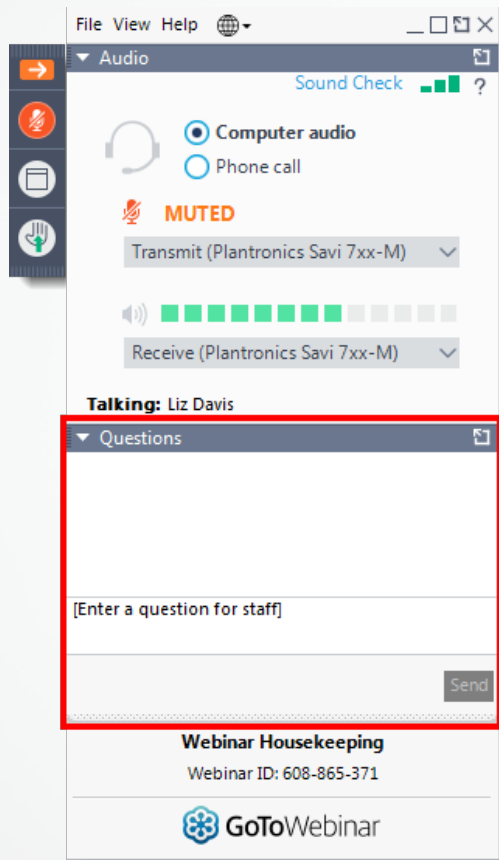


REDISTRICTING 101

MARCH 8, 2021



HOUSEKEEPING



- *At the end of the presentation, we will have a Question and Answer segment where we will try our best to answer all of your questions.*
- *Please type your questions into the **Questions** tab of your Go To Webinar dashboard.*
 - *This is located on the side of your screen.*
 - *If you do not see the Webinar dashboard, it may be collapsed. Look for an orange arrow in the top right corner of your screen, click on that arrow and it will expand the dashboard.*

TODAY'S PRESENTERS

- Robert Tuerck, Chief Legal Counsel, CSBA
- Paul Mitchell, Founder, Redistricting Partners

Moderator: James Collins, Senior Director of Business Development, CSBA

ELECTION METHODS

- **Board Bylaw 9220 - Governing Board Elections**
- **Trustee Area voting** - The district is divided into trustee areas and each trustee area shall be represented by a Board member who resides in and is elected by voters residing within that trustee area
- **“At-Large” voting** - Board members may reside anywhere within the district's boundaries and shall be elected by all voters in the district
- **Hybrid method** - Each Board member shall reside within the trustee area that he/she represents but shall be elected by all voters in the district

Redistricting 101



Overview

This presentation is designed to provide an overview of the redistricting process:

- Census Overview
- The California Voting Rights Act
- Districting vs. Redistricting vs. Gerrymandering
- Traditional Districting/Redistricting Principles
- Principles of the Fair Maps Act
- Timeline

Census Overview

The basis for all redistricting processes

The census was conducted throughout 2020, with an intent on identifying whole counts of population and where they reside on April 1 of that year.

- First Online survey, lacking full testing
- Major issues around citizenship question
- Delayed due to COVID

Census Overview

The basis for all redistricting processes

The Census Bureau announced that the required redistricting dataset will not be released until September 30th.

- This dataset is required to be released by March 31st
- This is the first time the Census Bureau has missed this federal deadline
- Other datasets: Census Geography (TIGER) and American Community Survey (ACS) has been updated on time.

What is the CVRA?

Conversion from At-Large to Districted elections

The California Voting Rights Act is a state law that prohibits the use of at-large-election-systems in local government if there is Racially Polarized Voting.

“At Large” is defined as: anything other than an election system which elects officials that live in a district and who are elected by voters of that district.

“Racially Polarized Voting” is defined as: differences in voting patterns which can be shown to be correlated to race, religion, national origin, or membership in any other protected class.

What is the CVRA?

Conversion from At-Large to Districted elections

The California Voting Rights Act takes the principles of the Federal Voting Rights Act and expands it regarding districted elections in two key ways:

While Federal law uses “majority minority” districts as a standard for vulnerability, the CVRA only requires “ability to influence.”

The CVRA requires that plaintiffs get full reimbursement for legal fees associated with any successful challenge. These fees can be lessened or eliminated if the district follows the **Safe Harbor Provisions**, which outlines a strict and prompt process for districting.

CVRA Requirements

Conversion from At-Large to Districted elections

Utilizing the “safe harbor” provisions of the California Voting Rights Act, School Districts can switch election systems and reduce potential legal fees.

- Requires 5 hearings
 - 2 Pre-mapping to build community of interest testimony
 - 2 Post-mapping hearings
 - 1 final up/down vote on final map
 - Any maps posted 7-days prior to hearings

What is Districting

Definition

Districting is the initial process of creating election district boundaries and legal election system.

These boundaries do determine:

- Areas from which a candidate needs to be a resident at the time of filing for office (residency requirement).
- Who will vote in each election – only those who live within the district vote for that district's representatives.

What is Districting

Definition

Districting is the initial process of creating election district boundaries and legal election system.

These boundaries do not determine:

- How the School Board decides to govern. The School Board can still work to achieve goals that benefit the entire School District as a whole rather than the interests of any single area.
- How services or relationships between the School District and the campuses or public are managed.

What is Redistricting

Definition

Redistricting is the process of adjusting district lines every 10 years after the release of the U.S. Census. The well-known examples are Congress and the legislature.

Within the U.S., redistricting has become an extremely politicized process and been the subject of more high-profile Supreme Court decisions than any other part of our elections system.

What is Gerrymandering

The Gerrymander

The term Gerrymander came from a cartoon depicting a rather serpentine looking district created by Governor Elbridge Gerry in Massachusetts.

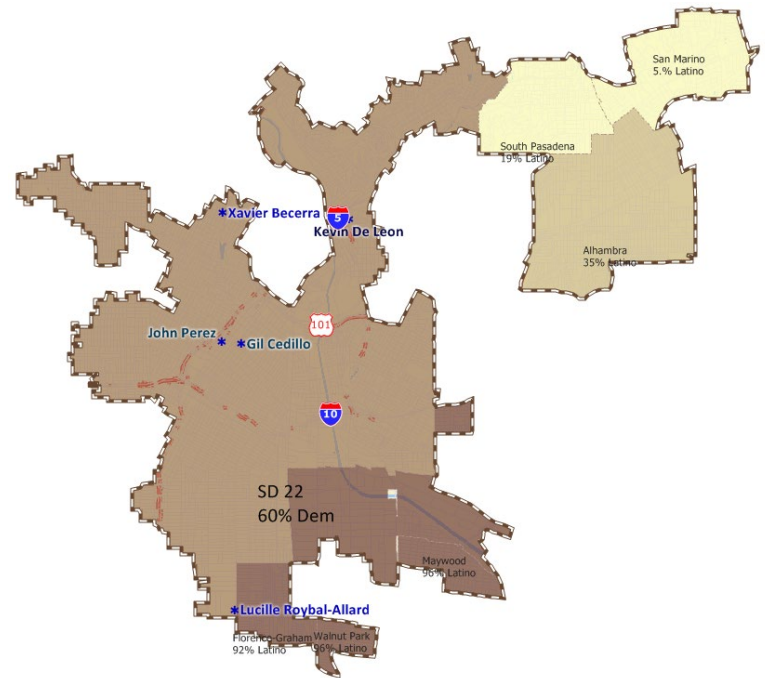


What is Gerrymandering

the Gerrymander

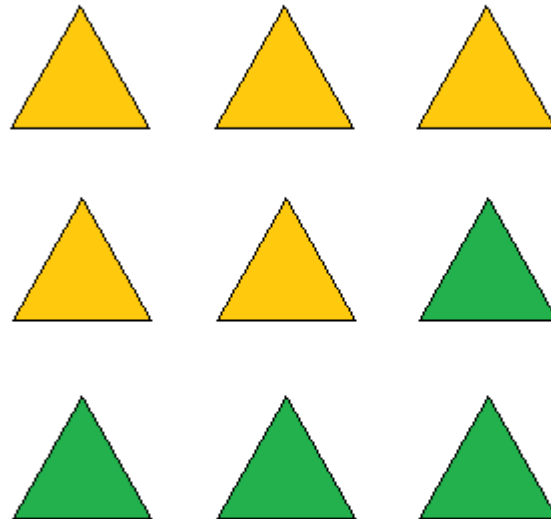
There are more recent examples of gerrymandering, even in California.

This 2001 Senate District is a great example.



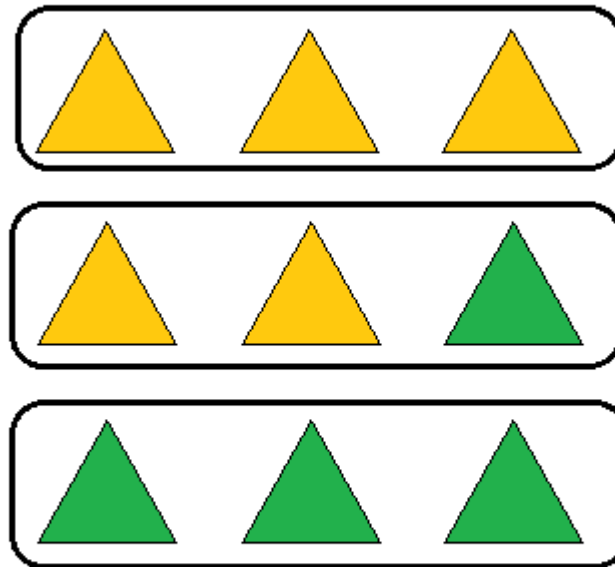
What is Gerrymandering

How does gerrymandering work?



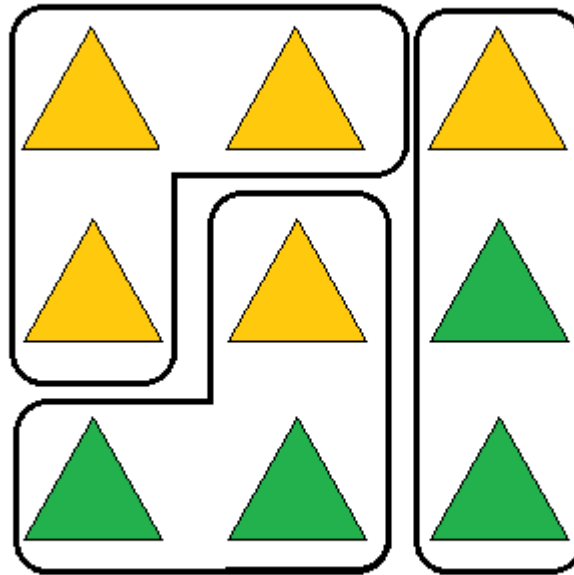
What is Gerrymandering

How does gerrymandering work?



What is Gerrymandering

How does gerrymandering work?



Traditional Redistricting Principles

Preventing a Districting from becoming a Gerrymander

There are a number of criteria that have been used nationally and upheld by courts.

- Relatively equal size - people, not citizens
- Contiguous – districts should not hop/jump
- Maintain “*communities of interest*”
- Follow city/county/local government lines
- Keep districts compact – appearance/function

Traditional Redistricting Principles

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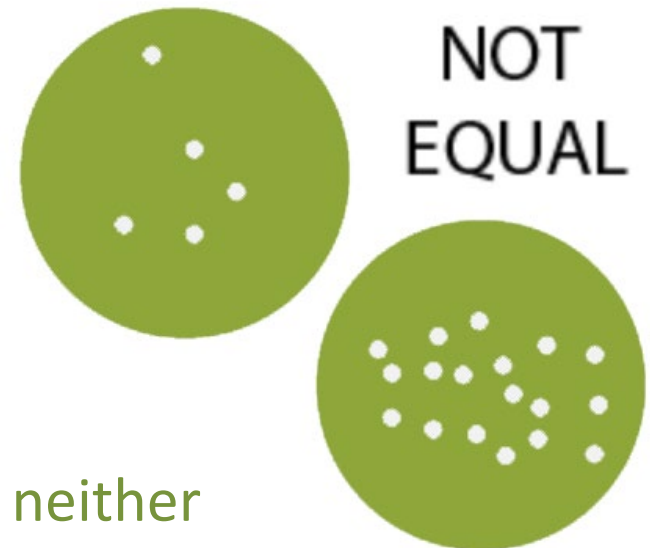
- **Relatively equal size - people, not citizens**
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Equal Population

Utilizing the U.S. Census Decennial File

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.
- 10% or smaller deviation.
- Greater than 10% equality is neither required nor necessarily better.



Traditional Redistricting Principles

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Contiguity

Two definitions for what is contiguous

Contiguity should be thought of as “literal” and “functional.”

- An area that is one whole piece is “literally contiguous.”
- An area that represents how the population functions or how people are connected is “functionally contiguous.”



Traditional Redistricting Principles

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- Keep districts compact – appearance/function

Communities of Interest

Bringing like people together for representation

A community of interest includes ethnic and language minorities and other groups.

- Communities covered by the Voting Rights Act
 - Latinos
 - Asians
 - African Americans

While race is a community of interest, it cannot be the *predominant factor* in drawing district boundaries.

Communities of Interest

Bringing like people together for representation

A community of interest includes ethnic and language minorities and other groups.

- Other Communities, example are:
 - Where campuses are located
 - Senior citizens or student populations
 - Downtown / urban
 - Rural or agricultural
 - Homeowners or renters

Traditional Redistricting Principles

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- Maintain “*communities of interest*”
- **Follow city/county/local government lines**
- Keep districts compact – appearance/function

Local Government Lines

The existing underlying governmental structure

School Districts have a geographic relationship with their community, if it is conscious or not.

- Campuses and their enrollment areas
- Relationships between elementary, middle and high schools (if applicable)
- Ties to other local governments, underlying cities, unincorporated county areas.

Traditional Redistricting Principles

Preventing a Districting from becoming a Gerrymander

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- Maintain “*communities of interest*”
- Follow city/county/local government lines
- **Keep districts compact – appearance/function**

Compactness

Determining what is “compact”

The measure of compactness can get complicated.

- Ratio of the circumference of a district and the area of a district.
- Measuring the number of distinct straight lines and the number of kinks and bends.
- Simply outlawing funny shapes.

NOT
COMPACT

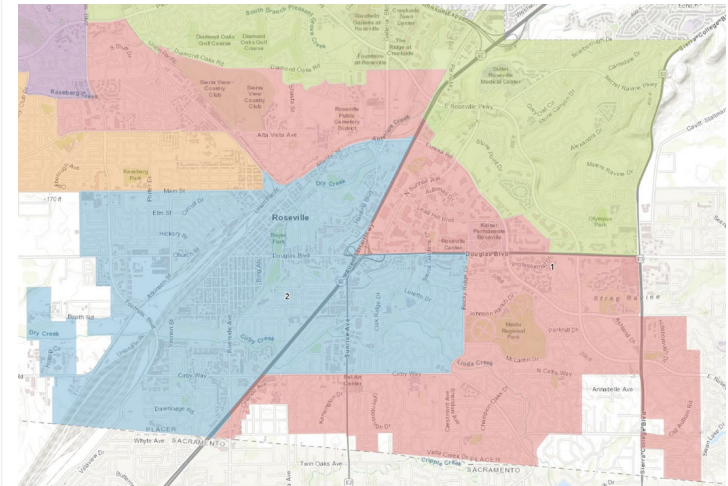
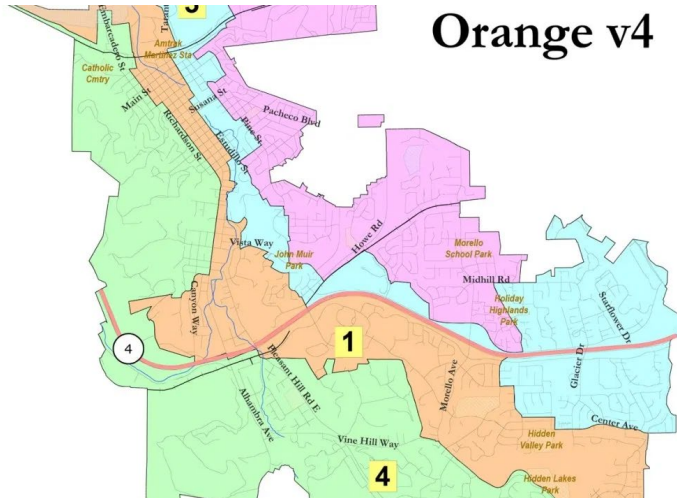


Compactness

Determining what is “compact”

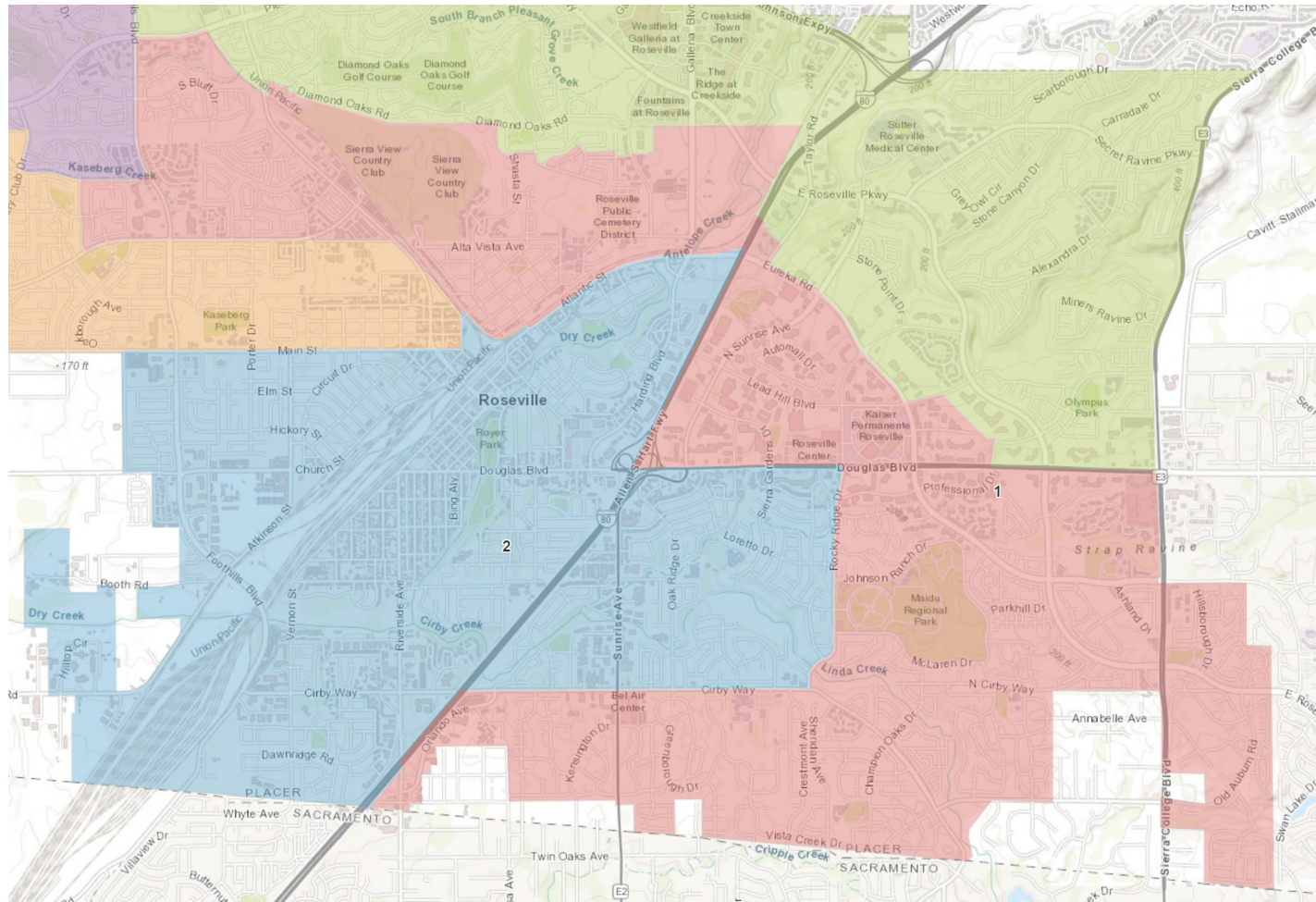
California has a rather elegant/simple definition.

- Not bypassing nearby populated areas in favor of more distant populated areas

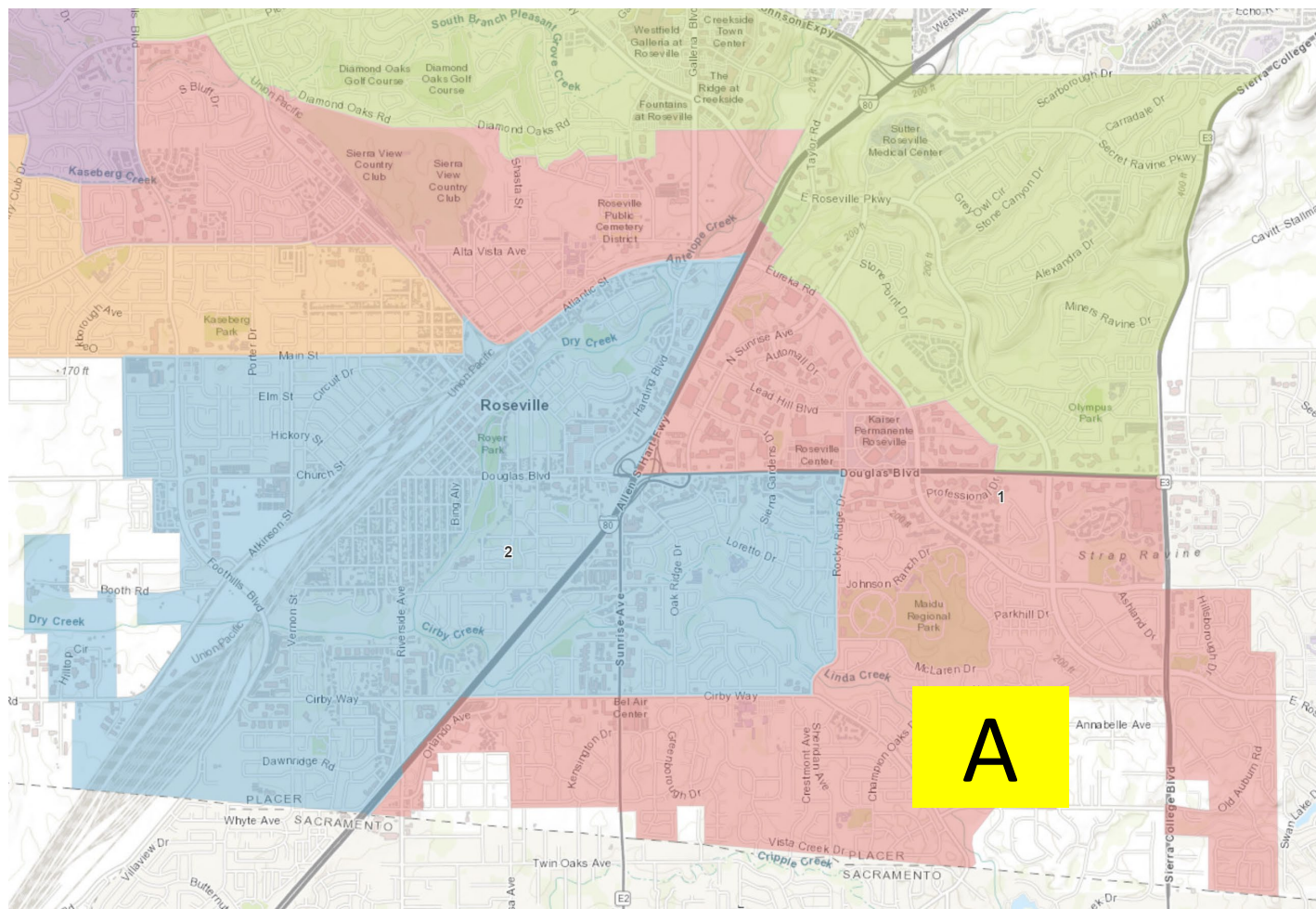


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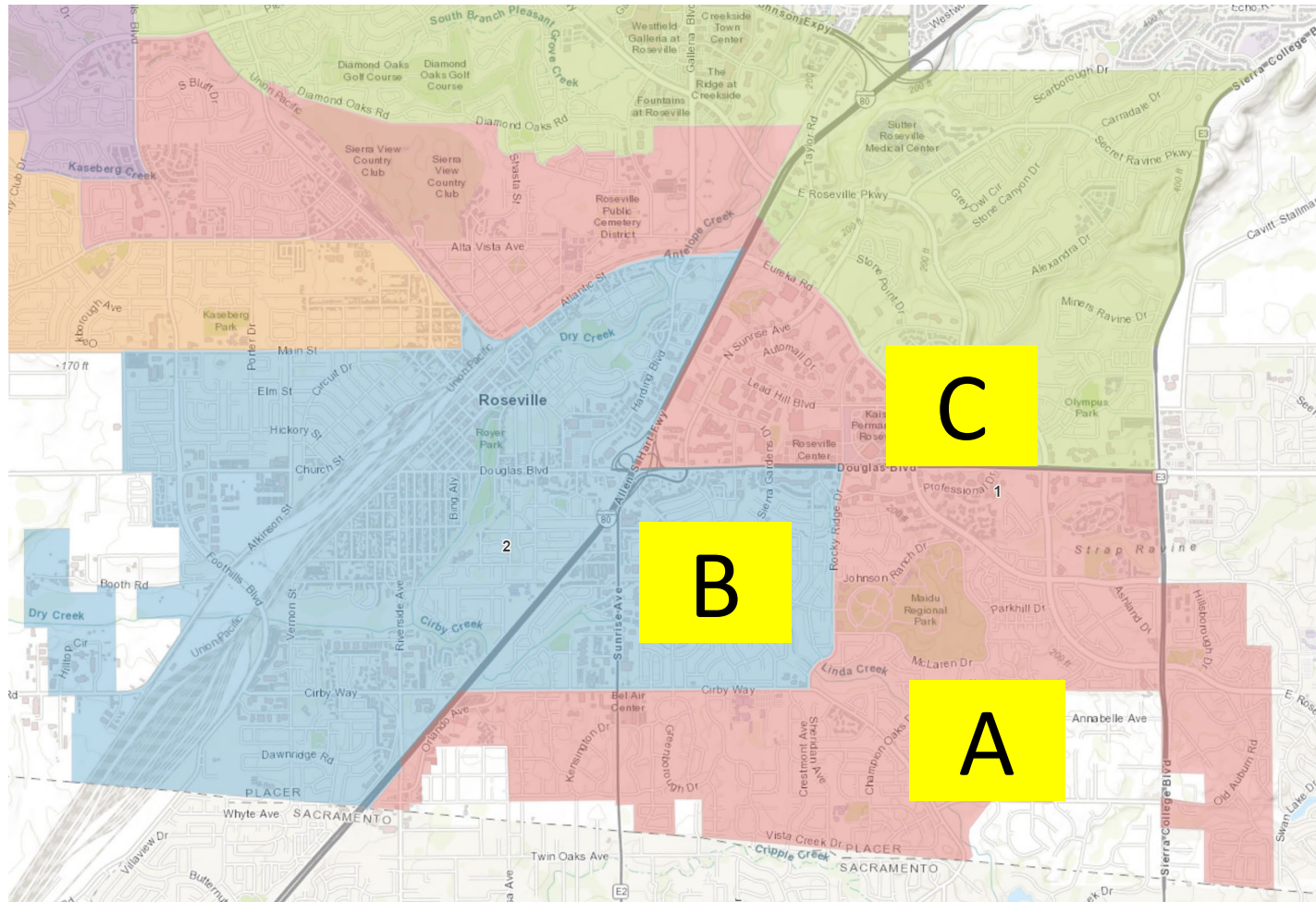


Determining what is “compact”



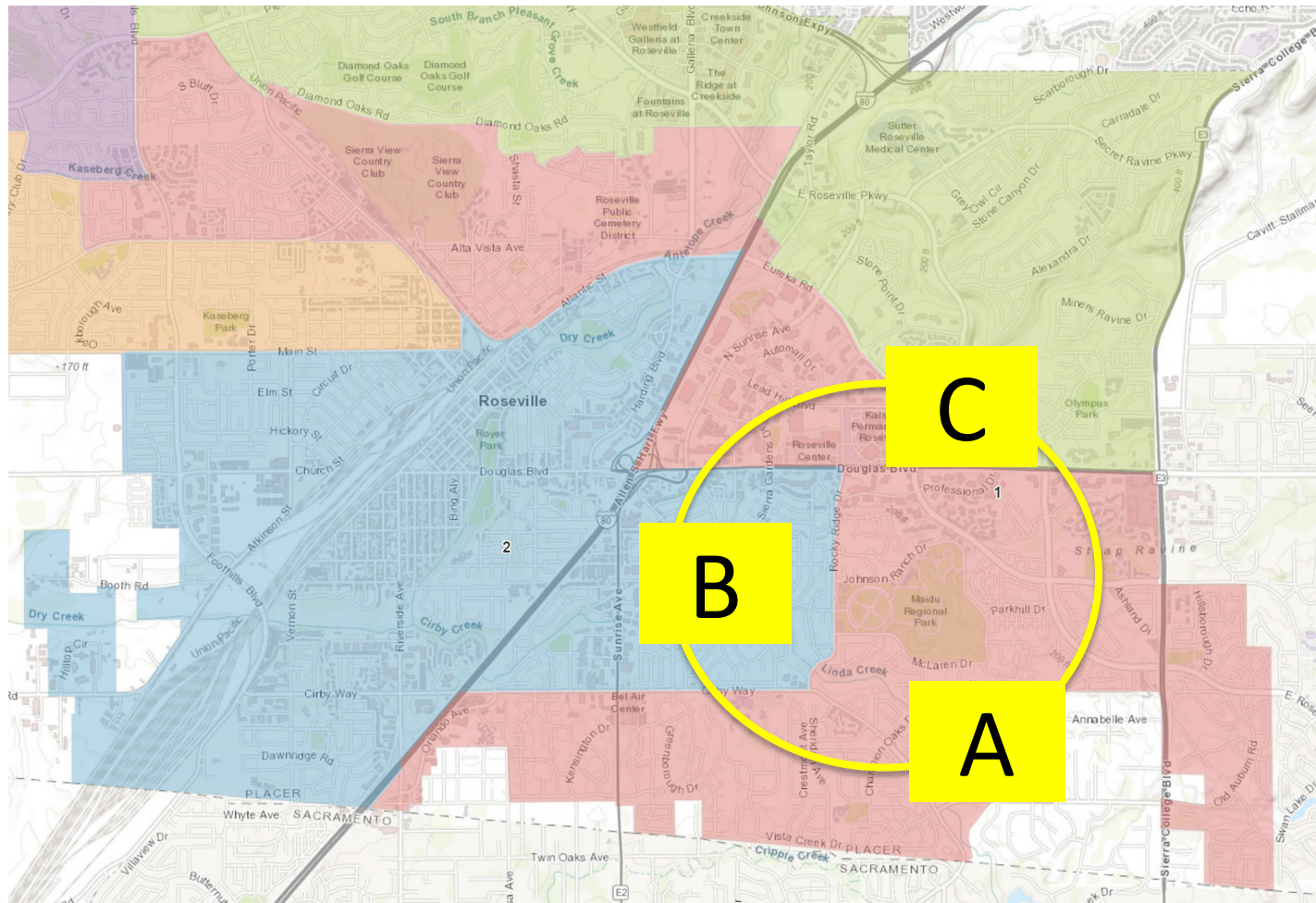
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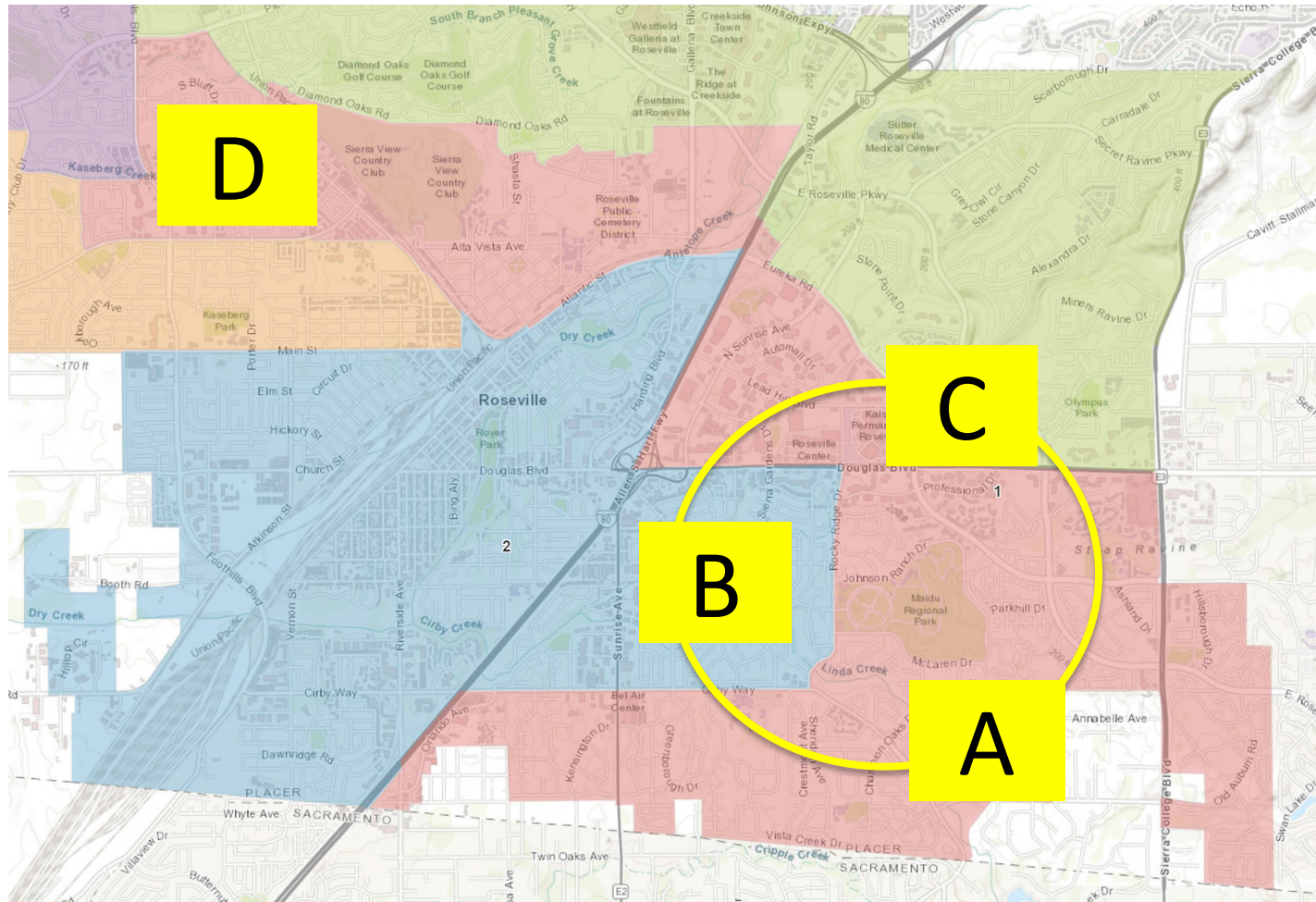
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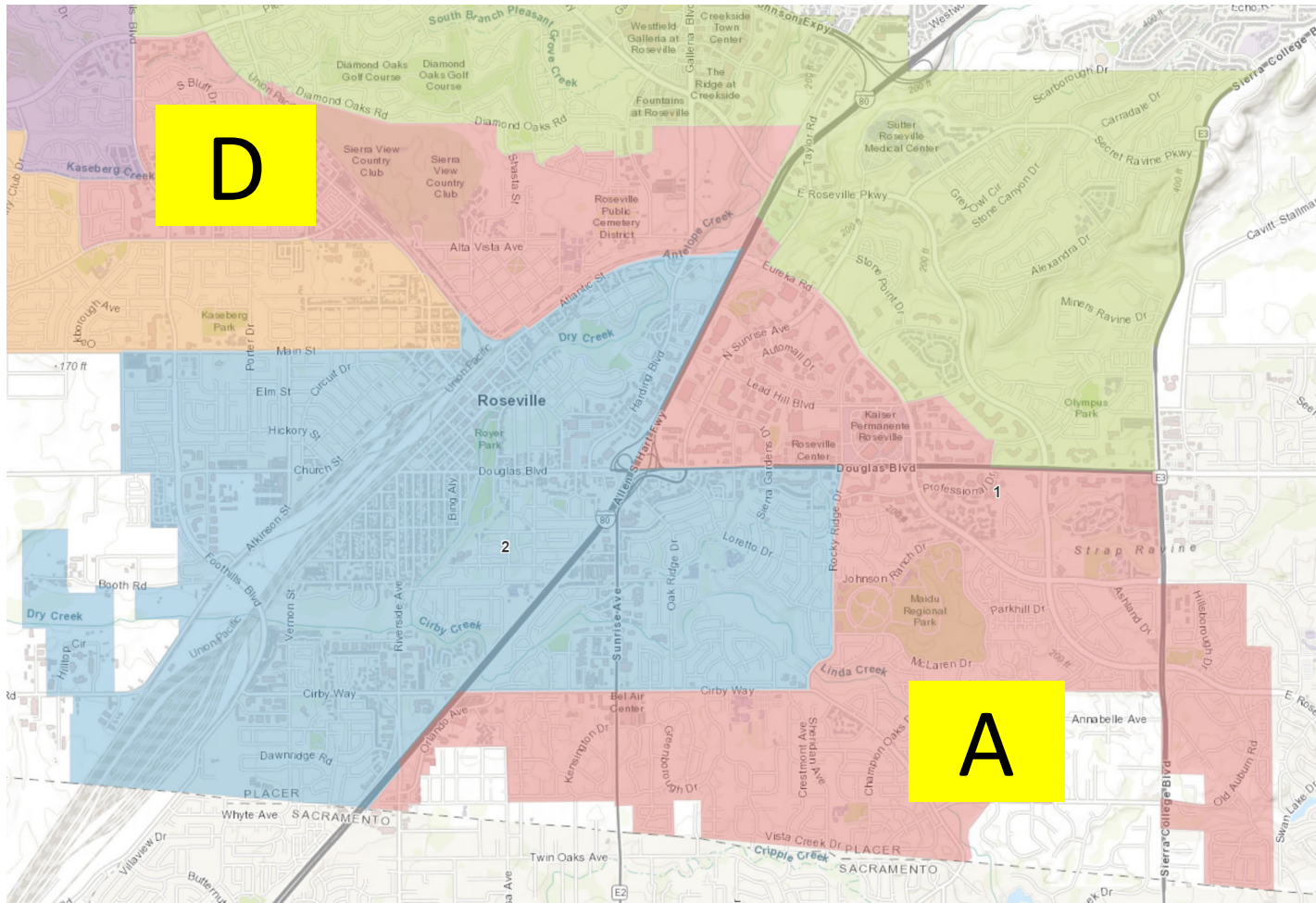
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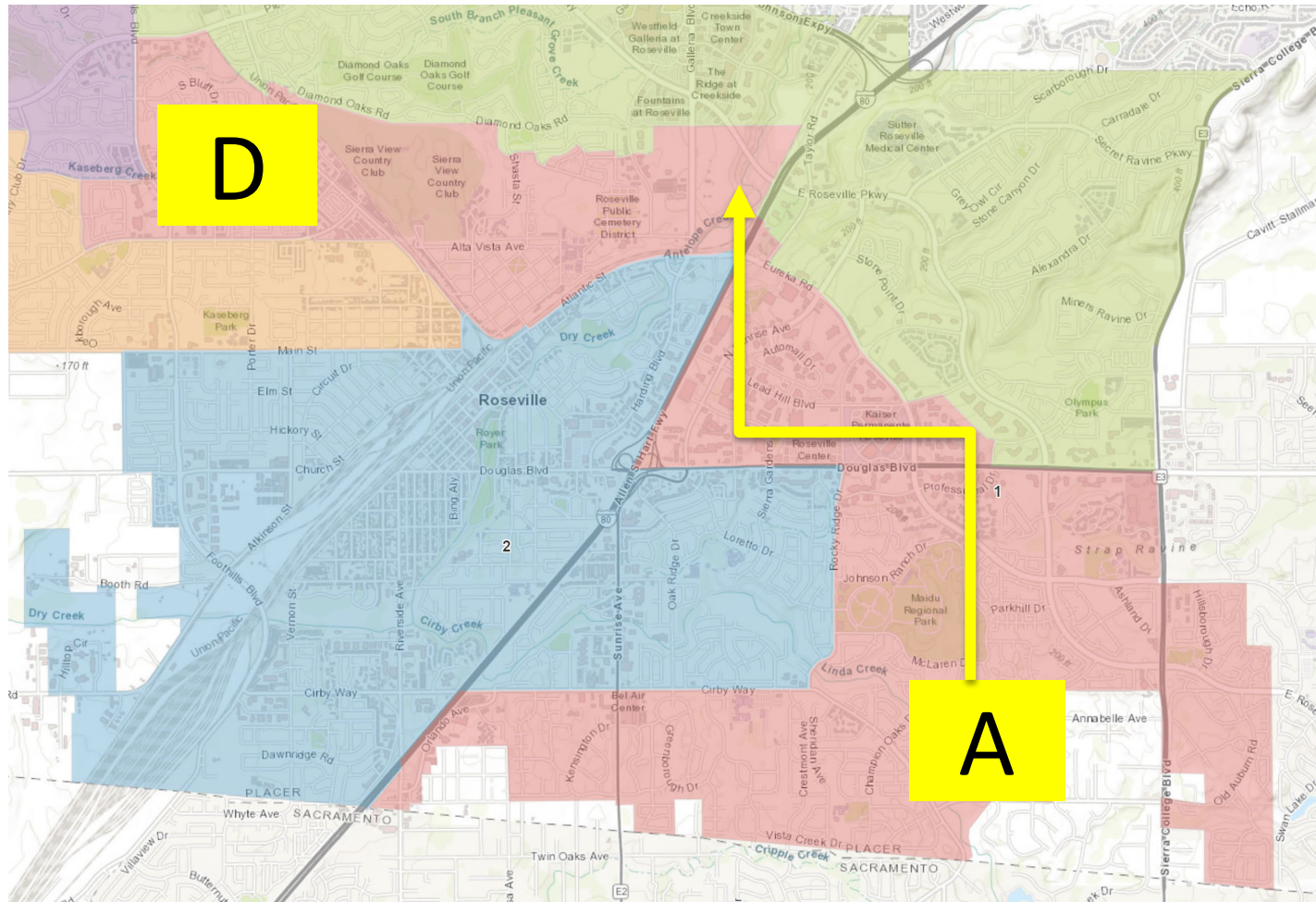
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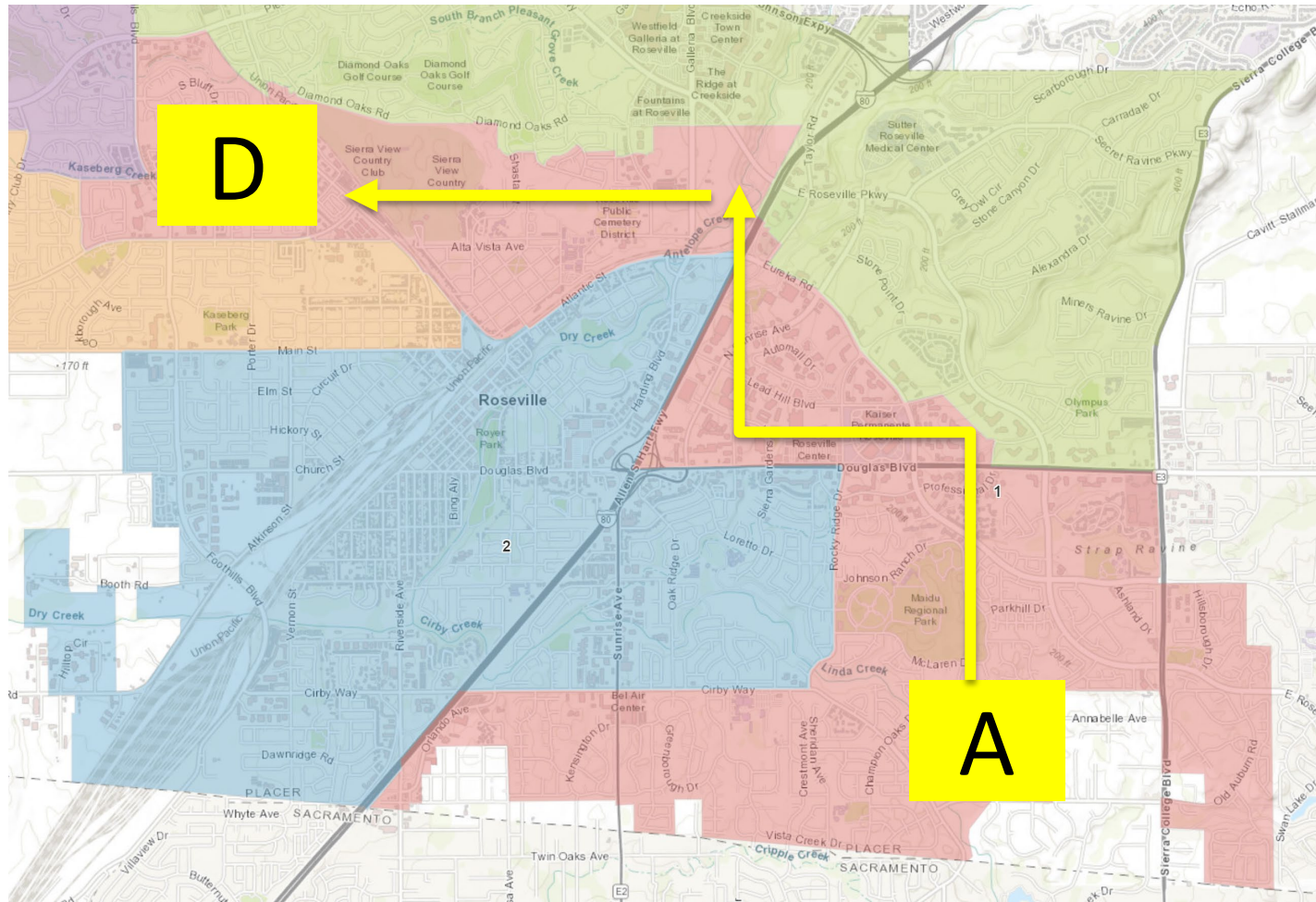
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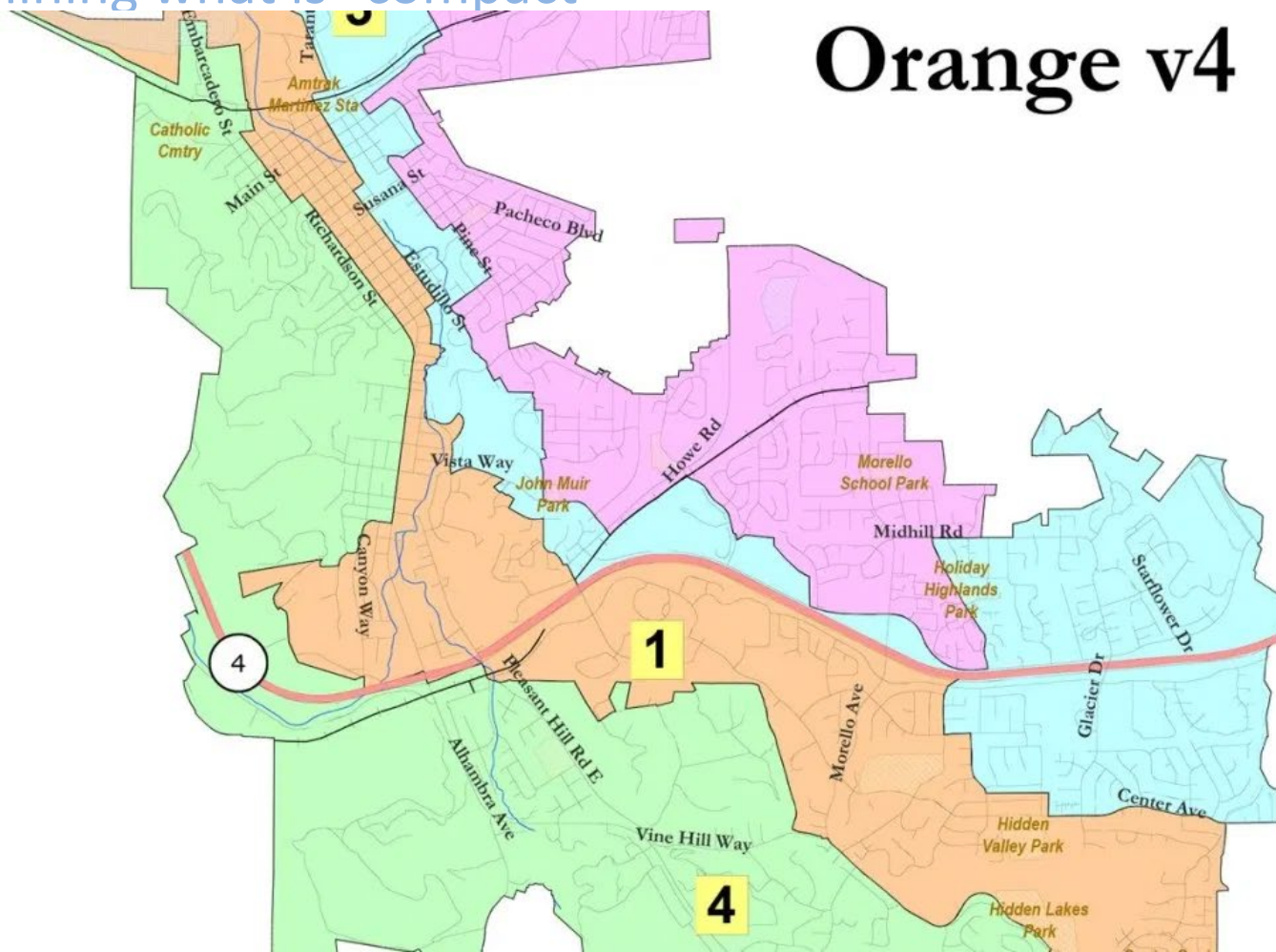
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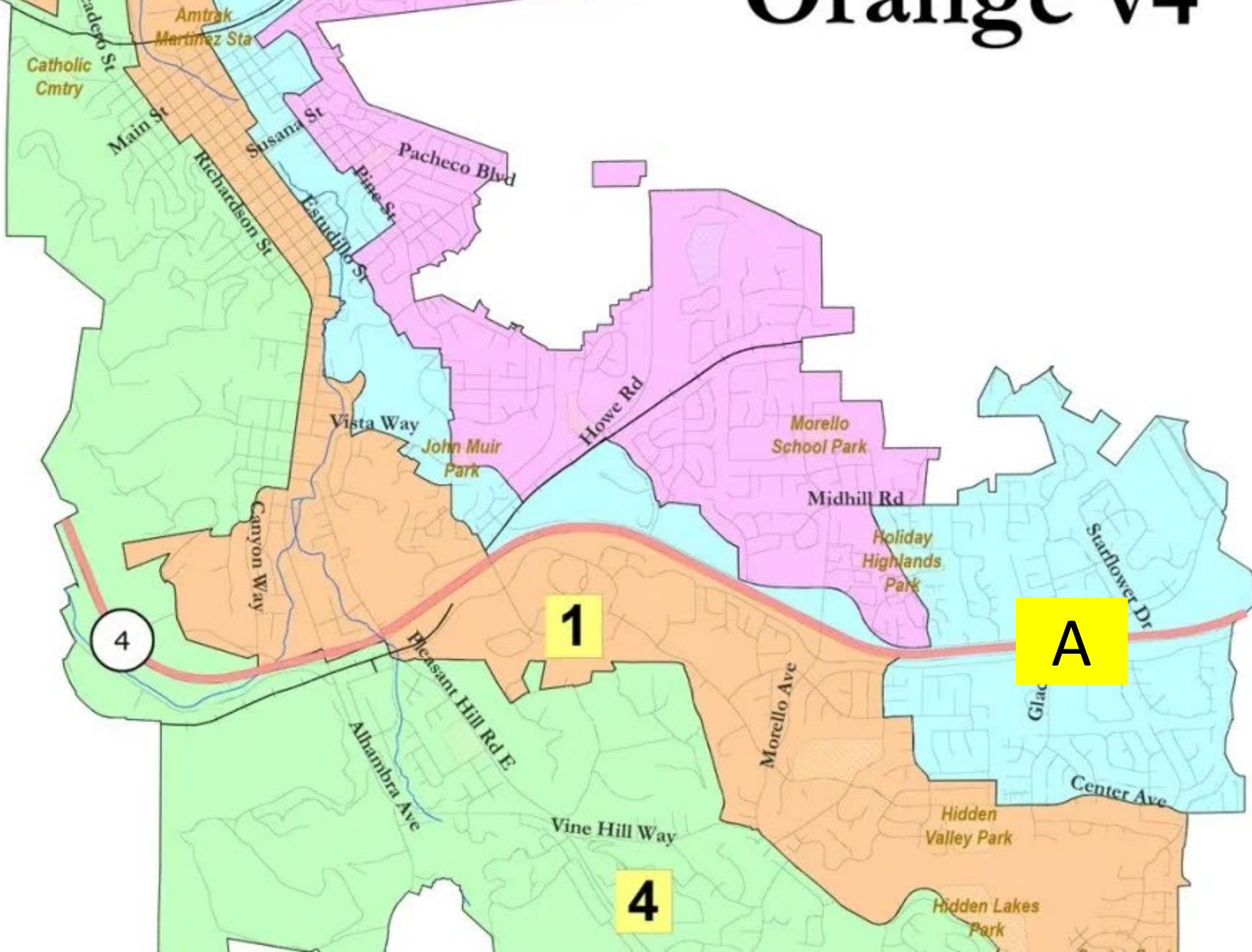
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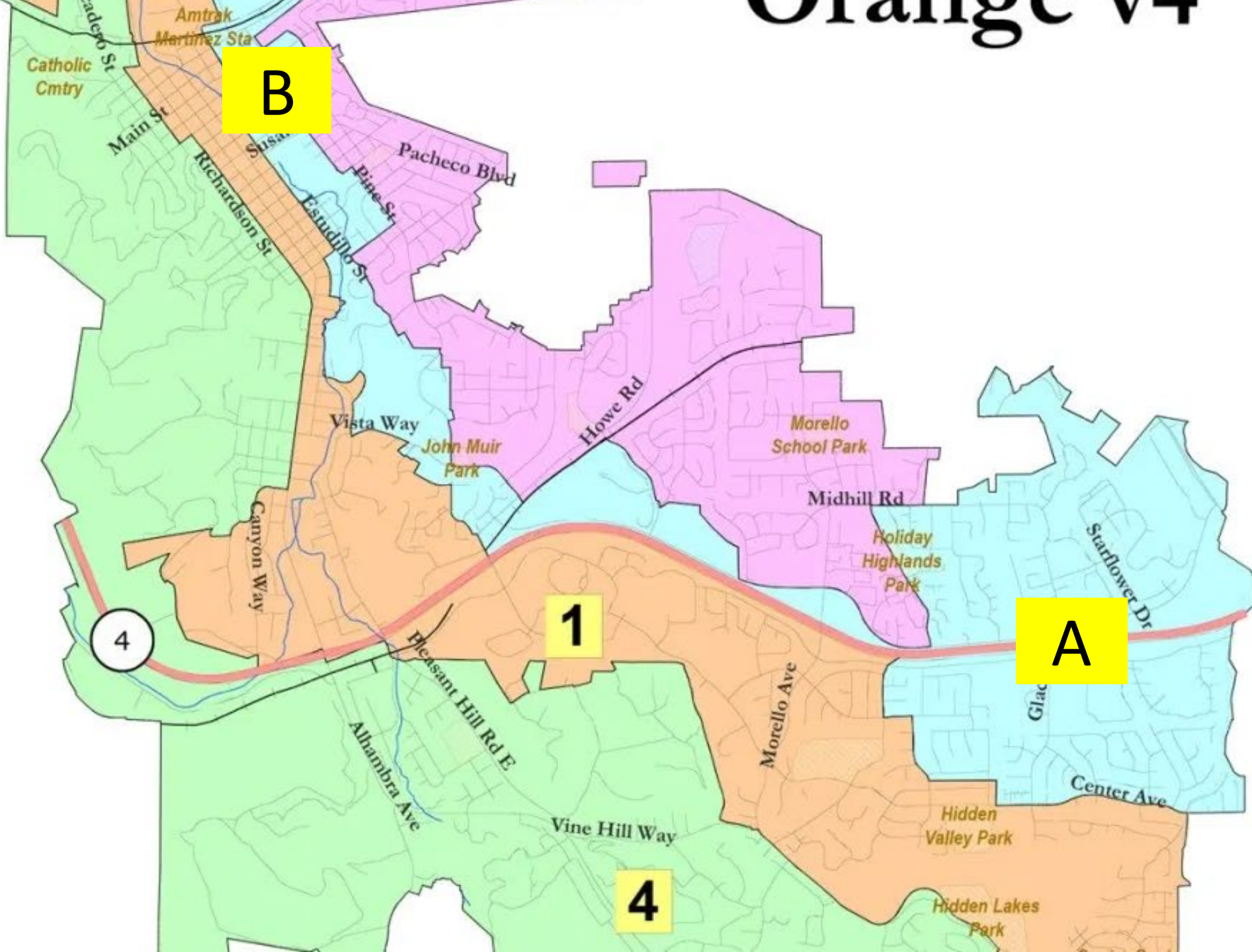


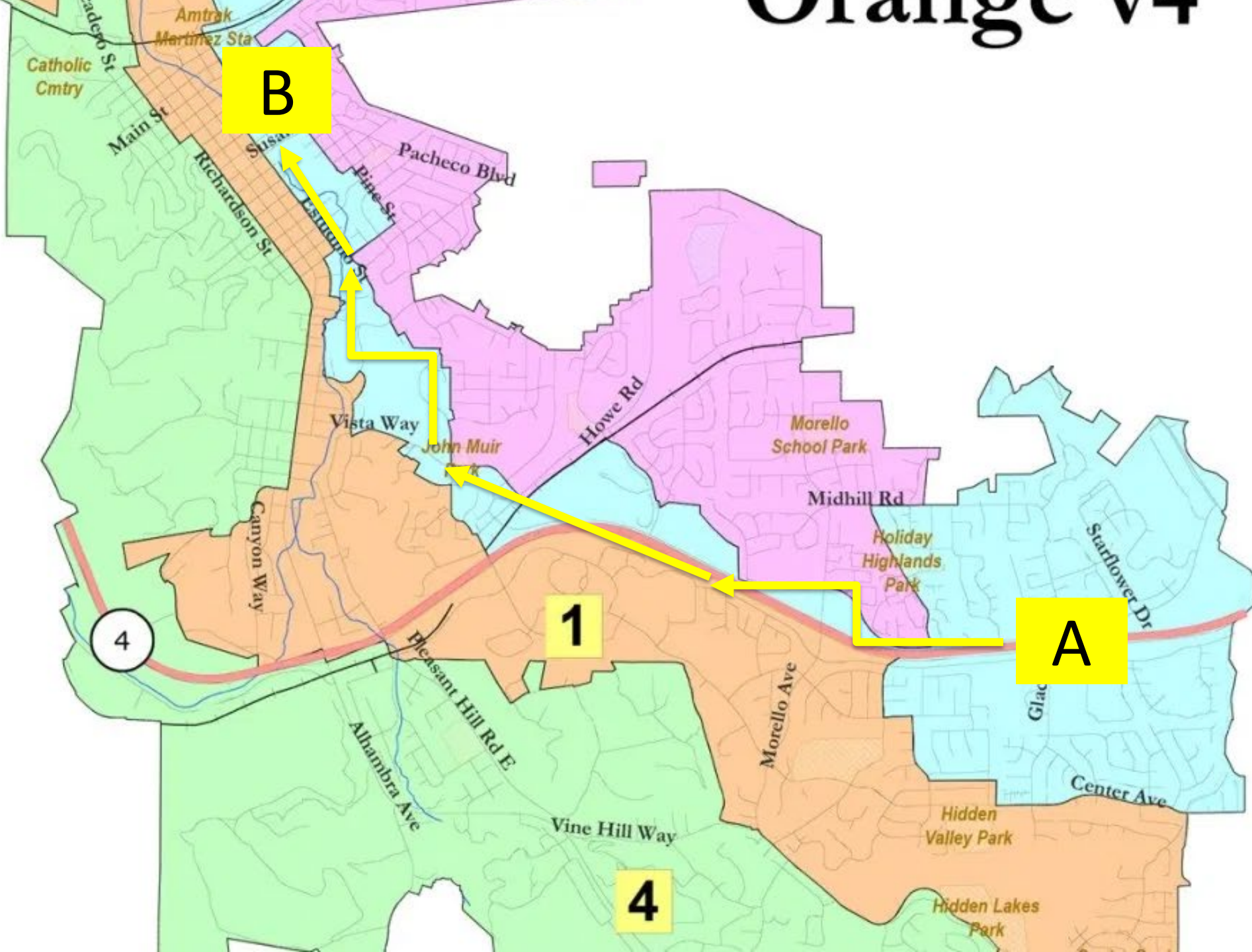
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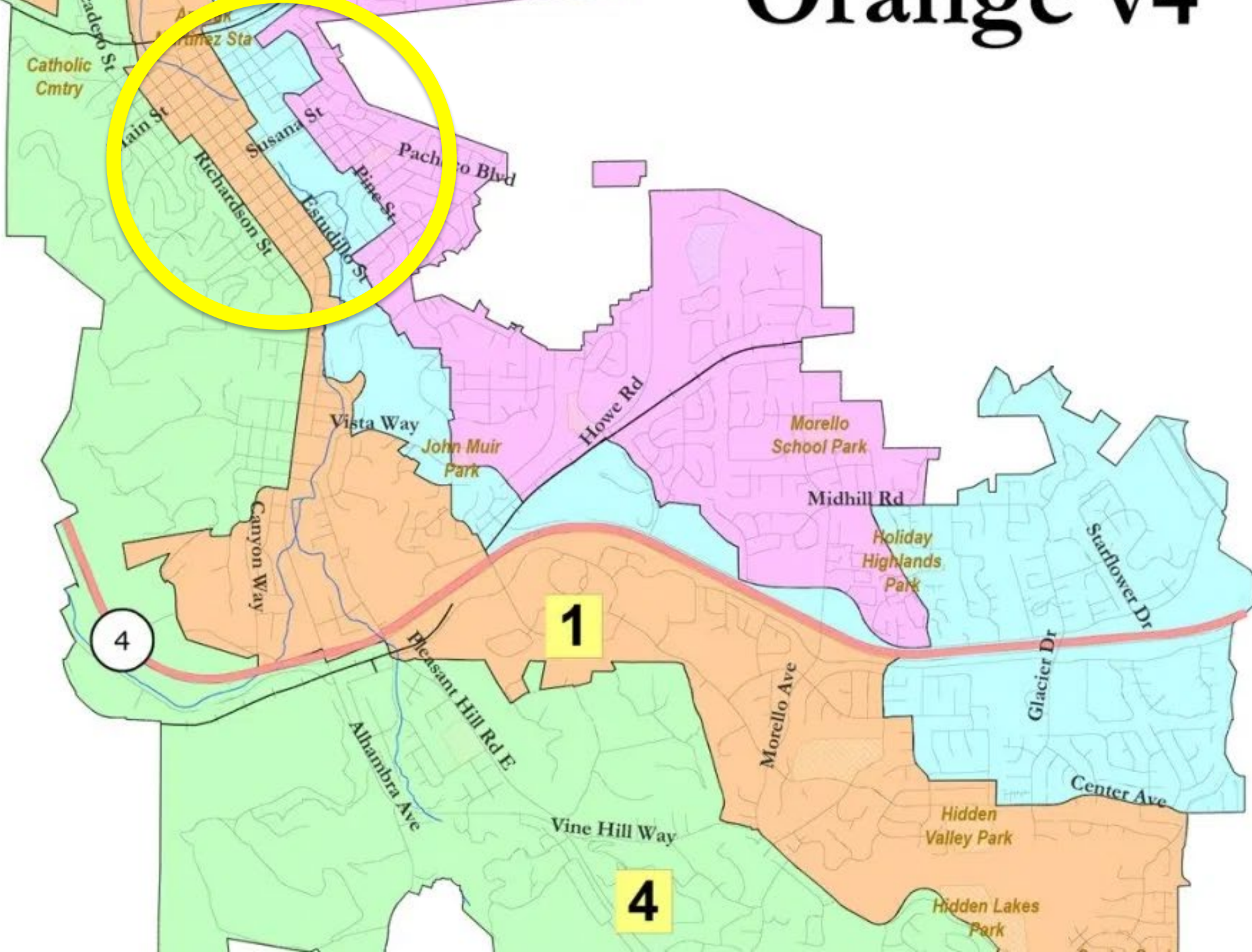
Orange v4











Compactness

Determining what is “compact”

Not having justifiable district boundaries is the easiest way to have the public and media attack your plan as a gerrymander.

First Example: Sacramento Bee Editorial *“Is it a squid? Or maybe a Praying Mantis? Is this some type of Rorschach inkblot test?”*

Second Example: Judge declared the plan was “a parody” of the original gerrymander and clear manipulation of the districting process.

Principles of the Fair Maps Act

A new redistricting best practice

Starting in 2020, cities and counties doing redistricting have additional criteria they must follow under the California Fair Maps Act. This becomes a “best practice” for all agencies.

- Process/transparency when conducting redistricting
- Not using incumbent or candidate residence as a Community of Interest
- Not drawing districts to advantage a political party

Principles of the Fair Maps Act

A new redistricting best practice

There are dozens of specific requirements that we can assist districts with – these include:

- Specific Outreach to media and local organizations
- Language accessibility upon request
- Specific website on district page with hearing notices, agendas, materials, etc.
- Redistricting hearings that are time-certain and possibly on weekends or outside of regular board meeting schedules.

Principles of the Fair Maps Act

A new redistricting best practice

While not a requirement, more local governments are moving to online mapping software to facilitate community outreach

- Proliferation of online tools for conducting mapping.
- Before final 2020 data is available systems can be used to map communities of interest.
- Post mapping public can submit full district plans or use these systems to suggest changes.

Timeline

State Law and County Registrar Deadlines

Fair Maps Act deadlines align with the current deadlines for statewide redistricting and have been accepted by County Registrars

- Districts with Primaries: December 15, 2021
- Districts without Primaries: April 17, 2022

These dates may be changed by the legislature or an executive order from the Governor and each district should be working with their county to ensure they are on time.

CVRA Districting Timeline

Five Hearing Structure Required

Five hearings with specific structure

- **#1** – Public Information / Feedback
- **#2** – Public Information / Feedback
- **#3** – Presentation/Discussion of Maps
Maps posted 7 days before hearing
- **#4** – Discussion / Identification of Final Map
7-Day posting requirement
- **#5** – Passage of Final Map in an up/down vote

Redistricting Timeline

Highest standards for transparency, but expedient.

Transparency through open public hearings

- **#1** – Public Information / Feedback / Mapping Direction
- **#2** – Presentation / Discussion of Draft Maps
Maps posted 7 days before hearing
- **#3** – Discussion / Amendments / Selection of Final Map
7-Day posting requirement
Passage if it has not had any changes
- **#4** – Passage of map if it was not passed at hearing #3

Example Redistricting Timeline

For Districts with a June 2022 Election

May / June	Public Hearing on Redistricting Process
July - Sept	<i>Optional Community Meetings to collect input</i>
Sept 30	Census Data Released
Oct 23	Area Mapping Options Released for public review
Oct 30	Hearing on Mapping Options
Nov 15	Final Hearing on approval of final map

Example Redistricting Timeline

For Districts with a November 2022 Election

Sept 30	Census Data Released
January/Feb	Public Hearing on Redistricting Process
February	<i>Optional Community Meetings to collect input</i>
March 1	Area Mapping Options Released for public review
March 8	Hearing on Mapping Options
April 15	Final Hearing on approval of final map

Redistricting Timeline

Other Considerations

This redistricting cycle will be like no other and agencies, the state and counties will be in an enormous time crunch.

- Expect timeframes to change, particularly for those redistricting for a June election. The census data is late now, and any other problems could add to delays.
- Agencies with November elections may find counties do not want to receive their redistricting lines until AFTER the conclusion of the primary.
- Filing deadlines and other election scheduling elements (including date of the primary) could be significantly changed.

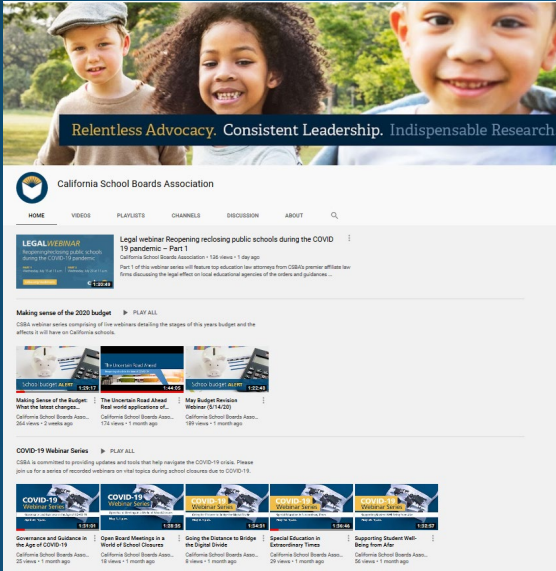


**REDISTRICTING
PARTNERS**

QUESTIONS



RESOURCES



youtube.com/csbavideo



csba.org/coronavirus

Register for our upcoming webinars at: www.csba.org/webinars



**THANK YOU FOR JOINING US
TODAY.**

