballot positions
 3. Does the majority voting bloc generally vote to **defeat the minority-preferred candidates** and positions?
 - Numbers 2 and 3 equal racial polarized voting (RPV)
- **Bottom line:** Given the “totality of circumstances,” does the minority group have less opportunity than other members of the electorate to participate in the electoral process and to elect representatives of its choice?

QUESTIONS TO ESTABLISH A SECTION 2 VIOLATION

1. Is the minority group **sufficiently large and geographically compact** to make up a majority in a district?
 - Is the minority group greater than 50% of the CVAP?
 - Need PL94-171 Redistricting Data and ACS data

QUESTIONS TO ESTABLISH A SECTION 2 VIOLATION

2. Is the minority group **politically cohesive**?
 - This means that the voters in the group tend to vote in favor of the same candidates and ballot positions
 3. Does the majority voting bloc generally vote to **defeat the minority-preferred candidates** and positions?
- **Numbers 2 and 3 equal racial polarized voting (RPV)**
 - Need registration, votes cast, and election results to conduct RPV

QUESTIONS TO ESTABLISH A SECTION 2 VIOLATION

- **Bottom line:** Given the “totality of circumstances,” does the minority group have less opportunity than other members of the electorate to participate in the electoral process and to elect representatives of its choice?
- History and testimony, along with demographic and RPV data can help show.

...INFORMATION YOU NEED, PART 2

Santa Barbara County Redistricting Criteria

3. Contiguity
 - A Map / GIS Software
4. Maintaining Neighborhoods and Communities of Interest (COI)
 - Public Testimony
5. Preserve Cities or Census Designated Places
 - A Map / GIS Software
6. Follow Natural or Artificial Boundaries
 - A Map / GIS Software
7. Compactness
 - A Map / GIS Software



THANK YOU

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COMMUNITIES OF INTEREST: DEFINITION

- “A ‘community of interest’ is a population that shares common social or economic interests that should be included within a single supervisorial district for purposes of its effective and fair representation.”



COMMUNITIES OF INTEREST: POSSIBLE FACTORS

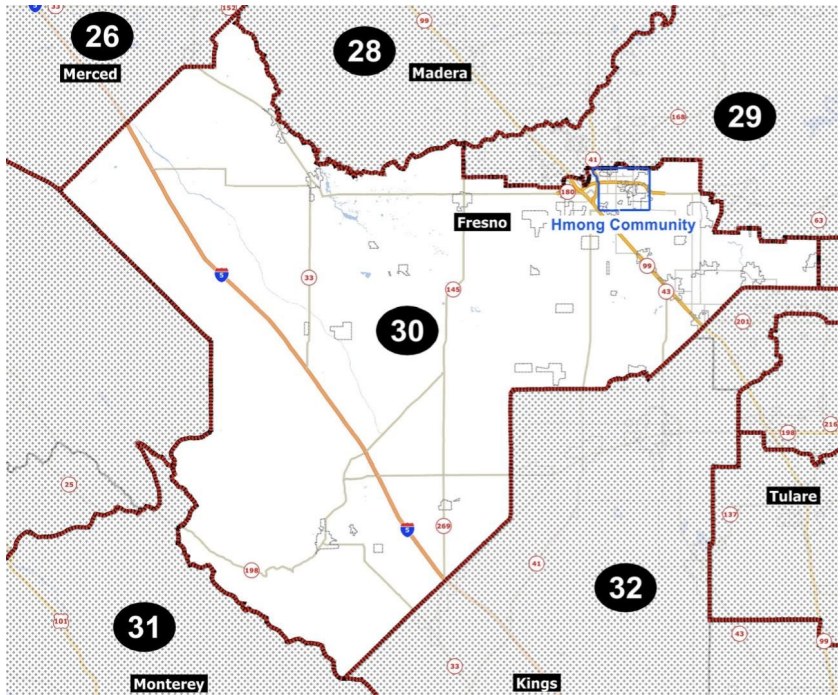
Shared Characteristics

- Cultural and ethnic background
- Religious background
- Language characteristics
- Age, families
- Education level
- Employment, industry
- Income level
- Renters v. homeowners
- *and much more...*

Shared Policy Concerns

- Infrastructure and public transit
- Environmental conditions
- Healthcare access
- Education quality & access
- Employment (working conditions)
- Affordable housing
- Services for _____ (families, elders, people experiencing homelessness)
- *and much more...*

EXAMPLE – ASSEMBLY DISTRICT 31



- AD-31 (then AD-30) is a Latino VRA district.
- Community members submitted COI testimony asking the CCRC to keep the Hmong/Southeast Asian refugee whole and grouped with the Latino community due to shared interests.
- Adopted district map doesn't look exactly like this proposed version - but it does keep the identified community intact!

BEST PRACTICES: OUTREACH

- To engage underrepresented and non-English speaking communities in the local redistricting process, cities and counties must make a good faith effort to do the following:
 - Share information about the local redistricting process with media organizations that cover news in that jurisdiction, including media organizations that reach language minority communities.
 - Share information via good government, civil rights, civic engagement, and community groups/organizations that are active in the jurisdiction, including groups that are actively involved in language minority communities.



BEST PRACTICES: OUTREACH

- Create outreach & publicity materials and distribute them through a variety of channels
- Host numerous workshops to inform the public and gather community of interest testimony
- Partner with community leaders
- Non-digital ways to reach communities historically left out of the process
- Gather public input outside of hearings
 - Attend community events (such as festivals)
 - Issue surveys and publish on social media



BEST PRACTICES: HEARINGS

- Hold more hearings than the legal minimum
 - Hold all hearings in the evening (and even on weekends)
 - If in person, hold hearings in different regions of the county
 - If virtual, dedicate hearings to specific regions
- Provide more notice than the legal minimum
- Livestream and/or record all hearings and post on districting webpage
- Live translations of hearings
 - Applicable languages under Section 203 of the VRA
- Accept written and verbal comment



BEST PRACTICES: LANGUAGE ACCESS

- Ensure that outreach & publicity materials are distributed in multiple languages.
 - Outreach materials about the redistricting process, information publicizing upcoming redistricting workshops and hearings, and the designated redistricting web page itself should be translated.
- Translated materials should be shared with civic, cultural, and community organizations, posted online, and sent to ethnic news media sources, including print, web, and radio outlets.



QUESTIONS?

Contact: redistricting@advancingjustice-alc.org