

February 24, 2011

Via Electronic Mail

Citizens Redistricting Commission
1130 K Street, Suite 101
Sacramento, CA 95814

RE: Draft RFP for Redistricting Mapping Services

Dear Honorable Commissioners:

We write to you on behalf of the Asian Pacific American Legal Center (APALC), the National Association of Latino Elected and Appointed Officials (NALEO) Educational Fund, the Mexican American Legal Defense and Educational Fund (MALDEF), and the African American Redistricting Collaborative (AARC).

We understand that the Citizens Redistricting Commission (Commission) is considering a draft request for proposal (RFP) for redistricting mapping services, and that the RFP contains the following language on pages 8 and 9 –

6. Redistricting Database

The population data will consist of the certified 2010 US Census data for the State of California, including the population subgroups of California as enumerated by the 2010 US Census data. The geographic data will include digitized maps showing the boundaries of the census geographic units for which the population statistics are available (i.e., census block thru county level), as well as the physical geography and relevant built environment (city boundaries, streets and highways, etc.) throughout the California.

Note: if required by the Commission to demonstrate compliance with the Federal Voting Rights Act of 1965, precinct level voting data and elections data associated with the district(s) in will be provided by a separate contractor to assist in performing any required studies (racially polarized voting analysis, for example). The Redistricting Database will NOT contain precinct level voting data and elections data.

We urge the Commission to delete the second paragraph of this provision because it would undermine the Commission's ability to meet its legal obligation to create districts that comply with the federal Voting Rights Act of 1965 ("VRA"). This provision would limit the Commission's primary mapping consultant from looking at voting and election data that are essential to conducting an analysis of racially polarized voting (RPV) under Section 2 of the VRA. Only a second mapping consultant would be allowed to look at voting and election data for purposes of determining VRA compliance.

This provision would create an inefficient and cumbersome process for assessing VRA compliance. Because of the short timeline faced by the Commission, the Commission's primary mapping

consultant should have access to all data necessary to make assessments of VRA compliance, instead of being forced to rely on a second consultant for guidance on VRA compliance. In addition, this provision could arguably prevent voting rights advocates from referring to such data when testifying before the Commission, and thus impair an open discussion among commissioners and advocates about voting rights issues.

Given the prominence that the Voters First Act places on VRA compliance,¹ the Commission should ensure that it has the best possible opportunity to draw VRA-compliant districts by the constitutionally required deadline. We urge the Commission to delete the second paragraph of the provision described above and to insert language in the RFP explicitly providing that the redistricting database shall contain precinct-level voting and election data.

Sincerely,

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¹ Of the redistricting criteria required by the Voters First Act, VRA compliance is given paramount importance, second only to population equality. Additionally, the Voters First Act requires the Commission to hire counsel with extensive experience and expertise in VRA implementation and enforcement.