

November 4, 2020

The questions below were asked by Commissioner Bradley following the last meeting, and responses are being provided to the full commission and posted on the project website.

NDC responses are included below in italic teal font. These answers are from NDC, and legal counsel may have additional perspectives to add once they are on board.

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National Demographics Corporation

2020 OCT 24

Questions for County Staff and/or NDC

*Possible action items for County staff are indicated below with an asterisk.

AB 1276, Sect. 1, 21500 (a) (1)

Given the existence and size of several US Census Hard-to-Count (HTC) zones within some Santa Barbara County (SBC) districts (see US Census HTCI maps from SBC, attached) due to pandemic-induced reporting delays and difficulties, and premature termination of the 2020 census cycle as directed at the federal level, should numbers used for determination of district boundaries take this into consideration?

For example, if someone is registered to vote within a district at an address falling within a Census HTC zone, but that individual has not been recorded within the 2020 Census cycle, will they be counted for purposes of drawing SBC district boundaries? In other words, should commissioners account for residents identified by the Census Bureau itself as not counted or undercounted?

By state law, the 'prisoner-adjusted' population counts tabulated by the California Statewide Database are the population numbers used to determine if the supervisorial districts meet the equal population requirements.

The Census Bureau does not provide details on individuals or addresses counted or not counted, so there is no way to check or review who was and was not counted.

AB 1276, Sect. 1, 21500 (a) (2)

*Will County staff make available to the SBC Redistricting Commission names, or numbers, of incarcerated prisoners whose home addresses are recorded as falling within SBC districts?

Are incarcerated prisoners whose home residences fall within SBC counted from time of incarceration inclusive, or upon their release dates?

For example, if an incarcerated prisoner remains so in 2023 and is unable to vote then, but due to be released in 2024 and thereby eligible to vote again until the next Census cycle in 2030 (i.e., voting 7 out of 10 years), are they counted for purposes of redistricting for the current census cycle, or the next cycle?¹

By state law, the individual prisoners' data used for the 'prisoner-adjusted count' are not released other than to the California Statewide Database. The only public information will be the Census Block by Census Block counts of how many people are added and subtracted by the Statewide Database team.

The prisoner adjustments will make each prison population zero, while assigning as many of the prisoners to home addresses as there are available records. All prisoners will be reassigned and added to the 2020 Census counts for their "home" Census Block, regardless of whether or when the prisoner has or will regain the right to cast a vote.

AB 1276, Sect. 1, 21500 (c) (2)

Do "communities of interest" include those commuting from one district to another for purposes of employment, or is this strictly defined by one's residential address? For example, if someone residing in District 3 commutes regularly to District 2, and actually spends more waking time per week in District 2 than in their own residential district, should they be regarded—at least peripherally—as part of District 2's "community of interest?" Should this be taken into consideration when deciding boundaries?²

For example, are not students of local colleges (e.g., UCSB, SBCC, Westmont) who are registered to vote within an SBC district and reside there while attending college, regarded as part of a district's "community of interest?" If this is *not* the case, then how is the "community" defined relative to a student's residency time, full- versus part-time attendance, commuting, workplace, etc.?

There will be an extensive discussion of communities of interest in this process. Briefly: redistricting is drawing geographic lines, so by its nature redistricting focuses on geographic areas and the people in that area. An area could be relevant to redistricting because of the interests of the people who live there, the people who work or study there, the people who visit a park or other site there, the people who drive through there, all of those factors, or entirely different factors.

The Commission will ultimately decide which geographic areas meet the Measure G definition of a community of interest as "a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation."

*Will County staff make available names, or numbers, of students who are to be included within each District's community?

The data used in redistricting are Census Block population counts (and counts of demographic sub-groups in the Block). No individual- or household-level data is used or provided. The Census Bureau does provide counts of "General Quarters" population such as residents in dorms. But outside of the dorms (such as students renting in Isla Vista), the Census data do not differentiate between student and non-student residents, except in the age data.

This section stipulates that “[c]ommunities of interest do not include relationships with political parties, incumbents, or political candidates.” Do “relationships with political parties” include majority partisan registration within districts? For example, if a zone of District X has a 70% majority of Political Party A registrants, and is located adjacent to a zone within District Y where there is a similar majority of Political Party A registrants, does this privilege the joining of these two adjacent zones as a common “community of interest” or does geography hold sway? ³

*Please unpack the legal meaning of “political relationship.” Is this defined as one involving a political relationship between two or more residents and a party, or a purely personal ‘relationship’ between a voter and their ballot? Are residents who are not registered to vote able to have a “relationship” with a political party? What about non-partisan voters?

Cf. AB 1276, Sect. 1, 21500 (d) regarding prohibition against “favoring or discriminating against a political party.”

When a voter registers with a political party that voter establishes a “relationship” with that party. So Measure G’s language means that party registration (and relationships with particular office holders or candidates) cannot be used to identify or define a community of interest or as a justification for linking two or more communities of interest together in a district. Essentially party affiliation or any form of political party preferences (formal voter registration or otherwise) cannot be used in any form as a reason to group or divide geographic areas among districts.

AB 1276, Sect. 1, 21500 (c) (3)

AB 1276, Sect. 1, 21500 (c) (4)

What is the relationship of the Los Padres National Forest with respect to SBC Districts and “geography?” Since the Forest makes contact with four of the five County districts, is its relationship to any one District privileged, or shall its relationship to all Districts be regraded as equivalent when redrawing district political boundaries, regardless of the number of miles of contact it makes with any one district?

For example, the Forest shares fewer boundary miles with District 2 than it does with District 3. Does this privilege its relevance to District 3 more than District 2 as a ‘geographical’ or “artificial” barrier?

The Forest territory will be assigned to one or more Supervisorial districts by the Commission. Once it is assigned, it is then up to the elected Supervisors to determine how they will manage Forest-related issues that come before the County.

AB 1276, Sect. 1, 21500 (c) (5)

Does “geographical compactness” include the driving habits of large numbers of commuting District residents by way of highways and primary surface streets? Is “compactness” a purely spatial term (i.e., purely geographical) or also a temporal term (e.g., number of hours spent commuting to work, driving for groceries, and working away from one’s residence)?

For example, if large numbers of District 3 residents commute to Districts 2 or 4, or large numbers of residents of District 1 commute to District 2 for purposes of employment, does this

factor into ‘compactness,’ and/or does this “conflict with the preceding criteria in this subdivision...?”

Another way to ask this might be to inquire whether commuter data can serve as “tie-breakers” or taken into consideration as regards “compactness” where questions of simple geography seem less relevant, especially where it impacts large numbers of commuters?

Compactness can generally be a complicated topic, but the Measure G requirement is straightforward: “nearby areas of population are not bypassed for more distant areas of population.” So a map that goes around a populated geographic area to get to a more distant geographic area should be avoided if there is an option that does not do so (assuming all the higher-priority criteria are equal between the two maps).

AB 1276, Sect. 5, 21507.1 (e)

Per this section, “[t]he board may have county staff or a consultant conduct one or more public workshops in lieu of holding one of the public hearings.” Under what circumstances and conditions does County staff recommend said workshop(s)?

For example, if the preliminary five commissioners fail to adequately address the diversity and inclusivity concerns of community members while selecting the remaining six commissioners, would it be prudent to offer the public a series of workshops where community members can become more directly involved in the process?⁴

A public process is required for the selection of the remaining six commissioners, which must be completed before December 31, 2020. The Commission can hold whatever mix of forums and formal hearings it wishes during the time available to select the Commission. There is no Measure G provision to revisit that selection once it has occurred.

If the question’s reference to “the process” means the process of drawing the lines, rather than the process of selecting the additional six commissioners, then yes the commission can schedule whatever workshops it feels would be practical and productive.

AB 1276, Sect. 6, 21508 (a)

In the interest of diversity, inclusivity, and fairness, what are the County of Santa Barbara’s legal obligations to provide minutes and reports during redistricting and public review in languages other than English?

*Can County staff provide the Commission with best-estimate figures regarding primary languages used by SBC residents at home? Also, can these data be granulated by District? By percentages, how many residents speak which languages as their primary at-home language?⁵

*Clarify: “applicable languages” [AB 1276, Sect. 6, 21508 (g)1 and —(h)]. Is this defined by the current (2010) census cycle, or the next one? What are SBC’s currently “applicable languages?”

For example, do we know whether we have had a significant increase in the Mixteco community within SBC since the 2010 census? If yes, should we not be prepared to include the Mixteco community within the current redistricting process? How will we know whether we have closure

with them and other minority communities?

By law, the California Secretary of State is required to provide the list of applicable languages by January 1, 2021. Prior to that list becoming available, meeting translation services are available in all the language provided for regular Board of Supervisor meetings (ASL, Spanish and Mixtec), provided the request is made by 12 noon one day prior to the meeting.

The data used to identify the applicable languages comes from the Census Bureau's annual American Community Survey, not from the decennial census, so it is not defined by the 2010 or 2020 census and the data are updated every year.

There is no legal requirement to provide minutes or reports in languages other than English.

AB 1276, Sect. 6, 21508 (B) (e)

*During the testimony and comment phase of redistricting, can County staff request that the public indicate sources for all materials submitted—including author/institution, date, and publication—and that sourced materials are preferred over ‘anonymous’ or ‘purely anecdotal’ materials?⁶

The Commission can request that information be provided, but the Commission cannot bar the submission of any materials for lacking such support.

Each Commissioner is free to weigh the information provided as the Commissioner sees fit. A Commissioner can state a preference for sourced materials as described, but cannot impose such a rule on other Commissioners.

AB 1276, Sect. 7, 21534 (B)(6) and —(7)

In the spirit of diversity, inclusivity and fairness, what can County staff and Commission members do to ensure that remote participation via the internet is readily available to members of the community who lack connectivity? Are there locations where members of the public without internet connectivity (e.g., homeless/houseless, poverty-incomes, and the indigent) can participate online? How is this currently being addressed?⁷

The County does not currently offer a remote site for participating in Board meetings while under COVID restrictions, but typically members of the public can appear in person to participate in our meetings in both Santa Barbara and Santa Maria locations.