2021 REDISTRICTING

Local Government Redistricting
July 21, 2021

Presented By:
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County of Orange

2021 Redistricting Challenges

- ▶ More local agencies are conducting redistricting.
- ▶ Census data is delayed due to COVID-19, which delays the start of redistricting.
- ▶ Redistricting must be completed several months before 2022 elections, which have been delayed from March 2022 to June 2022.
- ▶ AB 849 makes substantial changes to procedures and criteria governing redistricting.

Do You Use an At-Large or District-Based Election?

➔ "At-large method of election" - Any of the following methods of electing members to a governing body:

- ▶ Voters of the entire jurisdiction elect the members to the governing body.
- ▶ Candidates reside in given areas of a jurisdiction and the voters of the entire jurisdiction elect the members to the governing body.
- ▶ Combines at-large elections with district-based elections.

➔ "District-based elections" - A method of electing members to a governing body in which candidates must reside in an election district that is a divisible part of the political subdivision and are elected only by voters residing in that election district.

Many Agencies Have Switched To District-Based Elections

→ The California Voting Rights Act of 2001 (CVRA) expanded on the federal Voting Rights Act of 1965, making it easier for minority groups in California to prove that their votes are being diluted in "at-large" elections.

  ▶ The CVRA applies to both general law and charter cities, school districts and community college districts.

  ▶ The CVRA prohibits the use of an at-large election system if it results in racially polarized voting.

→ Many local agencies have switched from at-large election systems to district-based elections to comply with the CVRA.

  ▶ Many agencies will be **redistricting** in 2021 for the first time.

  ▶ 151 cities in CA have shifted to district-based election over past six years.

  ▶ In Orange County, 17 cities hold district-based elections versus 17 cities that hold at-large elections for City Council seats.

What Is Redistricting?

➔ Redistricting is the regular process of adjusting the lines of voting districts in accordance with population shifts.

➔ Different levels of government have responsibilities for redistricting following each decennial Census:

▸ State – Responsible for redrawing Congressional and State legislative districts.

▪ 2020 California Citizens Redistricting Commission

▸ County – Responsible for redrawing Supervisorial districts.

▸ City, Community College and School Districts – Responsible for redrawing City Council or Trustee districts, if applicable.

Delay In Census Data Due To COVID-19 Has Delayed Redistricting

➔ COVID-19 pandemic created delays and extended data collection by the U.S. Census Bureau to October 2020.

  ▶ Four months later than prior Census efforts.

➔ U.S. Census Bureau plans to release Census redistricting data (P.L. 94-171) to the States by September 30, 2021.

  ▶ Five months later than in previous redistricting efforts.

    ▪ P.L. 94-171 legacy-format data expected by August 16, 2021, but format requires additional processing.

    ▪ State needs 30 days to adjust data for incarcerated individuals.

➔ **Delay in data has delayed the start of redistricting for everyone.**

New Procedures Apply to 2021 Redistricting

Timeframe for Redistricting
County of Orange

→ No earlier than 21 days after the release of the census data by the Statewide Database. If next election is between January & June 2022, then no later than E-174. (Election Code, §§ 21501, 21508.)

- ▶ 2011 Redistricting Deadline: Before November 1, 2011
- ▶ Next Election: June 7, 2022 Primary Election
- ▶ **Redistricting Deadline (E-174)**: December 15, 2021
- ▶ Deadline to submit maps to ROV (E-125): February 2, 2022

Timeframe for Redistricting
Charter and General Law Cities

→ No earlier than 21 days after the release of the census data by the Statewide Database. If next election is between January & June 2022, then no later than E-174. If next election is after July 1, 2022, then no later than E-205. (Election Code, §§ 21602, 21622.)

  ▶ 2011 Redistricting Deadline: Before November 1, 2011

  ▶ Next Election: November 8, 2022

    ▪ The general municipal election date for all Orange County cities is second November of even-numbered years.

  ▶ **Redistricting Deadline (E-205)**: April 17, 2022.

  ▶ Deadline to submit maps to ROV (E-125): July 6, 2022

Timeframe for Redistricting
School and Community Colleges Districts

→ The boundaries of trustee areas shall be adjusted by the governing board of each school district or community college district <u>before the first day of March</u> of the year following the year in which the results of each decennial census are released. (Educ. Code, § 5019.5.)

- ▸ Next Election: November 8, 2022
  - ▪ The board election date for most Orange County school and community college districts is the second November of even-numbered years.
- ▸ **Redistricting Deadline**: February 28, 2022
- ▸ Deadline to submit maps to ROV (E-125): July 6, 2022

Special District Redistricting

➔ No significant change from 2011.

➔ District boundaries must be adjusted by May 7, 2022.

  ▶ 180 days before November 8, 2022 election date.

➔ Equal Population - equal "as far as practicable."

➔ Voting Rights Act - Must comply

➔ Discretionary criteria that *may* be considered:

  ▶ Topography.

  ▶ Geography.

  ▶ Cohesiveness, contiguity, integrity and compactness.

  ▶ Communities of interest

➔ Only one hearing required. (Election Code, § 22001.)

Public Hearing Requirements County and Cities

➔ Now, at least four hearing required:

▶ One hearing prior to issuing first draft map.

▶ Two hearings after draft map issued.

▶ One hearing or workshop on weekend or weeknight after 6 PM.

▶ Hearings must be accessible to people with disabilities.

▶ Date, time, and location for any public hearing or workshop will be published at least five days before the hearing or workshop; three days if the deadline to adopt boundaries is less than 28 days away.

Map Publication Requirements
County and Cities

- Draft maps posted online seven days before adoption of final map; three days in the last 28 days before redistricting deadline.

- If available, draft maps submitted by county/city must include total population, citizen voting age population (CVAP), and racial & ethnic characteristics of CVAP in each proposed district.

- Census data from Statewide Database must be available for at least three weeks before release of any draft map; if 60-90 days until deadline, this is reduced to one week; if fewer than 60 days, no waiting period.

AB 849 - Public Engagement Requirements County and Cities

→ Good faith effort is required to reach underrepresented and non-English speaking communities.

- ▶ Provide info to media, good government, and community orgs, including those serving language minorities.

- ▶ Live translation required if requested 72 hours in advance; or 48 hours if hearing is scheduled less than five days before notice.

- ▶ Dedicated internet web page with standard redistricting info in English and any languages in which the County or city is required to produce ballots, which describes the redistricting process and procedures for providing testimony in English and any applicable language.

- ▶ Public comment and map drafts may be submitted in writing or electronically and must be made publicly available.

Ordinance or Resolution Requirements

➔ AB 849 still allows for district boundaries to be adopted by ordinance or resolution.

  ▶ If previously adopted by ordinance, you may need a new ordinance.

➔ District boundaries are commonly described by metes and bounds or through a list of census tracts and blocks found in each district.

  ▶ The Registrar of Voters can process both formats.

➔ Submit the ordinance or resolution to the Registrar no later than 125 days before the election.

Map Requirements

City of Garden Grove
City Council Voting Districts
Ordinance No. 2866
Exhibit A
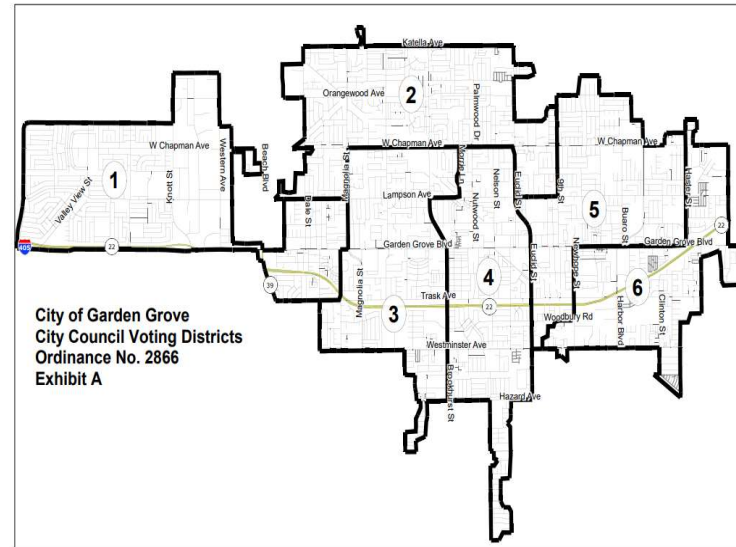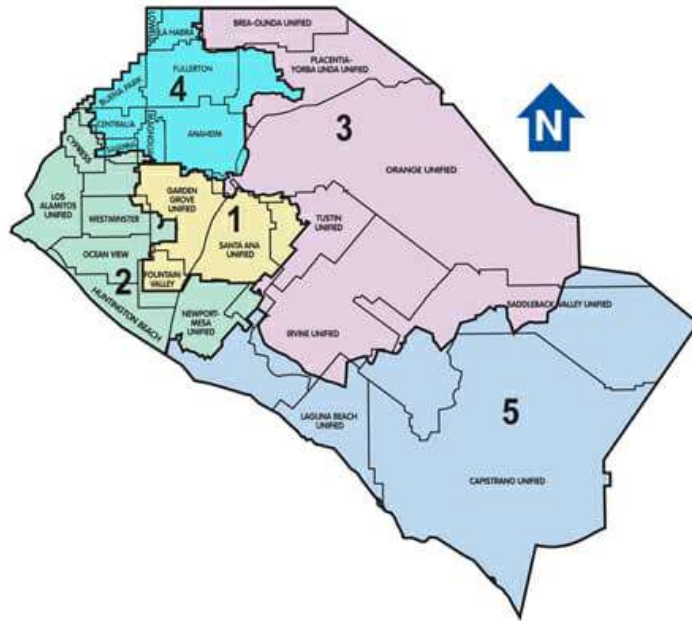
Legal Requirements: Substantially Equal Population

→ Unlike Congressional districts, local electoral districts do not require perfect equality—some deviation acceptable to serve valid governmental interests.

→ Total deviation between districts of less than 10% presumptively constitutional.

→ AB 849 requires population to be adjusted to count incarcerated people at their home address.

Legal Requirements: Voting Rights Act of 1965

→ Public agency must adopt a map that complies with Section 2 of the Voting Rights Act, which prohibits voting practices that result in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.

→ A violation of Section 2 is established if, "…based on the totality of circumstances," the challenged electoral process is "…not equally open to participation by members of a [racial minority group] in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice."

→ **Consult your legal counsel!**

Legal Requirements: Voting Rights Act of 1965

→ Redistricting has been used at times to prevent minority voters from gaining political power by drawing districts in a way that resulted in those voters having less of a chance of electing their candidate(s) of choice. This is known as minority vote dilution, and it commonly occurs in two ways, **packing** and **cracking.**

Packing occurs when minority voters are compressed into a small number of districts when they could effectively control more. An example of packing is when mapmakers draw one district that is over 90% of a single minority group (Blue), when they could draw at least two districts with 50% single minority group.
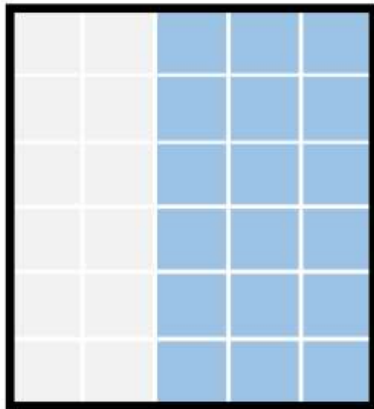
60% Blue Wards
40% Grey Wards
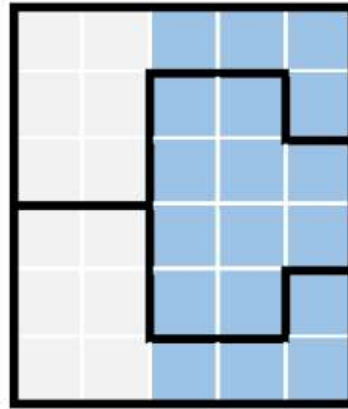
3 Districts: 2 Grey, 1 Blue
Blue wards are "packed" into one district
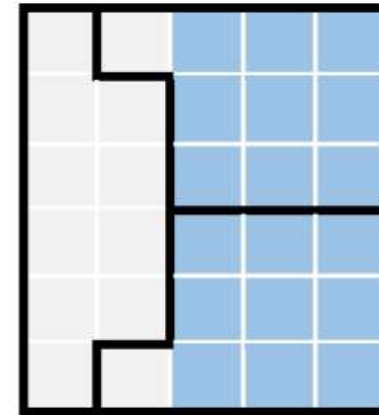
3 Districts: 2 Blue, 1 Grey
Proportional Outcome

Spreading minority voters thinly into many districts is known as **cracking**, splitting, or fracturing. An example of cracking can occur if three districts are created that have 40% of a single minority population in each.
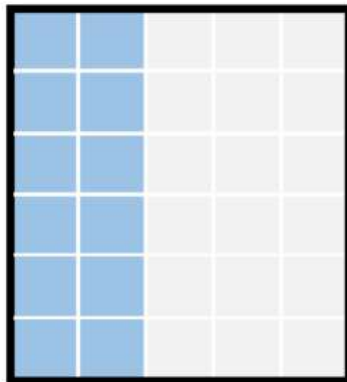
60% Grey Wards
40% Blue Wards
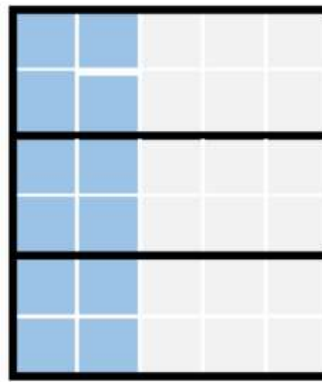
3 Districts: 3 Grey, 0 Blue
Blue wards are "cracked" into one district
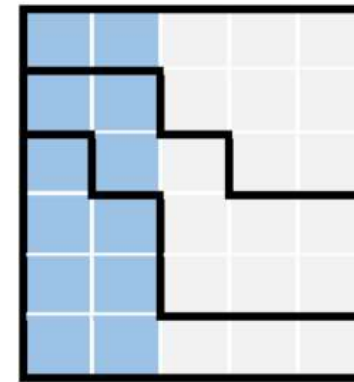
3 Districts: 1 Blue, 2 Grey
Proportional Outcome

AB 849 Creates Mandatory Criteria for County and Cities

→ AB 849 requires that district boundaries comply with the following criteria **in order of priority**:

1. Geographically contiguous.

2. Maintain geographic integrity of neighborhoods or local **community of interest** (share a common social or economic interest).

3. Respect geographic integrity of city or Census-designated area and minimize division. (County only)

4. Make district boundaries easily identifiable and understandable by residents.

5. Supervisorial districts shall be drawn to encourage geographical compactness.

AB 849 - Contiguity

→ To the extent practicable, districts shall be geographically contiguous.

→ Areas that meet only at the points of adjoining corners are not contiguous.

→ Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

NON-CONTIGUOUS | CONTIGUOUS

AB 849 - Communities of Interest

➔ To the extent practicable, the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes its division.

▶ A "community of interest" is a population that shares common social or economic interests that should be included within a single district for purposes of its effective and fair representation.

▶ Examples include culture, areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities or have access to the same media.

▶ People can belong to multiple communities of interest.

▶ Communities of interest do not include relationships with political parties, incumbents, or political candidates.

AB 849 - Taming the Gerrymander

Board / City Council cannot adopt district boundaries for the purpose of favoring or discriminating against a political party.
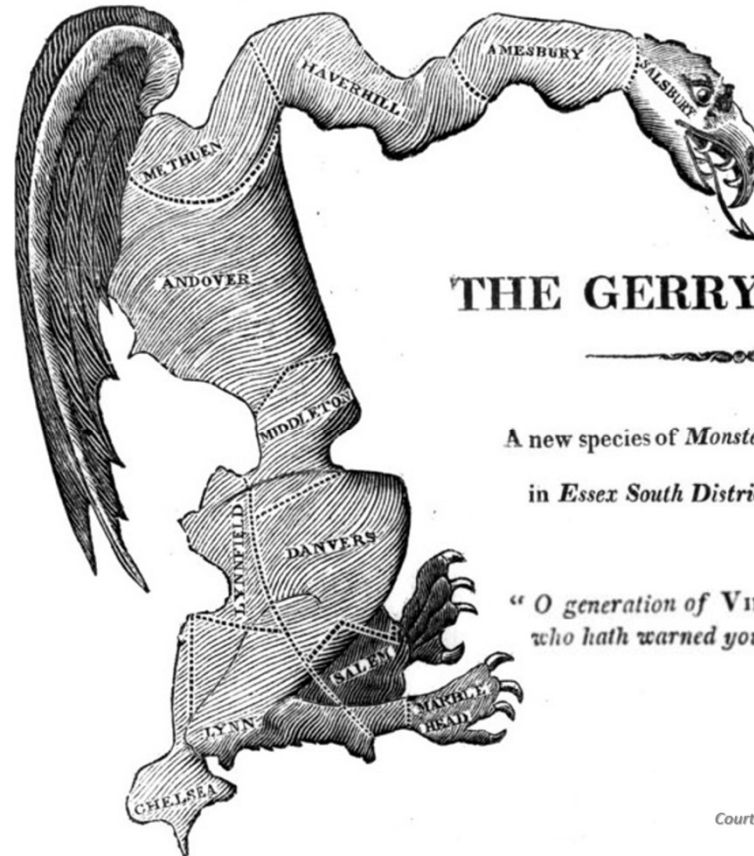
THE GERRY-MANDER.

A new species of *Monster*, which appeared in *Essex South District* in Jan. 1812.

" *O generation of* VIPERS !
who hath warned you of the wrath to come ?"

Courtesy American Antiquarian Society

Gerrymander Lurks Elsewhere

United States Supreme Court holds that under federal law, "partisan gerrymandering claims present political questions beyond the reach of the federal courts."

Rucho v. Common Cause, 588 U.S. ___ (2019).

America's Most Gerrymandered Districts

Most gerrymandered Congressional districts in the U.S. according to compactness index*

1. Maryland's 3rd district
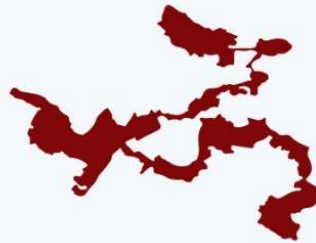
2. Texas's 33rd district

3. Illinois's 4th district
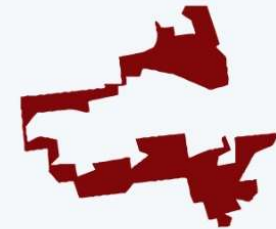
4. Texas's 35th district

5. Louisiana's 2nd district

* ratio of the area of the district to the area of a circle with the same perimeter
Source: Washington Post

More Information

→ State Redistricting (Congressional and State Legislative Districts)

  ▸ 2020 California Citizens Redistricting Commission

  ▸ https://www.wedrawthelinesca.org/

→ County Redistricting (County Supervisorial Districts)

  ▸ https://cob.ocgov.com/2021-redistricting

More Information (continued)

→ City, Community College and School District

▶ Visit local agency website for more information.

→ Advocacy Groups and Community Based Organizations

▶ Examples: American Civil Liberties Union (ACLU), Asian Americans Advancing Justice, Common Cause, League of Women Voters of California, Mexican American Legal Defense and Educational Fund (MALDEF), etc.

ANY QUESTIONS?

From Maps to Ballot Types

Presented by

Rebecca Lee, Training & Special Projects Manager

Stages of Redistricting

State, County, Cities, etc.

- Maps

Orange County Registrar of Voters

- Precincts
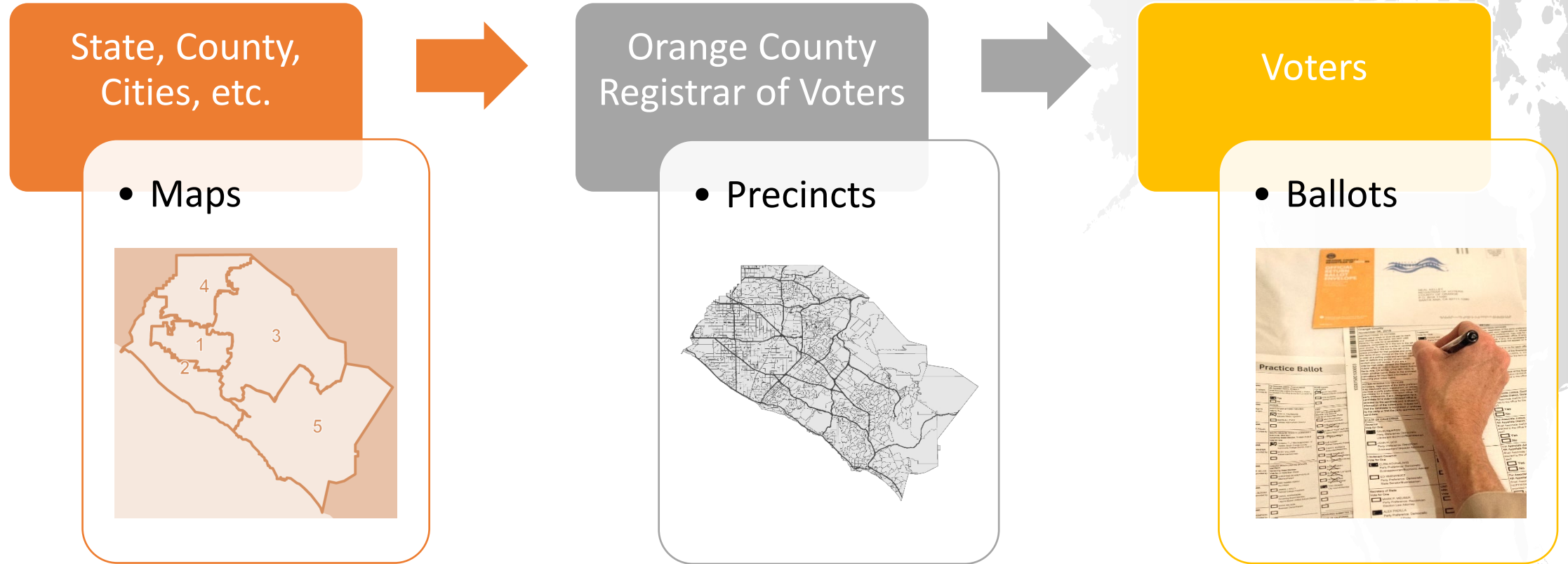
Voters

- Ballots

What Happens After Lines are Drawn?

1. Completed maps are submitted to the Registrar of Voters

2. Maps are verified and inputted into Geographic Information Systems (GIS)

3. Precincts are created, modified, and proofed

4. Ballot types are created and proofed for the election

Step 1: Submission of Maps

Lines should be shared with ROV as soon as they are adopted

- Timely submission of new district lines to the Registrar of Voters is critical for the next stage of the redistricting process

- State and county are already engaged in redistricting

- City, school, and special districts should prepare ahead and begin the redistricting process as soon as possible

What's on the Ballot (June 2022)?

Learn "what's on the ballot" and understand who is responsible for submitting which maps

- https://ocvote.com/elections/2022-statewide-primary-election

County of Orange – 1 map

- Supervisorial district lines

California Citizen Redistricting Commission (CRC) – 4 maps

- Congressional, State Senate, State Assembly, State Board of Equalization district lines

What's on the Ballot (June 2022)?

Boundaries for the Statewide Primary Election (June 7, 2022):
- Supervisorial District
- Congressional, State Senate, and State Assembly Districts
- Board of Equalization and Judicial Districts*
  contain the entire county

City, School, and Special District contest will not be on the June 2022 ballot, but preparation for Census data and redistricting should begin now.

Step 2: Geographic Information Systems

Geographic Information Systems (GIS) are used to improve election operations and election management.

Benefits of integrating GIS include:

- Enhanced speed, accuracy, and efficiency

- Reduced risk of election errors

- Improved data quality control

- Increased access to information

What is GIS?

AERIAL PHOTO

What is GIS?
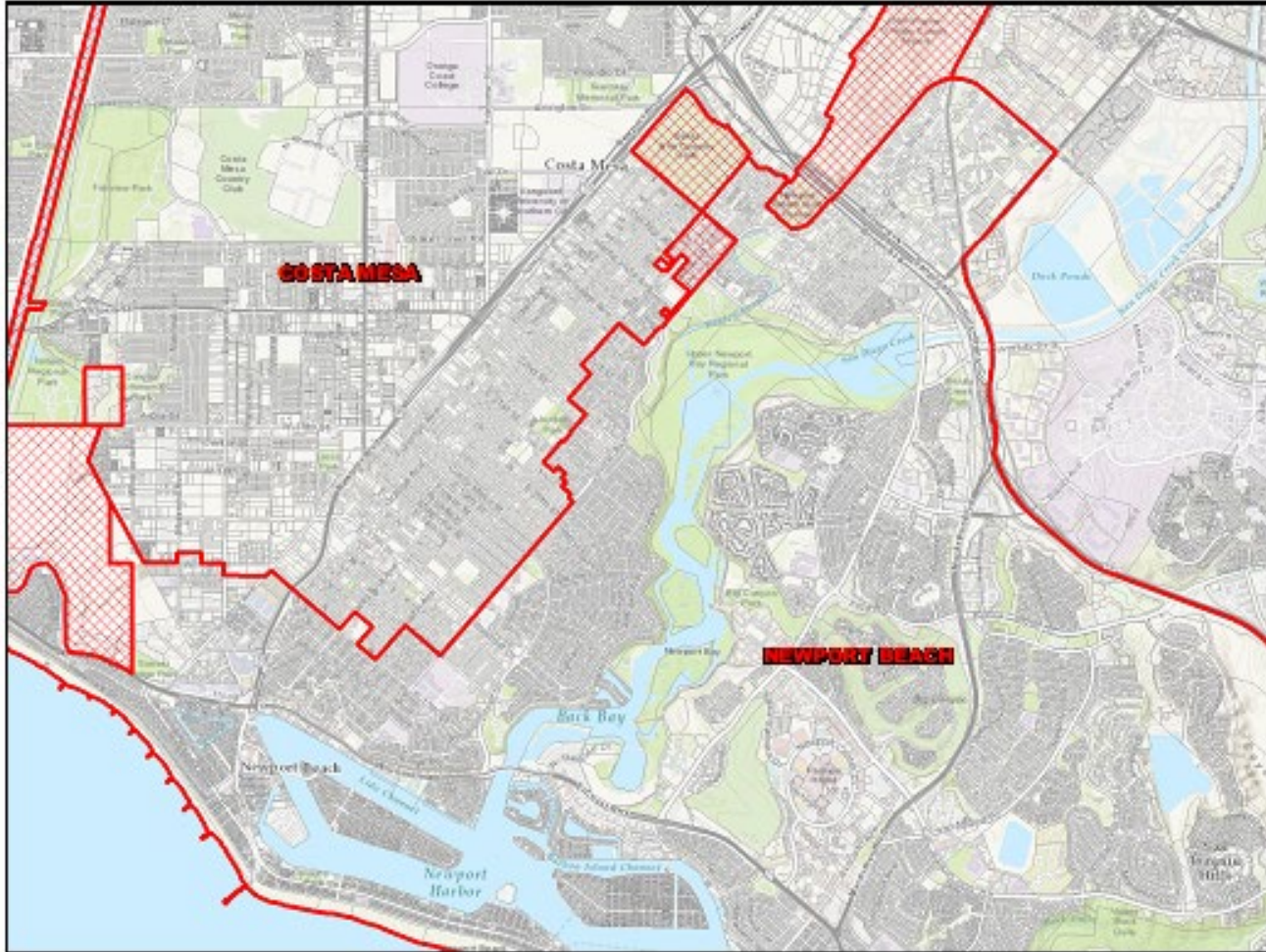
STREET
PARCEL
INFORMATION

What is GIS?
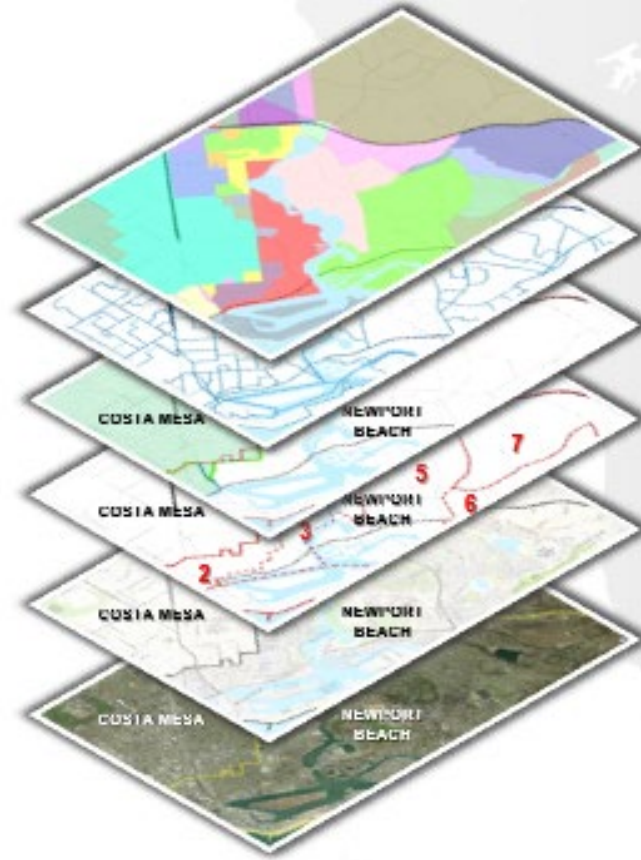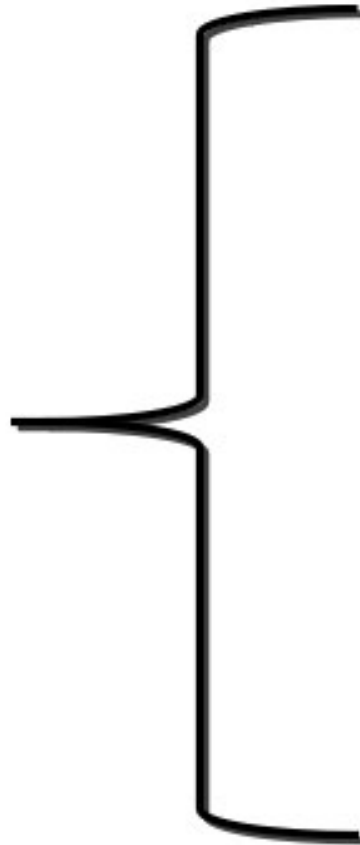
DISTRICT
BOUNDARY

What is GIS?

SPECIAL DISTRICT

What is GIS?

What is GIS?

What is GIS?

Geocoding Addresses
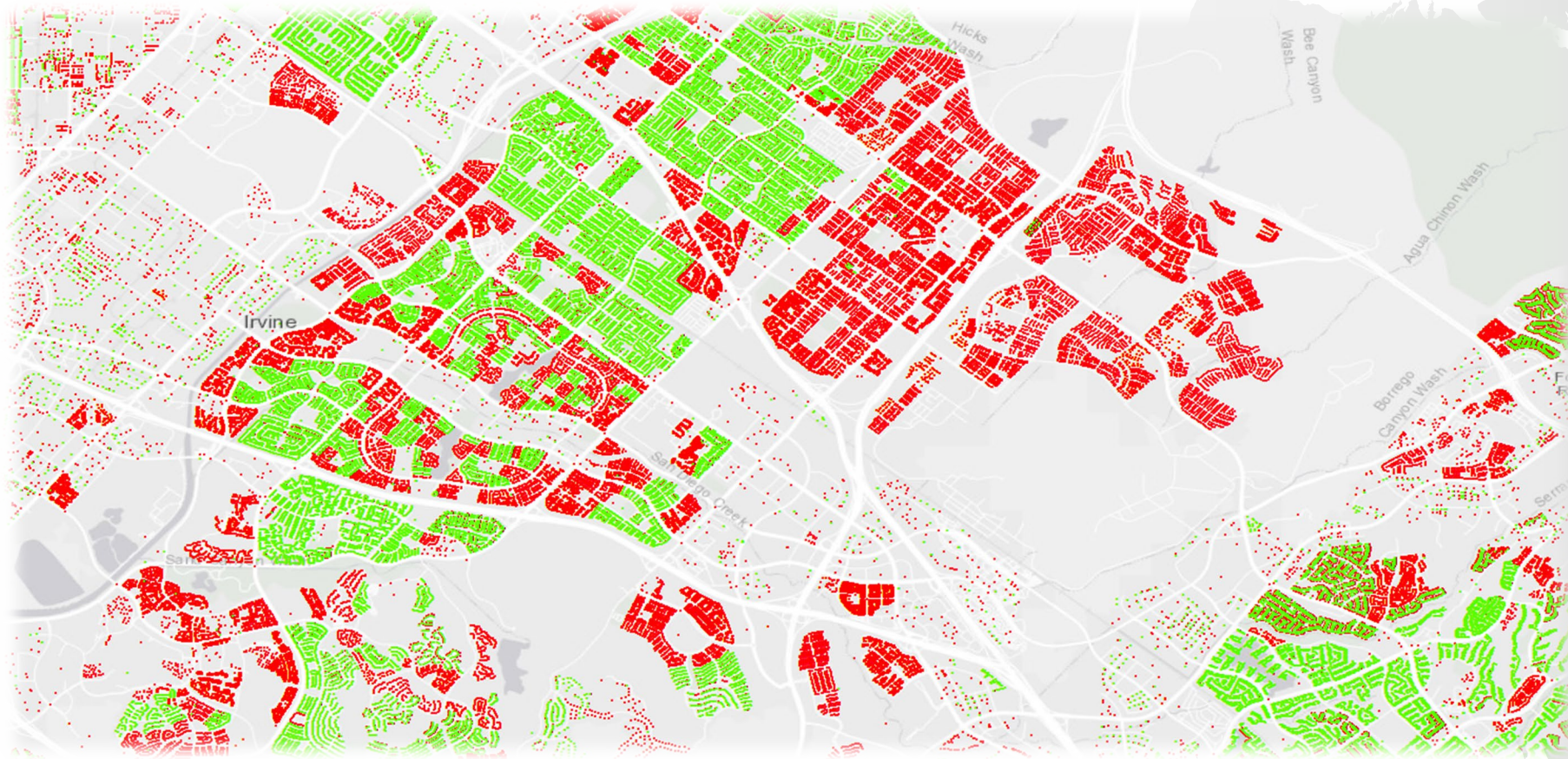
Geocoding Addresses

Step 3: Precinct Modification

What is a Precinct?

- A precinct, or voting district, is the smallest unit into which electoral districts are divided

- Precincts are important for providing ballots to voters, and reporting results

California Elections Code §§11222

No precinct shall be established so that its boundary crosses the boundary of any:

- *Supervisorial district*
- *Congressional, senatorial, or assembly district*
- *Board of equalization district*
- *Judicial district*
- *Incorporated city, ward, or city council district*

Determination of Precinct Boundaries

A precinct is determined by 2 criteria:

1. By the intersection of all unique jurisdictions in a given area

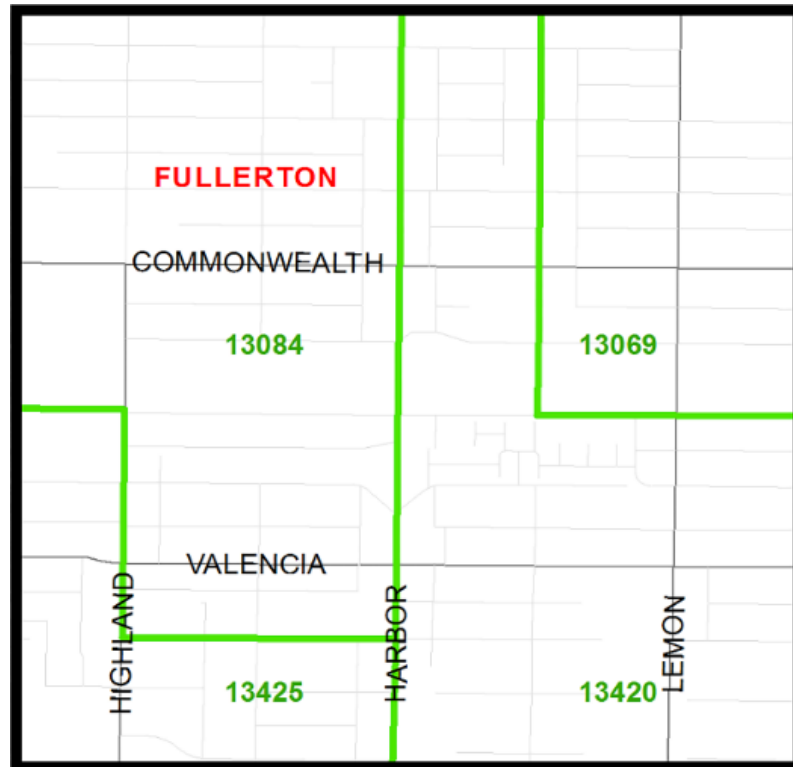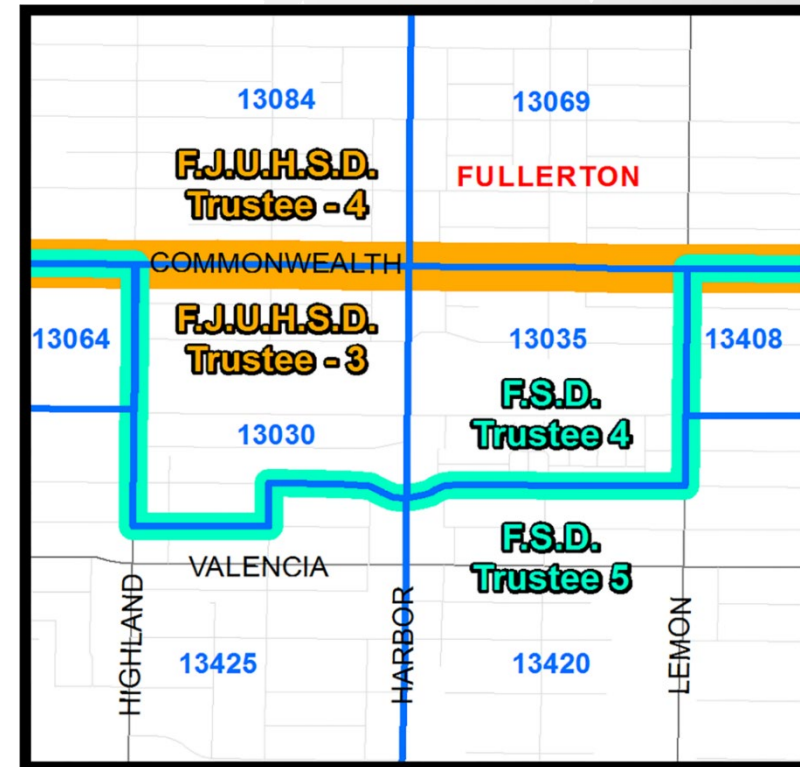2. Maximum of 1,000 polling place voters (non-permanent vote-by-mail)
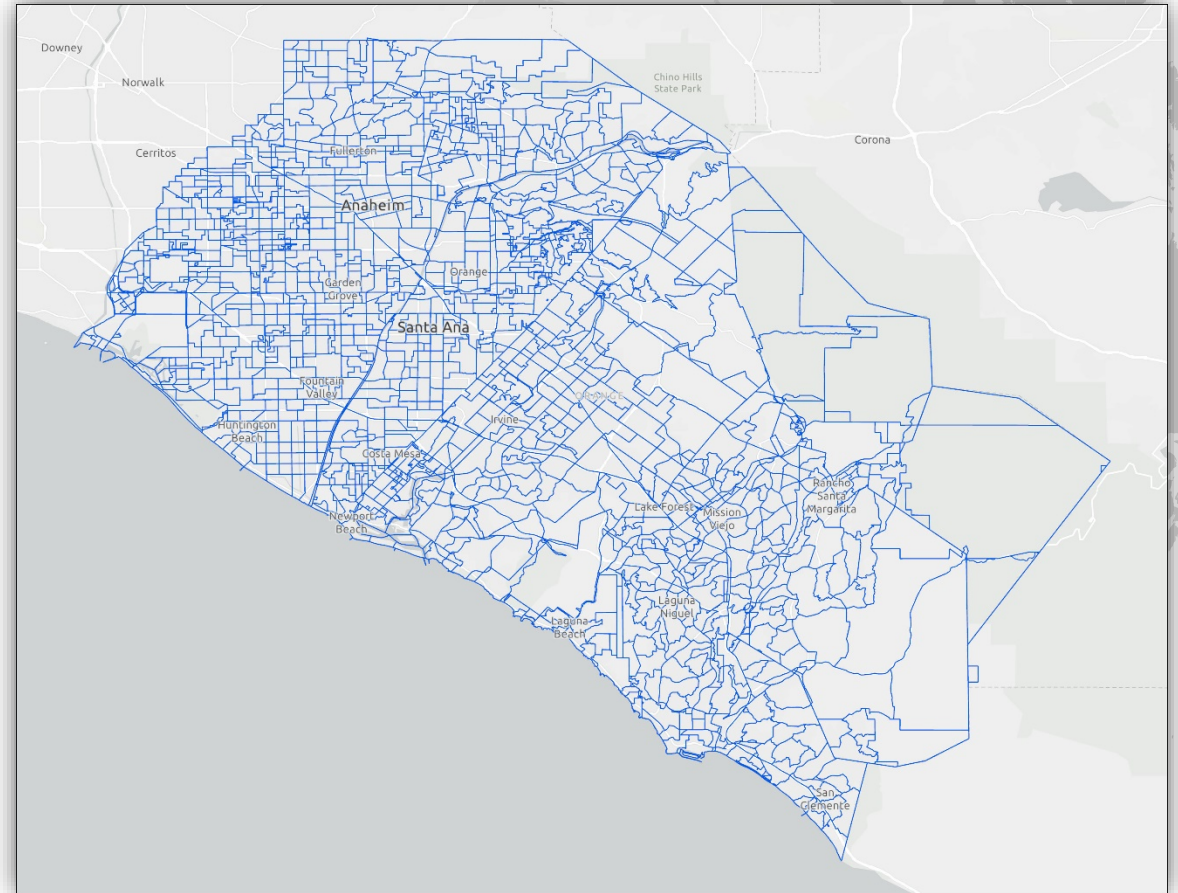
Precinct Modification

Example – School District

4 Precincts

8 Precincts

Freeze Precinct Boundaries

California Elections Code §§11223

"… the precinct boundary shall be fixed in a manner so that the number of voters in the precinct does not exceed 1,000 on the 88th day prior to the day of the election."

For the June 7, 2022 Statewide Primary Election,

- Precincts must be fixed by **March 11, 2022**

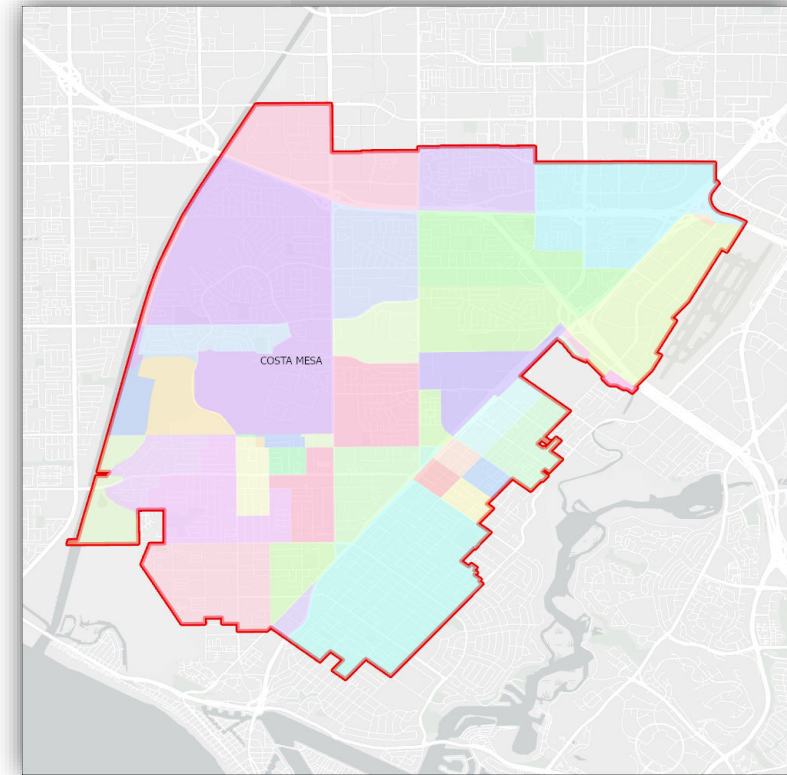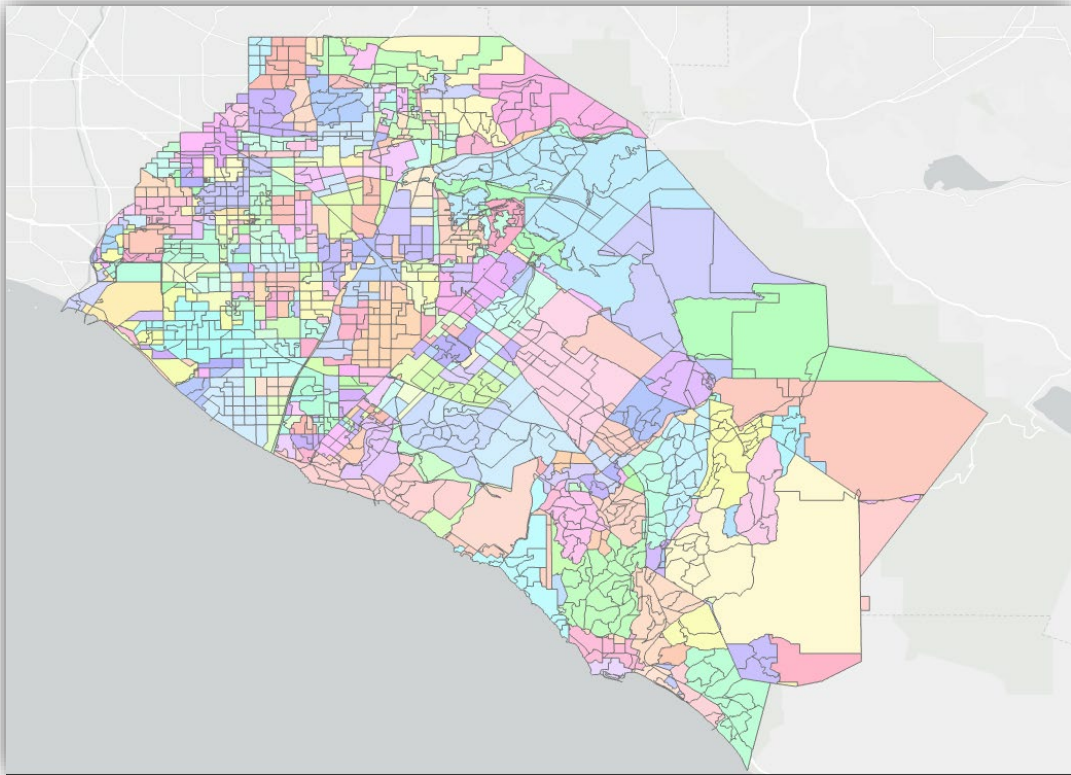- Fixed precincts are used to determine ballot types for voters

Step 4: Create Ballot Types

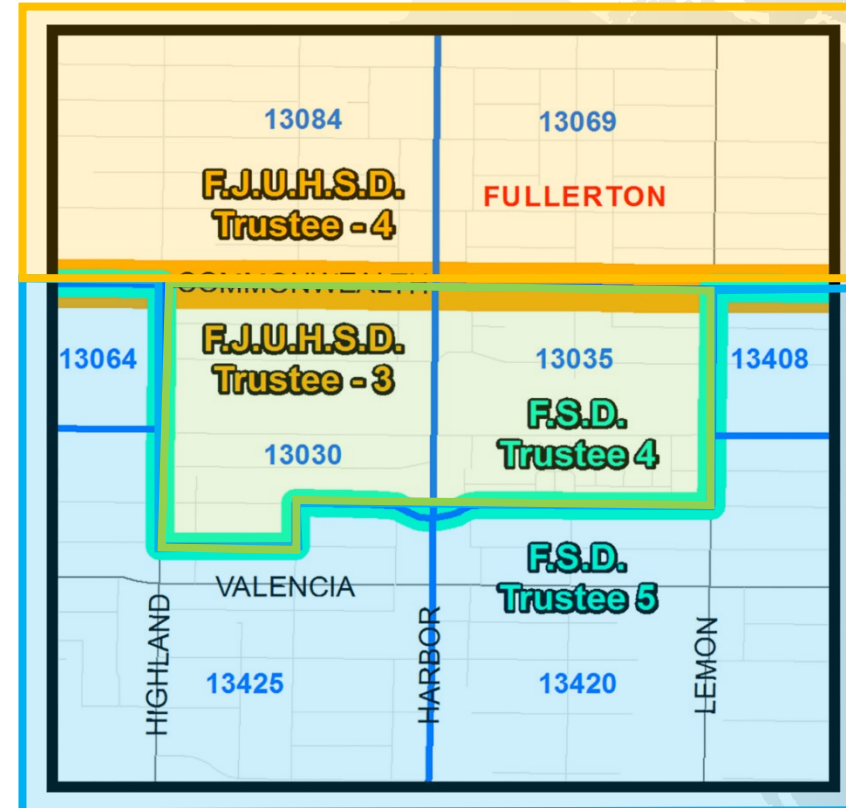**November 3, 2020 Election**

406 Ballot Types Countywide   55 Ballot Types in Costa Mesa alone

From Precinct to Ballot Type

1) FJUHSD 4 + FSD 4
   13084 & 13069

2) FJUHSD 3 + FSD 4
   13030 & 13035

3) FJUHSD 3 + FSD 5
   13064, 13425, 13420, 13408

Challenges for Election Officials

Delays in Census data has ripple effects
1. Condensed timeline to complete maps
2. Deadline differences between county and legislative offices
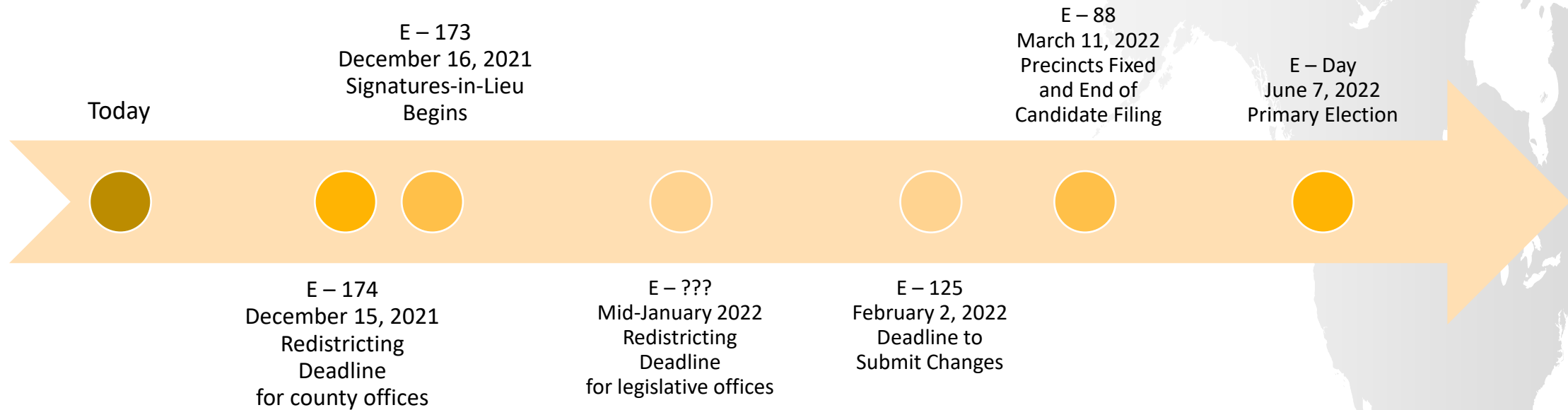3. Candidate nomination period

Challenges for Election Officials

June 7, 2022 is election day

- E-125 is February 2, 2022

  - Last possible day for jurisdictional boundary changes
    Elec. Code §§11262

- E-113 is February 14, 2022

  - Candidate nomination period begins
    Elec. Code §§8020

- E-88 is March 11, 2022

  - Candidate nomination period ends & Precinct boundaries must be fixed with each precinct not exceeding 1,000 voters
    Elec. Code §§8020 & Elec. Code §§11223

Timeline of Events

Today

E – 173
December 16, 2021
Signatures-in-Lieu
Begins

E – 174
December 15, 2021
Redistricting
Deadline
for county offices

E – ???
Mid-January 2022
Redistricting
Deadline
for legislative offices

E – 125
February 2, 2022
Deadline to
Submit Changes

E – 88
March 11, 2022
Precincts Fixed
and End of
Candidate Filing

E – Day
June 7, 2022
Primary Election

Questions?

THANK YOU

Join us on July 28th for *Session 2: Data and Resources*

Register at ocvote.com/academy