

Introduction to 2021 Marin County Supervisory Redistricting

By Chris Skinnell

August 21, 2021

Key Dates (Adopted on May 25)

| | |
|-----------------------------------|--|
| Saturday, August 21 at 10:00 a.m. | Consultants/staff to conduct informal workshop to introduce new online mapping tools for residents to propose their own supervisorial district maps and their own “communities of interest” |
| October 12 Board Meeting | Board public hearing to solicit testimony regarding criteria to be used for redistricting, esp. communities of interest |
| Early- to mid-October | Release of final, state-adjusted Census data for redistricting purposes |
| October 26 Board Meeting | Updated demographic presentation regarding current districts based on final Census numbers; Board conducts second public hearing and adopts criteria |
| November 9 Board Meeting | Demographic consultant to present initial draft district plans. BOS holds public hearing on draft plans. BOS may order modifications to any of the plans. |
| December 7 Board Meeting | Demographer presents one or more additional draft plans and modified plans, incorporating public testimony as appropriate; BOS holds public hearing on draft plans, votes to choose one plan, adopts resolution setting actual boundaries. If the BOS instead orders modifications to any of the plans, another public hearing will be required. |
| December 15 | Legal deadline for adoption of final redistricting plan for use beginning in 2022 |

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. Minimize division of cities and CDPs
4. Easily identifiable boundaries (major streets, etc.)
5. 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

Drawing the Lines—

Population Equality: Federal Law

- 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.

Population Equality: How Calculated

| | | | | | | | |
|--------------------|---------|--------|--------|--------|--------|--------|--------|
| 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**
3. Divide #2 by #1 to get the **total plan deviation**

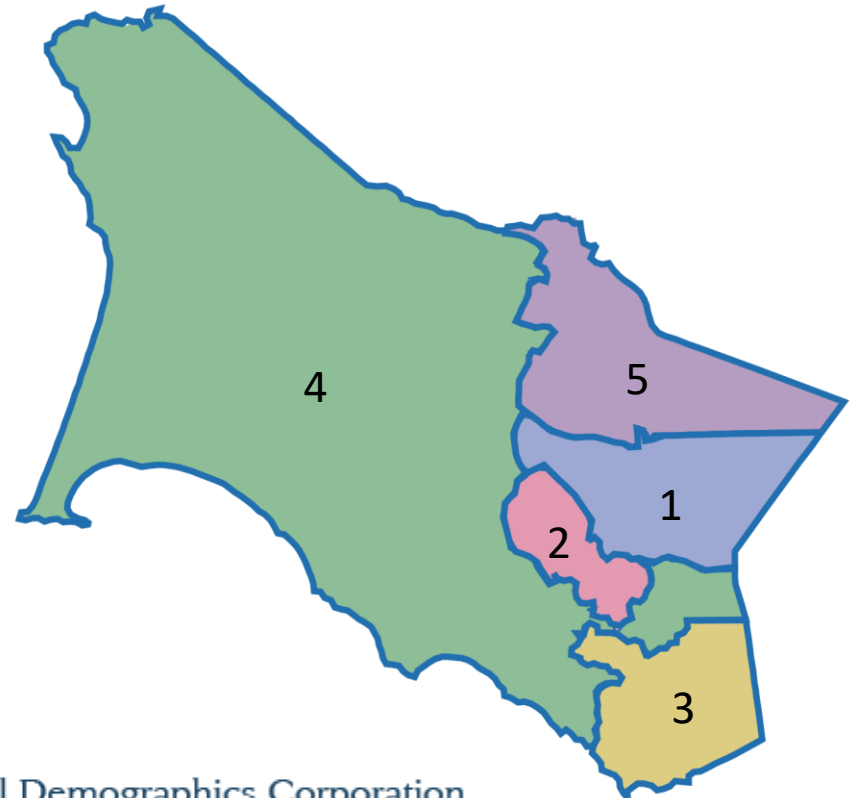
Drawing the Lines— Population Equality: State Law

- Elec. Code § 21500(a): “[A]n incarcerated person ... *shall not be counted as part of a county’s population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county ...*”
- San Quentin must be excluded from population base.

Preliminary Census Demographics of Current Districts

| Dist. | Est. Pop. | Dev.* | % Dev. | % Lat. CVAP |
|-------|-----------|--------|--------------|-------------|
| 1 | 53,310 | 1,542 | 2.98% | 8.07% |
| 2 | 52,523 | 755 | 1.46% | 5.83% |
| 3 | 52,245 | 477 | 0.92% | 5.08% |
| 4 | 48,771 | -2,997 | -5.79% | 9.58% |
| 5 | 51,989 | 221 | 0.43% | 10.48% |
| Total | 258,839 | 4,539 | 8.77% | 8.08% |

* Ideal District Population:
51,768 total persons



National Demographics Corporation

Federal 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).

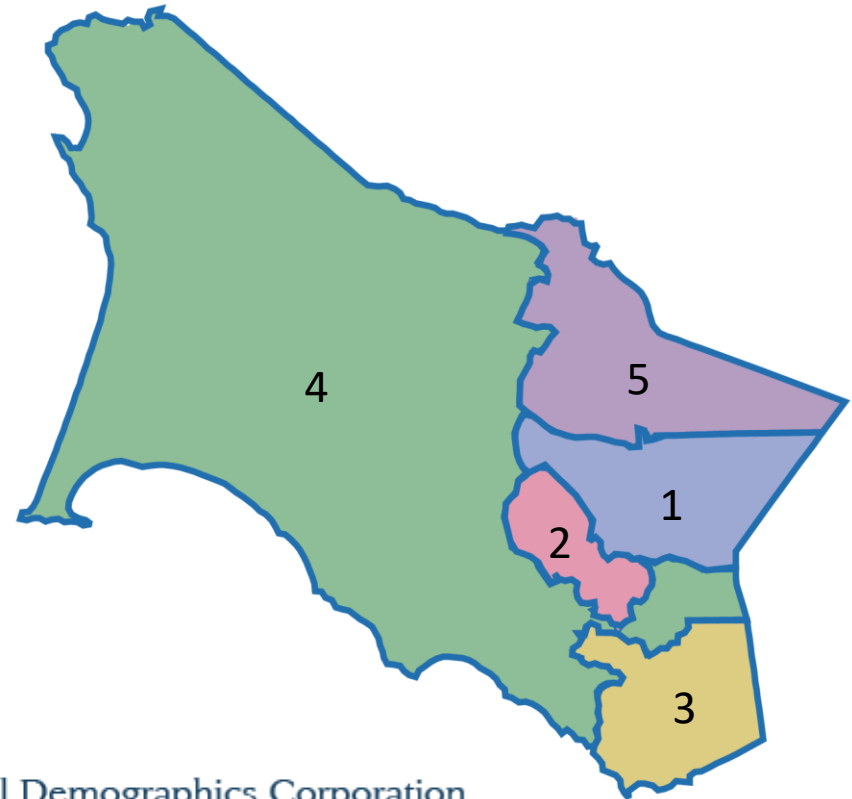
No Racial Gerrymandering

- 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.**

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State Law Criteria

- Mandatory
- Ranked in order of priority:
 1. Contiguity
 2. Unifying neighborhoods and communities of interest
 3. Unifying cities and CDPs
 4. Easily identifiable & understandable boundaries
 5. Compactness
- Prohibition on partisan gerrymandering

New Law (EC 21500(c))

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

(1) To the extent practicable, supervisorial 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 supervisorial district for purposes of its effective and fair representation. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

(3) To the extent practicable, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.

(4) Supervisorial district boundaries should be easily identifiable and understandable by residents. To the extent practicable, supervisorial districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the county.

(5) To the extent practicable, and where it does not conflict with the preceding criteria in this subdivision, supervisorial 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 board shall not adopt supervisorial district boundaries for the purpose of favoring or discriminating against a political party.

Communities of Interest: 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”
- What could this 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: school districts, planning areas, etc.
 - Place-based issues/needs: *e.g.*, public safety (wildfire concerns), environmental (air pollution)

Communities of Interest: Examples

State Commission Examples (2011)

- “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 city neighborhood maps/business districts/redevelopment areas
- Neighborhood groups/neighborhood watch groups/NextDoor groups/HOA Associations
- Welcome signs/gateway monument signs

- **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?

Communities of Interest: Identifying Them

- DistrictR Online Redistricting
- Maptitude Online Redistricting
- Paper Public Participation Kit

Public Participation Kit

An online version of this map that allows you to zoom in and out for more detail is available as a link from the City website.

Each number indicates the total population of that "population unit" area. Each district must have essentially equal population.

The population of each of the five districts must be close to 7,447, with no more than a 745 difference between the largest and smallest.

Name: _____

Phone or email: _____

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| Ideal Population: 190,710 | | | |
|---------------------------|---------|---------|-------|
| % Deviation | White | % White | Black |
| 3.1% | 131,460 | 66.8% | 56.36 |
| -4.0% | 141,819 | 77.4% | 29.86 |
| -4.5% | 89,912 | 49.4% | 82.68 |
| 0.9% | 86,035 | 44.7% | 93.23 |
| -0.6% | 109,925 | 58.0% | 65.22 |

| Pending Changes | |
|----------------------|---------|
| District | 41 |
| [Total Pop] | 190,707 |
| Change - [Total Pop] | 6,535 |
| Ideal Value | 190,710 |
| Deviation | -3 |
| % Deviation | -0.1% |
| White | 141,265 |
| Change - White | 5,178 |

Non-Statutory, Traditional Criteria

- 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 Council/Board elections
- Respect will of the voters / avoid head-to-head contests
- Anticipating future growth, to the extent relevant
- Other political subdivisions' boundaries

Questions?