

Handout for Presentation of Angelo Ancheta and Karin Mac Donald to Citizens Redistricting Commission (Request for Special Tabulation for Citizen Voting Age Population Data from American Community Survey, 2015-2019 (Personal E-Mail Addresses Redacted) & Response from U.S. Census Bureau)

June 26, 2020

James Whitehorne, Chief
Redistricting & Voting Rights Data Office/ADDC/HQ
U.S. Census Bureau

Via email transmission

Re: Special Tabulation for CVAP from ACS 2015-2019

Dear Chief Whitehorne;

We are writing in our capacities as (1) the State of California liaison to the Census Redistricting and Voting Rights Data Office, and Director of the California Statewide Database (SWDB), the redistricting database for the State of California; and (2) as the chair of the current California Citizens Redistricting Commission (CRC).

The Statewide Database is funded by the California Legislature to build and distribute official redistricting data for the State. It is a non-partisan public resource whose services are free of charge and available to anyone who wishes to use them. Among the Statewide Database's responsibilities are the reallocation of address data for incarcerated individuals to their last known residential address, and for the subsequent adjustment of the PL 94-171 data for California, as required by state law. The SWDB also implements public access to the redistricting process on behalf of the Legislature. The Citizens Redistricting Commission is the state's independent, multipartisan commission charged with redrawing districts for California's congressional delegation, State Senate, State Assembly, and Board of Equalization after each decennial Census.

Building longitudinal databases and planning for redistricting, as you well know, requires careful planning, and timelines are set years in advance of the release of the PL 94-171 data, which was scheduled to arrive by March 31, 2021, but is now likely to be delayed by up to 4 months. California's constitution and government codes contain numerous deadlines that must now be evaluated and changed to avoid violations of the law when creating our districts. The implications of the census bureau's timeline changes have been extensive and complicated.

As a result of the planned delay, we would like to ask for your assistance in requesting that the Bureau make available an additional release of the American Community Survey Citizen Voting Age Population (CVAP) Special Tabulation. This Special Tabulation has in previous years been released on February 1, and a release of this dataset in February of 2021 would be crucial to assist California in getting started on its redistricting. The CVAP is an important dataset that would allow California to partly ameliorate the fallout from the changed data delivery timeline, and allow for some preparation for redistricting to begin prior to the release of the PL 94-171 dataset. We are able to work with the CVAP special tabulation irrespective of its release on the 2010 geography or on 2020 geography, and would appreciate the soonest possible release of that dataset.

As we mentioned above, the change in the data collection timeline and subsequent release of the PL 94-171 data has presented California with numerous and significant challenges. For example, the next Citizens Redistricting Commission will be seated by mid-August of 2020 and will be ready to start its work. However, without any current data, that work will be hampered by an inability to plan exactly where, in this very large state, the CRC should conduct that initial work.

More specifically, the CRC is required to conduct public input hearings throughout the state prior to the drawing of maps. While these input hearings have in the past been heavily focused on collecting information about Communities of Interest and Neighborhoods, it would be

helpful for the next Commission to be able to pre-identify areas where federal Voting Rights Act concerns might be present, to be able to schedule hearings in these locations, and to begin qualitative data collection to assess political cohesion and potential racially polarized voting.

California has numerous areas that may be evaluated under Sec. 2 of the federal Voting Rights Act and the Commission will need to conduct racially polarized voting analyses in areas in which a protected minority group is geographically compact and large enough to constitute a district. The courts have held that this means that a district must contain a minimum of 50% of a protected group's Citizen Voting Age population.

Given the expected delay in the release of the PL 94-171 data, and the subsequent pressure on the line drawing process, it would be of great benefit to the process if the Commission could get started on this process using the most recent CVAP data, and then only have to reverify the prior analysis once the PL 94-171 data are released. Indeed, California law requires the Commission to retain counsel based specifically on their demonstrated experience and expertise with the implementation and enforcement of the federal Voting Rights Act.

The CRC is required to construct and publish final maps by August 15, 2021, and expects to release drafts at an earlier date¹. While the Legislature is seeking to extend these deadlines, this is not assured. Assuming that the PL 94-171 data will not be available by then, the Commission would probably have to rely on the ACS population estimates. However, those estimates are only helpful if they are accompanied by the CVAP special tabulation, which would allow the Commission to evaluate Section 2 compliance.

Should the constitutional deadlines be extended, the Commission may still need to begin Section 2 analyses before the release of the PL 94-171. California is a huge and exceptionally

1

http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=GOV§ionNum=8253.

diverse state and compliance with the FVRA is an enormous undertaking that will benefit from earlier rather than later attention.

We appreciate your ongoing collegiality in working with California to ensure that our data needs are met and our requests are considered. If you have any questions regarding this request, please feel free to contact us.

Best regards

Karin Mac Donald

Director

Statewide Database

karin@statewidedatabase.org

Angelo Ancheta

Chair

California Citizens Redistricting Commission



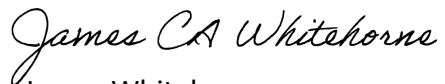
07/17/2020

Karin Mac Donald
Director
Statewide Database
karin@statewidedatabase.org
&
Angelo Ancheta
Chair
California Citizens Redistricting Commission
[REDACTED]

Dear Karin and Angelo –

Thank you for your letter outlining steps the Census Bureau could take to reduce the impact of the delay in delivery of the P.L. 94-171 Redistricting Data on the states. The suggestion to reinstate the ACS 5-year estimate CVAP, as had been previously published yearly from 2011 through 2020, was helpful. Including your detailed use case illustrated the potential value of reinstating this particular dataset. I am happy to inform you that on July 16, 2020 our Data Stewardship Executive Policy Committee voted to reauthorize this dataset's production for release in February of 2021. Since this dataset will be produced using the 2015-2019 ACS 5-year estimates, it will use the Census Bureau's 2019 vintage geography. This means the statistical geography, tracts and block groups, will be the same as those from the 2010 Census in keeping with the ACS standard production practices.

Sincerely,



James Whitehorne
Chief
Census Redistricting & Voting Rights Data Office