



Summary of Redistricting Law, Criteria, and Process

2022-23 City Council District Formation Process

August 16, 2022

Overview of District Formation/Redistricting Laws

- California Voting Rights Act
- U.S. Constitution
- Federal Voting Rights Act
- California Elections Code
- California Constitution
- Case Law

Equal Population Principle

- General Principle: City Council Districts must be substantially equal in population
 - U.S. Constitution's Equal Protection Clause and “One-Person, One-Vote” Jurisprudence
 - California Elections Code Section 21621 (“substantially equal” in “total population” as required by the U.S. Constitution)

Equal Population Principle

- Make good faith effort to draw districts with equal population
- Exact equality is not required for local districts if deviation is justified by legitimate state purposes
- Deviation of less than 10 percent is presumptively valid
 - Only if for legitimate reasons
 - Deviations should be explained on traditional redistricting criteria of other lawful justifications
- Legal Authorities – City Charter; U.S. Constitution, Supreme Court Case Law including *Reynolds v. Sims*, *Gaffney v. Cummings*, *Larios v. Cox*, *Harris v. Arizona Independent Redistricting Commission*

Equal Population Principle

- Deviations from equal population should be justified
 - Show consistent reliance on traditional redistricting criteria (e.g., respecting neighborhoods and communities of interest, observing natural and other boundaries, maintaining compact districts)
- Do not seek to disadvantage any particular group
- Show good faith effort

Equal Population Principle

- Measuring Population Equality and Deviation
 - Start with City's total population
 - 20,982
 - Determine ideal equal population of the 5 Council Districts
 - 4,196
 - Determine percent deviation from ideal of each district
 - Determine total percent deviation – difference between the districts with the greatest positive and negative percent deviations

Equal Population Principle

District	Total Population	Ideal Population	Percent Deviation
1	3,800	4,000	-5
2	4,000	4,000	0
3	3,900	4,000	-2.5
4	4,150	4,000	+3.75
5	4,150	4,000	+3.75

- Example of a City with a population of 20,000 and 5 Council Districts
- Total Percent Deviation = 8.75%

Traditional Redistricting Criteria

- Focus on traditional redistricting criteria
 - Contiguity
 - Compactness
 - Natural Boundaries and Streets
 - Neighborhood and Communities of Interest

- Legal Authorities – Case Law, California Constitution Article XXI, Section 2; California Elections Code Section 21621

Traditional Redistricting Criteria

- Contiguity – all parts of district should connect
- Compactness – district should be geographically compact
 - Many ways to measure compactness
 - Be aware of appearance, shape, and border lines
- Existing boundaries – observe existing boundaries
 - Geographic, topographic boundaries
 - Streets, Freeways
 - Other Boundaries

Traditional Redistricting Criteria

- Neighborhoods and Communities of Interest – preserve communities sharing common interests
 - Neighborhoods
 - Example of Common Interests
 - Land Use patterns (suburban, industrial, commercial)
 - Cultural and Language characteristics
 - Income Level
 - Educational Background; Employment and Economic patterns
 - Crime, schools, other common issues
 - Obtain public testimony and consider census data, City neighborhood information, planning information, etc.

Equal Protection Clause

- 14th Amendment's Equal Protection Clause prohibits the use of race as the predominant factor in redistricting except in narrow cases
 - race generally cannot be “predominant” factor
 - i.e., no racial gerrymandering
- Legal Authorities – U.S. Constitution; Supreme Court Case law including Shaw v. Reno, Miller v. Johnson, Bush v. Vera, Cromartie I & II, Alabama Legislative Black Caucus, Cooper v. Harris, Bethune-Hill

Equal Protection Clause

- 14th Amendment's Equal Protection Clause does not, however, prohibit all consideration of race
- May consider race as a factor along with traditional race-neutral redistricting criteria
- Consideration of traditional criteria should not be subordinated to consideration of race and should be contemporaneous

Equal Protection Clause

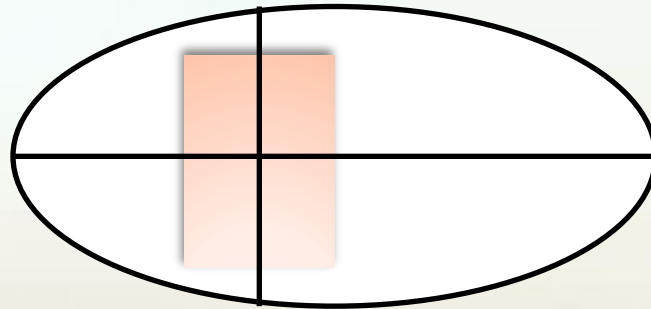
- Evidence of race as a predominant factor:
 - Direct testimony
 - Circumstantial evidence (demographics, shape, changes, process, public record)
- If race determined to be predominant factor, strict scrutiny applies to redistricting plan
 - Need compelling state interest
 - Plan must be narrowly tailored
 - High burden

Federal Voting Rights Act

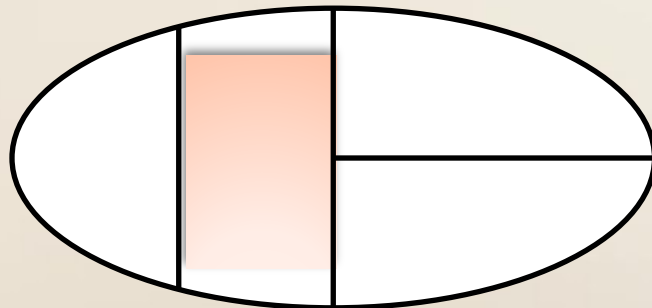
- Section 2 of the Voting Rights Act of 1965
 - Prohibits any voting practice or procedure that “results in a denial or abridgement” of the right to vote based on race, color, or language minority status
 - Applies to prohibit redistricting plans that result in “vote dilution” by depriving minority voters of an equal opportunity to elect a candidate of their choice
 - i.e., must not unlawfully minimize or cancel minority voting strength
 - Discriminatory effect sufficient, discriminatory intent not required

Federal Voting Rights Act

- Examples of “Vote Dilution”
 - **Fracturing** – dispersing minority voters into several different districts such that a bloc-voting majority can routinely outvote them



- **Packing** – concentrating minority voters into a small number of districts and thereby minimizing their influence in other districts



Federal Voting Rights Act

- The Supreme Court has set three preconditions to Section 2 liability under the federal VRA (the “Gingles” criteria)
 - The minority group must be sufficiently large and geographically compact to constitute a majority in a district
 - The minority group must be politically cohesive; and
 - The majority votes sufficiently as a bloc to enable it usually to defeat the minority’s preferred candidate
- Legal Authorities – Section 2 of the Voting Rights Act; *Thornburg v. Gingles*

Summary of Law and Criteria

- Key Principles to Keep in Mind
 - Strive for Population Equality
 - Make a good faith effort to draw districts equal in population
 - Justify any deviations with use of traditional redistricting criteria
 - Focus on Traditional Redistricting Criteria
 - Draw contiguous and compact districts
 - Respect boundaries, neighborhoods, and communities of interest
 - Obtain public testimony, neighborhood/community information, and make a good record
 - Do not Use Race as the Predominant Factor
 - Focus on traditional race-neutral criteria
 - Comply with the Voting Rights Act
 - Avoid fracturing or packing minority voters
 - Establish and Follow a Good Process

2022-23 District Formation Timeline



- **Summary of District Formation/Redistricting Law, Criteria, 2020 Census, and Process (First Public Hearing)** August 16, 2022 @ 6pm
- **Second Public Hearing** September 6, 2022 @ 6pm
- **Community Workshop** September, 2022 (TBD)
- **City Council Proposed Map(s) Published on City Website** January 10, 2023
- **Presentation of City Council Proposed Map(s) Third Public Hearing** January 17 ,2023 @ 6pm
- **Community Workshop** February, 2023 (TBD)
- **Presentation and Adoption of Final City Council District Boundaries Map/Fourth Public Hearing (First Reading)** Spring, 2023 (TBD)
- **Final Adoption of City Council District Boundaries Map (Second Reading)** Spring, 2023 (TBD)