City of Selma

Districting Overview

July 1, 2019

California Voting Rights Act (CVRA)

☐ Under the Federal Voting Rights Act (passed in 1965), a jurisdiction must fail 4 factual tests before it is in violation of the law.

☐ The California VRA makes it significantly easier for plaintiffs to force jurisdictions into "by-district" election systems by eliminating two of the US Supreme Court *Gingles* tests:

1. ~~Can the protected class constitute the majority of a district?~~
2. Does the protected class vote as a bloc?
3. Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
4. ~~Do the "totality of circumstances" indicate race is a factor in elections?~~

☐ Liability is now determined only by the presence of racially polarized voting

CVRA Impact

- Switched (or in the process of switching) as a result of CVRA:
  - At least 202 school districts
  - 34 Community College Districts
  - 120 cities
  - 1 County Board of Supervisors
  - 15 water and other special districts.

- Palmdale, Santa Clara and Santa Monica fought "on the merits." All lost.
  - Santa Monica and Santa Clara are appealing.
  - Palmdale spent about $1.8 million, Santa Clara about $800,000, and Santa Monica between $5 and $8 million, just on their defense.
  - Santa Monica plaintiffs requested $22 million
  - No jurisdiction has won a case.

- Key settlements:
  - Palmdale: $4.7 million
  - Santa Clara: $3.16 million
  - Modesto: $3 million
  - Highland: $1.3 million
  - Anaheim: $1.1 million
  - Whittier: $1 million
  - Santa Barbara: $600,000
  - Tulare Hospital: $500,000
  - Madera Unified: about $170,000
  - Hanford Joint Union Schools: $118,000
  - Merced City: $42,000

Districting Process (2020)

National Demographics Corporation

Step	Description
Two Initial Hearings	**Held prior to release of draft maps.** **Education and to solicit input on the communities in the District.** Hearings must be within 30 days of each other
Release draft maps	**Maps must be posted at least 7 days prior to 3rd hearing.**
Two Hearings on Draft Maps	**Two meetings to discuss and revise the draft maps and to discuss the election sequencing.** Hearings must be within 45 days of each other
Final Hearing & Map Adoption	**Map must be posted 7 days prior to adoption.**
2020	**First by-district elections**
2021	**Map adjusted using 2020 Census data**
2022	**Remaining districts hold first by-district elections**

Districting Rules and Goals

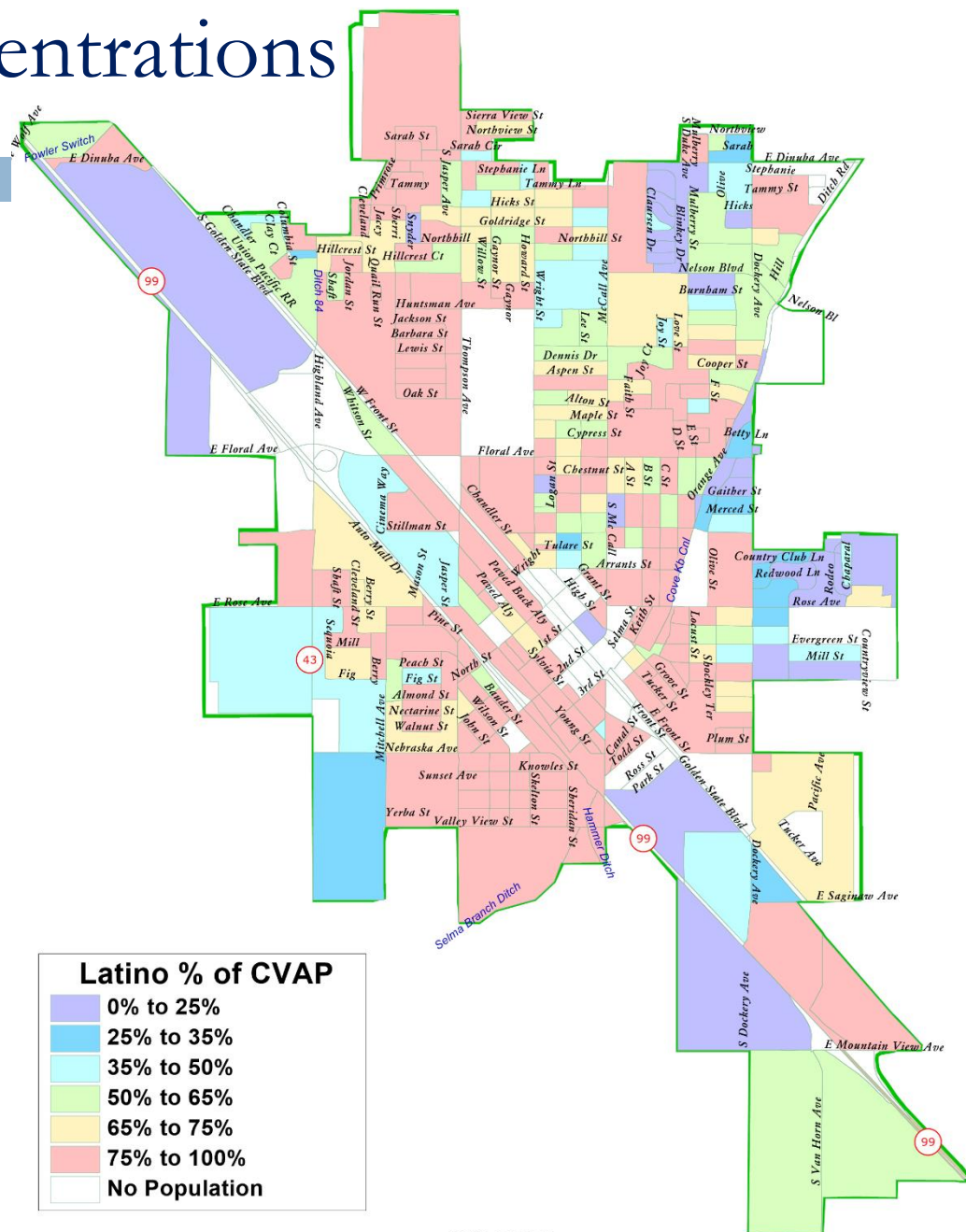| Federal Laws	Traditional Redistricting Principles
☐ **Equal Population**	☐ **Communities of interest**
☐ **Federal Voting Rights Act**	☐ **Compact**
☐ **No Racial Gerrymandering**	☐ **Contiguous**
	☐ **Visible (Natural & man-made) boundaries**
	☐ **Respect voters' choices / continuity in office**
	☐ *Planned future growth*

Demographic Summary

These additional data fields can be used, where appropriate, to assist in identifying "communities of interest."

Category	Field	Count	Pct	Category	Field	Count	Pct
	Total Pop	23,720		ACS Pop. Est.	Total	23,981	
Total Pop	Hisp	18,379	77%	Age	age0-19	7,784	32%
	NH White	3,780	16%		age20-60	12,293	51%
	NH Black	187	1%		age60plus	3,903	16%
	Asian-American	1,048	4%	Immigration	immigrants	5,865	24%
Citizen Voting Age Pop	Total	13,044			naturalized	1,873	32%
	Hisp	9,355	72%	Language spoken at home	english	9,285	42%
	NH White	2,636	20%		spanish	11,895	54%
	NH Black	84	1%		asian-lang	41	0%
	Asian/Pac.Isl.	695	5%		other lang	892	4%
Voter Registration (Nov 2016)	Total	9,007		Language Fluency	Speaks Eng. "Less than Very Well"	5,069	23%
	Latino est.	6,357	71%	Education (among those age 25+)	hs-grad	7,348	52%
	Spanish-Surnamed	5,711	63%		bachelor	986	7%
	Asian-Surnamed	406	5%		graduatedegree	299	2%
	Filipino-Surnamed	98	1%	Child in Household	child-under18	2,848	43%
	NH White est.	2,054	23%	Pct of Pop. Age 16+	employed	9,011	52%
	NH Black	37	0%	Household Income	income 0-25k	1,679	25%
Voter Turnout (Nov 2016)	Total	5,734			income 25-50k	2,249	34%
	Latino est.	3,822	67%		income 50-75k	1,163	18%
	Spanish-Surnamed	3,433	60%		income 75-200k	1,433	22%
	Asian-Surnamed	266	5%		income 200k-plus	102	2%
	Filipino-Surnamed	55	1%	Housing Stats	single family	5,998	85%
	NH White est.	1,530	27%		multi-family	1,024	15%
	NH Black	24	0%		rented	2,814	42%
Voter Turnout (Nov 2014)	Total	3,481			owned	3,812	58%
	Latino est.	1,935	56%				
	Spanish-Surnamed	1,739	50%				
	Asian-Surnamed	235	7%				
	Filipino-Surnamed	24	1%				
	NH White est.	1,121	32%				
	NH Black est.	34	1%				

Total population data from the 2010 Decennial Census.
Surname-based Voter Registration and Turnout data from the California Statewide Database.
Latino voter registration and turnout data are Spanish-surname counts adjusted using Census Population Department undercount estimates.
NH White and NH Black registration and turnout counts estimated by NDC.
Citizen Voting Age Pop., Age, Immigration, and other demographics from the 2012-2016 American Community Survey and Special Tabulation 5-year data.

Latino Concentrations

Latino eligible voters are concentrated everywhere except the east and west edges of the City.

There are no large geographic concentrations of Asian-Americans, African-Americans or Native Americans.

Latino % of CVAP
- 0% to 25%
- 25% to 35%
- 35% to 50%
- 50% to 65%
- 65% to 75%
- 75% to 100%
- No Population

July 1, 2019

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Defining Communities of Interest

1st Question: what is your neighborhood or community of interest?

A Community of Interest is generally defined as a neighborhood or community of shared interests, views, problems, or characteristics.

Possible community feature/boundary definitions include:

- School attendance areas
- Natural neighborhood dividing lines, such as highway or major roads, rivers, canals, and/or hills
- Areas around parks and other neighborhood landmarks
- Common issues, neighborhood activities, or legislative/election concerns
- Shared demographic characteristics
    - Such as similar levels of income, education, or linguistic isolation

2nd Question: Does a Community of Interest want to be united in one district, or to be divided to have a voice in multiple elections?
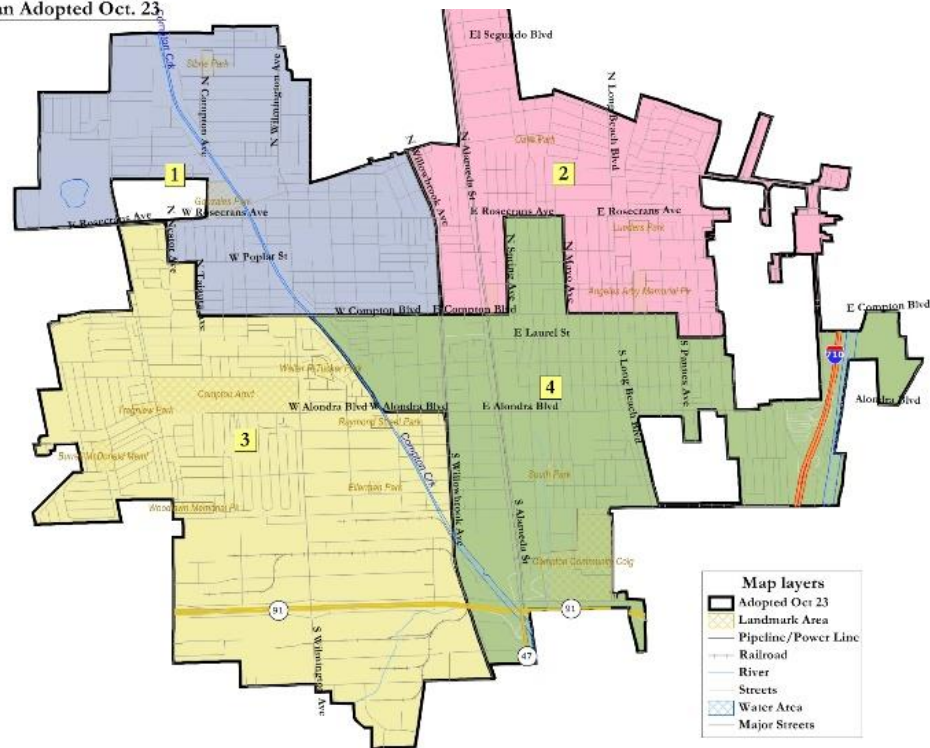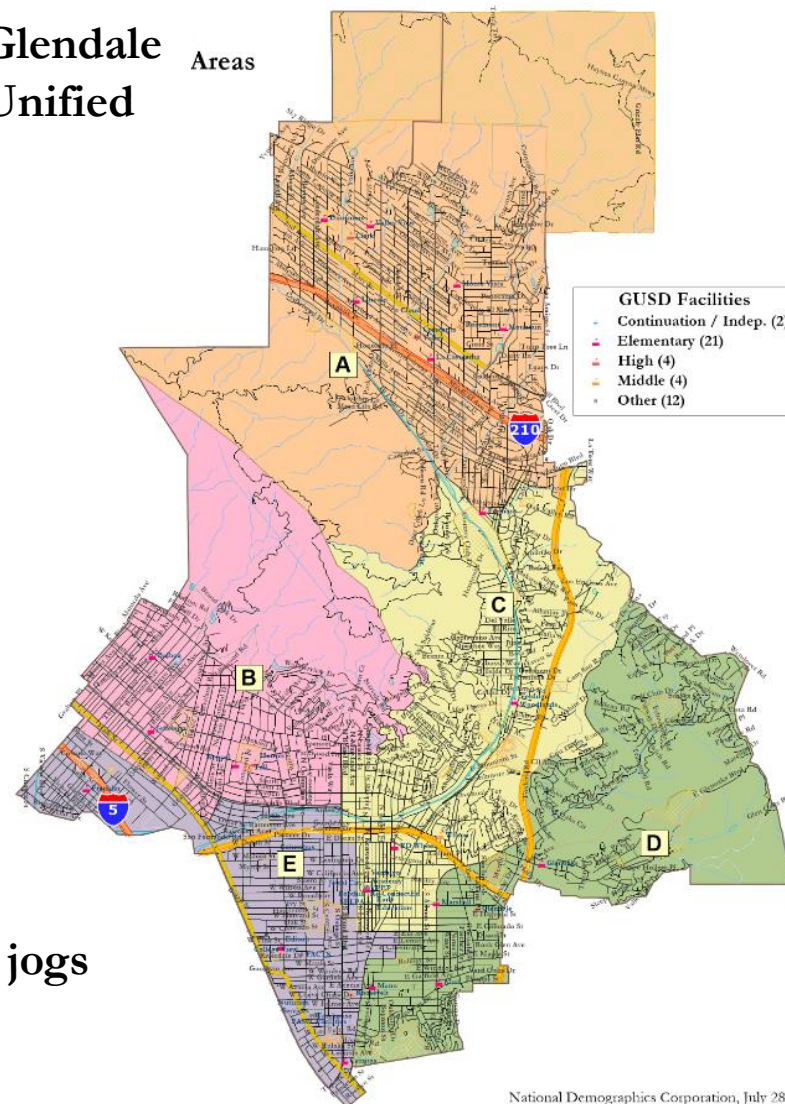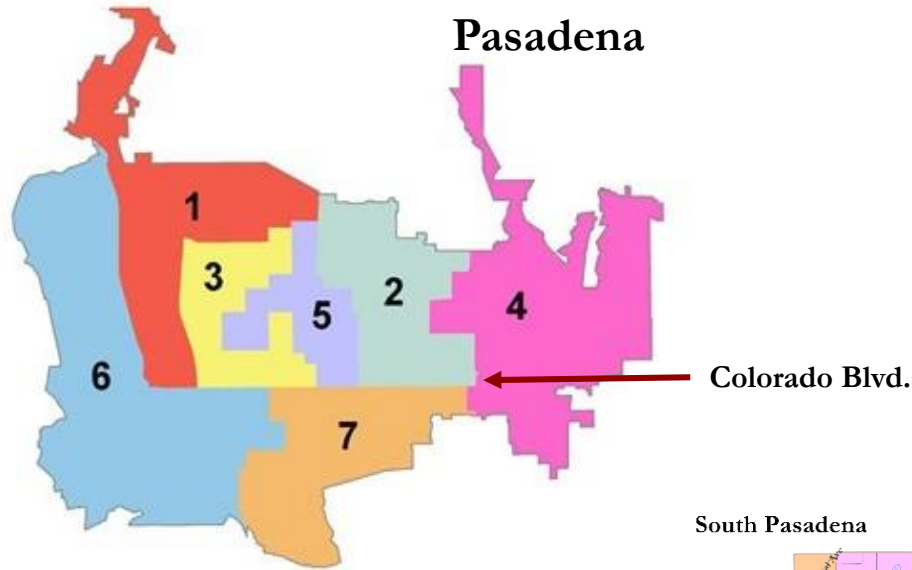
Sample Compact Maps
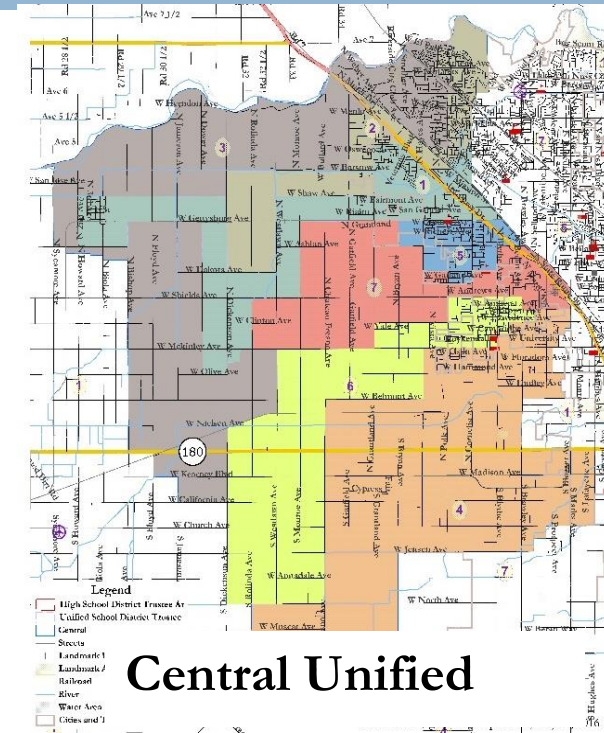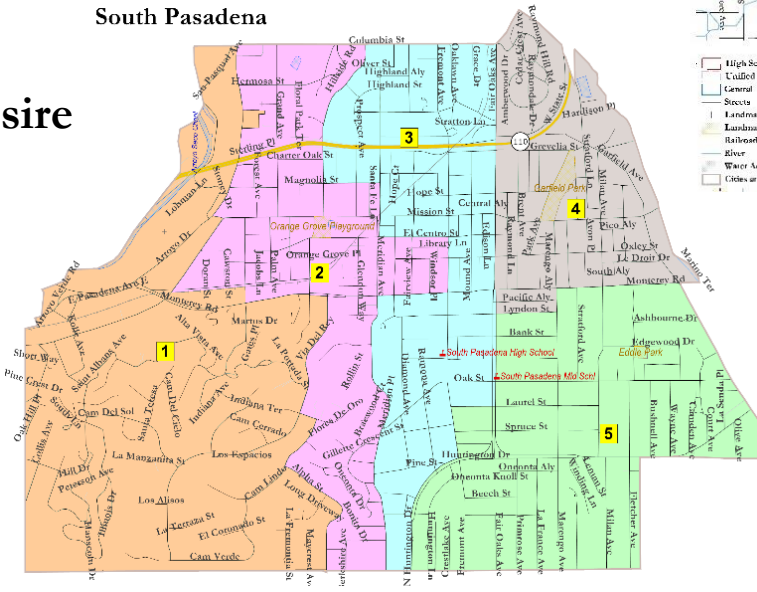

Compton

Glendale Unified Areas

Examples of highly compact maps, with nooks and jogs driven only by equal population requirements.

July 1, 2019

Sample Multiple-Representative Maps

National Demographics Corporation

Pasadena

Colorado Blvd.

South Pasadena

Central Unified

Examples of maps where a desire to have all members touch downtown (Pasadena) or rural areas (Central), or as many neighborhoods as possible (South Pas), led to policy-driven but non-compact maps.

July 1, 2019

Summary

- Moving to by-district elections is the only sure "safe harbor" from CVRA litigation

- The City is overwhelmingly Latino and one would have to work very hard to come up with a district where Latinos are not a majority of eligible voters

- No City has won a CVRA challenge, so we do not know any/the 'threshold' of evidence that would prove a lack of liability

- CVRA cases are <u>very</u> expensive and the City can lose control of the districting process and map if the City fights and loses

- The districting process cost is recovered through less-expensive elections every two years