

# CVAP Data and Voting Rights Act Compliance

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# Overview

- Legal Requirements and Importance of Citizen Voting Age Population (CVAP) Data
  - One Person, One Vote vs. Federal Voting Rights Act of 1965
- Comparison of Data Types and Sources
- Brief History of American Community Survey (ACS) and CVAP
- Special Tabulations by Race and Ethnicity
  - ACS 5-Year Average
  - Census 2020 Changes and Post-2020 Special Tabulation
- Data Request and Census Bureau Response

# One Person, One Vote vs. Voting Rights Act Compliance

- Federal Constitution: One-Person, One-Vote
  - Population Equality Between Districts
  - Focus on Total Population Within Districts
- Issues:
  - Citizenship Question NOT on Census 2020
  - Ongoing Controversies:
    - Potential Undercounts
    - Presidential Executive Order and Litigation Challenging Exclusion of Undocumented Immigrants from 2020 Census Data

# One Person, One Vote vs. Voting Rights Act Compliance

- Federal Voting Rights Act (VRA)
  - Section 2 (Permanent Provision of VRA)
  - *Thornburg v. Gingles*
    1. Large, Geographically Compact Minority Group (Majority-Minority)
    2. Minority Group Politically Cohesive
    3. Non-Minority (White) Bloc Voting
  - Focus on Minority Group's Population and Geographic Compactness for *Gingles* #1
  - Additional data, including electoral behavior, needed for racially polarized voting analysis (*Gingles* #2 & #3)

# Total vs. Minority Population Data Types

- Total Population
  - Unadjusted
  - Adjusted
    - E.g., California State Prisoner Reallocations
    - Optional for CRC
- Minority Group Population
  - Total Group Population
  - Voting Age Population
    - 18 or older
  - Citizen Voting Age Population (CVAP)
  - Registered Voter Population
  
  - U.S. Court of Appeals - 9<sup>th</sup> Circuit (includes California): Use CVAP to Evaluate Majority-Minority District

# A Brief History of Citizen Voting Age Population (CVAP) Data

- Decennial census 2000: last census to collect CVAP on the “long form”
- “Long form” was mailed to 1 in 6 households
- Implementation of the American Community Survey (ACS) – 2004: replaced the ‘long form’
- 2010 was the first short-form only census
- ACS samples nationwide ~250,000 households each month
- In 2008, the first ACS multi-year estimates were released (2005-2007)
  - 3-year estimates are available for jurisdictions >20,000
- In 2010, the first 5-year ACS estimates were released (2005-2009)
  - 5-year estimates are available on the census block group level
  - Census block groups contain between 600 and 3,000 people

# ACS CVAP Special Tabulation by race and ethnicity

- 5-year v 3-year tabulation: small unit of analysis needed for Redistricting/Voting Rights Assessment and Compliance
- 3-year Special Tabulation: created from Census Bureau's internal Microdata files
- CVAP by race and ethnicity Special Tabulation released annually per request of US DOJ since 2011
- Released every February from each year's most recent 5-year ACS release
  - CVAP 2020 - ACS 2014-2018
  - CVAP 2019 - ACS 2013-2017 etc.
- Longitudinal dataset that has been widely used and analyzed over the previous decade

# Census Changes

- Multiple changes affecting Census 2020 and redistricting data
- Some changes were announced and will not be implemented
  - E.g. Collection of Citizenship Data on short form
- Some changes were announced and will be implemented
  - E.g. New disclosure avoidance methodologies (Differential Privacy)
- Other changes were announced...
  - Termination of CVAP Special Tabulation as of 2020
  - Replacement of this dataset with the Post 2020 CVAP file
- COVID-19 prompted significant changes in Census operations
  - Timeline for data collection was extended by 4 months (now shortened)
  - Data release date for PL94-171 redistricting data was extended by 4 months
    - It is currently not clear when the PL94-171 dataset will be released



# The Post 2020 CVAP Dataset

- Scheduled release concurrent with PL94-171 dataset
- Based on Census 2020, administrative records, perhaps other census data
- Block level dataset
- Was announced to replace the CVAP Special Tabulation from the ACS after 2020
- Final Specifications and analysis for Post 2020 CVAP datasources still under development
  - Planned release of documentation was March 31, 2020 - now still pending
- Statistical methods are still under development
- Current documentation available outlines what Census hopes to provide – no detail

# Our Request: Restore the CVAP Special Tabulation

- Assessment of redistricting timeline and available data
  - Release date for PL94-171 dataset at time of request was July 31, 2021
  - It is currently not clear when the PL94-171 dataset will be released
- Comparison of CVAP Special Tab versus Post 2020 CVAP
  - i.e. What do we know?
- Concern that CRC would not have any current data available for planning purposes until July/August of 2021
- Provide release of a known data source so CRC could start preliminary VRA analysis if desired prior to the PL94-171 data release
- Provide Plan B if constitutional change of redistricting timeline was not approved by Supreme Court
- On July 16, 2020, the Census Bureau's Data Stewardship Executive Policy Committee voted to reauthorize the dataset's production

# 2020 Population Data Sources

	<b>TOTAL POPULATION</b>	<b>CITIZEN VOTING AGE POPULATION (CVAP)</b>	
<b>Data Sources</b>	2020 Census (P.L. 94-171)	Special Tabulation, American Community Survey (ACS) Most Recent 5-Year Avg.	Special Tabulation, Post-2020 Census
<b>Geography Level</b>	2020 Census Blocks	2010 Census Block Groups	2020 Census Blocks
<b>Availability</b>	Expected Summer 2021	ACS 2014-2018: Available Now  ACS 2015-2019: Expected Feb. 2021 (Policy changed July 2020 to Authorize Tabulation and Release)	? – Methodology in Development, Expected Prior to July 31, 2021