Summary of Redistricting Law, Criteria, and Process

2021-22 City Council Redistricting Process

August 9, 2021
Overview of Redistricting Laws

• Alhambra City Charter and Municipal Code
• U.S. Constitution
• Federal Voting Rights Act
• California Elections Code
• California Constitution
• Case Law
Alhambra City Charter and Municipal Code

- City Charter - Article II Sections 4 and 5
  - Boundaries and Districts of the City
- City Charter - Article III Section 7A
  - By-District City Council Elections (A through E)
Equal Population Principle

• General Principle: City Council Districts must be substantially equal in population
  • U.S. Constitution's Equal Protection Clause and “One-Person, One-Vote” Jurisprudence
  • City Charter Article II, Section 5 (districts shall be kept as “nearly equal in population as possible”)
  • California Elections Code Section 21621 (“substantially equal” in “total population” as required by the U.S. Constitution)
Equal Population Principle

• Make good faith effort to draw districts with equal population
• Exact equality is not required for local districts if deviation is justified by legitimate state purposes
• Deviation of less that 10 percent is presumptively valid
  • Only if for legitimate reasons
  • Deviations should be explained on traditional redistricting criteria of other lawful justifications

Equal Population Principle

• Deviations from equal population should be justified
  • Show consistent reliance on traditional redistricting criteria (e.g., respecting neighborhoods and communities of interest, observing natural and other boundaries, maintaining compact districts)

• Do not seek to disadvantage any particular group
• Show good faith effort
Equal Population Principle

• Measuring Population Equality and Deviation
  • Start with City’s total population
  • Determine ideal equal population of the 5 Council Districts
  • Determine percent deviation from ideal of each district
  • Determine total percent deviation – difference between the districts with the greatest positive and negative percent deviations
Equal Population Principle

<table>
<thead>
<tr>
<th>District</th>
<th>Total Population</th>
<th>Ideal Population</th>
<th>Percent Deviation</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>19,000</td>
<td>20,000</td>
<td>-5</td>
</tr>
<tr>
<td>2</td>
<td>20,000</td>
<td>20,000</td>
<td>0</td>
</tr>
<tr>
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<td>20,000</td>
<td>+2.5</td>
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<tr>
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<td>20,750</td>
<td>20,000</td>
<td>+3.75</td>
</tr>
<tr>
<td>5</td>
<td>19,750</td>
<td>20,000</td>
<td>+1.25</td>
</tr>
</tbody>
</table>

• Example of a City with a population of 100,000 and 5 Council Districts

• Total Percent Deviation = 8.75%
Traditional Redistricting Criteria

- Focus on traditional redistricting criteria
  - Contiguity
  - Compactness
  - Natural Boundaries and Streets
  - Neighborhood and Communities of Interest

- Legal Authorities – Case Law, California Constitution Article XXI, Section 2; California Elections Code Section 21621
Traditional Redistricting Criteria

• Contiguity – all parts of district should connect

• Compactness – district should be geographically compact
  • Many ways to measure compactness
  • Be aware of appearance, shape, and border lines

• Existing boundaries – observe existing boundaries
  • Geographic, topographic boundaries
  • Streets, Freeways
  • Other Boundaries
Traditional Redistricting Criteria

• Neighborhoods and Communities of Interest – preserve communities sharing common interests
  • Neighborhoods
  • Example of Common Interests
    • Land Use patterns (suburban, industrial, commercial)
    • Cultural and Language characteristics
    • Income Level
    • Educational Background; Employment and Economic patterns
    • Crime, schools, other common issues
• Obtain public testimony and consider census data, City neighborhood information, planning information, etc.
Equal Protection Clause

- 14th Amendment’s Equal Protection Clause prohibits the use of race as the predominant factor in redistricting except in narrow cases
  - race generally cannot be “predominant” factor
  - i.e., no racial gerrymandering

- Legal Authorities – U.S. Constitution; Supreme Court Case law including Shaw v. Reno, Miller v. Johnson, Bush v. Vera, Cromartie I & II, Alabama Legislative Black Caucus, Cooper v. Harris, Bethune-Hill
Equal Protection Clause

• 14th Amendment’s Equal Protection Clause does not, however, prohibit all consideration of race
• May consider race as a factor along with traditional race-neutral redistricting criteria
• Consideration of traditional criteria should not be subordinated to consideration of race and should be contemporaneous
Equal Protection Clause

• Evidence of race as a predominant factor:
  • Direct testimony
  • Circumstantial evidence (demographics, shape, changes, process, public record)
• If race determined to be predominant factor, strict scrutiny applies to redistricting plan
  • Need compelling state interest
  • Plan must be narrowly tailored
  • High burden
Federal Voting Rights Act

• Section 2 of the Voting Rights Act of 1965
  • Prohibits any voting practice or procedure that “results in a denial or abridgement” of the right to vote based on race, color, or language minority status
  • Applies to prohibit redistricting plans that result in “vote dilution” by depriving minority voters of an equal opportunity to elect a candidate of their choice
  • i.e., must not unlawfully minimize or cancel minority voting strength
  • Discriminatory effect sufficient, discriminatory intent not required
Federal Voting Rights Act

• Examples of “Vote Dilution”
  • Fracturing – dispersing minority voters into several different districts such that a bloc-voting majority can routinely outvote them
  • Packing – concentrating minority voters into a small number of districts and thereby minimizing their influence in other districts
Federal Voting Rights Act

• The Supreme Court has set three preconditions to Section 2 liability under the federal VRA (the “Gingles” criteria)
  • The minority group must be sufficiently large and geographically compact to constitute a majority in a district
  • The minority group must be politically cohesive; and
  • The majority votes sufficiently as a bloc to enable it usually to defeat the minority’s preferred candidate

• Legal Authorities – Section 2 of the Voting Rights Act; *Thornburg v. Gingles*
Summary of Law and Criteria

• Key Principles to Keep in Mind
  • Strive for Population Equality
    • Make a good faith effort to draw districts equal in population
    • Justify any deviations with use of traditional redistricting criteria
  • Focus on Traditional Redistricting Criteria
    • Draw contiguous and compact districts
    • Respect boundaries, neighborhoods, and communities of interest
    • Obtain public testimony, neighborhood/community information, and make a good record
  • Do not Use Race as the Predominant Factor
    • Focus on traditional race-neutral criteria
  • Comply with the Voting Rights Act
    • Avoid fracturing or packing minority voters
  • Establish and Follow a Good Process
2021-22 Redistricting Timeline

- **Summary of Redistricting Law, Criteria, and Process**
  - August 9, 2021

- **2020 Census Presentation**
  - Pre-Draft Map Public Hearing
  - October 25, 2021

- **Public Workshops/Hearings**
  - District 4 (Pérez) November 4, 2021 @ 6pm
  - District 3 (Maloney) November 9, 2021 @ 6pm
  - District 2 (Maza) November 10, 2021 @ 6pm
  - District 1 (Lee) November 16, 2021 @ 6pm
  - District 5 (Andrade-Stadler) November 18, 2021 @ 6pm

- **Pre-Draft Map Public Hearing**
  - December 13, 2021

- **Presentation and Adoption of Draft City Council Member District Boundaries Map**
  - January 24, 2022

- **Pre-Final Map Public Hearings**
  - February 14, 2022
  - February 28, 2022

- **Presentation and Adoption of Final City Council Member District Boundaries Map (First Reading)**
  - March 14, 2022

- **Presentation and Adoption of Final City Council Member District Boundaries Map (Second Reading)**
  - March 28, 2022