





## Three Goals

1. Provide a bit of background about CA redistricting
2. Offer insights into what specifically is likely to happen at each stage of the redistricting process
3. Offer a collection of academic and judicial definitions of various redistricting criteria



A quick  
plug for  
our new  
website:

“A must see”  
(CQ Political Wire)

More information:

- [www.RoseReport.org](http://www.RoseReport.org)
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2/25/2011

**REDISTRICTING in America**  
RECOUNT. REDRAW. RETHINK.

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FROM THE ROSE REPORT

- ▶ **Rose Institute Launches Redistricting in America: The Definitive Site for Congressional Redistricting News and Analysis**  
The Rose Institute of State and Local Government at Claremont McKenna College today announced the creation of Redistricting in America ([www.redistrictinginamerica.org](http://www.redistrictinginamerica.org)), a site featuring information,...
- ▶ **Major Redistricting Announcement From Rose Institute**  
Tomorrow morning (Wednesday, February 22nd) at 9:30 am (PST) the Rose Institute of State and Local Government will have a major announcement about congressional redistricting...
- ▶ **Florida Redistricting Reform Stalls**  
The state of Florida has withdrawn its request for Department of Justice "preclearance" of two new voter-approved redistricting reform measures, known as Amendments 5 and...

REDISTRICTING ON TWITTER



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# Introduction



## Others To Invite

- Bob Naylor
- Jim Nielsen
- Tony Quinn
- Doug Yoakam
- Jim Nygren
- Arturo Vargas
- Steve Reyes
- Alan Clayton
- Richard Santillan
- Stewart Kwoh
- Marguerite Leoni
- Lynn Montgomery
- Arizona Commissioners
- Modesto Commissioners

- Willie Brown
- David Roberti
- John Burton
- Bruce Cain
- Michael Berman
- Tim Hodson
- Jim Wisely
- Leo Estrada
- Armando Navarro
- Steve Reyes
- Joaquin Avila
- Robert Rubin
- San Diego Commissioners

Each has his/her own perspective and biases, but together you will get a great picture of what lies ahead.



## About the Rose Institute

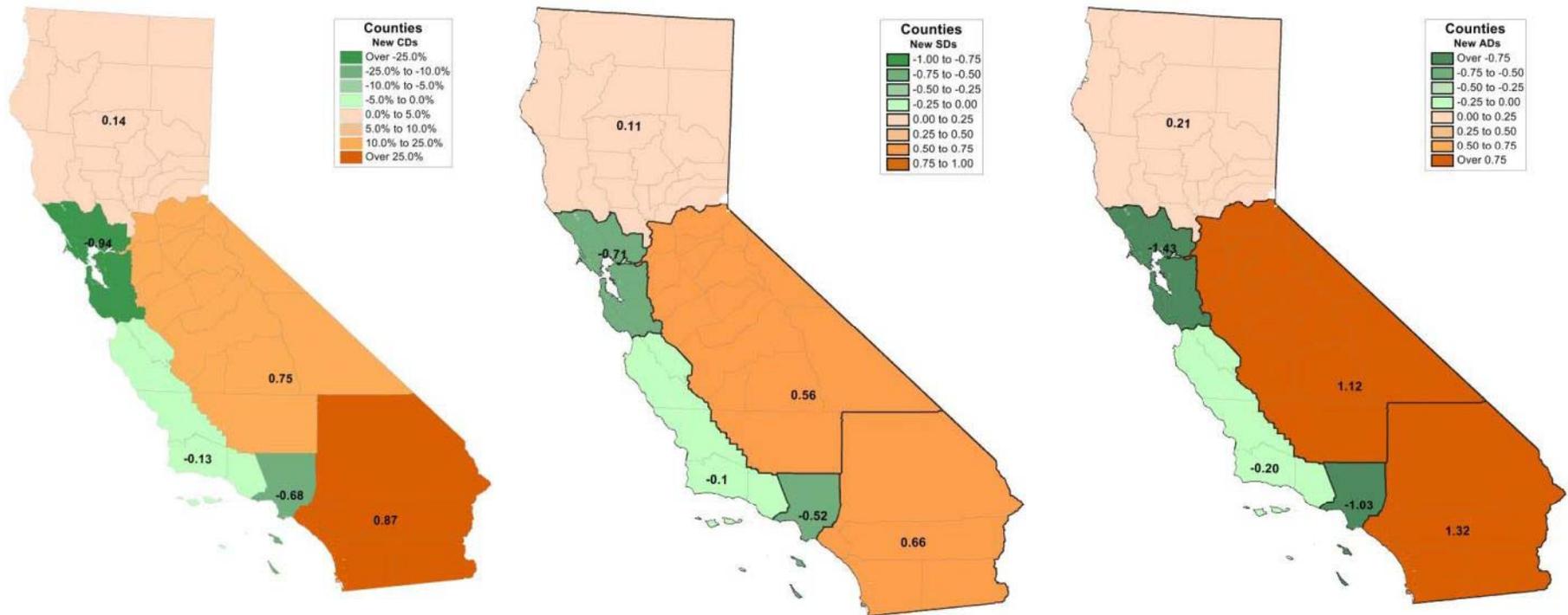
- Part of Claremont McKenna College
- Founded in 1973
- Original focus on Census and Redistricting, especially to perform public watchdog role for state redistricting
- Expanded to add economic impact studies, regulatory impact studies, and more.
- Miller-Rose Institute Initiatives Database
- Kosmont-Rose Institute Cost of Doing Business Survey
- Extensive collection of redistricting and demographic research
  - Claremont Colleges Digital Library
  - [www.RoseReport.org](http://www.RoseReport.org)
- Currently employ 23 undergraduate students, 1 graduate student, 2 Fellows, Administrative Assistant, Associate Director and Director







## 2009 Est. Population Growth by Region





## Personal Background

- Drew lines for Independent Redistricting Commissions:
  - Arizona and Modesto
- Drew districting and/or redistricting lines for:
  - Over a dozen cities; Clark County (NV); over a dozen school districts and Boards of Education; and more than 15 special districts (not counting 2011 clients).
- Frequent Speaker on redistricting:
  - National Conference of State Legislatures; Arizona and California Leagues of Cities; Arizona Election Law Bar Association; TASIN legislative conference; CA School Board Association; “Building a National Reform Movement” conference; and more.
- Writer:
  - Multiple Rose Institute publications. Op-Ed columns in New York Times Online, Los Angeles Times, and Fresno Bee.



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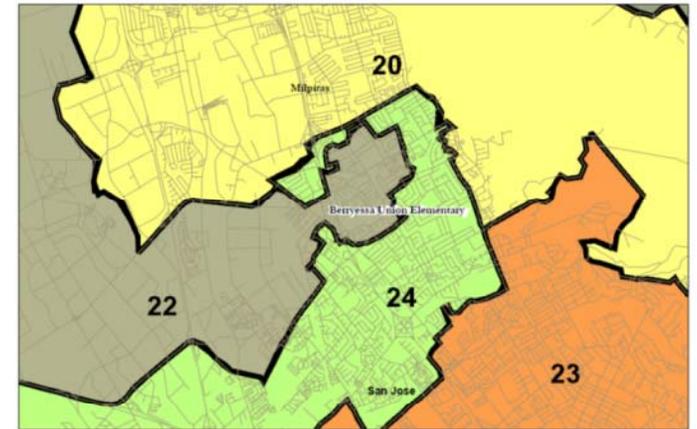
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# Quick Facts on California Redistricting



## Modern Redistricting in CA

- 1971/73:
  - Deadlock leads to Supreme Court plan.
- 1981/82:
  - Democratic gerrymander subjected to referendum but put on ballot by the Bird Court.
  - Plan rejected by voters but redrawn to preserve Democratic gains. Redrawn plan signed into law as last act of outgoing Governor Jerry Brown.
- 1991:
  - Deadlock leads to Supreme Court plan.
- 2001:
  - Bipartisan gerrymander makes virtually all districts safe for one party or the other.





## Colorful History

- 1980 Speaker battle
  - Howard Berman and Leo McCarthy duke it out for Speaker in Democratic primaries
  - Willie Brown and Latino caucus unite with Republican caucus to elect Speaker Brown
  - Brown uses redistricting to send Berman and his Lieutenants to Congress or the Senate, and backs McCarthy for Lieutenant Governor
  - Brown left in solid control of the Assembly Democrats, and Republicans out in the cold.
  - “They spent millions on campaigns. I spent my money on clothes and look who is Speaker!”
- Phil Burton calls his districts “contributions to modern art”
- 1981: Rose Institute and Business Roundtable work on public and media outreach. Brown says he’s “negotiating with the Israeli air force about visiting Claremont”





## Competition Under the Plans

Districts Changing Party Control	1990's	2000's
Assembly	16	5
State Senate	7	0
Congress	10	1



## Minority Representation

Latinos	1990 Election	2000 Election	2002 Election	2010 Election
Assembly	4	15	15	15
State Senate	2	7	9	9
Congress	3	6	7	6

Asian Americans	1990 Election	2000 Election	2002 Election	2010 Election
Assembly	0	3	6	6
State Senate	0	0	0	2
Congress	2	2	2	3

African Americans	1990 Election	2000 Election	2002 Election	2010 Election
Assembly	7	4	4	6
State Senate	2	2	2	2
Congress	4	4	4	4



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# Independent Redistricting Phases



## Public Input Round

### General Public:

- Some enthusiasts, but generally very limited individual involvement
- It is hard to focus on local neighborhood boundaries when it is unknown whether the County will be split.

### Organized Groups:

- Engaged
- Will present regional and even statewide plans

This phase is useful in a focused, limited manner.

Commission cannot draw plans yet, but the public and media attention will focus on the plans drawn and submitted by the public.

Suggestion: get good input, but get to the draft plans a.s.a.p.



## Plan Review Round

### General Public

- Expect LOTS of comments
- Need tools to look at plan details and functional requests
- Hard for public to keep track of rapidly-changing plan

### Organized Groups

- Specific plan edits
- Coordinated presentations

### Rule of thumb:

For every 10 people at an education outreach meeting, expect 50 at a public input meeting, and 250 at a plan review meeting.



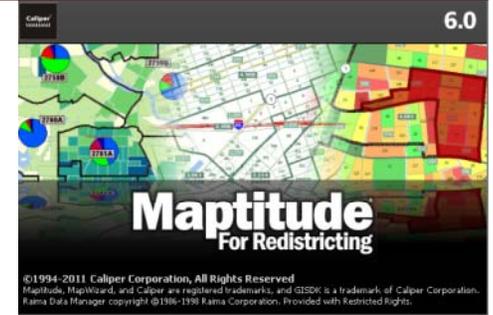
## Plan Review Proposed Session Agenda

1. Commission introduction
2. Standard presentation on purpose, process, and tools
3. Staff present current plans and recent tests;
4. Public input;
5. Commission discussion and adoption or rejection of tests;
6. More public input;
7. Commission direction to staff on plan adjustments
8. All other Commission business



## Drawing & Adopting Plans

- You will have separate teams drawing
  - Congressional
  - Assembly, State Senate, and Board of Equalization (if nested)
  - Staff are constantly testing/experimenting
    - Enables rapid response to official directions
- Drawing is a time-intensive process
  - Public input
  - Commission direction to staff
  - Staff tests options to implement those directions
    - often takes a day or more
  - Commission reviews and reacts to options
    - Consultant should present options, not make decisions





## Rotating Plans

- While one staff team works on one plan (i.e. Congress), another staff team presents to the Commission on another plan (i.e. Assembly)
- Constant rotation from plan to plan until all 4 maps (BoE, AD, SD, CD) are adopted
- “Adopting the draft plan” is likely to take 6 to 8 business days from Staff Draft to Commission adoption for all four plans (4 to 6 if AD, SD and BoE plans nested)

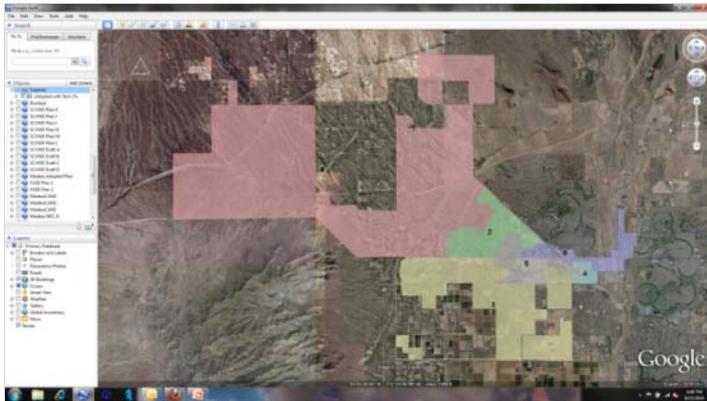




## Line-Drawing by the Public

### Free tools:

- Google Maps
- Google Mapmaker
- Google Earth
- Bing & ArcExplorer alternatives
- Technical consultant must post plans and demographics



2/25/2011

### Complicated Tools:

- Public Participation Kits
  - Paper & Excel
- Regional Assistance Centers
  - Staffed & Maptitude Desktop software
- Online Redistricting
  - New for 2011
  - Maptitude for Redistricting
  - ESRI version



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# Public Input Questions



## Four Simple Questions

1. What is your geographic community?
2. Do you want it kept together in 1 district or divided among more than 1 district?
3. With which neighboring communities should your area be joined?
4. With which neighboring communities should your area not be joined?





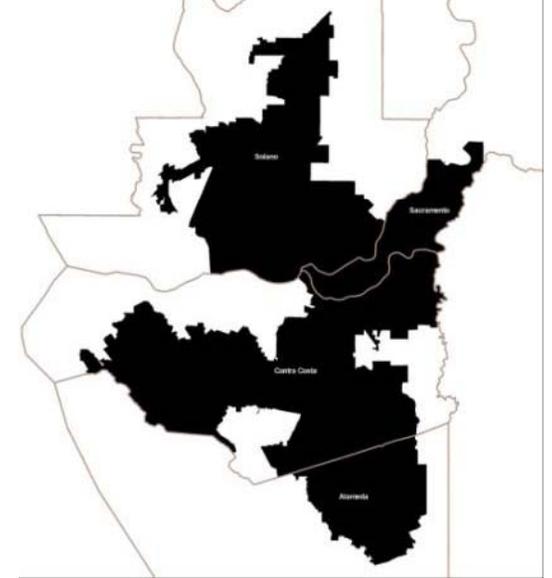
## Format of Input

- Commission should take input in any and all formats that the public chooses to offer it
- Commission can suggest ways to submit testimony, but recommend not requiring the use of a specific format
  - Your technical team can put essentially anything into the map, and can correspond in writing with submitters if follow up is needed.



## The Public Prefers Something to React Against

- The public has a much easier time sharing its thoughts if there is something to look at and react against, instead of speaking about a blank slate
- Initial Round: provide draft community of interest definitions and ask public to confirm / revise them
- Post-draft round: plenty to react against





## Responding to the Public

- After the draft plan is released, input sessions and public meetings could be combined
  - And “education outreach” could be done at the beginning of the initial public input meetings, rather than in separate sessions
- At end of public comment, Commission can direct staff on which comments to test in the current working plan(s)
  - Staff must test because every change to a plan has “ripples”
  - Redistricting is a zero-sum game
- Don’t forget the input received by mail, fax, or electronically:
  - Each meeting should include a Commission evaluation of the comments, requests, and plans submitted since the last meeting and, if desired, Commission direction to staff to test any mapping requests.



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# Defining the Criteria



## A research report on redistricting criteria

- “Balanced” population counts
- Communities of Interest
- Compactness
- Contiguity





## Calculating the “Ideal Population”



- Total Population divided by number of districts
  - i.e. 1,000,000 people in 5 districts = ideal pop. Of 200,000
- Population Deviation is calculated for each district
  - District population 210,000 – 200,000 ideal = deviation of 10,000
- Percent Deviation is calculated for each district
  - 10,000 divided by 200,000 = 5.0%



## Calculating “Total Deviation”

- The difference between the deviation of the largest district and the deviation of the smallest district.

Districts	Ideal	Deviation	Pct. Dev.
210,000	200,000	10,000	5.00%
204,000	200,000	4,000	2.00%
193,000	200,000	(7,000)	-3.50%
195,000	200,000	(5,000)	-2.50%
198,000	200,000	(2,000)	-1.00%
1,000,000			8.50%



## Congressional Rule

- Perfect equality is required
  - A few, very rare, exceptions, but not worth the risk
  - No more than 1 person (not percent) deviation allowed
  - Census data is not that accurate, but that is what the courts have ordered





## Legislative Post-*Larios* Rule

- *Larios* decision tossed traditional 10% rule
- Deviations are allowed in legislative and local plans
- But every deviation must be justified as achieving another goal (chosen from jurisdiction's stated criteria)





## Defining “Communities of Interest”

“A number of states ... have either constitutional or statutory provisions requiring districts to preserve, when practicable, ‘communities of interest.’ ... Most states fail to define this phrase. It is roughly synonymous with ‘recognition and maintenance of patterns of geography, social interaction, trade, political ties, and common interests.’”

(Bernard Grofman, “Criteria for Districting: A Social Science Perspective”, *UCLA Law Review*, 33 *UCLA L. Rev.* 77, 1985)





## “Communities of Interest”

“[I]t can be argued that the ‘communities of interest’ criterion of redistricting should include urban neighborhoods of all racial types wherever possible. In a large metropolitan area, broad ethnic, social, religious, or economic ‘communities’ can be readily taken into account. Although the social or psychological boundaries of urban communities are not precise, they are nonetheless real in that people think of themselves as belonging to specific neighborhoods. The advantages of such districting are numerous. Homogenous districts facilitate effective representation because community sentiments are more clearly defined and consistent policy positions are more likely. Intergroup conflict is tempered.”

(Janet K. Boles and Dorothy K. Dean, “‘Communities of Interest’ in Legislative Redistricting”, *State Government* 58, 3, p. 102 (Fall 1985))



## “Communities of Interest”

“For our purposes, community of interest represents distinct units which share common concerns with respect to one or more identifiable features such as geography, demography, ethnicity, culture, social economic status or trade.”

*(Carstens v. Lamm, 543 F. Supp. 68,91 (D. Colo. 1982))*

"The social and economic interests common to the population of an area which are the probable subjects of legislative action.“

*(Legislature v. Reinecke, 10 Cal.3d 396, 411 (1973))*



## “Communities of Interest”

“Describing the notion of community is a stubborn problem. ... [A] community is definable as individuals who sense among themselves a cohesiveness that they regard as prevailing over their cohesiveness with others. This cohesiveness may arise from numerous sources, both manifest and obscure, that include geography, ... history, tradition, religion, race, ethnicity, economics, and every other conceivable combination of chance, circumstance, time, and place, ... In any event, a community is based finally and unappealably on the society and consent of its members, both of which are known best by the community ‘s members, A community is exactly what a community believes itself to be.”

*(Scott v. DOJ, 229 F. Supp. 310 (M.D. Fla. 1996))*

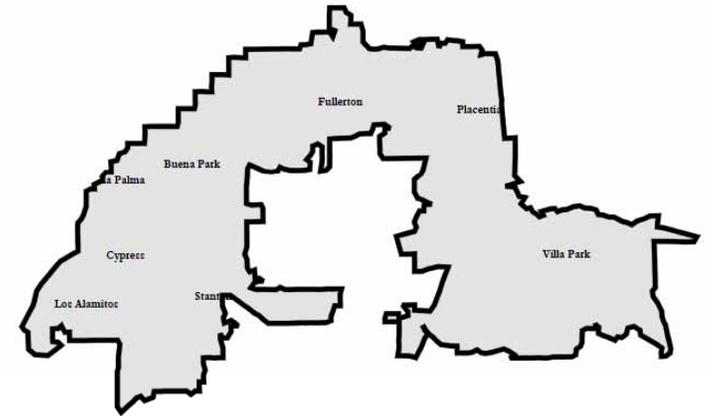


## **Arizona Independent Redistricting Commission Definition of Community of Interest:**

“A Community of Interest is a group of people in a defined geographic area with common concerns about issues (such as religion, political ties, history, tradition, geography, demography, ethnicity, culture, social economic status, trade or other common interest) that would benefit from common representation.”



## “Geographically Compact”



“Compactness, at a simple intuitive level, conforms to a standard dictionary definition: a figure is compact if it is ‘packed into...a relatively small space’ or its parts are ‘closely...packed together’ (American Heritage)....By way of contrast, a figure is not compact to the degree that it is ‘spread out....’”

*(Niemi, Grofman, Carlucci, Hofeller, 1990)*



## Some compactness tests cited in the academic literature:

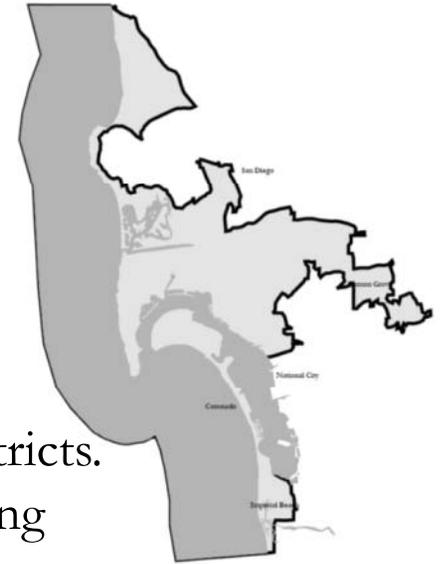
- **The Visual Test** – “The simplest of all tests is to use the eye and intuition.” (Young, 1988)
- **The Roeck Test** – “Find the smallest circle containing the district and take the ration of the district’s area to that of the circle...” (Roeck, 1961)
- **The Schwartzberg Test** – “Construct the adjusted perimeter of the district by connecting by straight lines those points on the district boundary where three or more constituent units (i.e., census tracts) from any district meet. Divide the length of the adjusted perimeter by the perimeter of a circle with area equal to that of the district.” (Schwartzberg, 1966)





## More compactness tests cited in the academic literature:

- **Perimeter Test** – “Find the sum of the perimeters of all the districts. The shorter the total perimeter, the more compact is the districting plan....” (Young, 1988)
- **Polsby-Popper Test** – “Computes the ratio of the district area to the area of a circle with the same perimeter.” (Polsby and Popper 1991)







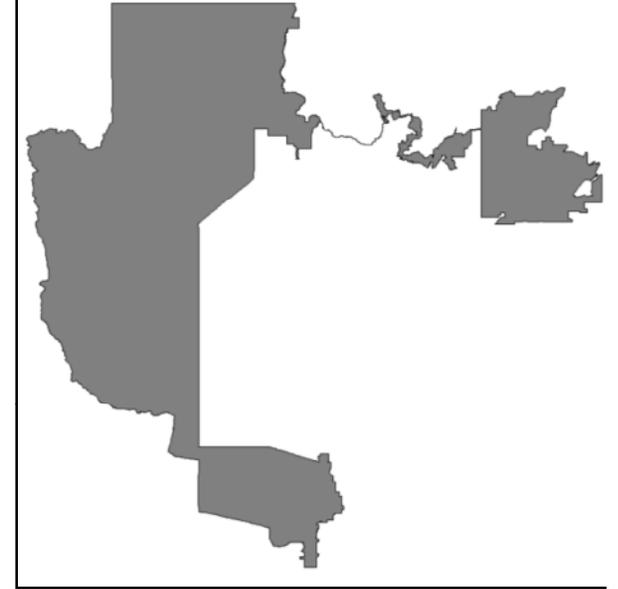
## “Contiguous”

“Short of an intervening land mass totally severing two sections of an electoral district, there is no per se test for the constitutional requirement of contiguity. Each district must be examined separately”.

*(Wilkins v. West, 264 VA 447, 571 S.E. 2d 100)*

“[T]he tracts of land in the territory must touch or adjoin one another in a reasonably substantial physical sense.”

*(People v. Ryan, 588 N.E.2d 1023, 1028 (Ill. 1991))*





## Other topics

- Data
  - Citizen Voting Age Population Data
    - From ACS
    - From Special Tabulation
  - Other American Community Survey Data
  - Local government data
- Prison populations
- Census Sampling
- Racially Bloc Voting analysis



## Wrap-Up of Suggestions

- The process will be rough, but keep in mind that you are making history for California
- Adopting plans will involve multiple days of rotating maps and directions to staff
- Criteria definitions are varied and the Commission would be wise to seek litigation counsel's guidance on adoption
- Aim to engage the public to the maximum extent possible, not just the minimum amount required by law