

2020 Census Introduction to Redistricting

A Presentation to the
Moreno Valley City Council

February 1, 2022

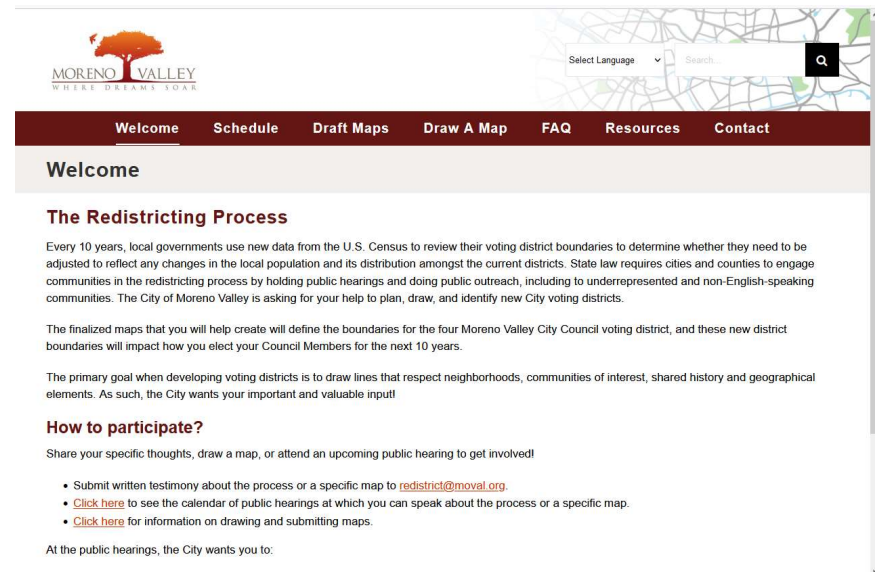
Process & Timeline

Districting Process: Key Dates

February 1, 2022 Council Meeting	Presentations at Council meeting re (1) legal and policy criteria governing redistricting, and (2) demographics of existing council districts; Council conducts <u>first</u> required public hearing on communities of interest and composition of the districts.
February 15, 2022 Council Meeting	Presentations at Council meeting re (1) legal and policy criteria governing redistricting, and (2) demographics of existing council districts; Council conducts <u>second</u> required public hearing on communities of interest and composition of the districts, instructs demographic consultant to prepare draft district plans.
February 18, 2022	Deadline for submission of maps by the public for consideration at the March 1 public hearing
March 1, 2022 Council Meeting	Demographic consultant to present initial draft district plan(s). Council holds <u>first</u> required public hearing on draft plan(s). Council may order modifications to any of the plan(s).
March 2, 2022	Deadline for submission of maps by the public for consideration at the March 15 public hearing
March 15, 2022 Council Meeting	Demographic consultant to present revised draft district plan(s), if any. Council holds <u>second</u> required public hearing on draft plan(s) and adopts resolution setting actual boundaries. If the Council instead orders modifications to any of the plans, another public hearing will be required.
April 17, 2022	Legal deadline for adoption of adjusted district lines.
November 2022	First election at which new district lines will be used.

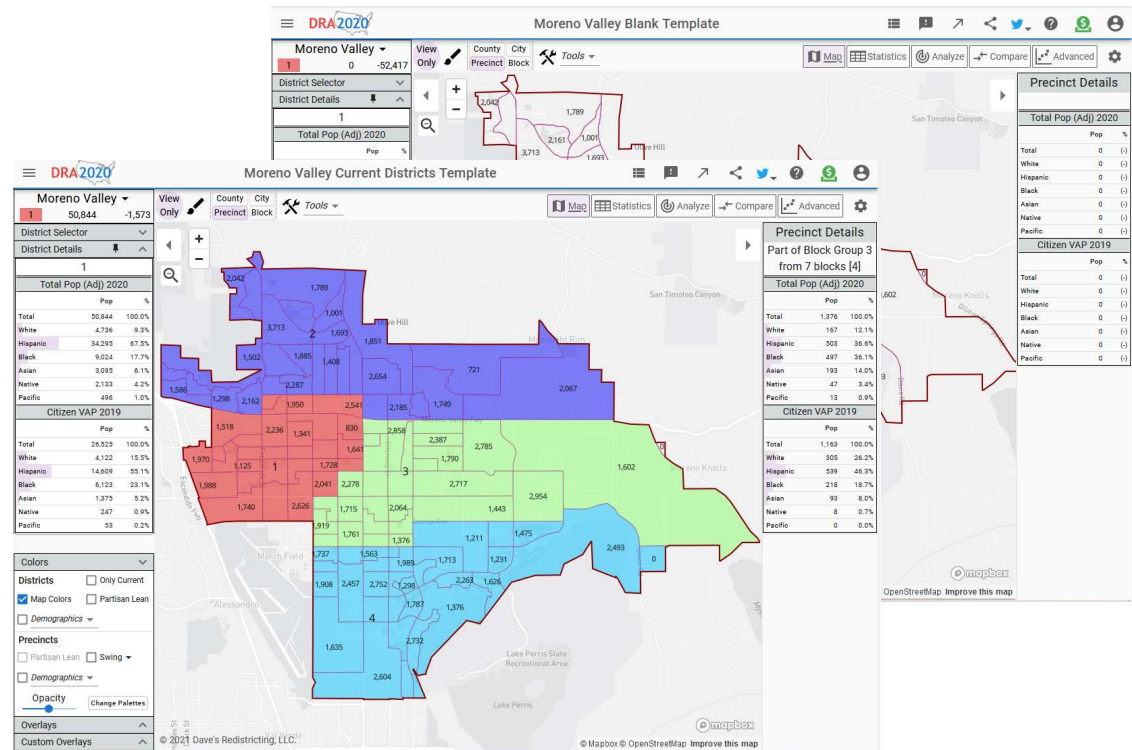
Public Participation: Redistricting Contact Info

- Website: <https://redistrictmoval.org/>
- Phone: (951) 413-3240
- E-mail: redistrict@moval.org



Public Participation: Online Mapping Tools

- Dave's Redistricting App
- Link from City's website
- Draw lines starting with current lines or blank slate
- Upload for processing by demographers



Legal & Policy Criteria

Federal Criteria:

- **Equal Population**
- **Voting Right Act**
- **No Racial
Gerrymandering**

Statutory Criteria:

1. Geographically contiguous
2. Minimize division of neighborhoods and “communities of interest” to the extent practicable
3. Easily identifiable boundaries (major streets, etc.)
4. Compactness of population

Traditional Criteria:

- **Keep incumbents in their current districts/respect voters’ choices/avoid head-to-head elections**
- **Minimize election year changes**
- **Future population growth**

Federal Criteria: Equal Population

- Overriding criterion is total population equality, *see Reynolds v. Sims*, 377 U.S. 533 (1964).
- Unlike congressional districts, local electoral districts do not require perfect equality—some deviation acceptable to serve valid governmental interests.
- Total deviation less than 10% presumptively constitutional. (Caution: the presumption *can* be overcome!)
- State law component: prisoner adjustment

Federal Criteria: Equal Population (cont.)

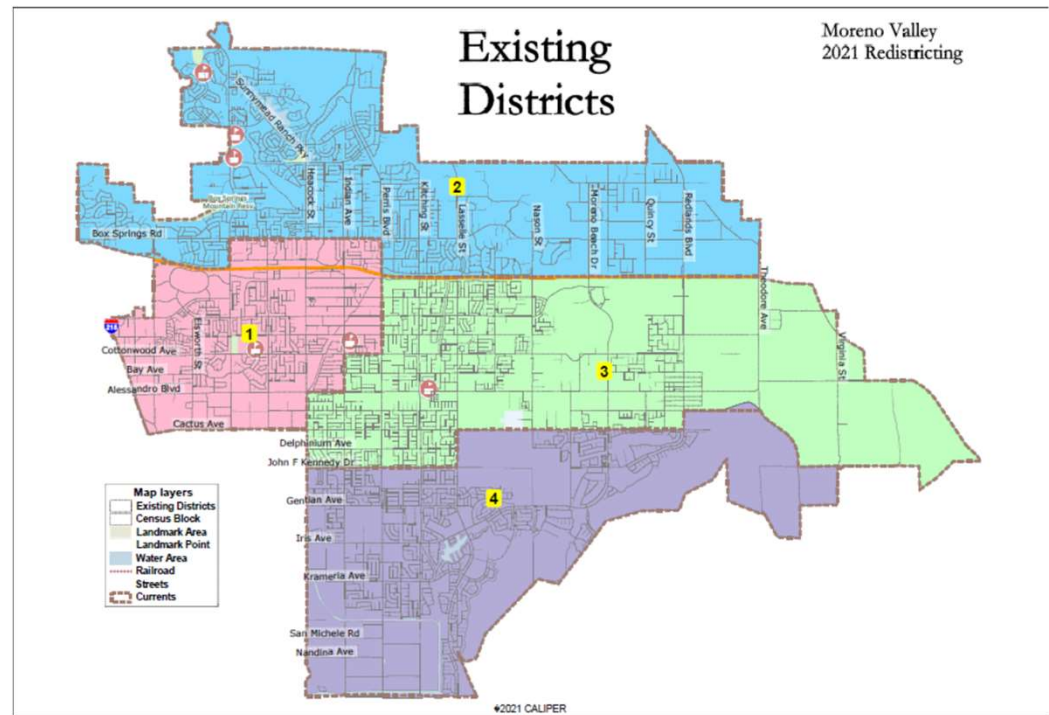
Total Population:	414,076		1	2	3	4	5
Ideal:	82,815	Pop.	84,683	82,167	83,661	80,568	82,997
Deviation Range:	4,115	Dev.	1,868	-648	846	-2,247	182
Total Deviation %:	4.97%	Dev. %	2.26%	-0.78%	1.02%	-2.71%	0.22%

1. Divide the **total population** by the **number of seats** to get the **ideal population**
2. Subtract the **smallest district's population** from the **largest** to get the **deviation range**
3. Divide #2 by #1 to get the **total plan deviation**

Demographics of Current Districts

Dist.	Est. Pop.	Dev.*	% Dev.
1	50,844	-1,573	-3.00%
2	51,719	-698	-1.33%
3	53,474	1,057	2.02%
4	53,630	1,213	2.31%
Total	209,667	2,786	5.32%

* Ideal District Population:
52,417 total persons

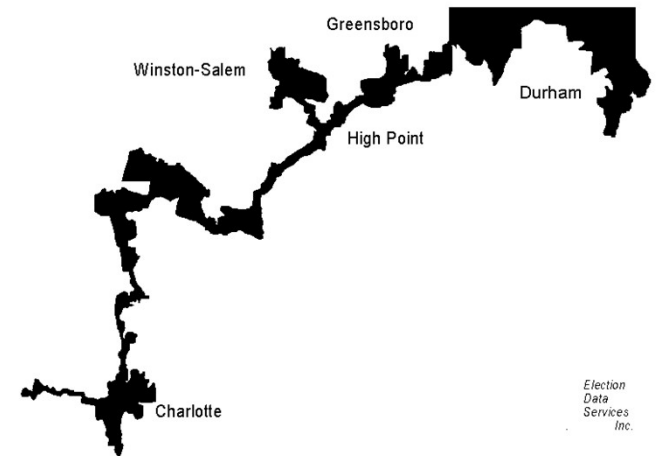


Federal Criteria: Voting Rights Act

- Section 2 of the federal Voting Rights Act prohibits electoral systems (including district plans), which dilute racial and language minority voting rights by denying them an equal opportunity to nominate and elect candidates of their choice.
- “Language minorities” are specifically defined in federal law to mean persons of American Indian, Asian American, Alaskan Natives or Spanish heritage.
- Creation of minority districts required only if the minority group can form the majority in a single member district that otherwise complies with the law. *Bartlett v. Strickland*, 556 U.S. 1 (2009).

Federal Criteria: No Racial Gerrymandering

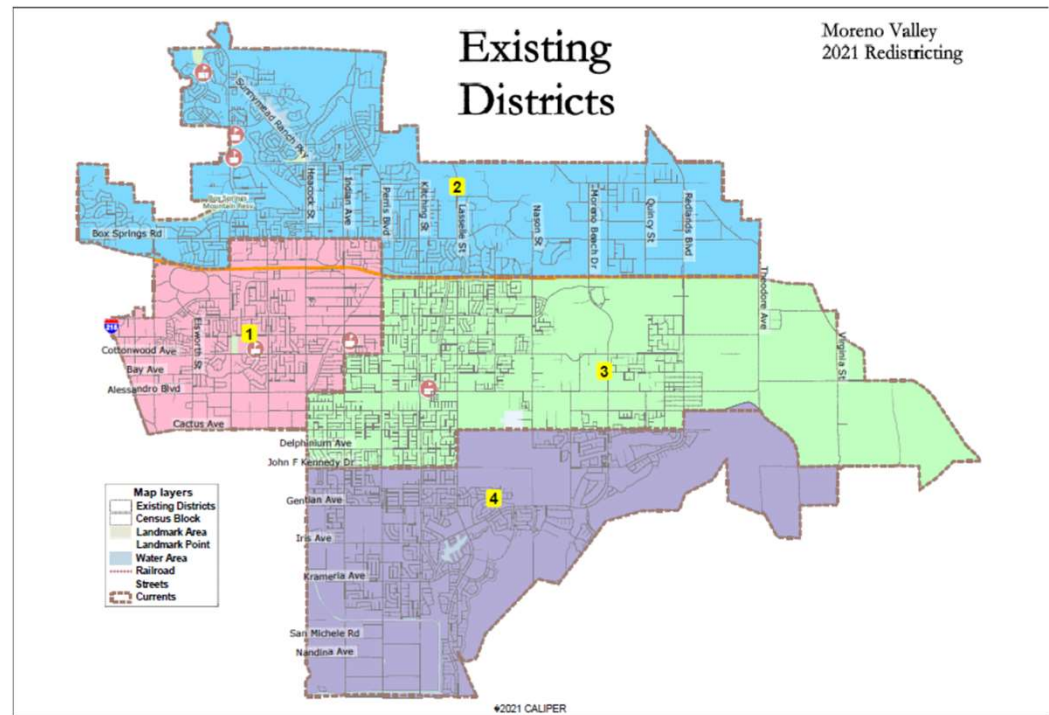
- The Fourteenth Amendment restricts the use of race as the “predominant” criterion in drawing districts and the subordination of other considerations. *Shaw v. Reno*, 509 U.S. 630 (1993); *Miller v. Johnson*, 515 U.S. 900 (1995).
 - Such predominant use must be justified as narrowly tailored to fulfill a compelling state interest – *i.e.*, strict scrutiny
- Bizarrely shaped electoral districts can be evidence that racial considerations predominate, but bizarre shape is not required for racial considerations to “predominate.”
- Fourteenth Amendment does not, however, prohibit all consideration of race in redistricting. *Easley v. Cromartie*, 532 U.S. 234 (2001).
- **Focus on communities of interest.**



Demographics of Current Districts

Dist.	% Latino CVAP	% NH Black CVAP	% NH Asian CVAP	% NH White CVAP
1	56%	22%	5%	16%
2	45%	16%	8%	31%
3	54%	20%	7%	18%
4	48%	26%	8%	17%
Total	50%	21%	7%	21%

“CVAP” = citizen voting age population



State Law Criteria (FAIR MAPS Act):

Used to be discretionary; now mandatory & ranked:

1. Contiguity
2. Geographic integrity of Neighborhoods/Communities of Interest (COIs)
3. Easily identifiable natural and artificial boundaries
4. Compactness of population

Elections Code § 21621(c):

(c) The council shall adopt district boundaries using the following criteria as set forth in the following order of priority:

(1) To the extent practicable, council 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.

(2) 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. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) Council district boundaries should be easily identifiable and understandable by residents. To the extent practicable, council districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the city.

(4) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, council districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

(d) The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.

COIs: What Are They?

- State Law Definition: “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”
- Application:
 - Must have a common social or economic interest
 - That has a connection to City policy
 - Can be geographically described
 - And benefits from being in a single district
- NOT a community of interest: “Communities of interest do not include relationships with political parties, incumbents, or political candidates.”

COIs: What Could They Include?

- Lifestyle: *e.g.*, community character, recreation, shared social gatherings
- Economy: *e.g.*, major employer/industry, commercial areas
- Demography: *e.g.*, race*, income, education, language, immigration status, housing, etc.
- Geography: *e.g.*, urban/suburban/rural, mountainous, coastal
- Political subdivisions: CSDs, planning areas, etc.
- Place-based issues/needs: *e.g.*, public safety (wildfire concerns), environmental (air pollution)

COIs: 2011 State Commission Examples

- “Its primary **shared economic interest is agriculture**, both valley agricultural bases, such as wheat, corn, tomatoes, alfalfa and various tree crops, and the wine-growing regions of Napa, Lake, and Sonoma counties.”
- The district “includes communities of Crestline to Big Bear that share the **common lifestyle of the mountain forest area** of the county and **similar interests in wildlife and emergency services concerns regarding wildfire danger.**”
- “This district also joins a **community of interest made up of Asian Americans and Pacific Islanders with shared economic and social ties based on income status, housing, language, and immigration status**, including a large Hmong immigrant community.”
- “It includes the communities that surround Folsom Lake with its **shared recreational interests.**”
- “This district includes the **core neighborhoods containing the Lesbian Gay Bisexual Transgender (“LGBT”) community**, as well as several **lower-income, immigrant and working-class neighborhoods.**”
- “This district is characterized by the interests of the western Coachella Valley, and includes tourism, **a retirement community with needs for health care access**, and bedroom communities.”
- “The district reflects **shared concerns about education, safety, and economic interests, along with transportation interests** among cities that share the 605 Freeway as a major corridor”
- “This district is characterized by common interests of the communities of western Riverside County, **animal-keeping interests of Jurupa Valley and Norco**; and shared interests between Eastvale, Norco, and Corona. Corona and Norco **share a common school district.**”
- “Cities and communities surrounding LAX **work together in addressing jet noise mitigation** issues and managing airport traffic.”

Communities of Interest: Identifying Them

- Demographic data: *e.g.*, American Community Survey data, etc.
- Official county and city neighborhood maps/business districts
- Neighborhood groups/neighborhood watch groups/NextDoor groups/HOA Associations
- Welcome signs/gateway monument signs
- Online mapping tools

- **Community testimony**

What bonds your community – what do you see as the common links in your community?

Where is your community located – what are the boundaries of your community?

Why should the community be kept together – or separate from another area?

“[T]he identification of a ‘community of interest,’ a necessary first step to ‘preservation,’ requires insights that cannot be obtained from maps or even census figures. Such insights require an understanding of the community at issue, which can often be acquired only through direct and extensive experience with the day-to-day lives of an area’s residents.” *Favors v. Cuomo, 2012 U.S. Dist. LEXIS 36910, *27 (E.D.N.Y. Mar. 19, 2012) (footnote omitted).*

Limited Role of Other Traditional Criteria

- May be considered to the extent they do not result in violation of the mandatory statutory criteria.
- Examples:
 - Minimize shifting voters from one election year to another/retaining core of existing districts
 - Voters currently in districts scheduled to vote in 2022 could be redistricted into a 2024 district, meaning there would be a six-year gap between their voting in Board elections
 - Avoid head-to-head contests
 - Anticipating future growth?
 - Other political subdivisions' boundaries (*e.g.*, community service districts, school districts)

Final Points

- No councilmember's term cut short (*see* Elec. Code § 21606(a)), but
- When his or her term ends, an incumbent can only run from the new district in which he or she resides (*see* Elec. Code § 21606(b),(c)).
- Because the current district-based system was adopted by the voters, the number of districts can only be changed by a further vote of the people (*see* Elec. Code § 9217; *see also* Govt. Code §§ 34870-34884).

Questions?