

PARTIAL DRAFT

**FINAL REPORT OF THE CALIFORNIA
REDISTRICTING COMMISSION 2020**

DRAFT

EXECUTIVE SUMMARY

In accordance with the provisions of Article XXI of the California Constitution, the Citizens Redistricting Commission for the State of California (the “Commission”) has created statewide district maps for the State Senate, State Assembly, State Board of Equalization, and United States House of Representatives. The Commission has prepared this report to fulfill its duty to explain how it achieved compliance with the criteria established in the California Constitution. (See Cal. Const., art. XXI, § 2, subd. (h).)

The Commission Was Selected According to a Fair and Impartial Process.

The selection process for Commissioners was designed to be fair and impartial, and to lead to a group of Commissioners who would meet very high standards of independence and would reflect the diverse population of our state.

Applications from those seeking to become members of the 2020 Commission were first screened for conflicts of interest. (See Gov. Code, § 8252, subd. (a)(2).) After reviewing all of the applications, a panel of three auditors from the California State Auditor selected 120 of the most qualified applicants—40 from the subgroup of applicants who identified as Democrats, 40 who identified as Republicans, and 40 not affiliated with either party. These 120 applicants were then personally interviewed, and then narrowed down to 60 applicants.

The panel presented those 60 applicants to the California Legislature, where legislative leaders had the option of removing up to 24 names from the list (eight from each subgroup). The remaining names were then submitted to the State Auditor.

The State Auditor randomly drew from the names remaining in the three sub-group: three Democrats, three Republicans, and two from neither of those parties. These eight applicants became the first eight members of the Commission.

The first eight members of the Commission then selected the final six members of the Commission by selecting two commissioners from each of the three subgroups. Accordingly, the 14-member Commission is made up of five individuals who registered as Democrats, five Republicans, and four not affiliated with either of those two parties.

The Commission Undertook an Extensive Public Education Effort.

The Commission's public education and engagement mission had three specific goals: (1) activate and involve a historic number of Californians in the redistricting process; (2) ensure the redistricting process equitably reflected the voices of California's diverse population; and (3) ensure that participating in the redistricting process was accessible to all Californians.

Key to achieving these goals was the development of a three-phase education and outreach strategy. In Phase I, the Commission educated the public on California's redistricting process and engaged entities with significant local and regional networks that could reach thousands of Californians. In Phase II, the Commission encouraged individuals and groups to provide input to the Commission on their communities of interest. The focus during Phase III, when the Commission began the line-drawing process, was receiving the public's proposed district plans and receiving input on the Commission's visualizations and draft maps.

Paying special attention to language access and structuring the Commission's meetings to maximize involvement of all Californians in the redistricting process were two critically important components for furthering the Commission's public education and outreach mission. As such, the Commission translated any non-English public input and comment submitted to the Commission in written form and orally during public meetings, provided interpretation services when requested, set meeting times to ensure they would be convenient for average citizens to participate and, during particularly high-volume periods of public input, sought to provide appointments that would

eliminate the need for members of the public to wait in long lines to provide comment.

Driving the success of the Commission's outreach and education plan were new tools for educating and engaging the public. These included new tools for public input on communities of interest, free-to-use mapping tools to help Californians develop and share their own maps with the Commission, and a map viewer tool allowing the public to compare various iterations of the Commission's district plans to existing district boundaries. The Commission also developed and promoted educational content regarding redistricting, including a redistricting curriculum geared towards 11th and 12th graders, a "California Redistricting Basics" presentation, and a suite of professionally created public outreach materials about the redistricting process and how to get involved.

The Commission Followed the Constitutional Criteria and All Legal Requirements in Drawing Maps.

Article XXI of the California Constitution establishes the legal framework for drawing new political districts in California every ten years. This framework establishes a number of map-drawing criteria in descending order of priority, starting with the United States Constitution, then the federal Voting Rights Act of 1965 (42 U.S.C. §§ 1973–1973(aa)(6)) (the "Voting Rights Act"), and then a set of traditional redistricting criteria.

As explained below, the Commission carefully adhered to these criteria throughout the line-drawing process. As a result, the Commission's maps, drawn in an open and transparent process, provide an opportunity to achieve effective and fair representation—precisely what the voters intended when they enacted Propositions 11 and 20. (See, e.g., Cal. Const., art. XXI, § 2(d)(4).)

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I. INTRODUCTION

The Citizens Redistricting Commission for the State of California (the “Commission”) has created statewide district maps for the State Senate, State Assembly, State Board of Equalization, and United States House of Representatives in accordance with the provisions of Article XXI of the California Constitution. The Commission has approved the final maps and certified them to the Secretary of State.

The 2020 redistricting cycle has taken place in the midst of a global pandemic that saw the Census results significantly delayed. This delay brought with it prolonged mapping uncertainties and required the Commission to seek an extension and clarification of its deadlines, but did not hinder the Commission’s core responsibilities. The global pandemic also required the Commission to meet—both as a body and with the public at large—largely by video conference, which brought with it both advantages and disadvantages. While in-person meetings always have benefits, video conference and telephonic public comments arguably made the Commission’s meetings more accessible to a wider audience, fulfilling the Commission’s duty to “conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines” at each level. (Cal. Const., art. XXI, § 2, subd. (b).) Despite the pandemic’s challenges, as the Commission got closer to its statutory deadlines, it increasingly turned to hybrid meetings that the majority of Commissioners attended in person.

The Commission did its work under a changed legal landscape. In accordance with new state laws, the Commission reallocated individuals in state prisons to their last known addresses.¹ And, in prior redistricting cycles, the

¹ As noted in Section IV.A.3 below, the Commission also sought—but was ultimately unable to obtain—the last known address information for those in federal custody and thus was unable to complete the task of reallocating those populations.

federal Voting Rights Act required California to seek federal preclearance for redistricting plans affecting several counties, but in 2013, the United States Supreme Court issued a landmark decision rendering the operative part of the law unconstitutional. (*Shelby County v. Holder* (2013) 570 U.S. 529, 557.) This meant that federal preclearance—which had previously applied to Kings, Merced, Monterey, and Yuba counties—was no longer required.

Technological advances enabled the Commission to hear from the public and publicly track input to a greater degree. The Commission received the benefit of thousands of submissions on newly designed online tools that allowed the public to map and describe communities of interest and even propose their own district plans directly to the Commission.

Given the delay in the release of the 2020 Census results, the Commission had a considerably longer outreach and education phase as compared to its predecessor. It used this period to develop and carry out an extensive effort to educate Californians about the importance of redistricting, the criteria to be implemented by the Commission under the state’s Constitution, and ways that the public could provide input at each stage of the process. These efforts were in line with the requirement that the Commission undertake an “outreach program to solicit broad public participation in the redistricting public review process.” (Gov. Code, § 8253, subd. (a)(7).) The result of the Commission’s concerted efforts to involve all Californians in the redistricting process was an outpouring of public engagement.

Altogether, the Commission held @ public meetings, including public meetings to solicit information on communities of interest, public meetings to receive feedback on visualizations, and live line-drawing sessions. More than @ people and groups provided verbal input about their communities and regions, and shared presentations of their proposed district plans. The Commission also received over @ written comments, input, and suggestions from individuals and groups. These commenters suggested guidelines for district boundaries,

proposed alternative maps, and made recommendations to the Commission on the overall redistricting process.

The result of this effort is a set of statewide district maps for the State Senate, State Assembly, State Board of Equalization, and United States House of Representatives that reflects the input of the people of California and the best judgment of the Commission—a group of 14 citizens, chosen from an initial applicant pool of more than 20,000—based on the criteria established in the California Constitution. The people of California demanded a fair and open process when they adopted Propositions 11 and 20, which amended the California Constitution and created the Commission. The process was open, transparent, and free of partisanship. There were long and difficult debates over where to draw the lines, and frequent disagreements among competing communities and interested persons. No person or group was excluded from full participation in the process. In the end, the required supermajority of the full Commission voted to approve the four final district maps.

It was an honor for the Commission to serve the people of this great State, and the Commission urges everyone to accept and support the resulting maps that were created in collaboration with the public. This document serves as the report that the Commission is required to submit that explains the bases on which the Commission made its decisions in achieving compliance with the criteria established in the state Constitution, including definitions of the terms and standards used in drawing each final map. (See Cal. Const., art. XXI, § 2, subd. (h).)

II. SELECTING A FAIR AND IMPARTIAL COMMISSION

Before the 2010 cycle, redistricting was conducted by the Legislature, when the Legislature and the Governor could agree, or by the courts, when they could not. In November 2008, voters approved Proposition 11 and enacted the Voters First Act (the “Act”) to shift the responsibility for drawing Assembly, Senate, and Board of Equalization districts to an independent Commission made up of citizens. In November 2010, the voters approved Proposition 20 and amended the Act to include Congressional redistricting within the Commission’s mandate. The Act’s stated purpose includes the following:

The independent Citizens Redistricting Commission will draw districts based on strict, nonpartisan rules designed to ensure fair representation.

The Act also charged the Commissioners with applying the law in a manner that is “impartial and reinforces public confidence in the integrity of the redistricting process.” (Cal. Const., art. XXI, § 2, subd. (c)(6).) Consequently, the Act provides that each Commissioner is prohibited from holding elective public office at the federal, state, county, or city level for a period of ten years from the date of their appointment, and from holding appointive public office for a period of five years from the date of their appointment. (*Ibid.*) In addition, Commissioners are ineligible for five years from holding any paid position with the Legislature or with any individual legislator, and cannot be a registered federal, state, or local lobbyist during this period. (*Ibid.*) There are similar criteria related to applicants’ activities before the formation of the Commission.

The selection process for Commissioners was designed to be fair and impartial, and to lead to a group of Commissioners who would meet very high standards of independence and would reflect the diverse population of our state. The Act established new sections of the Government Code to create a process that required the State Auditor, a constitutional officer independent of the executive branch and legislative control, to select the Commissioners

through an application process open to all registered voters in a manner that promoted a diverse and qualified applicant pool. (Cal. Gov. Code, § 8251 *et seq.*) To ensure that the Commission was selected from a broad pool of Californians, the State Auditor undertook a significant outreach process throughout the state utilizing a wide variety of communications media, including mainstream and ethnic media, social media, a website, and staff assigned to respond to all telephone calls and emails.

The implementing laws required the State Auditor to establish an independent Applicant Review Panel (“ARP”) consisting of three qualified senior auditors licensed by the California Board of Accountancy, to screen the applicants for the Commission. (Gov. Code, § 8252, subd. (b).) The ARP was randomly selected in a manner identical to the first eight Commissioners, including one member for the largest party in the state, one member from the second largest party in the state, and one member not affiliated with either party. (*Ibid.*) Once the ARP was established, it held all of its meetings and interviews in public, and every event was live-streamed and archived for public review.

The ARP engaged in a review of all applicants who had preliminarily qualified after being screened against a detailed set of conflict-of-interest rules. (Gov. Code, § 8252, subs. (a)(2) & (d).) The selection process was public. The ARP was charged with first narrowing the initial pool to 120 applicants (40 from each of the three political subgroups) to interview. Following those interviews, the ARP selected 60 qualified applicants (20 from each of the three political subgroups) based on their “analytical skills, ability to be impartial, and appreciation for California’s diverse demographics and geography” to be presented to the leaders of both parties in both houses of the Legislature. (*Id.*, § 8252, subd. (d).)

The leaders of the two major parties in the Assembly and the Senate were each allowed to eliminate two persons from each pool of applicants, based on

their judgment and discretion. (Gov. Code, § 8252, subd. (e).) This procedure allowed for further scrutiny of the applicant pool by both Republican and Democratic party leaders to help ensure that real or perceived partisan leanings were further minimized. This process eliminated eight individuals from each of the three pools of 20 applicants, leaving 12 Republicans, 12 Democrats, and 12 not affiliated with either major party. (*Ibid.*) Following those strikes, one Democrat withdrew from consideration, leaving 11 applicants in that sub-pool.

From the remaining pool, the State Auditor randomly selected three Democrats, three Republicans, and two not affiliated with either party, to become the first eight Commissioners. (*Id.*, § 8252, subd. (f).) Upon their selection on July 2, 2020, the terms of all 14 of the 2010 Commissioners concluded.

This extraordinary effort to implement a fair selection process then continued, with the first eight Commissioners charged with selecting the remaining six Commissioners (two Democrats, two Republicans, and two not affiliated with either party) from the applicants remaining in the three sub-pools. Specifically, the eight Commissioners were charged with applying the following additional criteria:

The six appointees shall be chosen to ensure the commission reflects this state's diversity, including but not limited to racial, ethnic, geographic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial. (Gov. Code, § 8252, subd. (g).)

The eight Commissioners deliberated on each applicant and applied all necessary criteria during the course of their discussions. In all, more than two dozen potential slates were proposed and debated, with extensive public input throughout the discussions. In the end, the eight Commissioners agreed on a proposed slate of six Commissioners by the required supermajority vote of at

least two Democrats, two Republicans, and one affiliated with neither major party on August 7, 2020.

As a result of this process, and as required by the Constitution, the full Commission consisted of five individuals who were registered as Democrats, five who were registered as Republicans, and four unaffiliated voters. The Commissioners chosen reflect the diversity of our state in several ways. There are eight women and six men who range in age from their 30s to their 60s; have different lived, educational, and employment experiences; come from different geographic regions; have worked and lived in multiple locations around the state and reflect the ethnic diversity of California. Three Commissioners are members of the state's LGBTQ+ community, four Commissioners are parents of school-age children, one Commissioner is an immigrant and four are the children of immigrants, and two Commissioners are individuals with a disability. The Commissioners' backgrounds and biographic information are available on the Commission's website: www.wedrawthelinesca.org.

III. THE COMMISSION UNDERTOOK AN EXTENSIVE PUBLIC EDUCATION EFFORT

The Voters First Act amended article XXI, section 2(b) of the California Constitution to require that the Commission “conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines.” In addition, the Act required the Commission to “establish and implement an open hearing process for public input and deliberation” and to conduct an “outreach program to solicit broad public participation in the redistricting public review process.” (Gov. Code, § 8253, subd. (a)(7).) The Commission took this obligation very seriously and made extensive efforts to ensure compliance by creating an open public hearing and input process. Based on this extensive process, the Commission successfully met its mandate to hold open and transparent proceedings so that the public could participate meaningfully in the line drawing and redistricting process.

A. Goals for the Commission's Education and Outreach

The Commission's public education and engagement mission had three specific goals in its efforts to reach all Californians, including communities that have been historically disenfranchised, communities protected under the federal Voting Rights Act, and others who wished to have their input heard and considered in the redistricting of California. First, the Commission sought to activate and involve a historic number of Californians in the redistricting process by setting a goal activation rate—the rate of individuals who participated in the process by providing input in any format to the commission—of 1/1,000, or .1% of any given area, be it neighborhood, city, county, or region.

Second, the Commission sought to ensure Californians' engagement was *representative*. In other words, the Commission sought to elicit input from individuals and groups so that the redistricting process equitably reflected the voices of California's diverse population, which represented different physical geographies (from mountain, desert, coastal, urban, suburban, rural, county centers, and non-county centers), races, ethnicities, citizenship and immigration status, genders, disabilities, economic backgrounds (from small businesses to big businesses, nonprofits, from education to business owners, employers, employees, labor, local industries, agriculture, from homeowners to renters to homeless), ages, sexual orientations, sexual identities, and language abilities (from native English speakers to those with limited language proficiency, to those who do not speak English at all).

Third, the Commission sought to ensure that participating in the redistricting process was *accessible* to all Californians. Such accessibility considerations included, but were not limited to: access and proficiency with technology or internet connectivity; language or transportation barriers; education levels; understanding of the political system; historic political disenfranchisement; eligibility to vote (for example, whether someone is undocumented, formerly incarcerated, under 18 years old, or currently

incarcerated); isolated or afraid to engage; religious considerations; cultural considerations; and disability status.

B. Key Elements of the Commission’s Outreach, Education, and Activation Strategy

The Commission’s outreach efforts took place in multiple phases and were strategically developed to ensure coverage throughout the state. Building on civic engagement best practices, the Commission leveraged trusted messengers, local leaders, and stakeholders across numerous sectors to educate and activate Californians in this once-in-a-decade redistricting process. The following elements were key to these efforts.

1. Language Access Policy

To make Commission business accessible to as many Californians as possible, the Commission approved a Language Access Policy in January 2021 that guided the translation of outreach materials and the interpretation of public input and comment. This policy identified the top 13 languages of California’s Limited English Proficient populations: Arabic, Armenian, Simplified and Traditional Chinese (for written materials) and Mandarin and Cantonese (for spoken interpretation), Cambodian/Khmer, Farsi, Japanese, Korean, Punjabi, Russian, Spanish, Tagalog, and Vietnamese.

To comply with the Americans with Disabilities Act (ADA), the Commission provided American Sign Language (ASL) interpretation and captions for all public meetings. Besides ASL and English captioning, spoken-language interpretation was provided for anyone seeking to provide comment in another language, so long as they provided sufficient notice for the request. For example, almost half of the meetings specifically devoted to receiving input from communities of interest offered Spanish listening lines and had Spanish interpreters on standby for those wishing to provide input. For 6 of these meetings, the Commission provided additional language listening lines in 12 other languages, and offered as interpreters on standby.

The Commission also took steps to encourage participation by the blind and visually impaired, including providing audio descriptions of draft maps.

2. Structuring Commission Meetings for Public Engagement

The Commission structured its meetings to maximize involvement of all Californians in the redistricting process. Specifically, Commission meeting times varied and were selected to include times that were convenient for average citizens to participate. Furthermore, the Commission regularly incorporated public feedback at business meetings, allowing an opportunity for public input and comment, generally at the beginning or end of each day—sometimes both—and before any Commission vote. The Commission also extended the hours of its designated input sessions, allowing many meetings to go well beyond the scheduled adjournment to ensure that all Californians who wished to be heard had the opportunity.

3. Statewide and Regional Outreach

Statewide outreach focused on large associations, coalitions, networks, and entities that could engage dozens of organizations or local chapters, ultimately reaching thousands of Californians. Additionally, state agencies disseminated information to groups serving people with disabilities, recently incarcerated individuals, people experiencing homelessness, seniors, and economically disadvantaged people.

The Commission also engaged in outreach at the regional level. To do this, the Commission divided the state into 11 “Outreach Zones” and assigned two Commissioners to each zone to lead regional efforts. The intent was to mirror the process used by the California Complete Count Census 2020 outreach campaign and enable the Commission to leverage the relationships with grassroots and other stakeholders who engaged on Census outreach within the respective zones. These statewide and regional outreach efforts were solely to raise awareness of Commission and its process, and included no discussions about substantive line drawing. The efforts helped build trust among local

communities and the Commission, resulting in an outreach network for the Commission to disperse information and updates throughout California. During this early education process, the Commission engaged over 50 statewide entities and hundreds of local associations to leverage their local and regional networks.

4. Devoting Additional Resources to Public Education and Engagement Efforts & Engaging Hard-to-Reach Populations

The Commission successfully augmented its budget to expand outreach efforts and took advantage of a longer period to hire staff, especially once it became apparent that there would be Census delays. With a sufficient budget for outreach, the Commission's Communications and Outreach staff was able to receive, track, and follow up on a wide variety of information requests from the public, associations, and the press, develop a new website, create videos to promote awareness of the Commission's work, and educate Californians about redistricting.

The Commission also undertook a significant effort to educate and engage populations in the redistricting process that are traditionally less civically engaged. These included people experiencing incarceration, K-12 youth, Native American communities, military families and veterans, limited English speakers, refugees and immigrants, and unhoused individuals. Dedicated outreach resources and staff time ensured that opportunities to participate in the statewide redistricting process reached even these traditionally hard-to-engage populations.

a. Gathering Input From Incarcerated Populations

To engage California's incarcerated population in the redistricting process, the Commission developed an unprecedented campaign to reach adults and youth in California's state and county prison facilities. Critical to the Commission's outreach and education efforts were the California Department of

Corrections, county probation officers, sheriff’s associations, and community-based organizations, as well as their families and staff in each of these systems.

This work led to the development of a paper Communities of Interest Input form (the “Paper COI Tool”) that could be distributed to people in each of these systems who did not have internet access. The two-page form and one-page cover insert gave context to the Commission’s work while providing examples of community of interest input and inviting participation.

Over 108,000 Paper COI Tools were shipped to 190 facilities around the state. Additionally, by working with engaged community-based organizations and Department of Corrections staff, the Commission produced a video about redistricting that was played in prisons statewide, and two community-based organizations created their own independent introduction videos. These community-produced videos provided additional context and were a critical trusted messenger to invite engagement. Additionally, partnering facilities provided communications to staff across the statewide institutions to also share opportunities of how they could participate in the redistricting process. Nearly @1200 incarcerated youth and adults returned Paper COI Tools, providing a unique source of COI input for the Commissioners.

b. Reaching Those With Limited Broadband Through Libraries

The Commission coordinated with statewide networks like the California State Library and California Library Association along with local branches to inform libraries about the redistricting process and also encourage computer access to participate in the process for communities with limited broadband access at home.

5. A Wide Range of Online and Offline Tools and Written Materials for Educating and Engaging the Public

Although on-the-ground outreach faced numerous challenges including the COVID-19 pandemic and California wildfires, the Commission took advantage of the delay in receiving 2020 Census data to mount a

comprehensive public outreach and education campaign. The following were the main online and offline tools of the Commission’s outreach and education efforts.

a. The “Education on Redistricting Basics” Presentation

One of the Commission’s primary educational tools was a presentation called “California Redistricting Basics,” which offered the public an explanation of redistricting in California (including mention of the various local redistricting efforts that would be underway simultaneously), an overview of the Commission’s history, an introduction to the Commissioners, and discussion of ways to participate in the redistricting process.² The presentations set out the six criteria to be followed in the line-drawing process, as well as examples and guidance on how the public could describe their Communities of Interest. The Commission’s “California Redistricting Basics” presentation was also available for streaming in both English and Spanish through the Commission’s website. In total, the Commissioners conducted 182 presentations of “California Redistricting Basics,” including two Commission-hosted statewide presentations, one in English and another in Spanish. Organizations in 34 of the state’s 58 counties hosted these presentations, covering each of the Commission’s 11 designated outreach zones and directly reaching more than 7,000 individuals. The Commission’s outreach and communications team promoted these presentations to engage an even broader audience. The full list of presentations is available at

https://www.wedrawthelinesca.org/outreach_calendar.

² Given the restrictions against receiving input on maps outside of public meetings, Commissioners only answered questions regarding the content of the presentation itself or about how Californians could participate in the process and directed those interested in providing input on the maps to do so through the Commission’s website, electronic mail, postal mail, and the online mapping tool.

b. New Tools for Public Input on Communities of Interest and Proposed District Plans

California’s Statewide Database, based at the University of California at Berkeley, is responsible for providing the Commission with a comprehensive database containing both Census and election data for use in the redistricting process. For this redistricting cycle, the Statewide Database developed an online tool (<https://drawmycacommunity.org/>) that enabled Californians to provide the Commission with descriptions and maps of their communities of interest. Working with the Commission and various subcommittees, the Statewide Database developed and tested the tool in late 2020 and early 2021. The “Draw My CA Community” tool was subsequently released in 15 other non-English priority languages, and the Statewide Database opened six access centers throughout California to assist the public with using the tool to submit their public input related to communities of interest.

Given the success of the Draw My CA Community tool, the Statewide Database subsequently developed two other free-to-use mapping tools—Draw My CA Districts and Draw My CA QGIS, both available at <https://drawmycalifornia.org/>—to help Californians develop and share their own maps with the Commission. Although the 2020 redistricting cycle witnessed the wide public availability of a number of online mapping tools, the tools offered by the Statewide Database were the only redistricting applications through which users could submit their input directly to the Commission.

Additionally, the Commission set up an online form through which Californians could provide feedback on the Commission’s visualizations that was immediately available to Commissioners and the public on the Commission’s website.

c. A Robust, Easy-to-Navigate Website

The Commission’s website was one of the most important tools for maintaining a transparent and public redistricting process. All of the Commission’s public meetings were live streamed, captured on video, and

posted on the Commission’s website for public viewing at any time. Stenographers were present at the Commission business meetings and meetings where line-drawing instructions were provided, and transcripts of these meetings were also placed on the Commission’s website. The Commission’s website, which was translated into 104 languages, also housed documents prepared by the Commission and its staff, along with a public database containing all documents presented to the Commission by the public and suitable for posting.

d. Comprehensive Outreach Materials

A suite of professionally created public outreach materials helped the Commission reach as many Californians as possible, educating the public about the redistricting process and how to get involved. Most of these materials—including digital flyers, videos, a Digital Action Toolkit, Frequently Asked Questions (FAQs), and sample newsletter articles—were translated into Spanish, and many of them were translated into the Commission’s 12 other priority languages noted above in Section @@. Copies of these outreach materials are available on the Commission’s website: @@@.

e. Social Media

With almost daily posting on Facebook, Twitter, Instagram, LinkedIn, and YouTube, social media marketing campaigns also helped to increase the Commission’s online presence and promote participation in the Commission’s public meetings. In addition, a weekly social media toolkit was sent to parties interested in sharing messaging from the Commission. Each Monday, five graphics and suggested language were shared for Facebook, Twitter, and Instagram. This allowed for up-to-date content to be shared with external audiences on a regular basis. The toolkit went to approximately 625 people weekly, starting the week of April 5, 2021.

f. Statewide 11th and 12th Grade Curriculum

A partnership between the Sacramento and Los Angeles County Offices of Education resulted in a statewide curriculum on redistricting geared towards 11th and 12th graders. Commission staff collaborated with the curriculum developers to include available Commission tools and links, increase engagement opportunities, ensure accuracy, and consult on the timing of the curriculum’s release. Commission staff also encouraged all 58 County Offices of Education across the state, as well as facilities housing incarcerated youth, to disseminate the redistricting curriculum and otherwise engage students, teachers, and families in the redistricting process. Facilities housing incarcerated youth were particularly enthusiastic about receiving this curriculum, which is available on the Commission’s website at @@.

C. Total Public Input

In total, the Commission received @@ public comments in the following formats:

Source Type	Number of Inputs
Email to votersfirstact@crc.ca.gov:	
Letter	
Commission Input Forms	
drawmycacomunity.org	
Drawmycadistricts.org	
Live Meeting	
Total	

IV. THE REDISTRICTING TIMELINE

Once the basic timeline resulting from the Census delays became clear, the Commission developed a three-phase approach to its work.

A. Phase I: Public Education and Outreach (October 2020 to July 2021)

From October 2020 through July 2021, the Commission focused on educating itself as well as raising public awareness and understanding about the statewide redistricting process.

1. Initial Outreach and Education Efforts

The Commission's initial outreach and education efforts included a learning phase for the Commission, featuring 23 educational panels between October 2020 and May 2021 for Commissioners to learn about specific topics, discuss methods to reach various populations, facilitate training opportunities, and inform Commission policy decisions. Presenters included Alberto Vásquez (formerly incarcerated individual), Asian Americans Advancing Justice, Access California Services, Advancement Project CA, Asian Health Services, Philanthropy California, California Farm Bureau Federation, California Chamber of Commerce, California Black Census and Redistricting Hub, California Complete Count Census 2020, California Native Vote Project, California Statewide Database, California Department of Corrections & Rehabilitation, California League of Conservation Voters, California School Board Association, California State Parent Teachers Association, Common Cause California, Connie Galambos Malloy (former Commissioner, 2010), Disability Rights California, National Association of Latino Elected Officials (NALEO), San Ysidro Health, True North Organizing Network, Power California, Partnership for the Advancement of New Americans, Justin Levitt (professor, Loyola Law School), U.S. Digital Response, Dolores Huerta Foundation, Southern California Tribal Chairmen's Association, Prison Policy Initiative, Initiate Justice, UCLA Voting Rights Project, Silicon Valley Leadership Group, Public Policy Institute of CA, Sacramento

County Office of Education, Equality California, San Diego LGBTQ Community Center, Imperial Valley LGBT Resource Center, Redistricting Partners, Mexican American Legal Defense & Education Fund (MALDEF), Service Employee International Union (SEIU), California Labor Federation, Q2, and Haystaq.

In addition, during Phase I, Commissioners conducted more than @180 educational presentations of “California Redistricting Basics” as described earlier.

2. Launch of Draw My CA Community

During Phase I, the Statewide Database launched Draw My CA Community, an online tool allowing the public to draw and share information about their communities of interest directly with the Commission.

3. Setting Policy on How to Reallocate Incarcerated Populations

During Phase I, the Commission also made an important decision regarding the redistricting process. The United States Census Bureau’s long-standing practice counts persons who are incarcerated in state and federal correctional facilities as residents of the district where they are confined. But this practice can lead to unfair representation in communities with facilities located in their jurisdiction (which some refer to as “prison gerrymandering”), so the California Legislature requested that the Commission “deem each incarcerated person as residing at that person’s last known place of residence, rather than at the institution of that person’s incarceration[.]” (Cal. Elections Code, § 21003, subd. (d).) If the last known place of residence is outside California or cannot be determined, the Legislature requested that the Commission deem inmates as residing in an “unknown geographical location” and to “exclude the inmate from the population count for any district, ward, or precinct.” (Cal. Elections Code, § 21003, subd. (d).)

Following an educational panel and robust discussion on the issue, the Commission decided during Phase I to reallocate those in state custody to their

last known address. The Commission also sought the last known address information for those in federal custody, but was unable to obtain the necessary information to complete the task of reallocating that population.

B. Phase II: Activation, Receiving Input, and Receiving Census Data (June to September 2021)

Phase II consisted of additional, more targeted outreach efforts, gathering input from the public, receiving Census data, and obtaining clarity from the California Supreme Court on revised Commission deadlines that were thrown into question by the timing and format of multiple Census data releases.

1. Communities of Interest Input Meetings

In June 2021, the Commission began hosting virtual Communities of Interest (“COI”) Public Input meetings, as well as spreading the word about online and other opportunities to provide COI input. Building on the Commission’s outreach efforts in Phase I, Commission staff began engaging thousands of stakeholder organizations throughout California, providing information about public meetings, online input tools, sign-ups for the weekly social media toolkits and monthly newsletters, and encouraging participation in the redistricting process.

The Commission created an appointment sign-up system for the COI Input Public meetings, eliminating the need for members of the public to wait in long lines to provide testimony, as well as providing same-day call-in opportunities for those choosing not to or unable to make an appointment. This process helped reduce barriers for many Californians balancing work and family time, and allowing for easier access to participation in the redistricting process. Those sharing public input with an appointment could enable video capabilities so that they could personally address the Commission, much as they would have during an in-person meeting. In all, technology allowed these virtual meetings to be as inclusive and accessible as possible.

The Commission held 35-regionally focused COI Public Input meetings, with 1,340 individuals providing their input during these virtual, Zoom-platform

meetings. Thousands of Californians listened in or watched the live-feed stream. On the busiest day, 80 Californians provided COI input or public comment to the Commissioners.

2. COI Blitz, Additional Education Trainings

In early September 2021, Commission staff began a separate round of educational presentations geared toward increasing COI input to the Commission through a variety of channels. More than 80 presentations were conducted covering each of the Commission’s 11 outreach zones which yielded in excess of 1,900 screens signed on to attend these presentations.

3. Access Centers

Recognizing that many Californians do not have reliable access to computers, the internet, or basic computer skills, the Statewide Database opened six “Access Centers” in late August to help ensure all Californians had the opportunity to provide input on their communities of interest. These Access Centers, located in Fresno, Long Beach, Oakland, Sacramento, San Bernardino, and San Diego, allowed the public to obtain help in-person or to utilize publicly accessible computers and redistricting software developed by the Statewide Database. Staff at the Access Centers also provided telephone-based support for users.

4. Launch of Draw My CA Districts

In September 2021, the Statewide Database launched two more free-to-use tools—Draw My CA Districts and Draw My CA QGIS, both available at <https://drawmycalifornia.org/>—enabling members of the public to draw their own proposed district maps and submit them directly to the Commission for consideration.

5. Receipt of Census Data

The Legislature has the obligation to provide the Commission and the public with a dataset that can be used for redistricting, but the process of constructing that dataset cannot begin until the Census Bureau has released

the census data, known as the P.L. 94-171 data. In April 2020, however, the Census Bureau announced that it would not be able to deliver this data by its March 31, 2021, deadline and that it did not expect the data to be available for release until July 31, 2021. In February 2021, the Census Bureau announced that the projected release of the P.L. 94-171 dataset had been delayed even further, to as late as September 30, 2021.

Amid considerable push-back and even legal action by states with redistricting and election deadlines that could not be met according to that schedule, on March 15, 2021, the Census Bureau announced that it would release a version of the P.L. 94-171 dataset by mid-to-late August of 2021. This interim data product was referred to as the “legacy” dataset. This “legacy” data was not user friendly and necessitated more advanced database, analysis, and manipulation skills to be usable for redistricting purposes than the traditional P.L. 94-171 dataset.

The Census Bureau released the “legacy” redistricting dataset on August 12, 2021, and the Statewide Database immediately downloaded the data and began the reformatting and data verification process necessary to convert the “legacy” data into a usable format for the public and for building the statewide redistricting database for the Legislature and the Commission. Once the Chief of the California Demographic Research Unit, State Demographer Dr. Walter Schwarm, validated the accuracy of the reformatted data, the dataset was then posted on the Statewide Database’s website on the afternoon of August 18, 2021.

Once that occurred, the Statewide Database finally began the next task required for redistricting: merging the census data with historical individual-level voter registration records and historical precinct-level election results to build the redistricting database. The Statewide Database made this dataset available to the Commission and the public on September 20, 2021.

6. Supreme Court Ruling Regarding Commission Deadlines

In July 2020, the Supreme Court granted a request from the California Legislature to extend the deadline to finalize the state's maps on account of known delays in receiving Census figures. When it became clear that the usable Census figures would come even later than what was expected when the Supreme Court granted this previous extension request, and concerned about the prospect of diminished public input during the holiday period between Thanksgiving and New Year's, the Commission asked the Supreme Court on August 20, 2021, to slightly extend the revised deadlines for issuing preliminary and final maps. On September 22, 2021, the California Supreme Court directed the Commission to release its preliminary statewide maps for congressional, State Senatorial, Assembly, and State Board of Equalization districts for public display and comment no later than November 15, 2021, and to approve and certify its final maps to the Secretary of State no later than December 27, 2021.

C. Phase III: Line Drawing and Additional Public Input (October to December 2021)

1. Beginning Visualizations

As the Commission began the line drawing process in the fall of 2021, it dedicated several weeks to reviewing geographic areas for potential district ideas. Using the multitude of communities of interest testimony the Commission received throughout the summer, it assessed how that testimony could potentially inform district boundaries and considered the tradeoffs that would need to be made in eventual maps in light of other considerations, such as compliance with the Voting Rights Act. This resulted in various visualizations of potential district maps.

During this process, the Commission continued to provide a variety of opportunities for public input on the visualizations and line-drawing processes, even creating a database for Commissioners and the public to view feedback received thus far. Redistricting presentations by Commission staff continued through Phase III to highlight the ongoing ways to participate in the redistricting

process. Commission staff also continued to encourage the submission of COI input while highlighting the need for feedback on the visualizations and draft maps.

2. Media Blitz

Over the final months of the redistricting process, the Commission's public communications effort expanded even further into paid media efforts, including 30-second and 60-second radio spots, billboards, and bus-shelter advertisements in high-visibility areas all designed to publicize the Commission's public meetings and the Commission's website. A statewide print media campaign designed to reach diverse racial, ethnic, and rural communities also ran from August 2021 through December 2021, with ads running for seven days in 46 daily newspapers and over 15 weeks in 142 weekly community newspapers. The Commission's public communications staff also engaged members of the ethnic press, holding roundtables and mini town-halls.

3. Proposed Maps from the Public

The Commission held @ public meetings and several public live line-drawing sessions before it issued a set of preliminary draft maps on November 10, 2021. Three of these public input meetings offered members of the public the opportunity to present their own proposed district maps. During these meetings, more than 40 organizations or individuals gave public presentations of their proposed maps. The full appointment schedule is available on the Commission's website: @@.

Meanwhile, the public continued to utilize the Commission's free mapping tools and other options for providing input to the Commission. Ultimately, the Commission received more than @ written submissions containing testimony and maps reflecting proposed statewide, regional, or other districts.

4. Draft Map Public Input Meetings

In the final days leading up to the release of the Commission's preliminary draft maps, as many as 971 members of the public provided their

input on a single day (November 9, 2021). On November 10, five days ahead of the Supreme Court mandated deadline, the Commissioners posted a set of preliminary draft maps for public comment. By the time draft maps were released, the Commission had received more than 15,000 public submissions.

After the release of the draft maps, the Commission held six Draft Map Public Input meetings between November 17 and November 23, 2021 that focused on community responses to the preliminary draft maps. Again, an appointment system allowed members of the public to participate in the process without needing to wait hours for a turn. The Commission also opened daily non-appointment public comment, allowing for hundreds more to participate over the six days of meetings. This generally resulted in the meetings extending one to two hours past the scheduled end time to allow all callers in the queue to speak. In all, 720 members of the public provided verbal input during this period.

5. Incorporating Public Input for the Final Maps

On November 29, 2021, the Commission began the process of incorporating the public input it had received following the release of its draft maps and using that input to work towards its final maps. The Commission focused on the Assembly map from November 30 – December 6, on the Congressional map from December 7 – December 13, the Senate map from December 14 – 17, the Board of Equalization map on December 17 and December 18, and used December 18 – December 20 to make minor refinements to all maps. The Commission voted to approve its final maps on December 20, 2021.

For this period, the Commission relied on a Map Viewer tool on its website, which allowed members of the public to view recent iterations of the Commission's working maps, its November draft maps, and the existing maps as different layers in the tool, currently available at https://www.wedrawthelinesca.org/map_viewer. The Map Viewer also allowed

users to see counties and other geopolitical boundaries. The Map Viewer tool allowed members of the public to upload shape files to view their own or other suggested maps submitted by members of the public in the same tool. The Commission updated its latest iterations of its working maps in the Map Viewer regularly throughout this three-week process.

In order to maximize public input during this crucial final process, the Commission revised its public comment policy in a way that decreased the amount of time that callers would typically have to wait on hold before being heard. In order to ensure that the Commission was able to meet its deadlines, the Commission limited public input to three hours per day. Between November 29, 2021, and December 20, 2021, the Commission dedicated over 24 hours to receiving public comment, hearing from 24 callers.

V. CRITERIA USED IN DRAWING MAPS

When voters approved the constitutional amendments tasking an independent citizens commission with drawing districts for Congress, the Legislature (Senate and Assembly), and the Board of Equalization, they declared that the Commission would “draw districts based on strict, nonpartisan rules designed to ensure fair representation.” (Proposition 20, § 2, subd. (d)(4).) To effect this purpose, Article XXI of the California Constitution establishes the legal framework for drawing new districts.

First, Article XXI codifies six specific criteria, in descending order of priority, that the Commission must consider:

- (1) Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.
- (2) Districts shall comply with the federal Voting Rights Act. . .
- (3) Districts shall be geographically contiguous.

- (4) The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.
- (5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.
- (6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts.

(Cal. Const., art. XXI, § 2, subd. (d).)

Second, in addition to listing the criteria the Commission must consider, Article XXI also precludes the Commission from considering the residence of an incumbent or from favoring or discriminating against particular candidates or parties. Specifically, Article XXI states the “place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.” (Cal. Const., art. XXI, § 2, subd. (e).)

Finally, Article XXI provides that “[d]istricts for the Congress, Senate, Assembly, and State Board of Equalization shall be numbered consecutively

commencing at the northern boundary of the State and ending at the southern boundary.” (Cal. Const., art. XXI, § 2, subd. (f).)

As explained below, the Commission carefully adhered to these criteria throughout the line-drawing process.

A. Criterion One: The U.S. Constitution

The Commission’s highest-ranking criterion is to comply with the United States Constitution. (Cal. Const., art. XXI, § 2, subd. (d)(1).) The federal Constitution prohibits substantial disparities or malapportionment in total population between electoral districts in the same districting plan, known as the principle of “one person, one vote.” (*Baker v. Carr* (1962) 369 U.S. 186.) Furthermore, the Fourteenth Amendment of the federal Constitution prohibits the use of race when it “predominates” in the redistricting process unless it is narrowly tailored to achieve a compelling state interest.

1. Population Equality

The United States Constitution requires that any redistricting plan must achieve population equality among electoral districts. The population-equality requirement for congressional districts flows from article I, section 2, which states that the “House of Representatives . . . shall be apportioned among the several States which may be included within this Union, according to their respective numbers.” (U.S. Const., art. I, § 2.) The population-equality requirement for state legislative districts derives from the Equal Protection Clause of the Fourteenth Amendment. (*Reynolds v. Sims* (1964) 377 U.S. 533, 568 (*Reynolds*) [“[T]he Equal Protection Clause [of the Fourteenth Amendment] requires that the seats in both houses of a bicameral state legislature must be apportioned on a population basis.”].)

Maintaining equal numbers of people in state legislative and congressional districts ensures individuals living in every part of the state have equal voting power and access to elected representatives. (*Kirkpatrick v. Preisler* (1969) 394 U.S. 526, 531 (*Kirkpatrick*).) Indeed, an individual’s right to

vote for state or federal legislators may be unconstitutionally impaired when the weight of that vote is diluted, as compared with the votes of citizens living in other parts of the state. (E.g., *Reynolds, supra*, 377 U.S. at p. 568.)

As far as who is counted for purpose of equalizing state and local districts, the United States Supreme Court has provided fewer clear answers about what the federal Constitution requires. Most states, including California, rely on total population figures, where counts are based on the total number of people in each district, including children, noncitizens, and others not eligible to vote. (*Evenwel v. Abbott* (2016) 136 S.Ct. 1120, 1124 [noting that, “in the overwhelming majority of cases, jurisdictions have equalized total population, as measured by the decennial census.”].) In recent years, other measures have been suggested, such as voting-age population (“VAP”), citizen voting-age population (“CVAP”), or registered voters. Nevertheless, in a unanimous decision, the Supreme Court approved relying on total population for equalizing districts—which is the approach that the Commission used—and called it “plainly permissible.” (*Id.*, at p. 1126.)

a. United States Congressional Districts

There are different standards governing population equality for United States congressional districts, on the one hand, and state legislative districts (Assembly and Senate) and districts for state entities such as the Board of Equalization, on the other. For congressional districts, populations must be “as close to perfect equality as possible.” (*Evenwel, supra*, 136 S.Ct. at p. 1124.) This strict standard of population equality requires that states “make a good-faith effort to achieve precise mathematical equality.” (*Kirkpatrick, supra*, 394 U.S. at pp. 530–531; see also *Karcher v. Daggett* (1983) 462 U.S. 725, 739–743 (*Karcher*).

Nonetheless, recognizing that “[p]recise mathematical equality . . . may be difficult to achieve in an imperfect world,” the United States Supreme Court has explained that the population equality “standard is enforced only to the

extent of requiring that districts be apportioned to achieve population equality *as nearly as is practicable.*” (*Karcher, supra*, 462 U.S. at p. 730, italics added, internal quotation marks and citation omitted.) Article XXI of the California Constitution uses very similar language, stating that “Congressional districts shall achieve population equality as nearly as is practicable.” (Cal. Const., art. XXI, § 2, subd. (d)(1).)

Applying the “as nearly as practicable” standard, the United States Supreme Court has explained that any deviation, no matter how small, must be either unavoidable (despite a good-faith effort to achieve absolute equality) or necessary to achieve a legitimate legislative policy. (*Tennant v. Jefferson County Comm’n* (2012) 567 U.S. 758, 760; *Karcher, supra*, 462 U.S. at pp. 740–741; see also *Kirkpatrick, supra*, 394 U.S. at p. 530 [rejecting contention “that there is a fixed numerical or percentage population variance small enough to be considered *de minimis* and to satisfy without question the [population equality] standard”].) Whether a nondiscriminatory legislative policy justifies a deviation depends on case-specific circumstances such as “the size of the deviations, the importance of the State’s interests, the consistency with which the plan as a whole reflects those interests, and the availability of alternatives that might substantially vindicate those interests yet approximate population equality more closely.” (*Karcher, supra*, 462 U.S. at pp. 740–741.)

The Commission’s congressional district maps comply with these equal population standards. The Commission’s congressional district maps achieved a total deviation of +/- @ percent or people. Specifically, @ of the 52 congressional districts achieved the ideal @ population of 760,066 persons. @ of the 52 districts achieved a population of @ persons, or @ person more than the ideal. @ of the 52 districts achieved a population of @ persons, or @ person less than the ideal.

b. State Legislative and Board of Equalization Districts

In contrast to the strict standard applicable to congressional districts, when drawing state legislative districts, the United States Supreme Court allows jurisdictions “to deviate somewhat from perfect population equality to accommodate traditional districting objectives, among them, preserving the integrity of political subdivisions, maintaining communities of interest, and creating geographic compactness.” (*Evenwel, supra*, 136 S.Ct. at p. 1124.)

“Where the maximum population deviation between the largest and smallest district is less than 10%,” the Court has held, “a state or local legislative map presumptively complies with the one-person, one-vote rule.” (*Ibid.*)³ By contrast, maximum deviations above 10% are “presumptively impermissible.” (*Ibid.*) Importantly, this is only a general rule. In one case, the United States Supreme Court affirmed a district court decision holding that a state redistricting plan with total deviation under 10% nonetheless violated population equality requirement, where maps were designed to give rural and inner-city areas more legislative influence at the expense of suburbs and deviations were created to protect incumbents in an inconsistent and discriminatory way. (*Larios v. Cox* (N.D.Ga. 2004) 300 F.Supp.2d 1320 (*Larios*), *affd.* (2004) 542 U.S. 947.) In another case, the United States Supreme Court approved a state legislative map with maximum population deviation of 16% to accommodate the state’s interest in “maintaining the integrity of political subdivision lines[.]” (*Mahan v. Howell* (1973) 93 S.Ct. 979.)

To sum up: state legislative districts have “[s]omewhat more flexibility” in drawing state districts (*Reynolds, supra*, 377 U.S. at p. 578) and, under the federal Constitution, these districts can have smaller or larger populations than

³ “Maximum population deviation” refers to the sum of the percentage deviations from the perfect population equality of the most- and least-populated districts. (*Evenwel, supra*, 136 S.Ct. at p. 1124, fn. 2.) For example, if the smallest district in a plan is 6% below the “perfect” population and the largest district in a plan is 5% above the “perfect” population, then the maximum population deviation is 11%.

the mean if deviations are supported by legitimate state interests that are consistently applied, without “any taint of arbitrariness or discrimination.” (*Brown v. Thompson* (1983) 462 U.S. 835, 843, quoting *Roman v. Sincock* (1964) 377 U.S. 695, 710.)

In addition to the standard under the federal constitution, Article XXI of the California Constitution states that “Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.” (Cal. Const., art. XXI, § (2), subd. (d)(1).) This language has not been interpreted by the California Supreme Court since it was amended by Proposition 11 and Proposition 20.

Applying the guidance provided by the United States Supreme Court and the text of Article XXI, the Commission ensured districts in all the state maps maintained a population size within +/- 1% of the ideal.

The ideal size of an Assembly district is 494,043 persons. 10 of the 80 Assembly districts achieved a deviation within 1% of the ideal, and the remaining 70 Assembly districts deviate less than 1.0% from the ideal. The Commission’s Assembly districts achieved an overall average deviation of within 1% of the ideal.

The ideal size of a Senate district in California is 988,086. 10 of the 40 Senate districts have a deviation from the ideal of less than 0.50%, and the remaining 30 Senate districts deviate less than 1.0% from the ideal. Senate districts achieved an overall average deviation from the ideal of 1%.

The ideal size of a Board of Equalization district is 9,880,859. The Commission’s four Board of Equalization districts achieved a deviation of within 1% of the ideal, with a range of 1% deviation from the ideal, and an average deviation of 1%.

2. Equal Protection Clause of the Fourteenth Amendment

The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that “no state shall . . . deny to any person within its jurisdiction the equal protection of the laws.” (U.S. Const., 14th Amend., § 1.) As interpreted by the United States Supreme Court, this text prohibits certain forms of racial gerrymandering in drawing electoral districts. (*Miller v. Johnson*, 515 U.S. 900, 916, 920 (1995) (*Miller*)). Specifically, the United States Supreme Court has explained that a state’s “predominant” use of race in drawing district lines is only permissible when it satisfies the Court’s “strict scrutiny” standard, meaning the use of race is narrowly tailored to achieve a compelling state interest. (*Ibid.*) Simply put, a redistricting body violates the federal Constitution if race is the predominant factor in determining which voters to put where and the use of race was unjustified.

Importantly, considering race during redistricting is not the same as allowing racial considerations to “predominate.” Redistricting bodies, the United States Supreme Court has acknowledged, “will . . . almost always be aware of racial demographics” (*Miller, supra*, 515 U.S. at p. 916), and race does not predominate “merely because redistricting is performed with consciousness of race.” (*Bush v. Vera* (1996) 517 U.S. 952, 958–959 (*Vera*)). “Nor does [strict scrutiny] apply to all cases of intentional creation of majority-minority districts,” as required by the Voting Rights Act, discussed in Section V.B. (*Ibid.*) Rather, the Supreme Court has stated that race “predominates” where a redistricting body “subordinated traditional race-neutral districting principles, including but not limited to compactness, contiguity, and respect for political subdivisions or communities defined by actual shared interests, to racial considerations.” (*Miller, supra*, 515 U.S. at p. 916; see also *Cooper v. Harris* (2017) 137 S.Ct. 1455, 1464–1465 [predominance “entails demonstrating that the legislature ‘subordinated’ other factors—compactness, respect for political subdivisions, partisan advantage, what have you—to ‘racial considerations’”].)

Even if race is the predominant reason for moving some significant groups into or out of a district, the districting process is not necessarily unconstitutional. The United States Supreme Court has explained that a predominant focus on race does not violate the Fourteenth Amendment if the use of race is narrowly tailored to achieve a compelling state interest. (*Miller, supra*, 515 U.S. at p. 920.) The United States Supreme Court has not directly stated what sort of state interest is adequately compelling to survive strict scrutiny in the redistricting context, but it has repeatedly assumed that compliance with Sections 2 or 5 of the Voting Rights Act serves as a “compelling governmental interest” that would justify drawing districts based predominantly on race. (E.g., *Bethune-Hill v. Va. State Bd. of Elections* (2017) 137 S.Ct. 788, 801 (*Bethune-Hill*) [“As in previous cases, therefore, the Court assumes, without deciding, that the State’s interest in complying with the Voting Rights Act was compelling.”].)

“When a State justifies the predominant use of race in redistricting on the basis of the need to comply with the Voting Rights Act, ‘the narrow tailoring requirement insists only that the legislature have a strong basis in evidence in support of the (race-based) choice that it has made.’” (*Bethune-Hill, supra*, 137 S.Ct. at p. 801, quoting *Ala. Legislative Black Caucus v. Alabama* (2015) 135 S.Ct. 1257, 1274.) Put another way, if the redistricting body has a “strong basis in evidence” for concluding that the “creation of a majority-minority district is reasonably necessary to comply with § 2, and the districting that is based on race substantially addresses the § 2 violation, it satisfies strict scrutiny.” (*Vera, supra*, 517 U.S. at p. 977, citations omitted.)

The Commission’s map-drawing process complied with these principles because it relied on race-neutral, traditional redistricting criteria as its primary focus in crafting district lines, even in areas where the Commission needed to ensure district lines were consistent with the Voting Rights Act. While the Commission was aware of and sensitive to the Census data and demographics

of the areas under review—particularly in areas with sizeable minority populations, evidence of racially polarized voting, and a history of discrimination—race was not the sole or predominant criterion used to draw district lines.

Rather, the Commission’s iterative process weighed a host of traditional, race-neutral redistricting criteria and made a substantial effort to focus on the shared interests and community relationships that belonged together for fair and effective representation of all of the people of the state of California when drawing district lines.

B. Criterion Two: The Federal Voting Rights Act

The Commission’s second criterion in order of priority is that “[d]istricts shall comply with the federal Voting Rights Act. (Cal. Const., art. XXI, § 2, subd. (d)(2).)

In addition, the Voters First Act requires that at least one of the legal counsel hired by the Commission has experience and expertise in implementation and enforcement of the federal Voting Rights Act. (Gov. Code, § 8253(a)(5).) Accordingly, the Commission retained experienced election law and redistricting attorneys Strumwasser & Woocher LLP and David Becker to serve as its Voting Rights Act counsel and to help ensure compliance with the Voting Rights Act (VRA). VRA counsel conducted legal compliance trainings for the Commission and the public, advised the Commission in many open and closed session meetings on VRA compliance, advised Commission subcommittees on VRA compliance, attended and provided legal counsel in all visualization and line-drawing meetings, reviewed all visualizations and map drafts for legal compliance, retained and managed a racially polarized voting expert, and drafted portions of this Report.

1. Section 2 of the Voting Rights Act

Congress enacted Section 2 of the Voting Rights Act in an effort to combat minority vote dilution. Section 2 provides that no “standard, practice, or

procedure shall be imposed or applied . . . in a manner which results in a denial or abridgement of the right . . . to vote on account of race or color” or membership in a language minority group. (52 U.S.C. §§ 10301(a), 10303(f)(2).)

a. Legal Standard

“A violation [of Section 2] is established if, based on the totality of circumstances, it is shown that the political processes . . . are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” (52 U.S.C. § 10301(b).)

In 1982, Congress clarified that Section 2 plaintiffs need not prove that “a contested electoral mechanism was intentionally adopted or maintained by state officials for a discriminatory purpose.” (*Thornburg v. Gingles* (1986) 478 U.S. 30, 35 (*Gingles*).) Rather, a “violation [can] be proved by showing discriminatory effect alone.” (*Ibid.*) Accordingly, a Section 2 violation occurs where “a contested electoral practice or structure results in members of a protected group having less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.” (*Id.*, at p. 63.) Importantly, the United States Supreme Court has invoked Section 2 to strike down legislative redistricting plans that result in minority vote dilution as defined by Section 2. (See *League of United Latin American Citizens v. Perry* (2006) 548 U.S. 399, 423–443 (*LULAC*).)

A single-member redistricting scheme can run afoul of Section 2 either through “cracking” or “packing” minority voters. “Cracking” occurs when a redistricting plan fragments a “minority group that is large enough to constitute the majority in a single-member district . . . among various districts so that it is a majority in none.” (*Voinovich v. Quilter* (1993) 507 U.S. 146, 153 (*Voinovich*).) “If the majority in each district votes as a bloc against the minority[- preferred]

candidate, the fragmented minority group will be unable to muster sufficient votes in any district to carry its candidate to victory.” (*Ibid.*; see also *LULAC*, *supra*, 548 U.S. at pp. 427–443 [redistricting program violated Section 2 by reducing Latino citizen voting-age population from 57.5% to 46% in challenged district].)

“Packing,” on the other hand, occurs when a redistricting plan results in excessive concentration of minority voters within a district, thereby depriving minority voters of influence in surrounding districts. (*Voinovich*, *supra*, 507 U.S. at p. 153; e.g., *Bone Shirt v. Hazeltine* (8th Cir. 2006) 461 F.3d 1011, 1016–1019 [finding a Section 2 violation where Native Americans comprised 86% of the voting-age population in a district].)

The Supreme Court has established a number of elements that a plaintiff must prove to establish that a redistricting plan violates Section 2. As an initial matter, a Section 2 plaintiff must prove the three so-called “*Gingles* preconditions” articulated by the Court in *Thornburg v. Gingles*. (See *Grove v. Emison* (1993) 507 U.S. 25, 37–42.) The *Gingles* preconditions are as follows:

First, the minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district.

Second, the minority group must be able to show that it is politically cohesive.

Third, the minority must be able to demonstrate that the white majority votes sufficiently as a bloc to enable it . . . usually to defeat the minority’s preferred candidate. (*Gingles*, *supra*, 478 U.S. at pp. 50–51.)⁴

⁴ The “majority” does not actually have to be White (as opposed to some other racial group), or even comprised of a single racial group, in order to satisfy the third *Gingles* precondition. (See *Gomez v. City of Watsonville* (9th Cir. 1988) 863 F.2d 1407, 1417 [“Although the court did not separately find that Anglo bloc voting occurs, it is clear that the non-Hispanic majority in Watsonville usually votes sufficiently as a bloc to defeat the minority votes plus any crossover votes.”]; *Meek v. Metropolitan Dade County, Fla.* (S.D. Fla. 1992) 805 F.Supp. 967, 976 & fn.14 [“In order to prove the third prong in *Gingles*, Black

With respect to the first *Gingles* precondition—a sufficiently large and geographically compact minority group—a minority group is sufficiently large only where “the minority population in the potential election district is greater than 50 percent.” (*Bartlett v. Strickland* (2009) 556 U.S. 1, 20 (*Bartlett*) (plur. opn. of Kennedy, J., joined by Roberts, C.J. and Alito, J.)) Although the Supreme Court has not expressly defined the proper measure of “minority population,” the Ninth Circuit Court of Appeals has endorsed the use of citizen voting age population (“CVAP”) statistics, rather than total population or voting-age population statistics, to satisfy the first *Gingles* precondition. (*Romero v. City of Pomona* (9th Cir. 1989) 883 F.2d 1418, 1426 [“The district court was correct in holding that eligible minority voter population, rather than total minority population, is the appropriate measure of geographical compactness.”]), abrogated on other grounds, *Townsend v. Holman Consulting Corp.* (9th Cir. 1990) 914 F.2d 1136 [en banc]; see also *LULAC*, *supra*, 548 U.S. at p. 429 [observing, in dicta, that CVAP “fits the language of § 2 because only eligible voters affect a group’s opportunity to elect candidates”].)⁵

Plaintiffs must be able to demonstrate that the Non-Black majority votes sufficiently as a bloc Non-Blacks refer to Hispanics and Non-Hispanic Whites.”], *affd. in part & revd. in part on other grounds* (11th Cir. 1993) 985 F.2d 1471.)

⁵ The decennial Census does not collect or report actual data to establish citizenship. However, the Census Bureau’s American Community Survey (“ACS”) provides a rolling estimate of citizen voting-age population or CVAP in a given geographic area over a 5-year period. The U.S. Bureau of the Census has issued disclaimers cautioning users about the inherent unreliability of this data, and explains that it cannot be used as an estimate of a specific population at a specific point in time. Nevertheless, because of the requirements of the Voting Rights Act, the Commission needed to use the most readily available and commonly used data in order to make its determinations about whether the Voting Rights Act required the drawing of certain districts. The Commission’s mapping consultant used CVAP data from California’s Statewide Database

In addition, proof that the minority population in a hypothetical election district is large enough to form a “crossover” district does *not* satisfy the first *Gingles* precondition. (See *Bartlett, supra*, 556 U.S. at pp. 12–15.) A district in which minority voters make up less than a majority, but can elect a candidate of the minority group’s choice where white voters “cross over” to support the minority’s preferred candidate, is referred to as a “crossover district.” (*Ibid.*) Notably, the fact that influence or crossover districts cannot be used as a basis for asserting a Section 2 violation does not mean that these district types are prohibited. To the contrary, the Supreme Court has acknowledged that state legislative bodies may legitimately consider the use of crossover districts to enhance or protect minority voting interests. (See *id.* at p. 23 [“Our holding that § 2 does not require crossover districts does not consider the permissibility of such districts as a matter of legislative choice or discretion. Assuming a majority-minority district with a substantial minority population, a legislative determination, based on proper factors, to create two crossover districts may serve to diminish the significance and influence of race by encouraging minority and majority voters to work together toward a common goal. The option to draw such districts gives legislatures a choice that can lead to less racial isolation, not more.”].)

Further, the *Gingles* “compactness” inquiry focuses on the compactness of the *minority population*, not the shape of the district itself. (*LULAC, supra*, 548 U.S. at p. 433.) “[W]hile no precise rule has emerged governing [*Gingles*] compactness, the inquiry should take into account traditional districting

(which is based on the ACS CVAP data, but adjusted for census block estimates) to provide estimates to the Commission and its counsel of CVAP in any given area. While this CVAP data is not an exact number, the Commission, with expert guidance from its mapping consultant, exercised its judgment and relied on the CVAP data from the Statewide Database as the best available estimate of CVAP in a given area.

principles such as maintaining communities of interest and traditional boundaries.” (*Ibid.*, quotation marks and citations omitted.)⁶

The second and third *Gingles* preconditions are often referred to collectively as “racially polarized voting” and are considered together. Courts first assess whether a politically cohesive minority group exists, i.e., “a significant number of minority group members usually vote for the same candidates.” (*Gingles, supra*, 478 U.S. at p. 56.) Then, courts look for legally significant majority bloc voting, i.e., a pattern in which the majority’s “bloc vote . . . normally will defeat the combined strength of minority support plus [majority] ‘crossover votes.’” (*Ibid.*) This analysis typically requires expert testimony. (See, e.g., *id.* at pp. 53–74 [considering expert testimony regarding minority group’s lack of success in past elections].)

A plaintiff who establishes all three *Gingles* preconditions has not yet established that a challenged district violates Section 2. Instead, once the *Gingles* preconditions have been shown, a court must then consider whether, based on the “‘totality of the circumstances,’ minorities have been denied an ‘equal opportunity’ to ‘participate in the political process and to elect representatives of their choice.’” (*Abrams v. Johnson* (1997) 521 U.S. 74, 90, quoting 52 U.S.C. § 10301(b).)

Courts look to the following non-exhaustive list of factors (the so-called “Senate Factors,” based on the Senate Report accompanying the 1982 amendments to Section 2) to determine whether, based on the totality of circumstances, a Section 2 violation exists:

- (1) “[W]hether the number of districts in which the minority group forms an effective majority is roughly proportional to its share of the population in

⁶ “Because *Gingles* advances a functional evaluation of whether the minority population is large enough to form a district in the first instance, the Circuits have been flexible in assessing the showing made for this precondition.” (*Sanchez v. State of Colorado* (10th Cir. 1996) 97 F.3d 1303, 1311; see *Houston v. Lafayette County, Miss.* (5th Cir. 1995) 56 F.3d 606, 611.)

the relevant area.” (*LULAC, supra*, 548 U.S. at p. 426.) “[T]he proper geographic scope for assessing proportionality [is] statewide.” (*Id.*, at p. 437.)

- (2) “[T]he extent of any history of official discrimination in the state or political subdivision that touched the right of the members of the minority group to register, to vote, or otherwise participate in the democratic process.” (*Gingles, supra*, 478 U.S. at pp. 36–37, quoting Sen. Rep. No. 97-417, 2d Sess. (1982), reprinted in 1982 U.S. Code Cong. & Admin. News, pp. 206–207.)
- (3) “[T]he extent to which voting in the elections of the state or political subdivision is racially polarized.” (*Id.* at p. 37.)
- (4) “[T]he extent to which the state or political subdivision has used unusually large election districts, majority vote requirements, anti-single shot provisions, or other voting practices or procedures that may enhance the opportunity for discrimination against the minority group.” (*Ibid.*)
- (5) “[I]f there is a candidate slating process, whether the members of the minority group have been denied access to the process.” (*Ibid.*)
- (6) “[T]he extent to which members of the minority group in the state or political subdivision bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process.” (*Ibid.*)

If, under the above-described analysis, a jurisdiction has the obligation to draw one or more districts, any such district must ensure that the voters of the relevant protected group have an effective opportunity to elect candidates of choice. (See *LULAC, supra*, 548 U.S. at pp. 428-429 [tying the existence of a violation to efforts that “prevented the immediate success of the emergent Latino majority”].) This is measured not by a single election, but rather by the ability of the voters of the protected group to successfully control elections in the district in the usual course.

The proportion of minority voters within a district necessary to yield a consistent effective opportunity to elect candidates of choice is not a number that can be assessed in the abstract. In some cases, based on turnout or other considerations, a district may have to comprise more than 50 percent minority

voters to yield an effective opportunity district. In other cases, a district may be an effective opportunity district for the minority community with less than a majority of voters.

b. The Commission’s Compliance with Section 2 of the Voting Rights Act

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2. Section 5 of the Voting Rights Act

In 2013, the Supreme Court held that the coverage formula in Section 4(b) of the Voting Rights Act, 52 U.S.C. § 10303(b), which determines which jurisdictions are required to comply with Section 5, is unconstitutional. (*Shelby County, supra*, 570 U.S. at p. 557.) Accordingly, there are no jurisdictions currently covered by Section 5, and jurisdictions previously covered by the Section 4(b) formula do not need to seek preclearance for new voting changes, such as redistricting plans, absent enactment of a new coverage provision. In prior redistricting cycles, Section 5 applied to Kings, Merced, Monterey, and Yuba counties, and California was required to submit any statewide voting-related change that affected these counties for pre-clearance to the Department of Justice or to a federal district court in Washington, D.C. (See, e.g., *Lopez v. Monterey County* (1999) 525 U.S. 266, 287.) At present, the only jurisdictions that need to seek preclearance for redistricting plans (or other changes in methods of election) are those covered for such changes by a current federal court order entered under Section 3(c) of the Voting Rights Act, 52 U.S.C. § 10302(c). The State of California is not among those jurisdictions.

C. Criterion Three: Geographic Contiguity

The Commission’s third criterion is that “[d]istricts shall be geographically contiguous.” (Cal. Const. art. XXI, § 2, subd. (d)(3).)

The California Supreme Court has endorsed a “functional” approach to contiguity as it appeared in prior iterations of the Constitution. (See *Wilson v. Eu* (1992) 1 Cal.4th 707, 725 [approving special masters’ “concept of functional contiguity and compactness”].) Although there is no judicial decision interpreting

the term “contiguous” under Propositions 11 or 20, the Commission has relied on commonly accepted interpretations of contiguity that focus on ensuring that areas within a district are connected to each other.

All of the Commission’s districts are geographically contiguous and comply with the Voters First Act. Historically, several islands that lie off of the California coast (e.g., Santa Catalina Island, the Farallon Islands, and the Channel Islands) have formed portions of California counties—these islands traditionally have been maintained in congressional, legislative, or Board of Equalization districts that contain all or part of such counties. The islands satisfy contiguity requirements by being contiguous by water travel. The Commission employed a functional approach to contiguity, relying on forms of water travel, such as regularly scheduled ferryboats, to maintain contiguity within a district.

D. Criterion Four: Geographic Integrity

The Commission’s fourth criterion provides: “[t]he geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions.” (Cal. Const., art. XXI, § 2, subd. (d)(4).) To determine the boundaries of cities, counties, and the City and County of San Francisco, the Commission relied on Census geographic data. In addition, the Commission relied on appropriate municipal data such as planning department boundaries or neighborhood council boundaries to help determine the boundaries of neighborhoods in major cities such as Los Angeles, San Diego, and San Francisco.

A “local community of interest” is “a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation.” (Cal. Const., art. XXI, § 2, subd. (d)(4).) The Constitution provides several examples of such shared interests: “those common to an urban area, a rural area, an industrial

area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process.” (Cal. Const., art. XXI, § 2, subd. (d)(4).) Notably, communities of interests are not based on “relationships with political parties, incumbents, or political candidates.” (Cal. Const., art. XXI, § 2, subd. (d)(4).)

Public input is critical to respecting the geographic integrity of communities of interest, so the Commission launched the innovative public engagement tool, described above, that allowed Californians to tell the Commission about their communities, draw them on a map, and submit their comments directly to the Commission. The Commission understood that an individual could belong to multiple communities of interest (i.e., an economic community of interest, a cultural community of interest, and an environmental community of interest) and communicated that understanding through its California Redistricting Basics presentation. To capture anecdotal information used to shape the boundaries of a community, users were prompted to describe the shared interests of their community, what brings people in their community together, and what their community finds important. Users were specifically asked whether there were nearby areas that their community would prefer to be in a district with or separated from. In total, the Commission received 100 submissions, covering all parts of the state.

Because identifying communities of interest depended on public input rather than the Census or municipal data the Commission could use for identifying other geographic areas, the Commission began accepting input from communities of interest even before it had considered specific visualizations of district-sized areas. This was also to preclude any “tailoring” of communities of interest to achieve very specific outcomes, such as the crafting of a specific district nominally for a community of interest but actually for some other,

unrelated purpose. This robust public input continued throughout the process. The Commission sought to minimize the division of geographical units whenever possible by using an iterative approach, in which the Commission deliberated options to minimize the splitting of cities, counties, neighborhoods and communities of interest district by district.

Because the California Constitution does not require the Commission to prioritize the geographic integrity of “any city, county, city and county, local neighborhood, or local community of interest” relative to each other, there is often no clear or ideal way to resolve competing claims between these various entities. For example, maintaining the geographical integrity of a community of interest might involve bisecting a county or small city.

To resolve these challenging mapping realities, the Commission paid careful attention to instances when maintaining the geographical integrity of a particular geographic unit could aid in satisfying other statutory criteria. The Commission also relied heavily on public testimony, and often sought to ensure that if a geographic unit needed to be split in one plan, it could be kept whole in another plan.

E. Criterion Five: Geographic Compactness

The Commission’s fifth criterion states that “[t]o the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population.” (Cal. Const., art. XXI, § 2, subd. (d)(5).) The Commission’s California Redistricting Basics presentation sought to convey the concept of compactness as being subordinate to the higher-ranked criteria and not necessarily relating to the final shape of a district. The Commission’s districts are geographically compact under the definition of compactness within the Act, both to the extent practicable and in consideration of other higher-ranked criteria such as compliance with the United States Constitution, the federal Voting Rights Act, geographic contiguity, and

maintaining the geographic integrity of cities, counties, local neighborhoods, and local communities of interest.

F. Criterion Six: Nesting

The sixth criterion states that “[t]o the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts.” (See Cal. Const., art. XXI, § 2, subd.(d)(6).) Simply put, this criterion indicates a constitutional preference for plans for Senate and Board of Equalization districts that are “nested,” provided it would not conflict with higher-ordered criteria.

@@Nesting details in progress.@@

Specifically, @ of the Commission’s Senate districts were 100% nested. @ of the Senate districts were between 90% and 99.9% nested. @ of the Senate districts were between 80% and 89.9% nested. @ of the Senate districts were between 70% and 79% nested. Finally, @ of the Commission’s Senate districts were between 65% and 69.9% nested.

G. No Consideration of Incumbent Status

Article XXI, section 2, subdivision (e) states that:

The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

(See also Cal. Const., art. XXI, § 2, subd. (d)(4) [“Communities of interest shall not include relationships with political parties, incumbents, or political candidates.”].) The Commission gave no consideration to incumbent status, partisan registration, or residences of candidates or incumbents when drawing districts.

H. Numbering of Districts

Article IV, section 2 of the California Constitution provides that California’s 40 Senators are elected to four-year terms, half of which begin every two years. (Cal. Const., art. IV, § 2, subd. (a).) Under this system, 20 of California’s Senate seats are up for election every two years. The next Senate election—in 2022—will apply to all of the even-numbered Senate districts, while odd-numbered Senate districts are up for election in 2024.

Because all of the even-numbered Senate district seats will be up for election in 2022, the Commission took note of the following practical issue: following the release of the new maps, some Californians who had voted in Senate elections in 2018 and would have been eligible to vote again in 2022, because they had been in an even-numbered district, might have to wait until 2024 to vote, because they would subsequently be in an odd-numbered district after the decennial redistricting. This issue is commonly known as “deferral.” Conversely, other Californians who had voted in Senate elections in 2020 and would have been eligible to vote again in 2024, because they had been in an odd-numbered district, might be able to vote two years earlier in 2022, because they would subsequently be in an even-numbered district. This is commonly known as “acceleration.”

@@Numbering details in progress@@

VI. DETAILS ABOUT THE DISTRICTS

@@In progress.@@

VII. APPENDICES

Appendix 1: District maps (Assembly, Senate, Board of Equalization, and Congressional).

Appendix 2: Population deviation report.

Appendix 3: Population statistics for each district (Assembly, Senate, Board of Equalization, and Congressional).

Appendix 4: County report and city report, per district (Assembly, Senate, Board of Equalization, and Congressional).

Appendix 5: Nesting report (Senate and Board of Equalization).
Appendix 6: Hash report.

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