



Prepared for the *South Placer Municipal Utilities District*

Thursday, December 2nd, 2021

WHAT IS REDISTRICTING?

Redistricting is at its core the act of equalizing population among districts.

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.

WHAT IS REDISTRICTING?

Redistricting has changed significantly over the years as federal and state laws, norms, best practices, and public opinion has transformed.

In California/Municipal Law:

- Prop 11 and 20 (Statewide Redistricting)
- CA FAIRMAPS Act

REDISTRICTING/REAPPORTIONMENT

They are different things but people mistakenly conflate them

Reapportionment

Allocating the 435 Congressional seats among the states

**N.Y. loses single seat in Congress by just 89 people as
Census Bureau releases reapportionment figures**

April 26, 2021

Redistricting

Drawing district lines within the states, counties, cities, school districts

DEFINITIONS



REAPPORTIONMENT

Census Bureau for Congress
(30 seconds)

REDISTRICTING

Done by states, cities, school boards

GERRYMANDER

PRINCIPLES OF REDISTRICTING



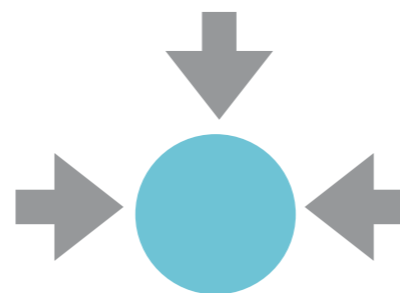
POPULATION EQUALITY



**FEDERAL VOTING RIGHTS ACT
SECTION 2**



COMMUNITIES OF INTEREST



COMPACTNESS



CONTIGUITY

POPULATION EQUALITY

For Congress it is 1 person for deviation

For State and local governments it is a deviation range of 10%

	Population	Deviation	% of Deviation
D1	21,000	1000	5%
D2	20,200	200	1%
D3	19,800	-200	-1%
D4	19,250	-750	-3.75%
D5	19,750	-250	-1.25%

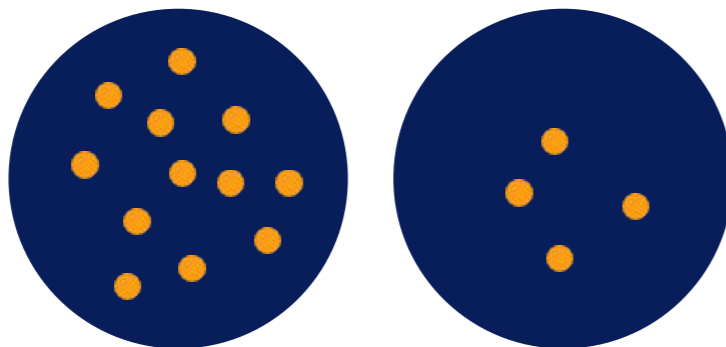
**These numbers are just an example and not reflective of the district's current population*

EQUAL POPULATION

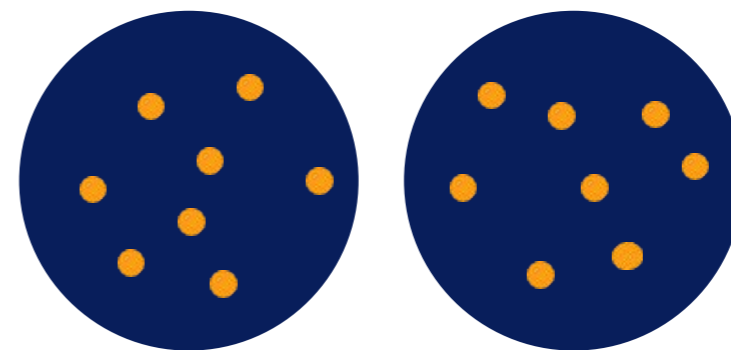
What is “equal” population has been a key subject in redistricting litigation.

- Population Equality is based on “People” not citizens or voters or other metrics.
- The metric used is called “deviation” which is a measure of how close a district is to equal size.

Not Equal Districts



Equal Districts

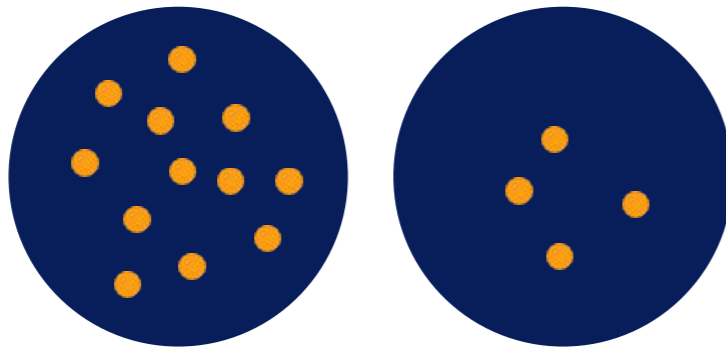


EQUAL POPULATION

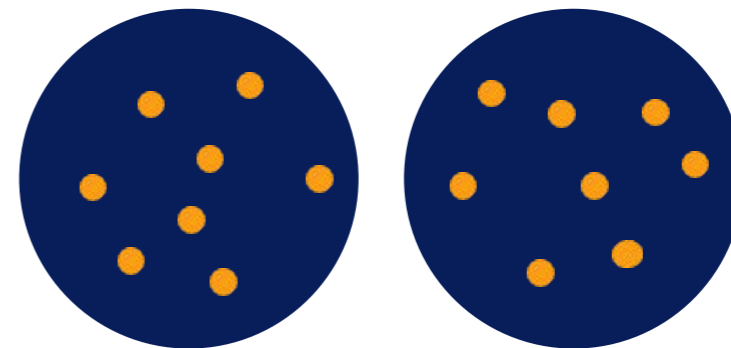
What is “equal” population has been a key subject in redistricting litigation.

- Equality is Required
- *Strict adherence to a numeric goal for equality beyond what is required is not necessarily better.*

Not Equal Districts



Equal Districts



FEDERAL VOTING RIGHTS ACT



**FEDERAL VOTING RIGHTS ACT
OF 1965**



MOBIL V. HOLDER (1980)



**CONGRESSIONAL RESPONSE TO
MOBIL V. HOLDER (1982)**



THORNBURG V. GINGLES (1985)

WHAT IS THE VOTING RIGHTS ACT?

The decision to invoke Section 2 is something that requires legal counsel.

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.

GINGLES FACTORS

“**Gingles factors**” are three preconditions that a minority group must meet to establish a violation of Section 2 of the Voting Rights Act. These preconditions are the following:

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.

BUT THE GINGLES FACTORS HAVE LIMITS.....



SHAW V. RENO, [509 U.S. 630](#) (1993)

SIGNIFICANCE: Legislative and congressional districts will be struck down by courts for violating the Equal Protection Clause if they cannot be explained on grounds other than race. While not dispositive, “bizarrely shaped” districts are strongly indicative of racial intent.

MILLER V. JOHNSON, [515 U.S. 900](#) (1995)

SIGNIFICANCE: A district becomes an unconstitutional racial gerrymander if race was the “predominant” factor in the drawing of its lines

Source: NCSL

COMMUNITIES OF INTEREST

Redistricting plans are built with census data to put communities of interest together to form districts.

When members of the public come forward to testify about their communities it can be almost anything.

Items to consider:

- What is the community of interest that is being described through the testimony?
- What is the geographic area of that community of interest?
- What data can be utilized to help identify that community of interest?
- How does that community of interest relate to Santa Barbara County?

COMPACTNESS

Many measures based on geography are available but in California we tend to adhere to

“shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.”

CONTIGUITY

This is not an issue in most counties... unless they have islands.

State law does not allow point contiguity...it is advisable to seek functional contiguity where you can travel through the district to each point.

Point Contiguity



Functional Contiguity



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In Public Opinion / Media:

- 97% of Voters agree that “local government should be required to have transparent / open redistricting.”
- Media and Community Based Organizations have become much more adept at covering redistricting.

ONLINE MAPPING

There are other mapping tools the public may use, but are not controlled by the commission or city staff.

- These tools are *perfectly appropriate* for the community to use as input.
- Data and maps from these programs can be imported to our tools and reviewed by the commission.



COMMUNITIES OF INTEREST

Bringing like people together for representation

What are you looking for in trying to judge the applicability of a Community of Interest to the redistricting process?



Group with shared culture / characteristics



Geographic Nature / Density / Ability to be mapped



Relationship to Agency / Policies