

San Jose  
Redistricting  
Commission

Redistricting 101  
April 15, 2021



# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- What is Redistricting?
- State and Federal Voting Rights Act
- What is Gerrymandering
- Traditional Redistricting Principles
- Census Data
- Public Input
- Methods for Line Drawing

# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- **What is Redistricting?**
- State and Federal Voting Rights Act
- What is Gerrymandering
- Traditional Redistricting Principles
- Census Data
- Public Input
- Methods for Line Drawing

# What is Redistricting?

Redistricting is at its core the act of equalizing population among districts.

This is important in order to meet two requirements - one constitutional, one from Supreme Court precedent:

- *Equal Representation (14<sup>th</sup> Amendment)* - how effective any resident can be at advocating for themselves or being represented within a jurisdiction.
- *One Person One Vote* - equal ability to elect a candidate of choice.

# What is Redistricting?

Redistricting has changed significantly over the years as federal and state laws, norms, best practices, and public opinion has transformed.

## In Federal Law:

- Elimination of part of the Voting Rights Act
- Supreme Court Decisions
- HR1 – currently in Congress

# What is Redistricting?

Redistricting has changed significantly over the years as federal and state laws, norms, best practices, and public opinion has transformed.

In California/Municipal Law:

- Prop 11 and 20 (Statewide Redistricting)
- CA FAIR MAPS Act

# What is Redistricting?

Redistricting has changed significantly over the years as federal and state laws, norms, best practices, and public opinion has transformed.

## In Public Opinion / Media:

- 97% of Voters agree that “local government should be required to have transparent / open redistricting.”
- Media and Community Based Organizations have become much more adept at covering redistricting.

# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- What is Redistricting?
- **State and Federal Voting Rights Act**
- What is Gerrymandering
- Traditional Redistricting Principles
- Census Data
- Public Input
- Methods for Line Drawing



# What is the Voting Rights Act?

The Voting Rights Act is federal Law that seeks to remedy racial disenfranchisement. It has two sections impacting redistricting:

**Section 2** – Majority Minority Districts

**Section 5** – Preclearance (inactive)

The California Voting Rights Act prohibits the use of At Large Election Systems in local government if there is Racially Polarized Voting. *Does not impact San Jose.*

# What is the Voting Rights Act?

The Voting Rights Act Section 2 is enforced when an jurisdiction meets certain preconditions:

- 1) A minority group must be sufficiently large and geographically compact to comprise a majority of the district;
- 2) The minority group must be politically cohesive (it must demonstrate a pattern of voting for the same candidates, also known as “bloc voting”); and,
- 3) A majority of voters vote sufficiently as a bloc usually to defeat the minority group’s preferred candidate.

# What is the Voting Rights Act?

Determining Section 2 obligation requires legal counsel and sometimes a racially polarized voting analysis.

- Does the minority population qualify under Section 2?
- Is the proposed district a sufficient remedy – is it an “effective” majority minority district?
- Is there a claim for a coalition district?
- *Without Section 2, a community of interest can still be supported but race cannot be a predominant factor in drawing lines.*

# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- What is Redistricting?
- State and Federal Voting Rights Act
- **What is Gerrymandering**
- Traditional Redistricting Principles
- Census Data
- Public Input
- Methods for Line Drawing

# 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.

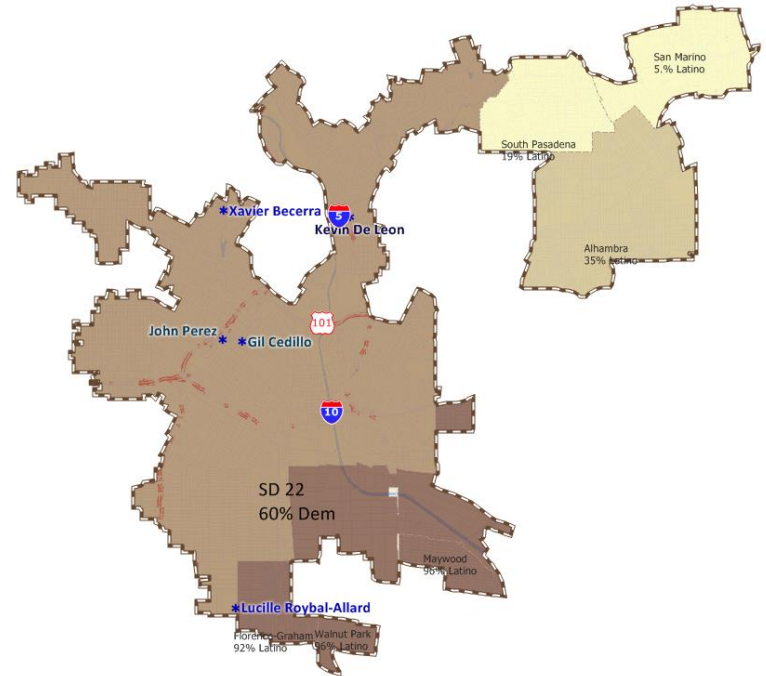


# What is Gerrymandering

## the Gerrymander

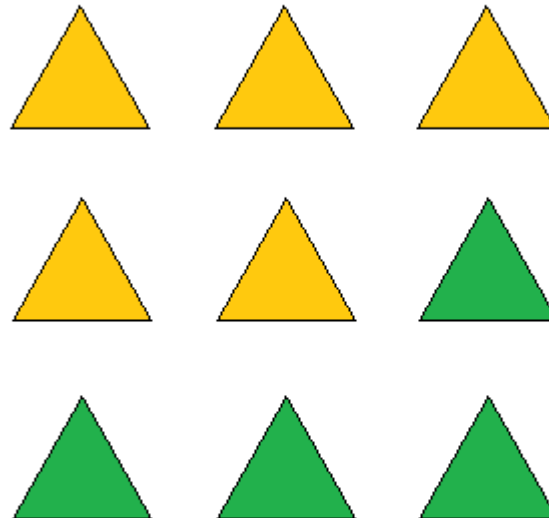
There are more recent examples of gerrymandering, even in California.

This 2001 Senate District is a great example.



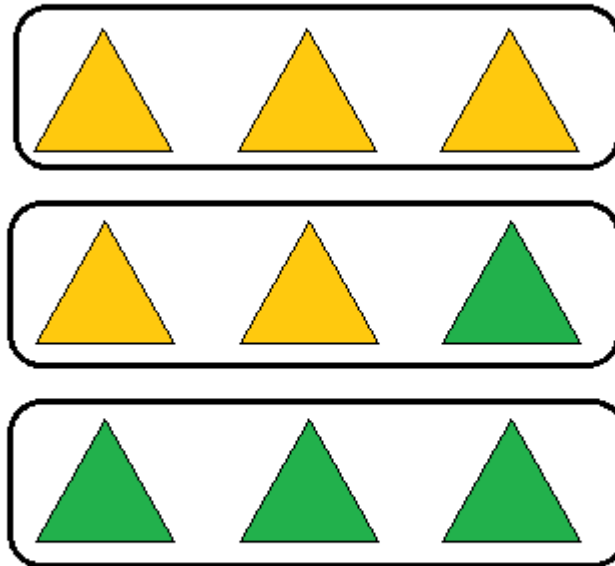
# What is Gerrymandering

How does gerrymandering work?



# What is Gerrymandering

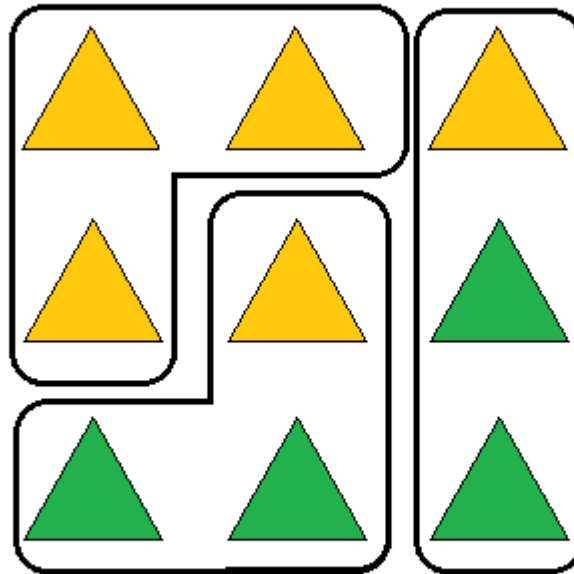
How does gerrymandering work?





# What is Gerrymandering

How does gerrymandering work?



# What is Gerrymandering

## Types of Gerrymanders

The two primary types of gerrymanders are Partisan and Racial, but there are more.

**Partisan Gerrymandering** – current Supreme Court has determined these *non-justiciable* but some state and local laws have stepped in to ban them.

**Racial Gerrymandering** – courts have repeatedly found these to be unlawful.

**Incumbent Gerrymandering** – common in any redistricting conducted by the agency itself.

# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- What is Redistricting?
- State and Federal Voting Rights Act
- What is Gerrymandering
- **Traditional Redistricting Principles**
- Census Data
- Public Input
- Methods for Line Drawing

# 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 existing neighborhoods
- Keep districts compact – appearance/function

# 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.

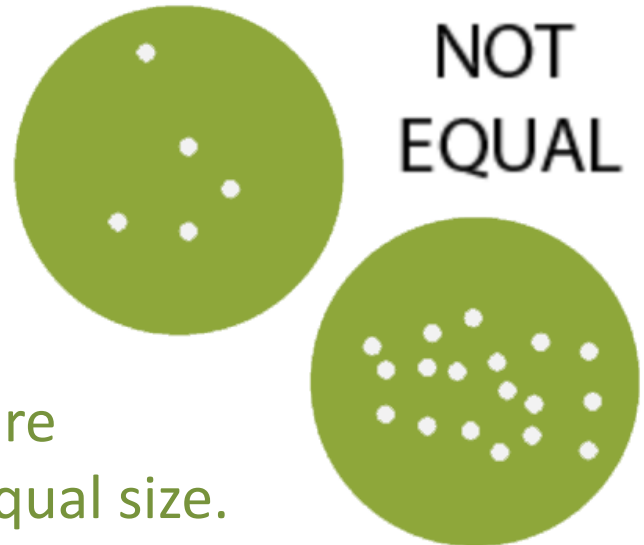
- **Relatively equal size - people, not citizens**
- Contiguous – districts should not hop/jump
- Maintain “*communities of interest*”
- Follow existing neighborhoods
- Keep districts compact – appearance/function

# 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.
- The metric used is called “deviation” which is a measure of how close a district is to equal size.

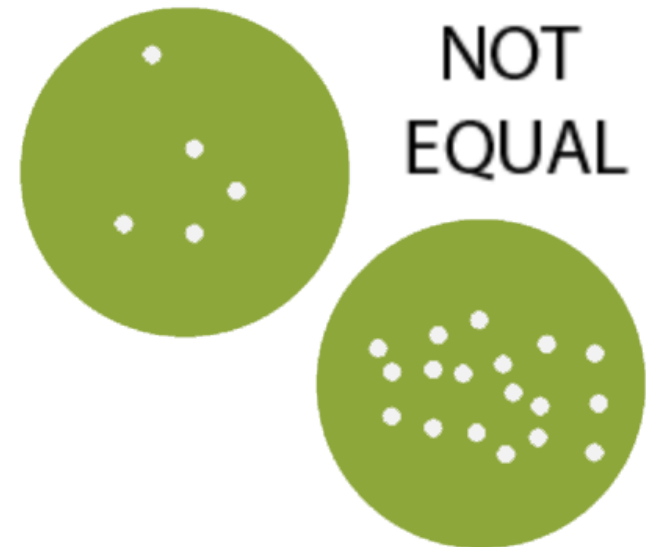


# Equal Population

## Utilizing the U.S. Census Decennial File

What is “equal” population has been a key subject in redistricting litigation.

- Congress: 1 Person
- Local Govt: 10%
- Legislative/others: 1%-5% or other more restrictive by choice.

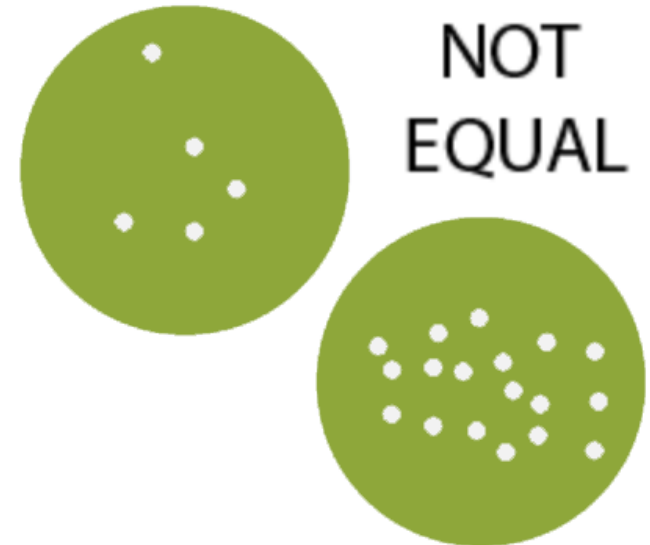


# Equal Population

## Utilizing the U.S. Census Decennial File

What is “equal” population has been a key subject in redistricting litigation.

- Equality is Required
- *Strict adherence to a numeric goal for equality beyond what is required is not necessarily better.*





# 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 existing neighborhoods
- Keep districts compact – appearance/function

# 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.”



# Contiguity

Two definitions for what is contiguous

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

- Treasure Island: not literally contiguous to San Francisco, but is “functionally contiguous”
- Two houses on either side of the 101 could be literally contiguous, but not functionally.



# 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 existing neighborhoods
- 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 as discussed.

- Many more, including:
  - LGBTQ+ Communities
  - Senior Citizens or Students
  - Downtown / Urban
  - Rural or Agricultural
  - Homeowners or Renters

# Communities of Interest

Bringing like people together for representation

What are you looking for in trying to judge the applicability of a Community of Interest to the redistricting process?

- Group with shared culture / characteristics
- Geographic Nature / Density / Ability to be mapped
- Relationship to Agency / Policies

# 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 existing neighborhoods**
- Keep districts compact – appearance/function

# Protecting Neighborhoods

Bringing like people together for representation

## FAIR MAPS Act:

*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.*



# 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 existing neighborhoods
- **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 shapes and the number of kinks and bends.
- Simply outlawing funny shapes.

NOT  
COMPACT

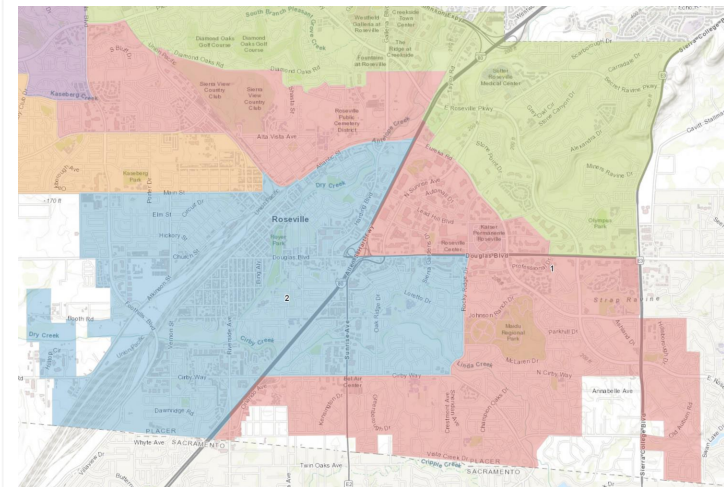
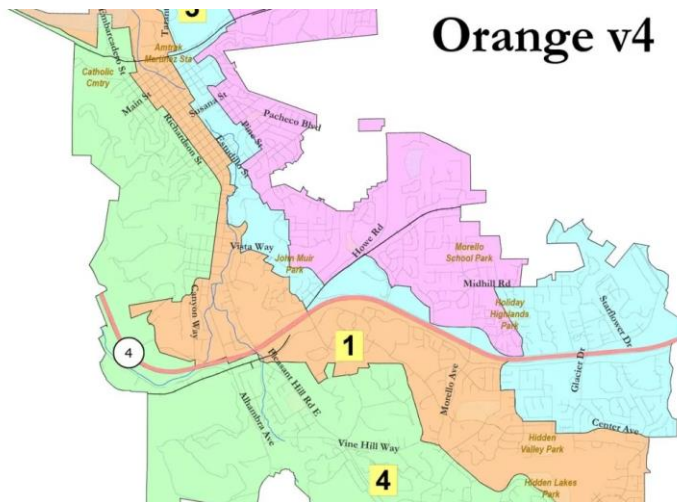


# Compactness

Determining what is “compact”

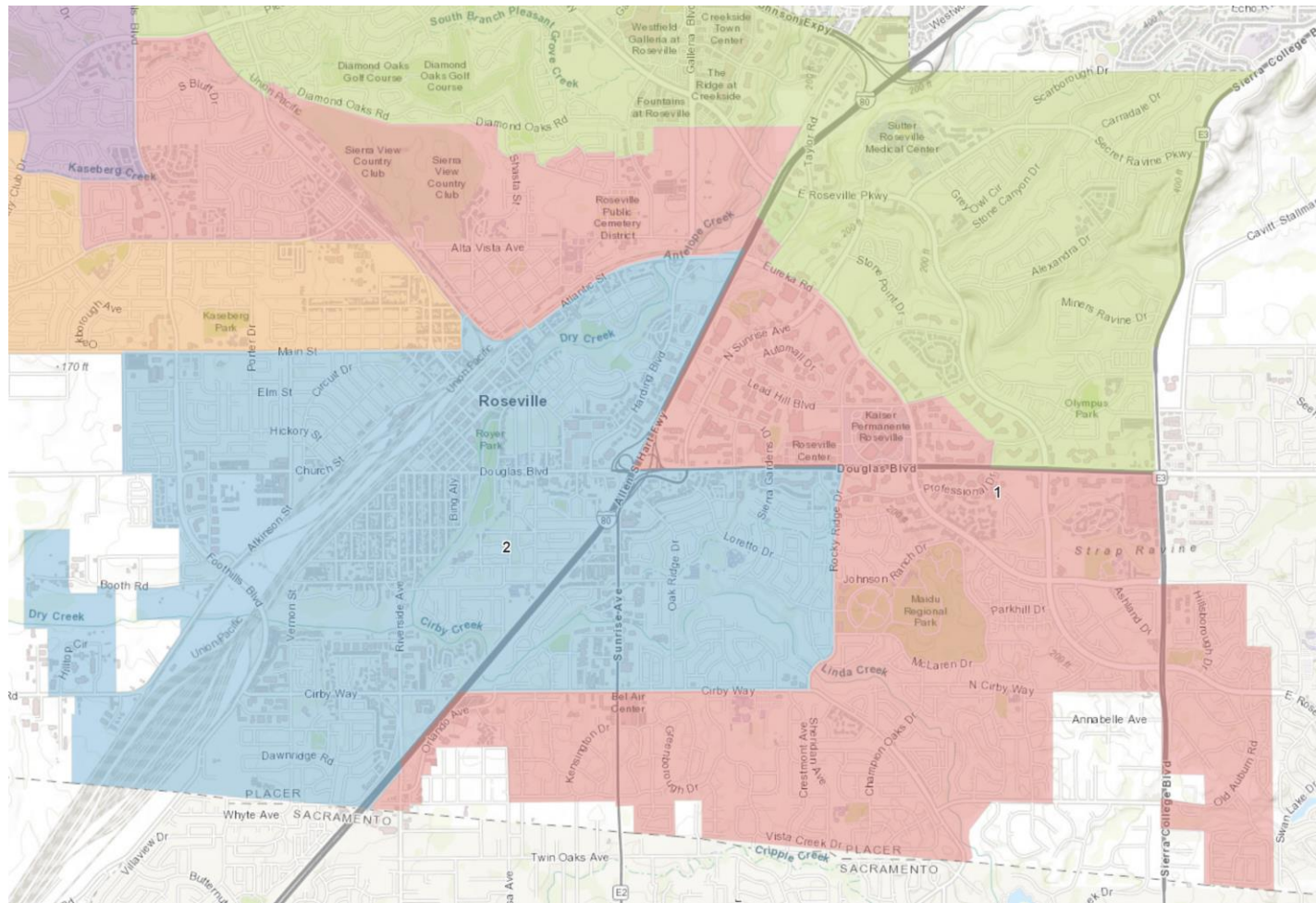
California has a rather elegant/simple definition.

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



# Compactness

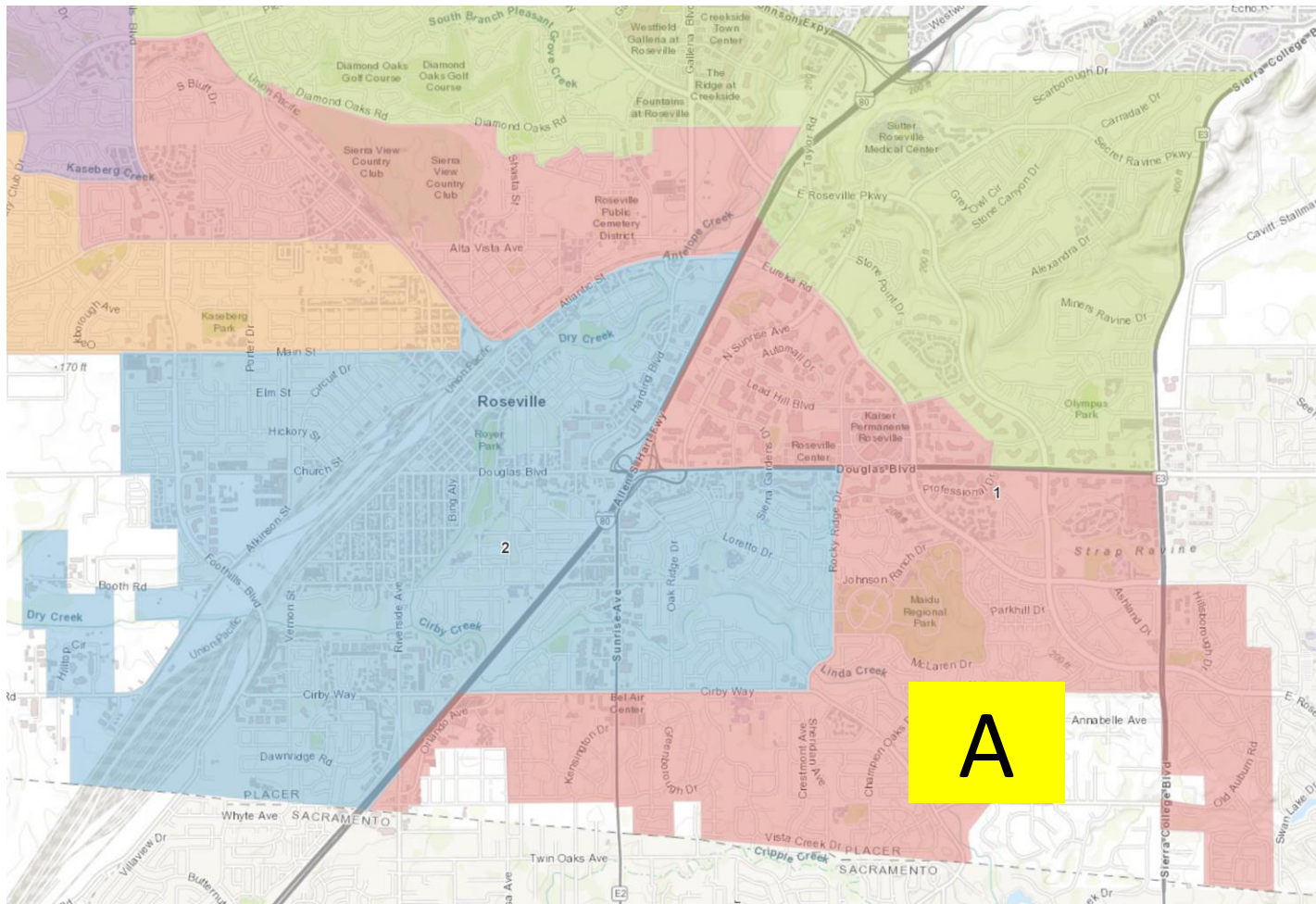
Determining what is “compact”





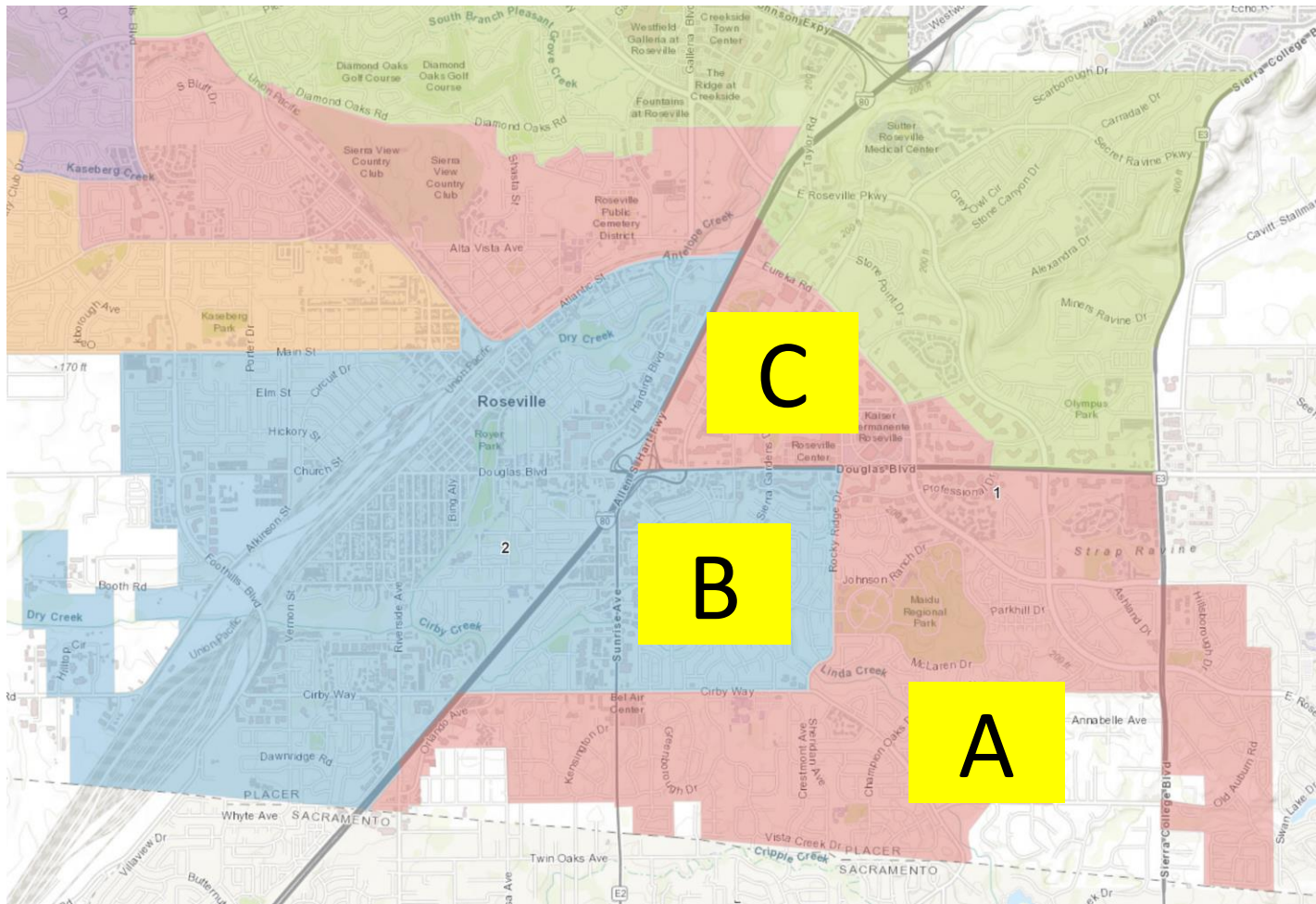
# Compactness

Determining what is “compact”



# Compactness

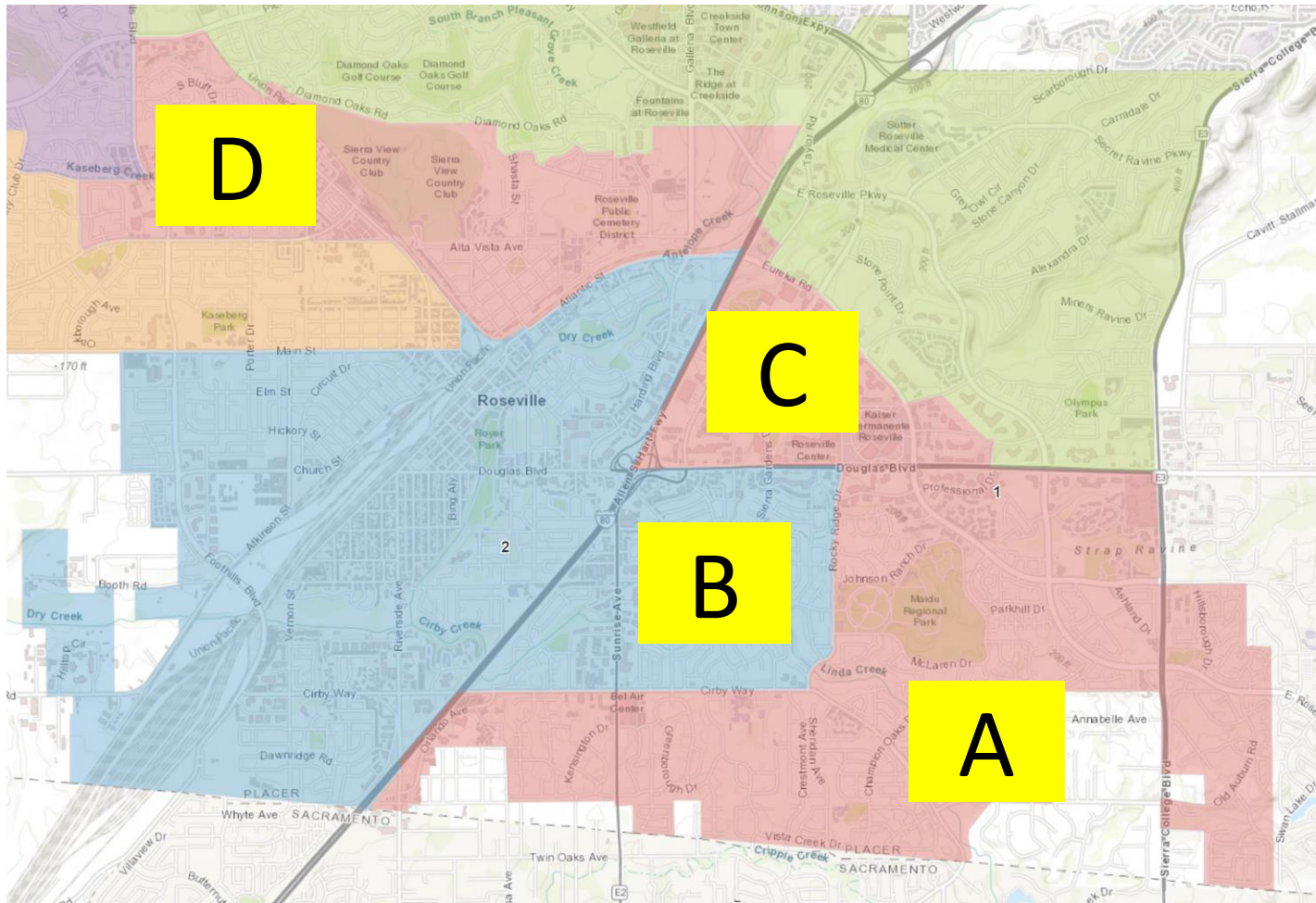
Determining what is “compact”





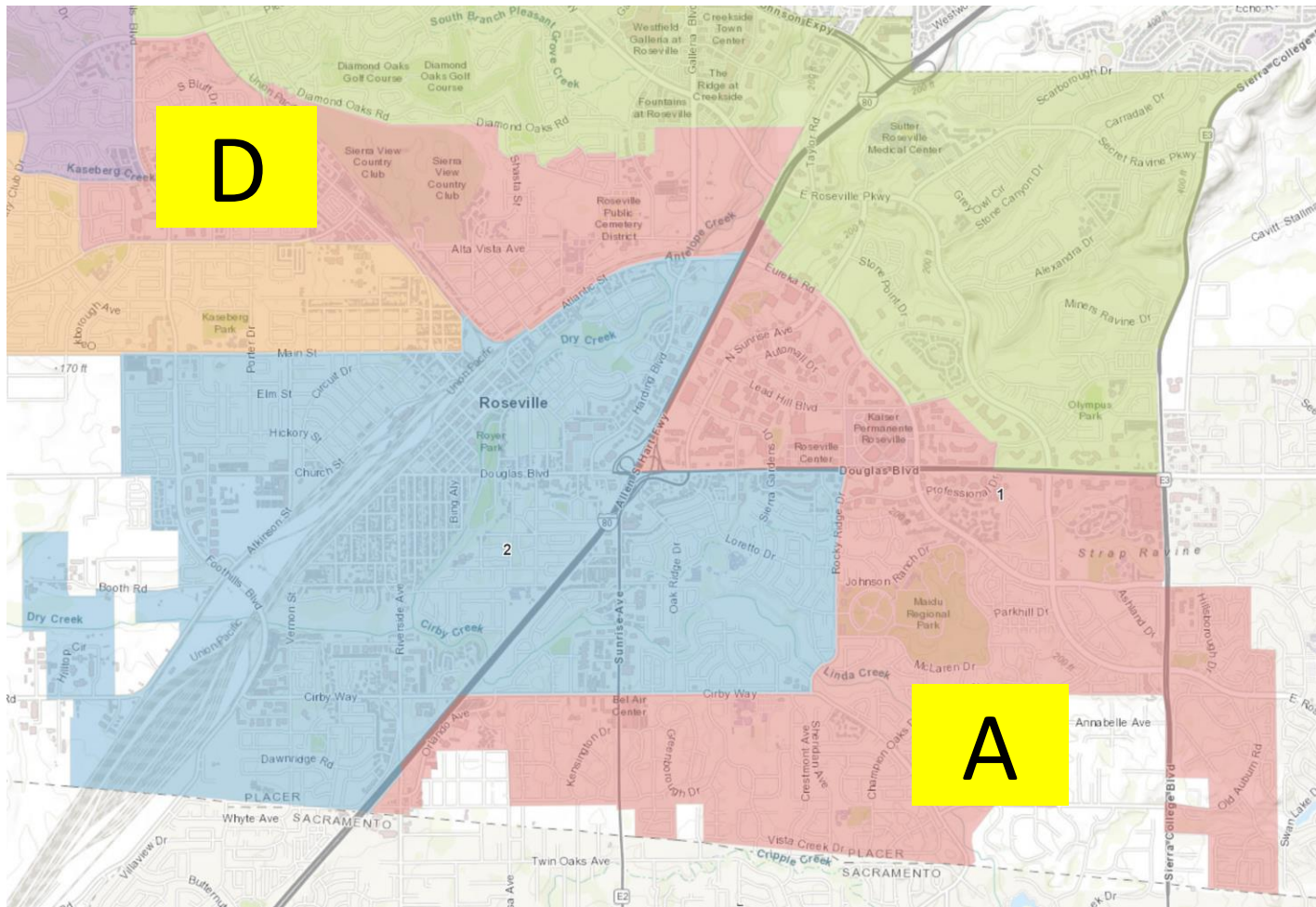
# Compactness

Determining what is “compact”



# Compactness

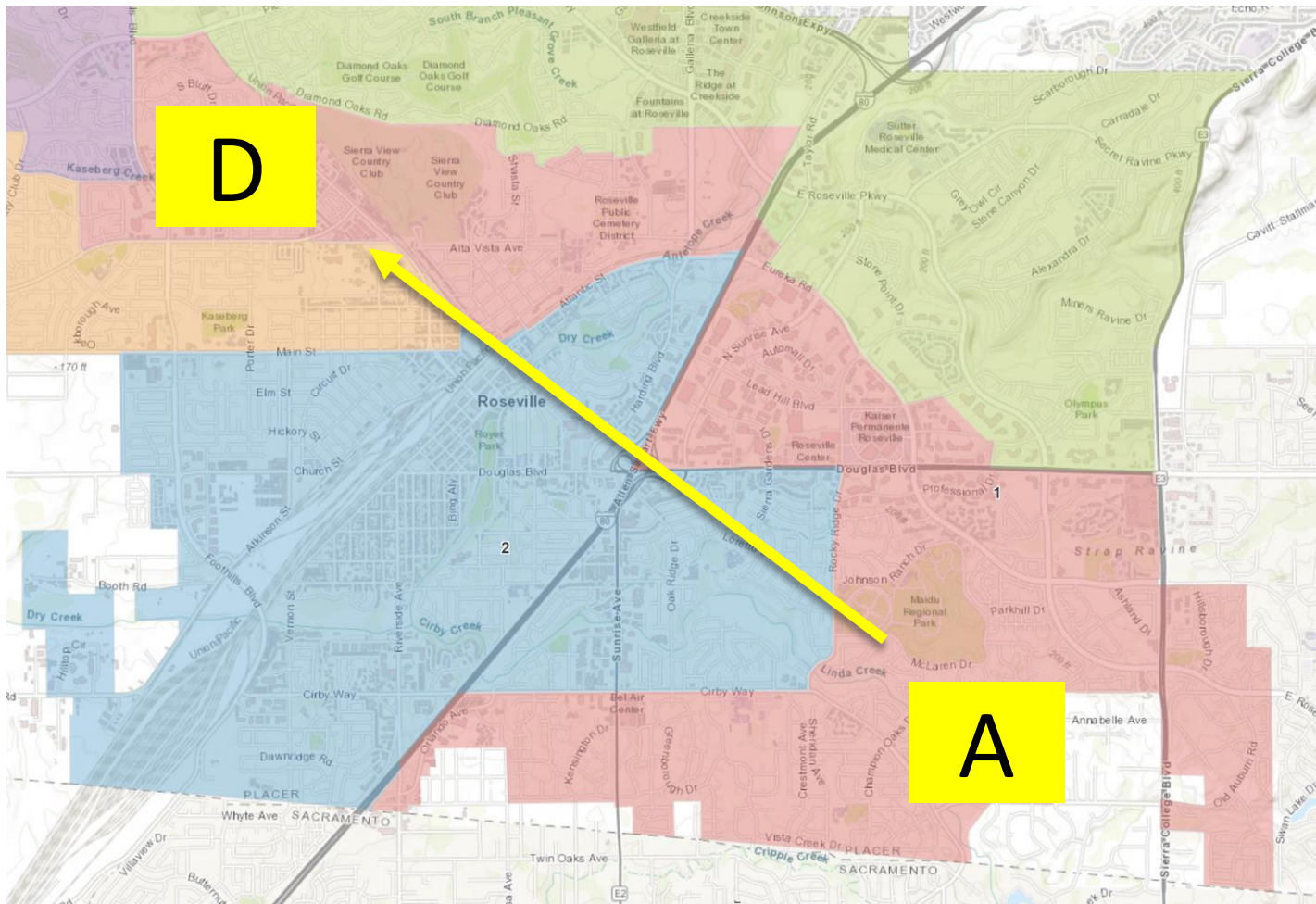
Determining what is “compact”





# Compactness

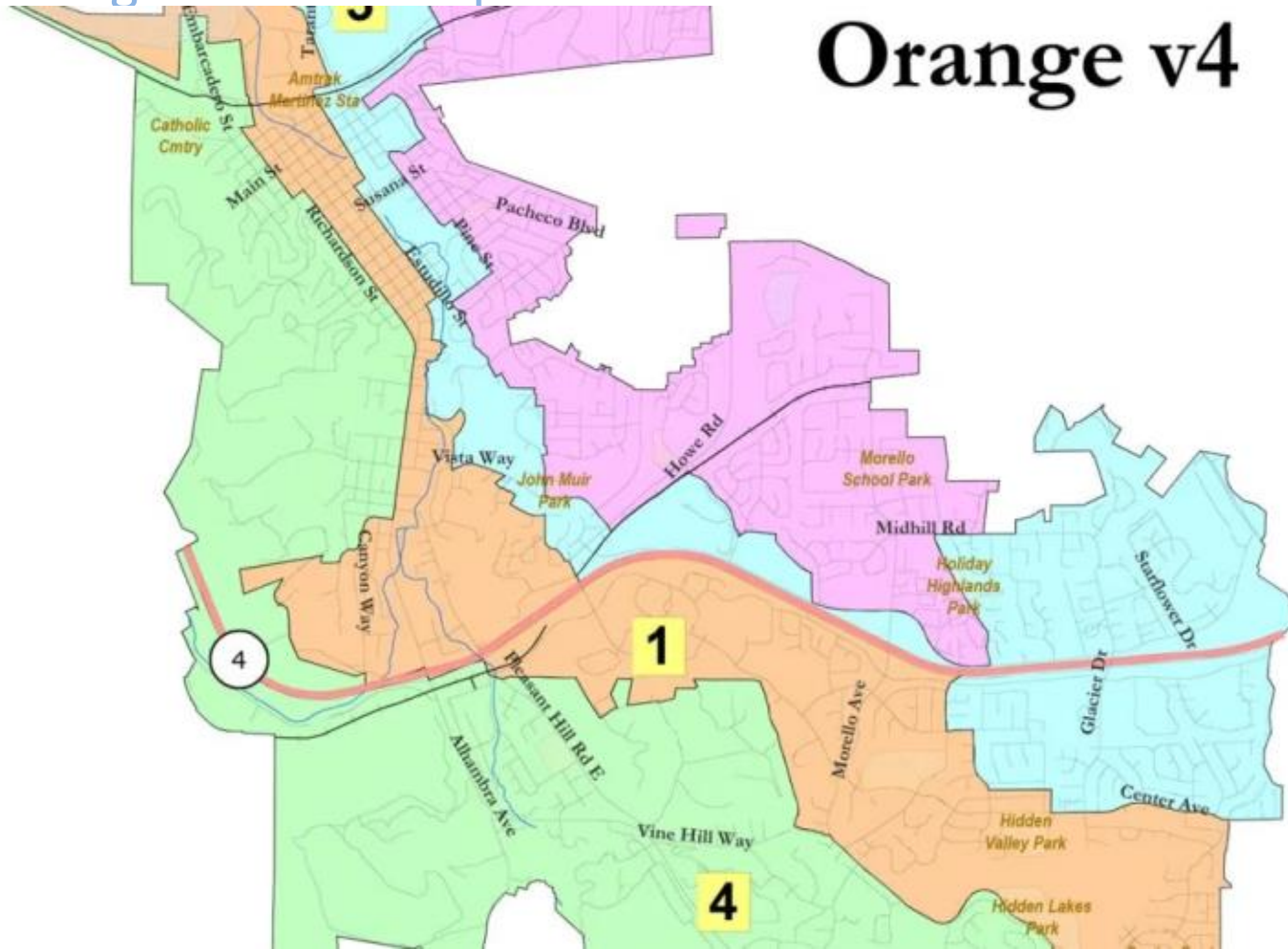
Determining what is “compact”



# Compactness

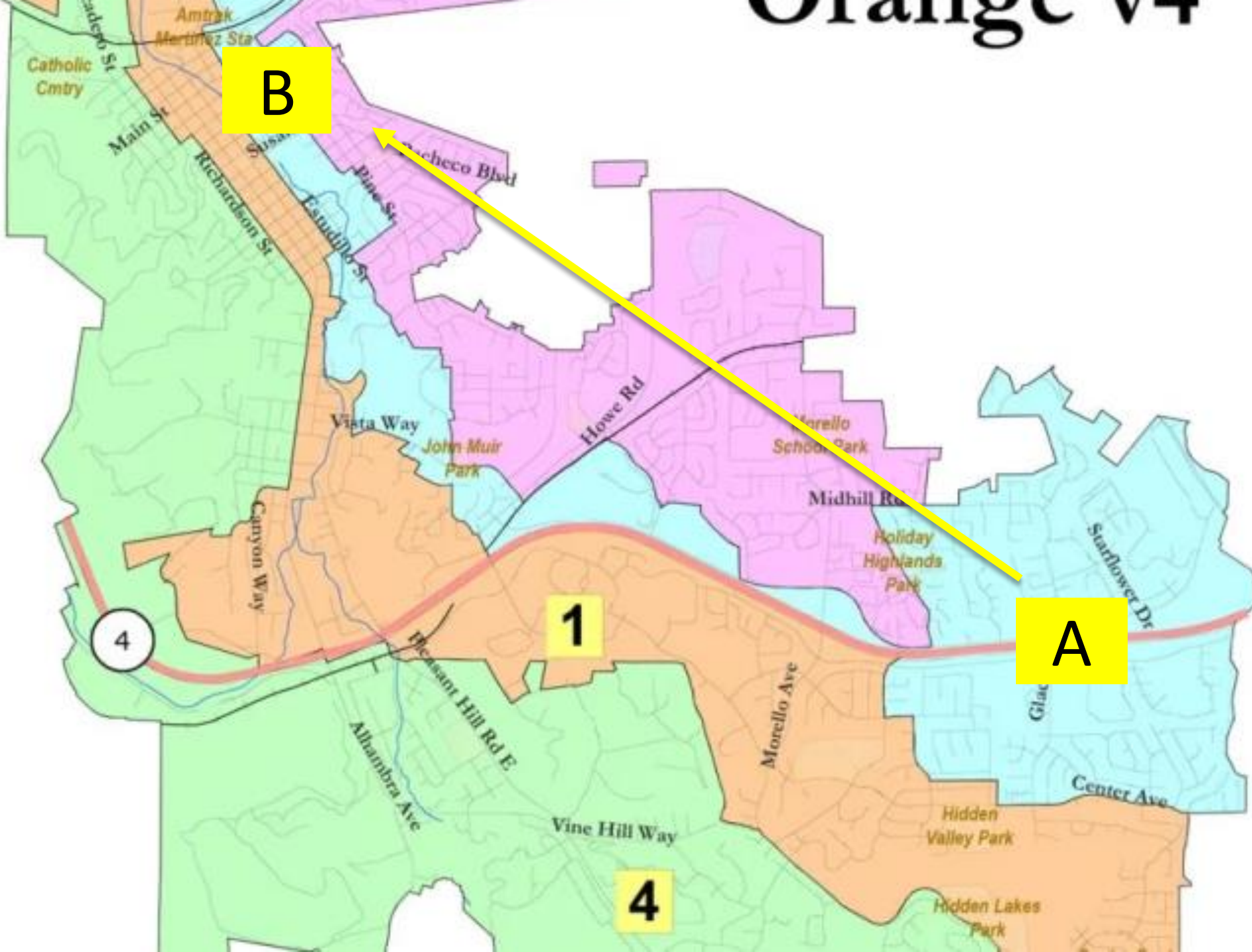
Determining what is “compact”

## Orange v4





# Orange v4



**B**

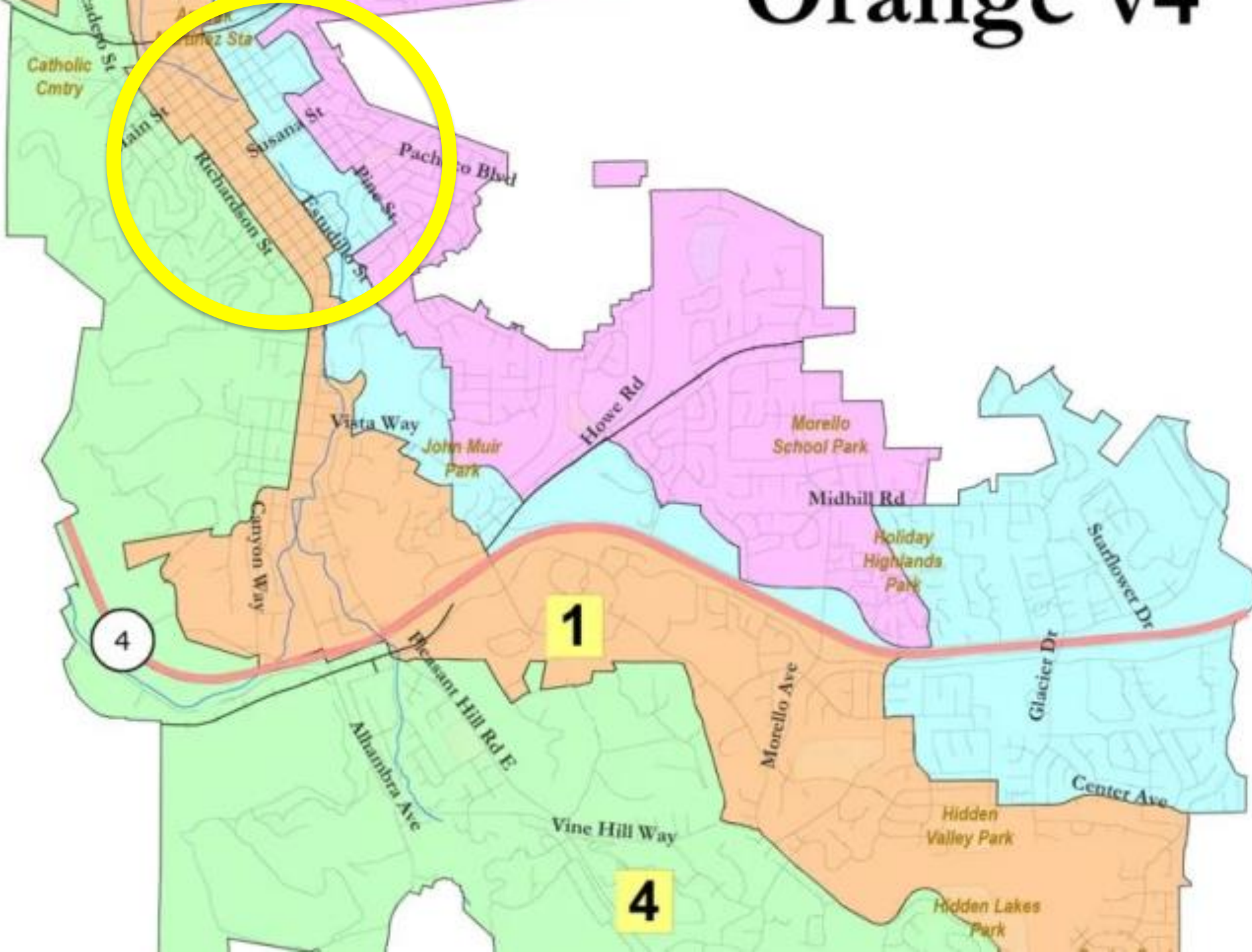
**A**

**1**

**4**

**4**

# Orange v4



1

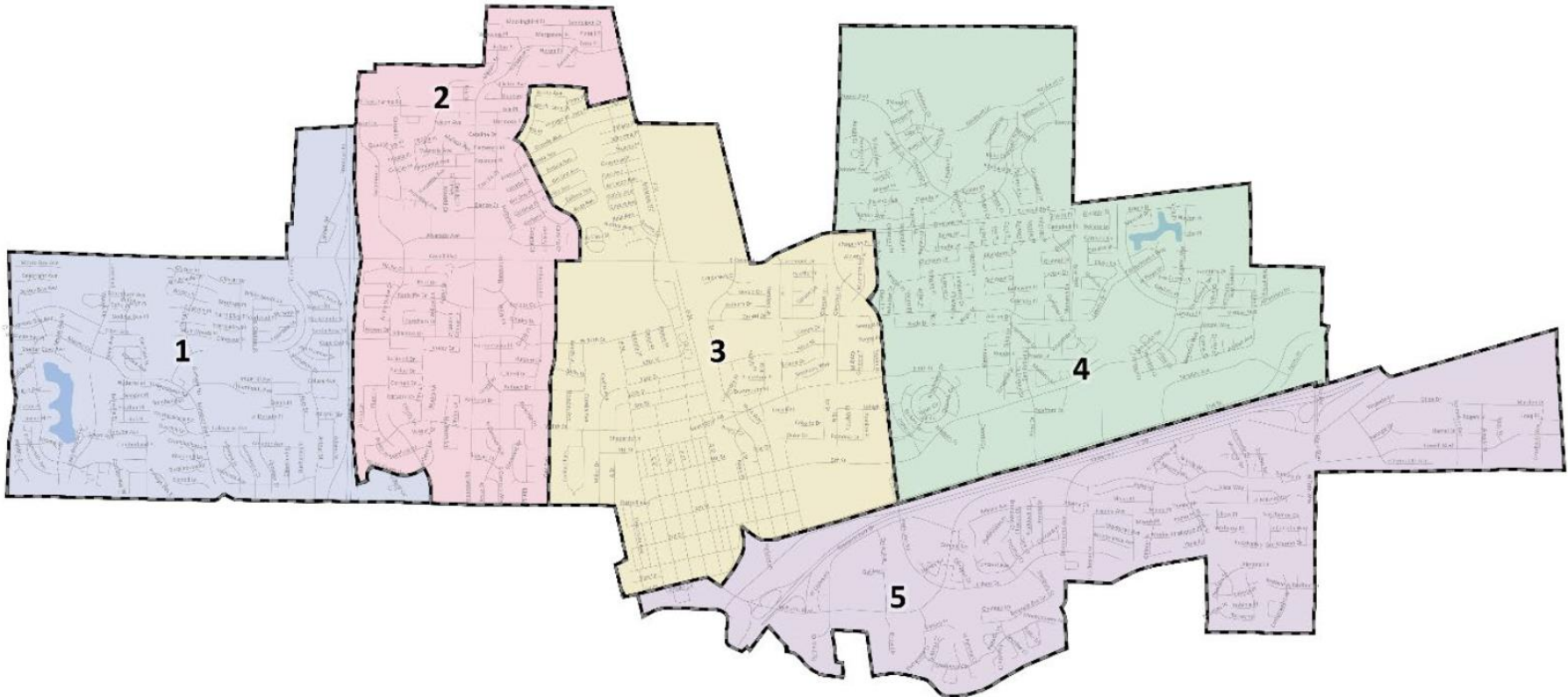
4

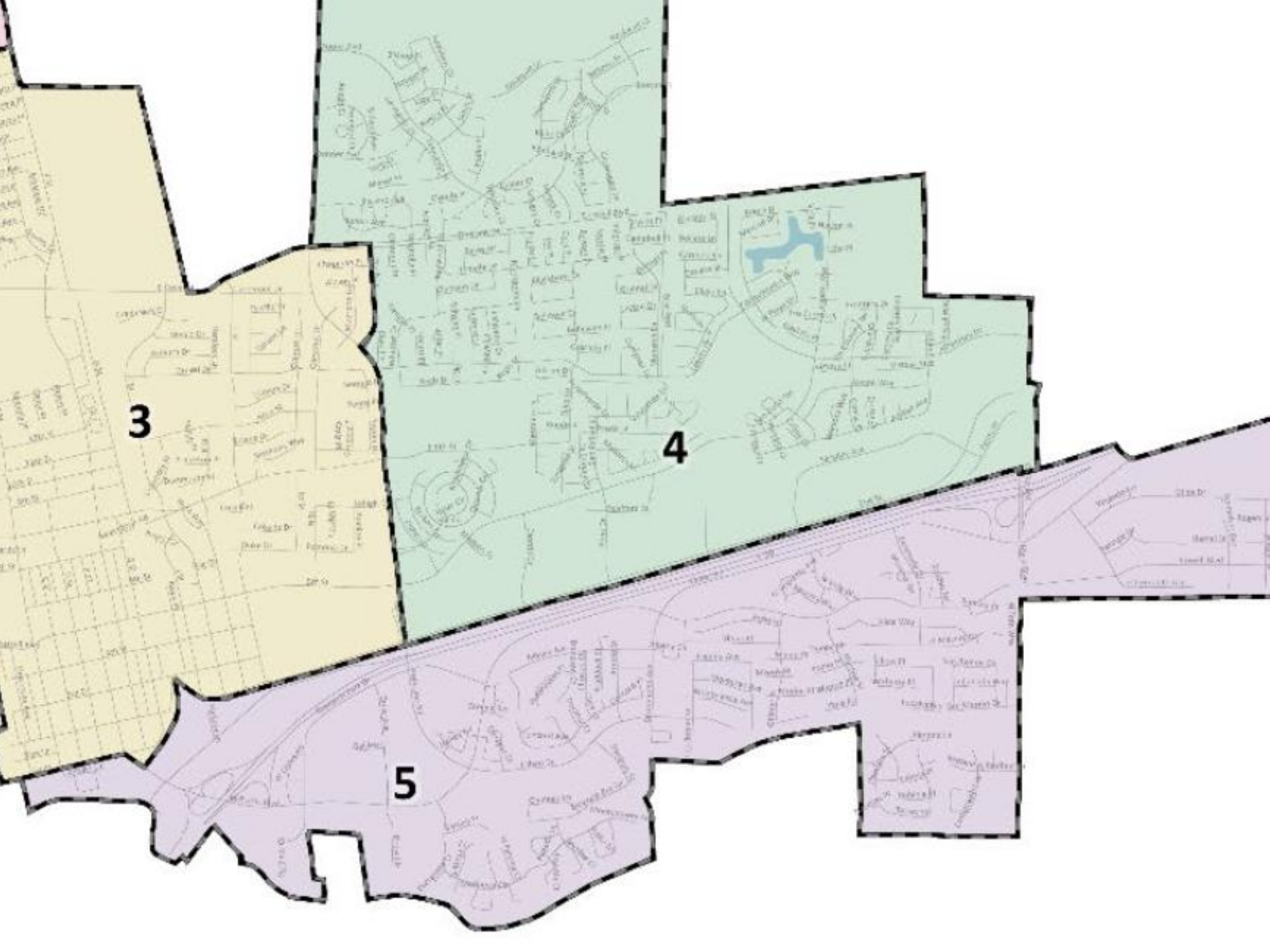
4



# Compactness

Determining what is “compact”

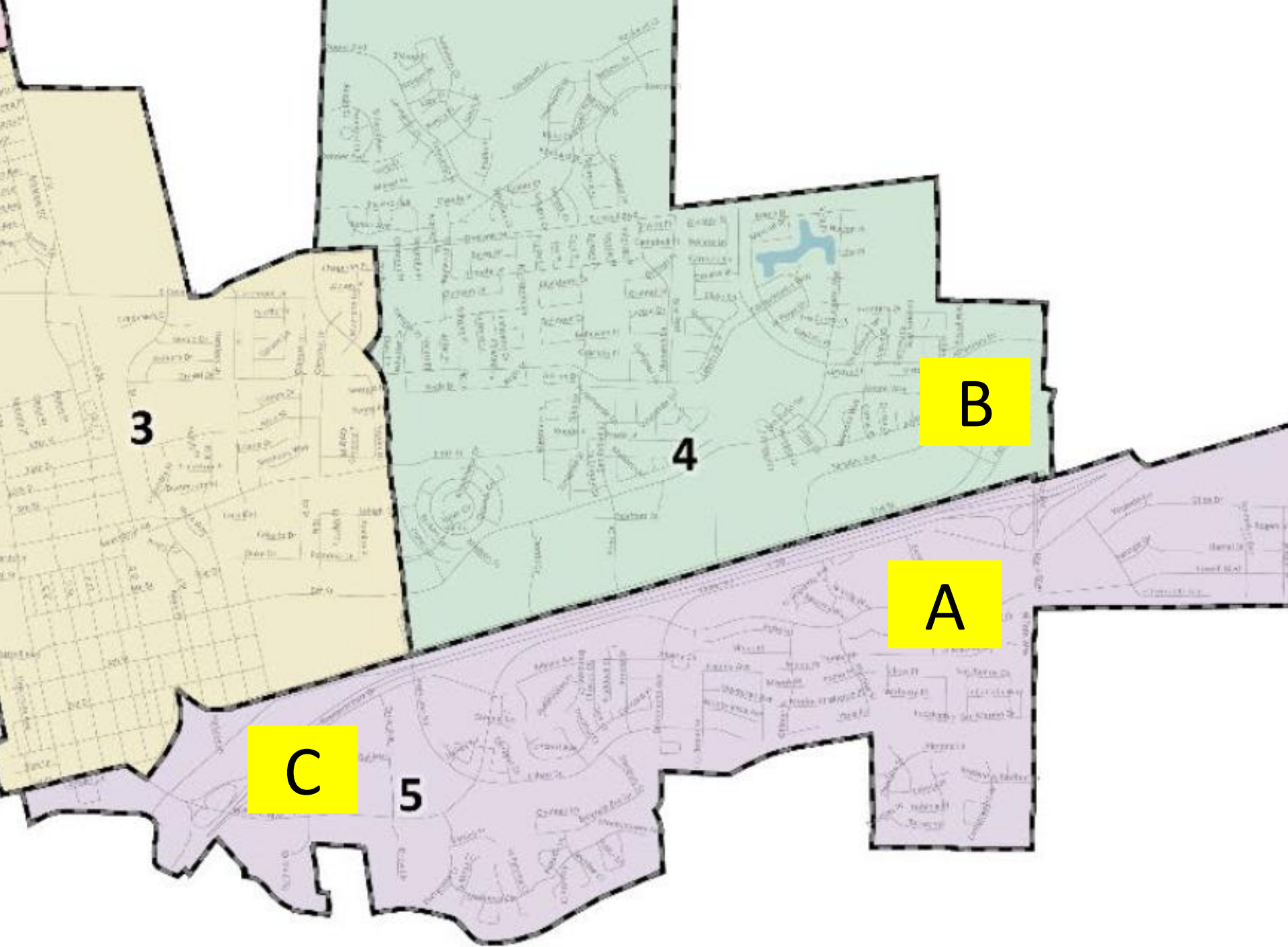




3

4

5



3

4

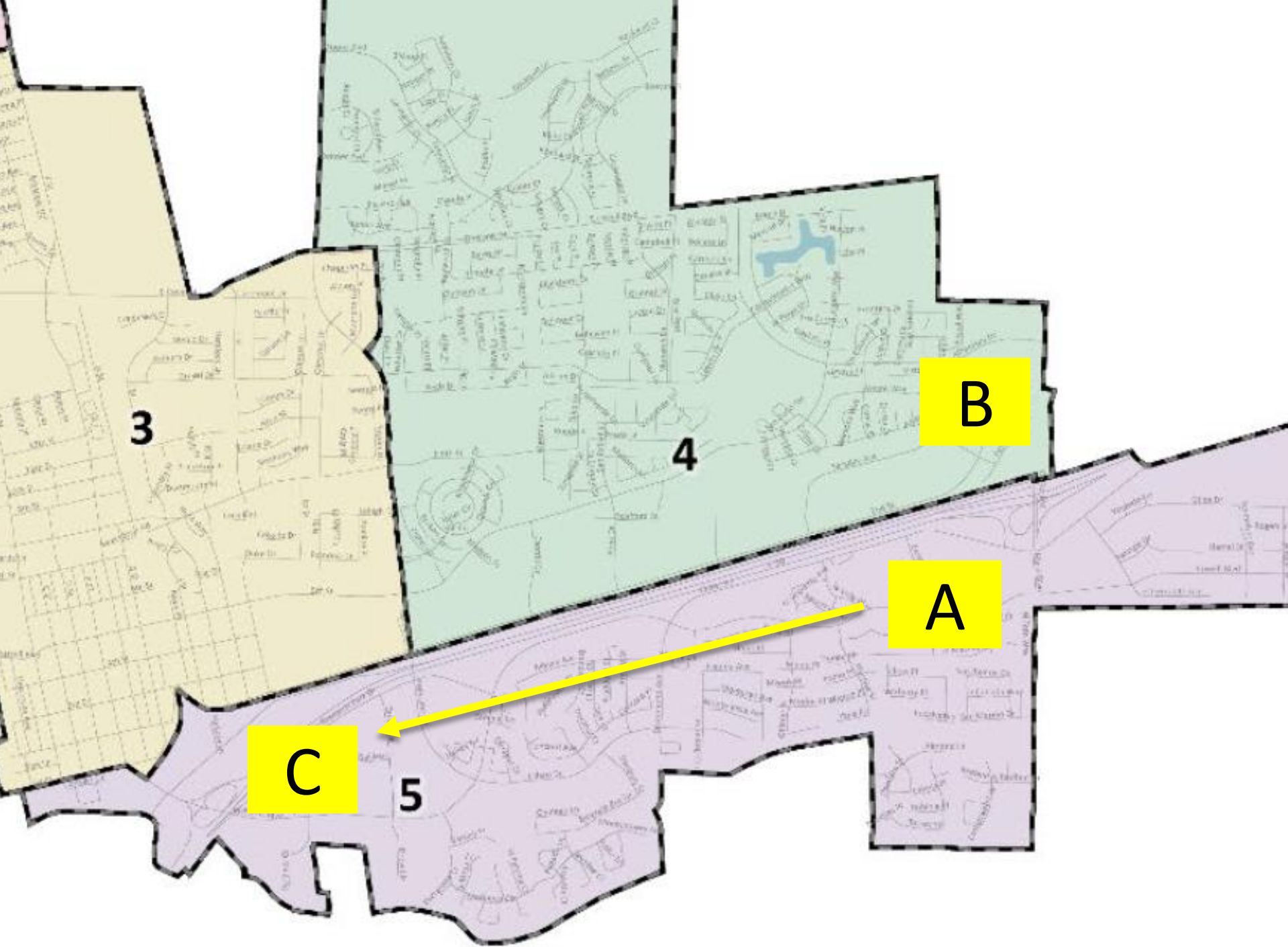
5

B

A

C





3

4

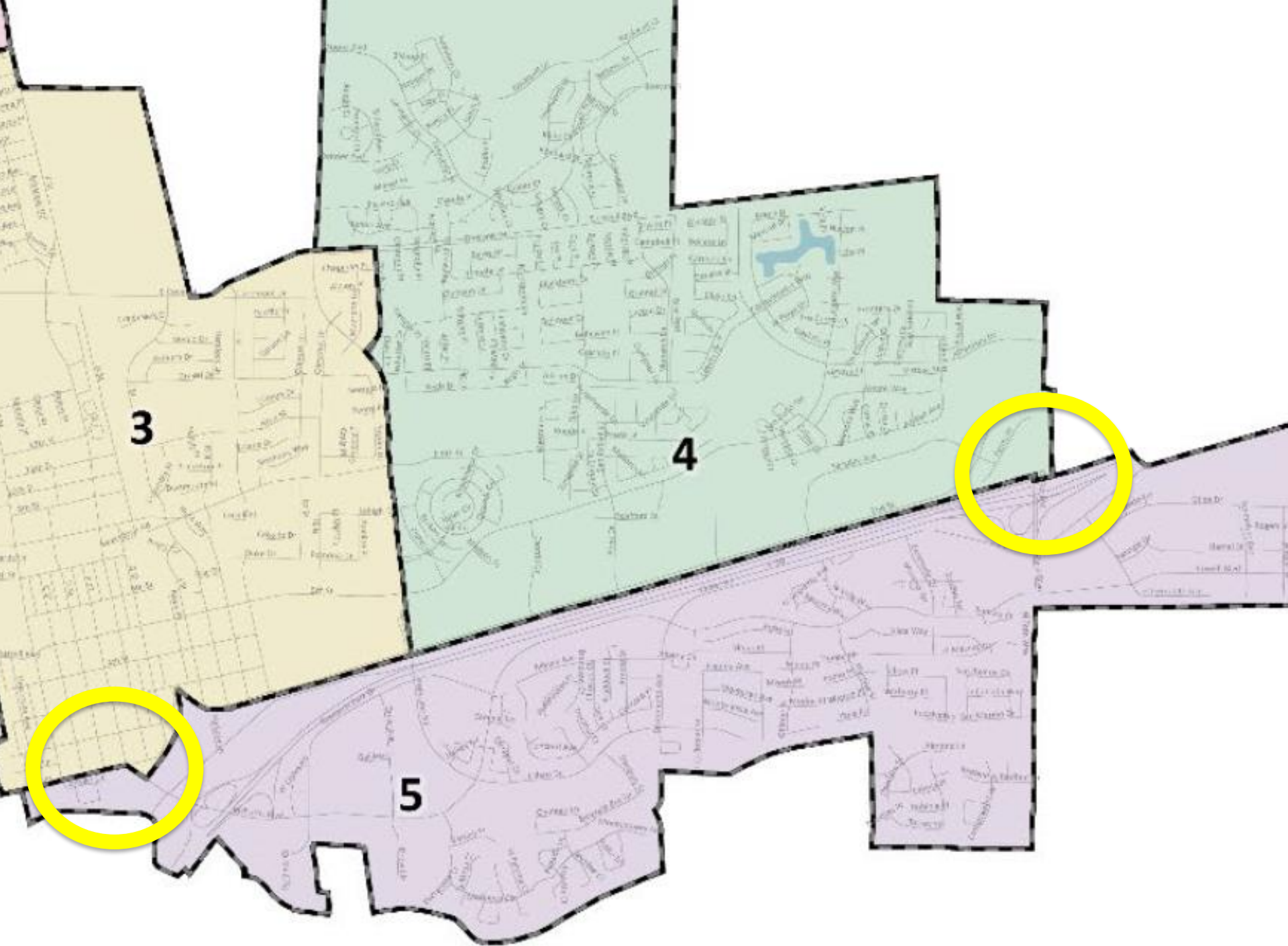
5

B

A

C





# Additional Redistricting Rules

Criteria required in San Jose beyond Traditional Principles

Under the City Charter, the Commission shall “give consideration to:”

- a) Natural boundaries, street lines and/or City boundaries
- b) Geography
- c) Cohesiveness, contiguity, integrity and compactness of territory
- d) Community of interests within each district

# Additional Redistricting Rules

Criteria required in San Jose beyond Traditional Principles

The FAIR MAPS Act adds more criteria to the process.

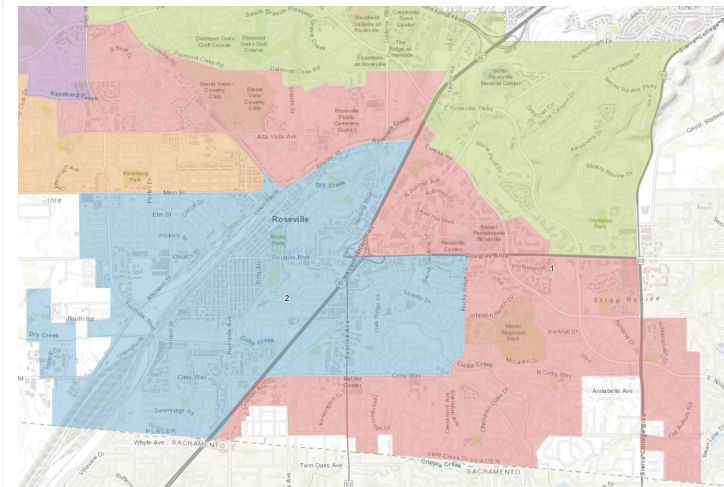
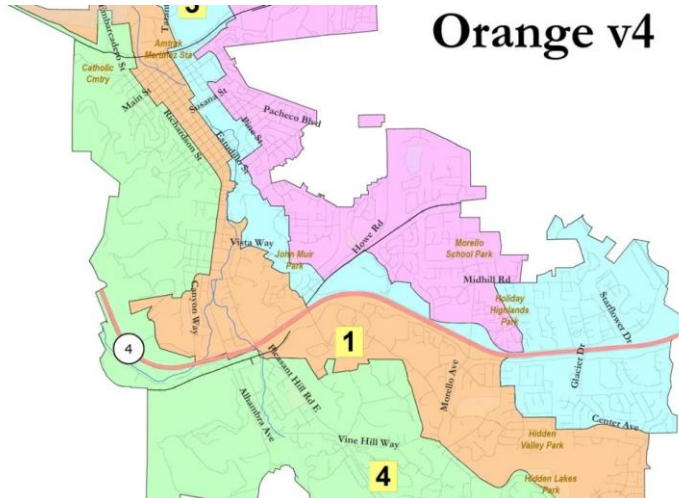
- Not consider Incumbents / Candidates.
- Not draw districts to advantage or disadvantage a political party.
- Hold minimum set of hearings, encourage public engagement.
- Posting of all redistricting commission information on a website that is maintained *for the next 10 years*.

# Compactness

Determining what is “compact”

California has a rather elegant/simple definition.

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



# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- What is Redistricting?
- State and Federal Voting Rights Act
- What is Gerrymandering
- Traditional Redistricting Principles
- **Census Data**
- Public Input
- Methods for Line Drawing

# The mechanics of Redistricting

## Census Data

Census Files come in two parts:

**Geography** – the underlying framework of the data

**Data** – the counts of population and demographics

And they can convey different information:

**Point in Time** – Decennial Census

**Multi-year Averages** – Trends/Estimates

# The mechanics of Redistricting

## Census Data

The Geography is called the  
TIGER Files

- *Topologically Integrated Geographic  
Encoding and Referencing*

- *Nested geographic units*

- *Block*
- *Block Group*
- *Tract*



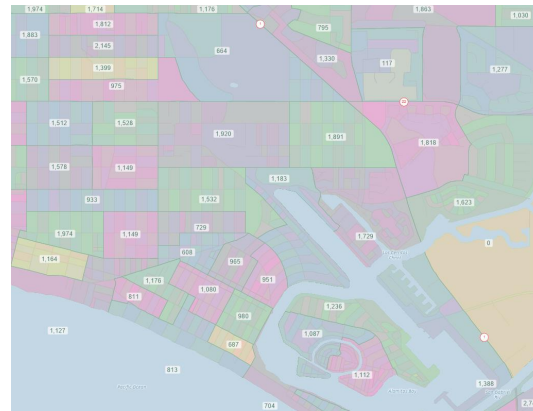


# The mechanics of Redistricting

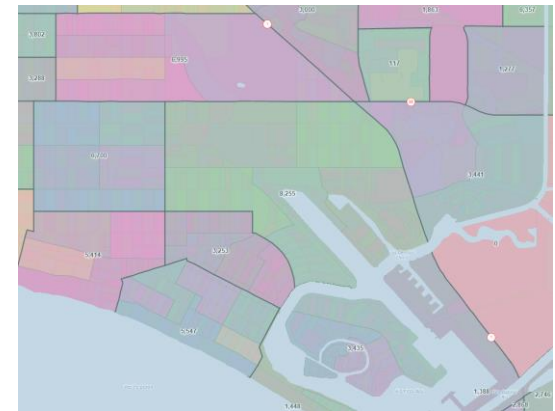
## Census Data



Census Blocks

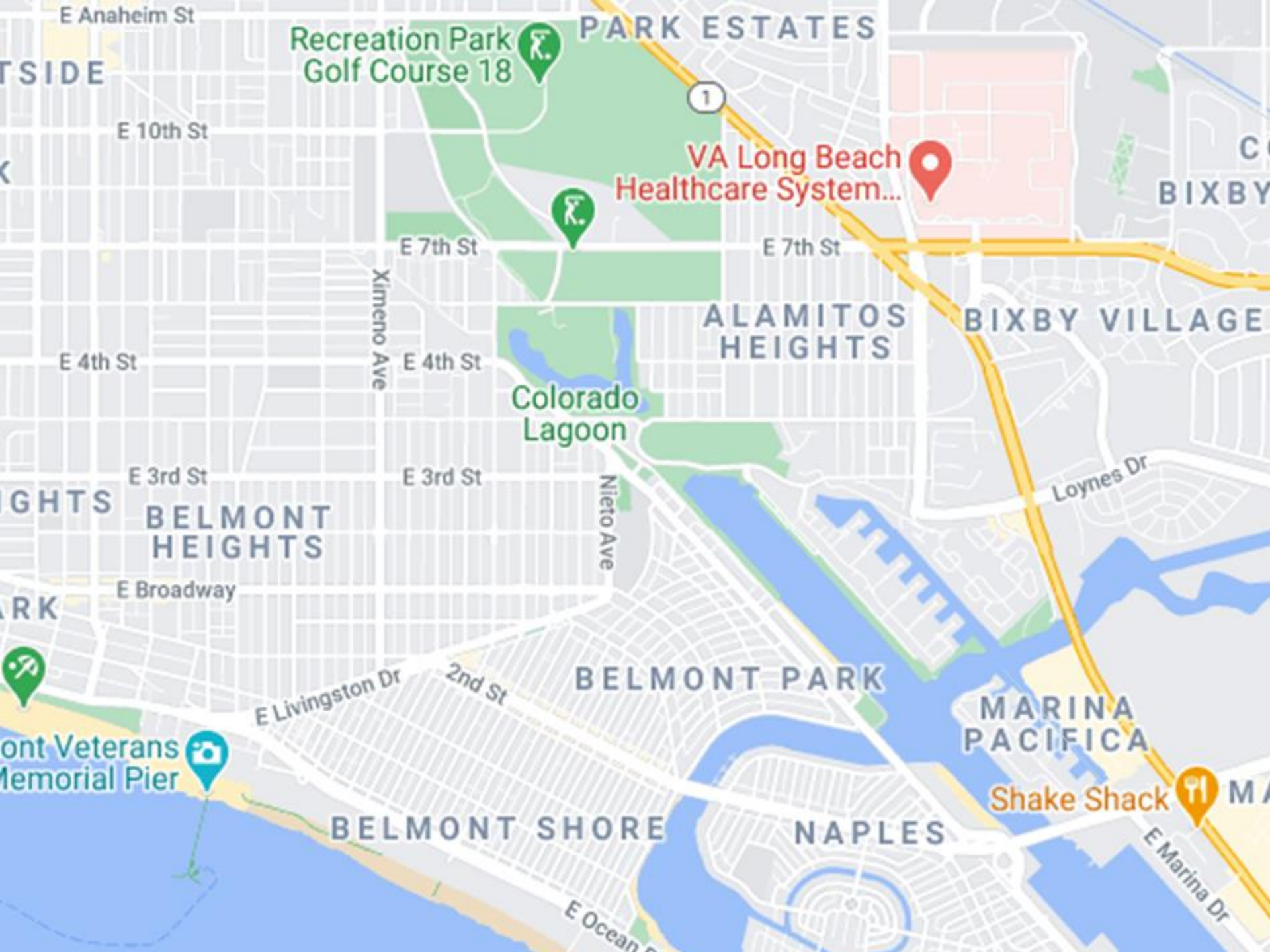


Census Block Groups



Census Tracts





Recreation Park  
Golf Course 18

PARK ESTATES

1

VA Long Beach  
Healthcare System...

BIXBY

BIXBY VILLAGE

ALAMITOS  
HEIGHTS

Colorado  
Lagoon

BELMONT  
HEIGHTS

BELMONT PARK

MARINA  
PACIFICA

Shake Shack

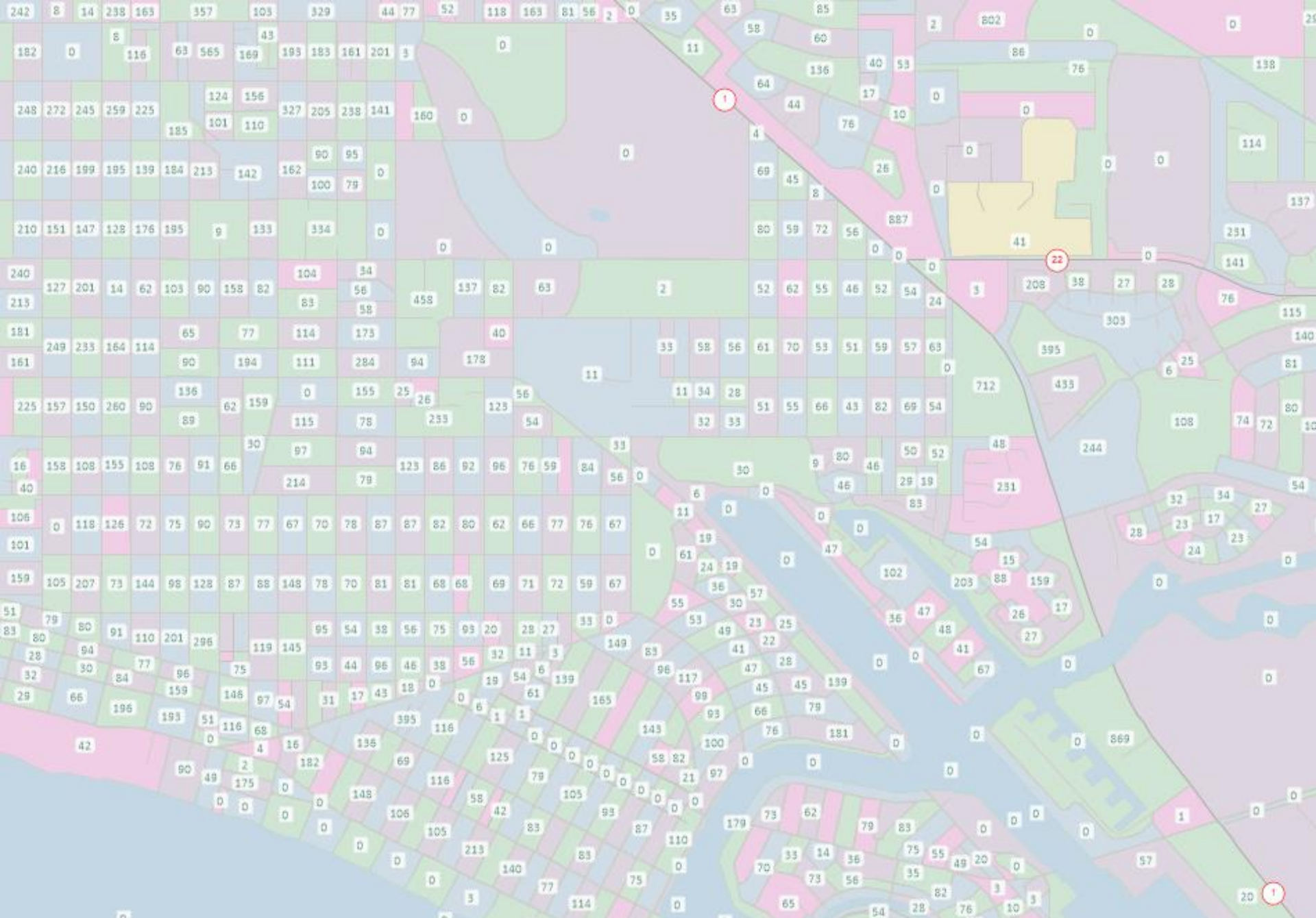
BELMONT SHORE

NAPLES

M

Belmont Veterans  
Memorial Pier

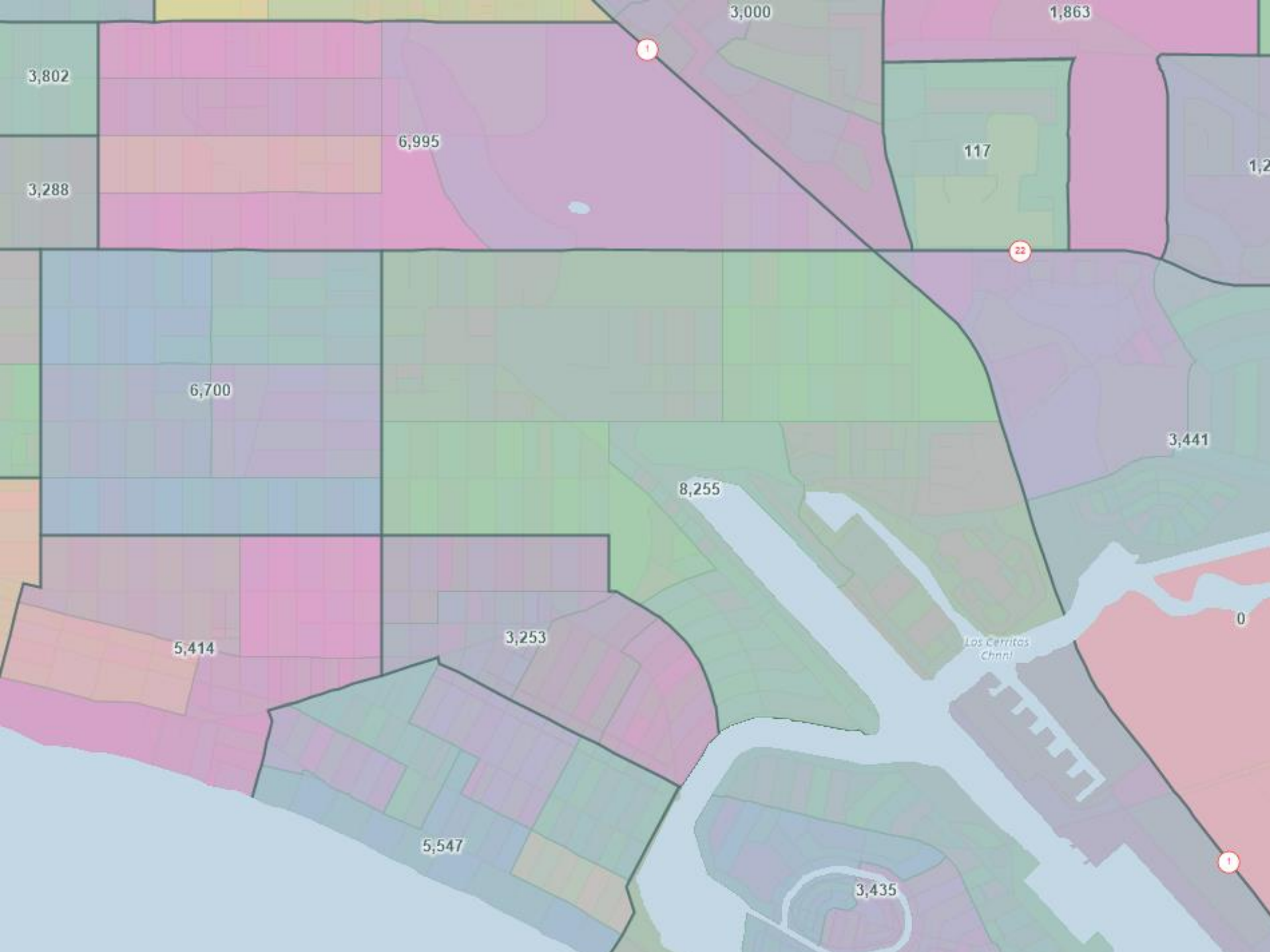




Long Beach has XXX Census Blocks







# The mechanics of Redistricting

## Census Data

Two different datasets most commonly used in redistricting:

- PL 94-171 - the Decennial Census File
  - Census Block Geography
  - Total Population Counts for April 1, 2020, used to determine the size of each district.
  - Required to be released before April 1, 2021, but delayed until September 30<sup>th</sup>, with a “legacy” dataset in mid to late August.

# The mechanics of Redistricting

## Census Data

The Census data file the city is required to use will be slightly different:

- Statewide Prisoner Reallocation
  - California Statewide Database | UC Berkeley – will adjust population removing state prison population and reallocating them based on where they lived prior to being incarcerated.
  - This allows a more equitable redistricting.

# The mechanics of Redistricting

## Census Data

Two different datasets most commonly used in redistricting:

- American Community Survey (ACS)
  - Census Block Group and Census Tract or larger geographies
  - Results in estimated data that provides more context to the Census results with demographic and socioeconomic info.
  - Provides Citizen Voting Age Population (CVAP)

# The mechanics of Redistricting

## Other Data

When conducting a redistricting, there will be additional outside data sources that might be utilized in the analysis of districts - *most effectively if in the Census geography.*

- LGBTQ+: In 2011 Equality California and other groups produced data on LGBTQ+ populations that were used by the Statewide Commission and local jurisdictions.
- Environmental Data: groups like the California League of Conservation Voters provide data on environmental / transportation pollution issues.



# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- What is Redistricting?
- State and Federal Voting Rights Act
- What is Gerrymandering
- Traditional Redistricting Principles
- Census Data
- **Public Input**
- Methods for Line Drawing

# Public Input

## Windows for public input

Community of Interest testimony is critical to an open/transparent redistricting process. There are three timeframes to be thinking of:

**Pre-data** – from now until release of the PL files. Opportunity for COI testimony.

**Post-data, pre draft lines** – after release, but before you can draw lines. Community gets to draft plans.

**After draft lines** – Community feedback, suggestions for changes, alternate plans, more COI Testimony

# Input at Public Hearings

Multiple methods for obtaining input

Online hearings of the commission – both business hearings and outreach meetings should be avenues for public engagement.

The commission will work with city staff and consultants to develop and implement public engagement during commission hearings.



# Community of Interest Forms

## Multiple methods for obtaining input

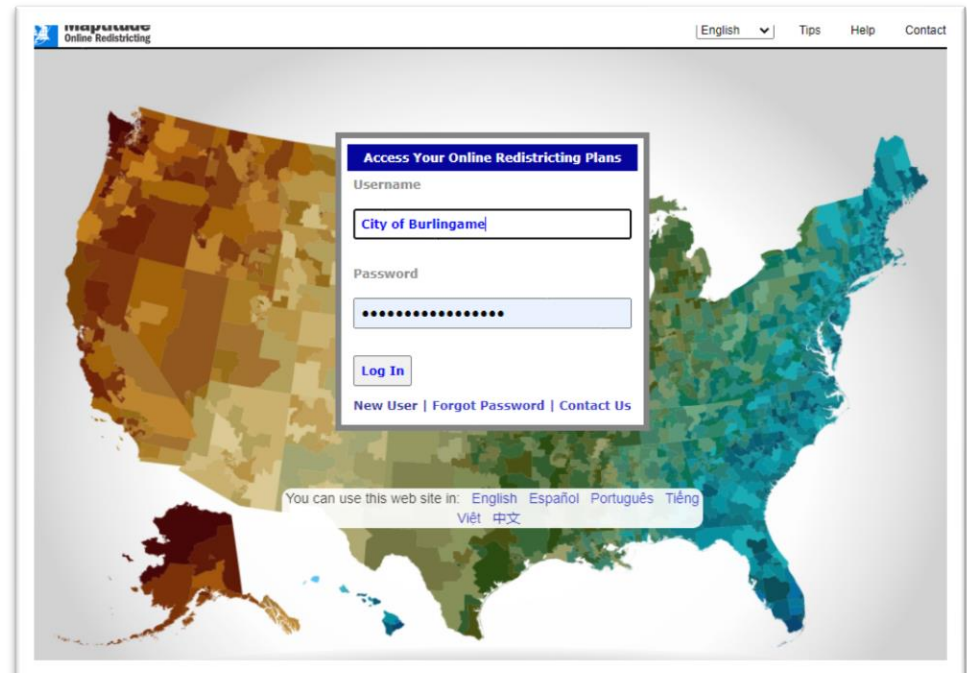
- Input can be provided in public hearings or using our “Community of Interest Worksheet.”
- This can be provided on the website as a part of overall community engagement strategy.
- Some agencies convert these to a webform or survey instrument.



# Online Mapping

Multiple methods for obtaining input

Online Mapping tools will be available for the community to draw their community of interest or potential maps for the city to consider.



# Online Mapping

Multiple methods for obtaining input

There are other mapping tools the public may use.

- These tools are *perfectly appropriate* for the community to use as input.
- Data and maps from these programs can be imported to our tools and reviewed by the commission.





# Overview

This presentation will cover a range of topics to bring together training to date and expand to the technical aspects of the redistricting process.

- What is Redistricting?
- State and Federal Voting Rights Act
- What is Gerrymandering
- Traditional Redistricting Principles
- Census Data
- Public Input
- **Methods for Line Drawing**

# The Methods for Line Drawing

## Multiple Options

Once the commission can draw draft lines, there are three primary methods, and they can overlap.

- 1) Start with a selection of Public Maps that you make your draft maps.
- 2) Direct staff to produce multiple draft maps.
- 3) Perform live line-drawing during a commission hearing.



# The Methods for Line Drawing

## Multiple Options

Commissioners can determine their own relationship to the line drawing process.

- In some cases commissions are not drawing the lines but weighing different public options.
- In other cases members are actively drawing plans.
- Do not draw lines until it is time.



# The Methods for Line Drawing

## Multiple Options

Commissioners can determine their own relationship to the line drawing process.

- In some cases commissions are not drawing the lines but weighing different public options.
- In other cases members are actively drawing plans.
- Do not draw lines until it is time.



# The Methods for Line Drawing

## Multiple Options

The line drawing process does not end with the publishing of initial draft plans

- Community input on draft plans is critical.
- The Commission will notice a change in the kinds of input and map feedback it receives on actual maps.
- 7-Day posting requirement.



# Completion of Redistricting

Late Census is complicating process

The current deadline for final passage of plans is December 15<sup>th</sup> as set forth in the FAIR MAPS Act.

- This deadline set by the Legislature may change.
- Need to proceed under the assumption that this deadline will not change as if you miss it, the courts will step in and draw the city council lines.
- *We will be updating if/when there are any changes.*





# REDISTRICTING PARTNERS