

CVAP Data and Voting Rights Act Compliance

Karin Mac Donald – Director, Statewide Database

Angelo Ancheta – Member, 2010 Citizens Redistricting Commission

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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 - 9th 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

	TOTAL POPULATION	CITIZEN VOTING AGE POPULATION (CVAP)	
Data Sources	2020 Census (P.L. 94-171)	Special Tabulation, American Community Survey (ACS) Most Recent 5-Year Avg.	Special Tabulation, Post-2020 Census
Geography Level	2020 Census Blocks	2010 Census Block Groups	2020 Census Blocks
Availability	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