CRC Glossary

These items are selected and defined in relation to the CRC's work. The definitions are not intended to be legally precise.

AAPI – Asian American Pacific Islander, a frequently-used racial category; but note that "Asian/Pacific Islander" was used in the U.S. Census only for the 1980 and 1990 counts; starting in 2000, "Asian" was separated from "Native Hawaiian/Pacific Islander."

AMEMSA – Arab, Middle Eastern, Muslim, South Asian.

American Community Survey (ACS) – A program of the Census Bureau, the ACS replaced the decennial census long form in 2010 and was then implemented as an ongoing (rather than decennial) nationwide survey. The ACS produces 1-, 3-, and 5-year estimates of demographic, social, housing, and economic statistics, based on a statistical sampling of households. For redistricting purposes, the ACS is particularly useful because it includes citizenship data (unlike the decennial census) and so is the basis for the CVAP Special Tabulation used in VRA compliance work. However, ACS data are never interchangeable with decennial Census data.

Annexation – Most often the geographical expansion of a city or town to include additional land. This can become problematic if an annexation is not reflected in Census Geography in a timely and accurate manner. It is a redistricting judgment call what weight to give a planned or pending annexation as an extension of a Community of Interest.

Arlington Heights Factors: In VRA litigation, these are additional considerations a plaintiff may use to demonstrate discriminatory intent (and not just effect); taken from V*illage of Arlington Heights v. Metropolitan Housing Development Corp,* 429 U.S. 252 (1977).

Bagley-Keene – The Bagley-Keene Open Meeting Act (1967), which implements the state constitutional requirement that "the meetings of public bodies and the writings of public officials and agencies shall be open to public scrutiny" (Art. I, Sec. 3.b.1). Fully applies to the CRC throughout both its pre-maps and post-maps phases. Largely modeled after the Brown Act (1953), which requires open meetings for local officials.

Bayesian Improved Surname Geocoding (BISG) – A statistical technique for estimating voter racial/ethnic identity by combining an analysis of census surnames (which do not include voter registration status) with geocoded voter registrations (which do not include racial/ethnic identity).

BIPOC – Black, Indigenous, People of Color.

Block Equivalency File – A list, usually in spreadsheet form, that correlates all census blocks to election districts, especially in a new redistricting plan.

Board of Equalization (BOE) – Oversees county property tax assessors, administers the Alcoholic Beverage Tax, and jointly administers the Tax on Insurers. Is the only elected tax board in the nation. Operates alongside California's several other tax agencies (Franchise Tax Board, Employment Development Department, Department of Tax and Fee Administration, and the Office of Tax Appeals). Created in 1879 to enforce uniformity in property tax assessments, it grew in scope until 2017, when many of its powers were distributed to other agencies.

California Association of Clerks and Election Officials (CACEO) – Represents the county officials who implement new redistricting maps via precincting work, and then actually conduct elections.

California Department of Technology (CDT) – State department that oversees all aspects state information technology, including websites. Formerly the California Technology Agency.

California Public Records Act (CPRA) – The 1968 law requiring the disclosure of governmental records to the public upon request, Applies regardless of whether the records were created on personal (vs. state) accounts and/or devices. Modeled after and refers to the 1967 federal Freedom of Information Act (FOIA).

California State Auditor (CSA) – The agency responsible for soliciting applications to the CRC and administering the process for selecting the CRC finalist pool and the first eight commissioners. The CSA is also responsible for supporting each new CRC in its work until it becomes fully functional. Formerly the Office of the Auditor General and later the Bureau of State Audits. While technically part of the executive branch, it is overseen by the Little Hoover Commission, so to maintain its independence.

Candidate of Choice (COC) – A candidate of any race/ethnicity that a racial/ethnic community prefers, especially if that community is a racial/ethnic minority and its preference differs from the preference of the adjacent racial/ethnic majority.

Census – Usually refers to the decennial census conducted by the U.S. Census Bureau to count every person in the U.S., as mandated in the U.S. Constitution (Art. 1, Sec. 2). The resulting count (reported as the P.L. 94-171 data) is the basis for both apportionment and redistricting. The 2020 census was notable for long, unprecedented delays in both the counting and reporting phases, caused by political and legal debates, and by the COVID-19 pandemic.

Census Bureau – The federal agency that administers the decennial census and other programs for enumerating and/or estimating demographic and economic facts about the U.S. Officially named the Bureau of the Census, it is part of the U.S. Department of Commerce, with its director appointed by the President. The legal basis for the decennial census is in the U.S. Constitution, Article I, Section 2, along with the Fourteenth Amendment. See the Census Bureau's own glossary here: https://www.census.gov/glossary/

Census Designated Place (CDP) – A populated, settled, unincorporated community named and geographically defined by the Census Bureau and state and local officials. As of the 2020 Census, California has 1,129 CDPs, of which 609 have populations over 1,000, and 9 over 50,000. The largest is East Los Angeles, with a 2020 adjusted population of 119,299. The smallest are two with a 2020 adjusted population of 1: Caribou (Plumas) and Graniteville (Nevada); and several with no population.

Census Geography – The hierarchical set of geographical divisions used by the U.S. Census Bureau in reporting its data. Block groups and blocks can change over time (updated for each decennial census), because of ongoing changes to populations, local housing, land, waterways, transportation corridors, and civic boundaries. The below hierarchy is fully nested (that is, each level is completely divided into whole, non-overlapping divisions of the next lower level).

> State
> County
> Census tract (c. 2,500 – 8,000 people)
> Block group (c. 600 – 3,000 people)
> Block (c. 0 – 600 people)

Cities, towns, and Census Designated Places are all "Places" which may or may not fully nest in the above hierarchy. American Indian areas are divided directly into Blocks. The Bureau also uses numerous other divisions, including ZIP Code Tabulation Area (ZCTA), Public Use Microdata Area (PUMA), Census County Division (CCD), and Metropolitan Statistical Area (MSA). All these geographic data are managed in the Bureau's Topologically Integrated Geographic Encoding and Referencing (TIGER) database system.

Citizen Voting Age Population (CVAP) – The total population age 18 and over and a U.S. citizen in a specified geography. CVAP is a key statistic used in complying with the Voting Rights Act. Since the decennial census does not collect citizenship data, CVAP must be estimated, usually using 5-year ACS data down to the block group level. This is issued annually as the *CVAP Special Tabulation.* California's SWDB further processes these data to match the most recent Census geography and to algorithmically calculate these data down to the block level. (Note that there was also, confusingly, a *CVAP Post-2020 Census Special Tabulation* planned during the Trump administration but cancelled Jan. 2021. It sought to use administrative records to generate CVAP data down to the block level.)

Coalition District – An election district in which two or more racial/ethnic minority communities together form the majority of voters, and where that majority votes cohesively to elect candidates of its choice (of whatever race/ethnicity) It may be possible for such a coalition to qualify under the first Gingles precondition, but a clear legal precedent has not yet been established.

Community of Interest (COI) – Part of the fourth of California's six ranked redistricting criteria, 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. The fourth criterion weighs COIs equally with cities, counties, and neighborhoods. Thus, it is a redistricting judgment call whether to keep together a COI that crosses a city, county, and/or neighborhood boundary; or whether any of those boundaries should instead be used to split that COI.

x

Compactness – The fifth of California's six ranked redistricting criteria, this refers not to geometrical appearance but ensuring nearby areas of population are not bypassed for more distant ones.

Community Based Organization (CBO) – Community-based organization, a catchall for non-profit community groups. Some of the CBOs who actively interacted with the 2020 CRC were:

AAAJ/ALC - Asian Americans Advancing Justice / Asian Law Caucus
A3PCON - Asian Pacific Policy & Planning Council
BCRH - Black Census and Redistricting Hub
CAIR - Council on Islamic Relations
CC - Common Cause
CHIRLA - Coalition for Human Immigrant Rights of Los Angeles
COFEM - El Consejo de Federaciones Mexicanas (Council of Mexican Federations in North America)
EC - Equality California
IERH - Inland Empire Redistricting Hub
IVE - Integrated Voter Engagement Redistricting Alliance
MALDEF - Mexican American Legal Defense and Education Fund
NALEO - National Association of Latino Elected Officials
LULAC - League of United Latin American Citizens
LWV - League of Women Voters
OCCET - Orange County Civic Engagement Table
PANA - Partnership for the Advancement of New Americans
PRA - People's Redistricting Alliance
VICA - [San Fernando] Valley Industry & Commerce Association

Contiguity – The third of California's six ranked redistricting criteria, this requires each district to be one whole, unbroken shape. For islands, the whole, unbroken shape includes the intervening waterways, especially when served by regular ferry service. It is a matter of redistricting judgment whether a bridge or waterway by itself can adequately maintain contiguity in a district.

Council of Governments (COG) – A regional group of cities, towns, and sometimes counties, organized for cooperative efforts rather than the exercise of governing authority.

Cracking – A gerrymandering technique that reduces the electoral strength of a group by dividing it in a redistricting plan. For example, a cohesively voting racial/ethnic, political, or other population large enough to be a majority of a single district could be cracked into two or more districts, so that it will not be able to elect its candidates of choice in any district.

Crossover or **Opportunity District** – A district where enough majority-race/ethnicity voters "cross over" to vote with minority-racial/ethnic voters to elect the minority-preferred candidate (of whatever race/ethnicity). This phenomenon relates to VRA compliance in two particular ways: 1. A high level of crossover voting in a district means it does not meet the third Gingles precondition (that the majority racial/ethnic group regularly and cohesively votes differently than the minority group); and 2. In the remedy phase of VRA compliance, building a VRA district involves accounting for crossover voting, as one factor in drawing an opportunity district

Deferral - In CA, state senators are elected in alternating odd and even districts for four-year terms. Voters in a given area might be switched from an odd to even district (or vice versa) and have their next, quadrennial state senatorial election deferred to the subsequent election cycle, thus six years after their most recent state senator election. (In 2013 the California Senate designated a "caretaker" senator to serve deferred populations that cycle.) Likewise, some areas may be "accelerated" by being in areas where a senatorial election will now occur only two years after their previous one.

Department of General Services (DGS) - California's state business manager. Contracts are approved by DGS, sometimes involving review by its Office of Legal Services (OLS). Contracting can variously involve Inter-Agency Agreements (IAA), Requests for Information (RFI), Requests for Proposals (RFP), Statements of Qualifications (SOQ) and Statements of Work (SOW), among very many other requirements and possibilities.

Deviation and **Deviation Range** – The numerical difference between a district's population and the ideal population for a given plan. The allowable deviation range for a given plan is a matter of legal judgment. For California's congressional plan, the

statutory standard is "population equality as nearly as is practicable." The 2020 CRC interpreted this as a maximum deviation of +/- one person, for a deviation range of 0%. For California's legislative and BOE plans, the statutory standard is "reasonably equal population." The 2020 CRC interpreted this as a maximum deviation of +/- 5%, for a deviation range of 10%.

Differential Privacy – Statistical technique that adds a small amount of quantitative "noise" to census data so that it is impossible to know if a specific individual is in a given dataset. The U.S. Census Bureau considers the resulting small, precisely known reduction in accuracy acceptable to ensure the privacy of individuals' and households' census information. Without differential privacy, it might be possible to combine census results with publicly and/or commercially available data to match census data with a specific individual. This would violate the absolute guarantee of privacy of census information and compromise the public trust considered essential for conducting the census.

Disadvantaged Unincorporated Community (DUC) – An area of inhabited territory located within an unincorporated area of a county in which the annual median income household is less than 80 percent of the statewide median income. Such areas might form a community of interest with nearby and/or adjacent cities and towns.

District – A geographical area from which a public official is elected.

Ecological Inference – Statistical techniques using aggregate (= "ecological") data to estimate individual behavior; in RPV analysis, combining aggregate votes and aggregate racial population to estimate votes-by-race in a given geography. Various techniques such as EI, Iterative EI, and EI RxC have differing strengths in analyzing differing political (two choices, or more?) and racial (two races, or more?) situations.

Effective Minority District – A district in which a cohesively-voting racial/ethnic minority population is able to elect its candidates of choice. Is relevant in both the liability and remedial stages of VRA compliance work.

Endogenous and **Exogenous Elections** – In RPV analysis and the examination of past elections (to assess polarization and cohesion) these two terms distinguish elections involving only the district in question (e.g., examining an assemblymember election in analyzing that assembly district, which would be endogenous) vs. elections involving either smaller or larger elections (e.g., examining a gubernatorial or assembly election in analyzing a state senate district, which would be exogenous).

Equal Population – The first of California's six redistricting criteria, requires "population equality as nearly as is practicable" for the congressional districts, "reasonably equal population" for the legislative and BOE districts; see more at Deviation and Deviation Range.

Ethnicity and Race – As used by the U.S. Census Bureau, there are:
    two ethnicities:
        1.   Hispanic or Latino
        2.   Not Hispanic or Latino
    and five racial categories:
        1.   White or European American
        2.   Black or African American
        3.   Asian American
        4.   American Indian/Alaska Native (AIAN)
        5.   Native Hawaiian/Pacific Islander (NHPI)
An individual can be one race, any combination of more than one race, or "Some Other Race." When performing CVAP analysis, individuals who identify as more than one race are counted once for each race but counted only once for total population. One major shortcoming of this classification is that while one can be Hispanic or Latino and be of any race, many who are Hispanic or Latino do not identify as one of the above five races (and many therefore chose "Some Other Race"). Also, there has been a longstanding proposal to newly add "Middle Eastern/North African" (MENA) as a sixth racial category.

Form 700 – The Statement of Economic Interests, administered by the California Fair Political Practices Commission. Required of every elected official and public employee who makes or influences governmental decisions, including CRC commissioners. Provides public financial accountability and helps avoid conflicts of interest. Filed provisionally in the CRC supplemental application stage, then upon starting service as a commissioner, and then annually thereafter throughout the term of service.
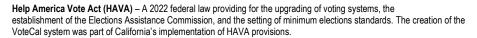
Gantt Chart – Project planning bar chart invented by engineer and consultant Henry Gantt (1861–1919).

Geographic Information System (GIS) – Any computer program that combines geographically-coded data with the ability to manage, analyze, and display those data in manipulatable layers. Some popular GIS mapping programs are QGIS (free and open source), ArcGIS (by Esri, of Redlands, California), and Maptitude (by Caliper Corp., of Newton, Massachusetts).

Gerrymandering – Drawing election district lines to give unfair advantage, usually to one group over another group. Typically uses techniques such as "cracking" or "packing." Universally pronounced "jerry-" even though namesake Vice President Elbridge Gerry was pronounced "gary."

Gingles Preconditions or **Gingles Test** – In VRA litigation, the three minimum requirements before building a VRA case. A plaintiff must first show that: 1. The minority population in question is sufficiently large and compact enough to form the majority of a single district; 2. The minority group is politically cohesive (via RPV analysis); and 3. The majority group is politically cohesive (via RPV analysis) and regularly opposes the minority vote. Taken from *Thornburg v. Gingles*, 478 U.S. 30 (1986). It may be possible for two or more racial/ethnic minority groups together to qualify under the first Gingles precondition, but a clear legal precedent has not yet been established.

Heat Map or **Choropleth Map** – A map with pre-defined areas colored or patterned in proportion to a variable aggregated for each area. VRA compliance work makes frequent use of heat maps depicting CVAP by race or ethnicity. Since the shapes and sizes of the areas are pre-defined (e.g., in this example, by whole counties) particular care must be taken to note what the map does and does not convey. Here, since this map only depicts homeownership rates by county, it tells you nothing about the absolute number of owner-occupied homes per county; in fact there are vastly more owner-occupied homes in the lightest-colored county here (L.A.) than in any of the darkest-colored counties.

Help America Vote Act (HAVA) – A 2022 federal law providing for the upgrading of voting systems, the establishment of the Elections Assistance Commission, and the setting of minimum elections standards. The creation of the VoteCal system was part of California's implementation of HAVA provisions.

Ideal Population or **Ideal District** – Total population divided by the number of districts for a given plan; the population if every district in a given plan were the same numerical size (rounded up or down as needed). In California, ideal population is calculated using data adjusted for the reallocation of incarcerated persons to their last known addresses.

Incumbency – The consideration of the home addresses of elected officials when redistricting, so to keep them eligible to run again in their districts. In California, incumbency is explicitly forbidden as a redistricting consideration: "The place of residence of any incumbent or political candidate shall not be considered in the creation of a map" (CA Constitution, XXI§2). In practice, this only applies to legislative and BOE officials, since the U.S. Constitution (I§2) only requires that members of the House of Representatives live in the same state as the district they represent.

Independent Redistricting Commission (IRC) – Any local or state redistricting commission that is substantially or fully independent of elected officials in its formation and work. The road to California's IRC took the better part of three decades:
- 1980 – P. Burton - W. Brown redistricting, rejected by referendum, reapplied by J. Brown
- 1982 – Prop. 14, commission appointed by judges and political parties (lost, 45.5%)
- 1984 – Prop. 39, commission of former judges (lost, 44.8%)
- 1990 – Prop. 119, commission appointed by retired judges (lost, 36.2%)
- 1990 – Democratic legislature redistricting, vetoed by P. Wilson, Special Masters appointed
- 2000 – Bipartisan "Incumbent Protection Plan" redistricting; Arizona pioneers citizen redistricting
- 2003 – Gov. Gray Davis recalled; Gov. Arnold Schwarzenegger (2003-2011) backs IRC movement
- 2005 – Prop. 77, commission of retired judges (lost, 40.2%)
- 2008 – Prop. 11, CRC for State Assembly, + Senate + BOE districts (won, 50.8%)
- 2010 – Prop. 20, added Congressional districts to CRC (won, 61.2%);
- 2010 – First CA CRC formed, submits completed maps August 15, 2011
- 2015 – SCOTUS *Arizona* ruling upholds citizen redistricting
- 2020 – Second CA CRC formed; submits completed maps Dec. 27, 2021

Influence District - A district with a racial/ethnic minority population that is less than a majority and cannot reliably elect candidates of its choice, but in which that minority population has a substantial influence on elections outcomes.

x

Latinx – Of Latin American origin or descent, used as a gender-neutral or nonbinary alternative to *Latino* or *Latina*.

Legislative Districts – State legislature districts taken together (in CA, Assembly and State Senate districts), in contrast to congressional districts (--a bit confusing since Congress legislates too).

Liability Phase – Analysis during the liability phase establishes any obligation to draw a VRA district via the Gingles tests + totality of circumstances. If such a liability is established, the Remedial Phase follows.

Little Hoover Commission (the **Milton Marks "Little Hoover" Commission on California State Government Organization and Economy**) **–** An independent state oversight agency created in 1962 and responsible for promoting efficiency, economy and improved service in state agencies, via reports, recommendations, and legislative proposals; also oversees the California State Auditor. Commissioners are appointed by the governor and legislative leaders. Modeled after the federal Hoover Commission.

Local Agency Formation Commission (LAFCO) – State-mandated regional agencies in all 58 counties that plan and regulate the establishment, expansion, governance, merger, and dissolution of local government entities, including cities and towns (but not counties) and a wide range of special districts. Established 1963 and regulated by Government Code Sec. 56000 *et seq*., LAFCOs formally define the geographical limits of the sphere of influence of each city, town, and special district, with updates at least every five years. A LAFCO-defined sphere of influence may help inform the boundaries of a Community of Interest. Notably, under the LAFCO system, no part of any city or town has ever been allowed to secede to form a new city or town.

Majority-Minority District – A district where a racial/ethnic minority is over 50% of the CVAP. A common misperception of the VRA is that a majority-minority district must be drawn wherever possible, so to maximize the number of majority-minority districts. In VRA compliance work, such districts are drawn hypothetically as a first step in assessing the first Gingles Precondition. If, in the end, no VRA liability is established, a majority-minority district may still be drawn but only by applying the other statutory redistricting criteria.

MENA – Middle Eastern North African, a proposed new race category for the Census.

Municipality – An incorporated city or town. In California there is no legal difference between the two. In Census geography, municipalities are a type of Place.

National Conference of State Legislatures (NCSL) – National Conference of State Legislatures (www.ncsl.org), publishes the comprehensive decennial *Redistricting Law* volumes.

Neighborhood – A sub-unit of a city or town, sometimes officially-defined (as in Los Angeles) but more often unofficial and customary, even when longstanding. When not officially-defined, neighborhoods and their boundaries are matters of research and public testimony. Sub-types of neighborhoods include entertainment districts and historic districts.

Nesting – The sixth of California's six ranked redistricting criteria, this promotes Senate districts that are composed of two whole Assembly districts, and BOE districts composed of ten whole Senate districts. In practice, as the last of the ranked criteria, it is often implemented only partially.

No Party Preference (NPP) – Part of the third, "Neither of the First Two" pool from which CRC commissioners are selected. Formerly known as "Decline to State." NPP voters are not affiliated with any political party, whether major (Democrat, Republican) or minor (Green, American Independent, Libertarian, Peace and Freedom). As of October 2020, 23.97% of California voters were registered NPP.

One Person, One Vote – Phrase used for the constitutional requirement that each district be substantially equal in total population, regardless of age or citizenship. The "vote" in this sense is notional, since only a portion of the total population (namely, citizens of voting age) can vote.

Opportunity District or **Minority Opportunity District** – A district in which a racial/ethnic minority community is able, by itself or with coalition and/or or crossover votes, to elect candidates of its choice (of any race/ethnicity). The remedial phase of VRA compliance work consists of creating opportunity districts where the VRA liability phase identified VRA obligations. Note that while an opportunity district will substantially overlap with the specific boundaries of the area identified (through the Gingles preconditions and then the totality of circumstances) as having a VRA obligation, it may or may not follow any of those specific

boundaries. There are always any number of ways to draw an opportunity district that fulfills an identified VRA obligation along with the other statutory redistricting criteria.

Packing – A gerrymandering technique that draws a cohesively voting racial/ethnic, political, or other population into a suboptimal number of districts. Since it only takes 50% + 1 to win an election, every additional vote is "wasted." Packing attempts to maximize that waste so that a given population of voters can win in fewer districts than they could otherwise.

Padilla Case or **Padilla Decision** (or **Padilla/Weber**, or **Weber**) – The July 17, 2020 decision by the California Supreme Court in *Legislature of the State of California v. Alex Padilla, as Secretary of State*, granting the emergency petition filed by the Legislature for a peremptory writ of mandate seeking one-time relief from redistricting deadlines set by California law in light of the delay of census data collection and processing. Granted a four-month extension of the CRC draft and final maps deadlines (to Nov. 1 and Dec. 15 respectively) plus a further day-for-day extension for every day the P.L. 94-171 data release were delayed past July 1. Those data were indeed delayed but in ambiguous fashion, with a "legacy format" data release August 12, 2021 and fully formatted release Sept. 16, 2021. Despite a CRC request for a further extension to get past the Nov./Dec. holiday season, a Sept. 23, 2021 Court short motion set the draft maps extension to Nov. 13, 2021 (further extended to Monday, Nov. 15 because of the weekend) and final maps extension to Dec. 27, 2021. The case provides a precedent but has no other legal effect on future CRCs.

Parcel – A cadastral (relating to boundaries and ownership) unit of land division as determined by a registered civil engineer or licensed land surveyor (per Government Code §66445). Primarily used for taxation but also used for precincting.

Parcel Split – The unintentional splitting of a given property parcel into two (or more) different election districts, usually due to mapping imperfections, anomalies, or inconsistencies. Local election officials decide which district to assign such parcels to in the process of precincting. A small number of parcels are intentionally split, due to boundary features such as a river.

Perform, Performance – In VRA compliance, a minority opportunity district is said to "perform" if, in subsequent elections, the racial/ethnic minority voters in question are able to successfully elect the candidates of their choice (of whatever race/ethnicity).

Place – In census geography, a city, town or Census Designated Place.

Plan – Synonym for "map" when referring to a set of election districts for the whole state, so "Assembly Plan" or "Assembly Map," "BOE Plan" or BOE Map" are interchangeable.

Point Contiguity – Districts that are contiguous at only a single point, as with two corners touching. Generally considered a questionable redistricting practice, as it fulfills the letter but not the spirit of the contiguity requirement.

Preclearance – Under Section 5 of the VRA, for states and counties identified as having a historic practice of racial discrimination in elections, the process of obtaining Federal preapproval for proposed changes to any aspect of voting, including redistricting. Was deactivated by the 2013 *Shelby* decision's repeal of Section 4 of the VRA. Thus, the 2010 CRC had and fulfilled preclearance requirements; the 2020 CRC had no preclearance requirements.

Precincting – The creation of voting precincts that comply with new maps after redistricting; usually done by county election officials. Note that "No precinct shall be established so that its boundary crosses the boundary of any supervisorial district, congressional district, senatorial district, Assembly district, board of equalization district, judicial district, incorporated city, ward, or city council district" (CA Elections Code §12222[a]). The precincting process is typically where any parcel splits are revealed.

Proposition 11 – The 2008 ballot proposition that created the CRC, for legislative and Board of Equalization redistricting. Passed 50.82% - 49.18%, a slim margin of 187,378 votes.

Proposition 20 – The 2010 ballot proposition that extended the CRC's redistricting authority to include congressional districts. Passed 61.23% - 38.77%, a wide margin of 2,106,177 votes. Prop. 27 appeared on the same ballot, attempting to abolish the CRC and revert to redistricting by the legislature; it was defeated 40.59% - 59.41%.

Public Law 94-171 (P.L. 94-171) – Enacted in 1975, the federal legislation directing the Census Bureau to provide the redistricting data, namely, the "Census Redistricting Data (P.L. 94-171) Summary Files," to the fifty states. Within a year following Census Day, the Census Bureau must send the data agreed upon (by negotiation between the Bureau and the states) for redistricting. The term is also used for the actual census data delivered to the states, sometimes shortened to "PL94" (e.g., "Are

those the PL94 numbers or the ACS numbers?"). In California, the P.L. 94-171 data are further processed by Statewide Database to reallocate incarcerated persons to their last known addresses, to produce the population dataset actually used in redistricting. The road to acquiring the P.L. 94-171 data from the 2020 Census was long and dramatic:

<u>2019</u>
Jun. 26   SCOTUS rejects citizenship question on Census
<u>2020</u>
Apr. 1   Census Day
Apr. 13   Count extended to Oct 31 due to COVID-19 pandemic
Jul. 17   CA Supreme Court's *Padilla* decision allows for maps deadline extension(s) tied to P.L. 94-171 delay(s)
Sep. 10   Manhattan Federal District Court rules against exclusion of undocumented individuals
Sep. 30   Early end of in-person counting efforts
Oct. 15   Early end of online submission access
Dec. 31   *Normal deadline for release of apportionment data*
<u>2021</u>
Jan. 18   Census Director Steven Dillingham announces his resignation (1 yr. early)
Apr. 1   *Normal deadline for release of P.L. 94-171 data*
Apr. 26   Release of apportionment data (delay of 116 days)
Aug. 12   Release of P.L. 94-171 data, but in unprecedented "legacy format"
Sep. 16   Release of fully formatted P.L. 94-171 data (delay of 168 days)

Racially Polarized Voting (RPV) and **RPV Analysis** – A quantification of how voter preference differs by race in a given geography. RPV analysis is needed to see if Gingles #2 and #3 apply—does a racial/ethnic minority population vote cohesively and does the surrounding racial/ethnic majority population vote cohesively in opposition? Since no one dataset provides all the necessary variables to perform RPV analysis, one must combine decennial census, CVAP special tabulation, voter registration lists, and statements of vote for past elections, along with specialized statistical tools (e.g., Ecological Inference and Bayesian Improved Surname Geocoding) to perform RPV analysis.

Reapportionment – The redistribution of seats in the U.S. House of Representatives based on relative changes in the populations of the 50 states. This affects redistricting by setting the number of congressional districts that need to be drawn in each state. After the 2020 Census, California lost one seat, for the first time in its history. While California's population had grown in the previous decade, other states had grown even more.

Reallocation – The reassignment, for redistricting purposes, of adults incarcerated in State of California institutions to their last known addresses before incarceration (as reported by the CA Department of Corrections) rather than at their places of incarceration. Is a counter to the inflation of populations in districts with correctional facilities, sometimes called "prison gerrymandering." Originally requested by the Legislature (via the Elections Code; since the CRC is independent, the Legislature cannot unilaterally require this) and adopted unanimously by the 2020 CRC Jan. 12, 2021. The actual reallocation processing was done by Statewide Database, using the P.L. 92-171 data to produce the adjusted populations used for redistricting. Where a complete last known address was not available, individuals were randomly assigned to the smallest geography available. Persons incarcerated in local and county facilities were not reallocated. The CRC pursued but was unable to obtain last known address information for people incarcerated in federal facilities in California, as well as Californians incarcerated out of state. The CRC decided on a split vote Aug. 19, 2021 to not count those in federal facilities rather than counting them at their places of incarceration. Note that the time needed by Statewide Database for the reallocation work (approx. one month) was not originally calculated into the CRC's statutory deadlines.

Redistricting – The redrawing of election district boundaries. Most election district maps at all levels of government are redrawn every ten years, after the decennial Census. Is not the same as Apportionment, which is the determination of the distribution of seats in the U.S. House of Representatives among the states.

Redistricting Criteria – In California, there are six ranked redistricting criteria: 1. Equal Population, 2. VRA Compliance, 3. Contiguity, 4. Respect for cities, counties, neighborhoods, and communities of interest, 5. Compactness, and 6. Nesting. Explicitly excluded from consideration are: the residence of any incumbent or political candidate, and anything that would favor or discriminate against any incumbent, political candidate, or political party. The 2020 CRC could have but generally chose not to consider the existing election districts drawn by the 2010 CRC, including any attempt to pursue a "least changes" approach.

Remedial Phase – Once a VRA obligation is established in the Liability Phase, the Remedial Phase draws minority opportunity districts (where there is an effective opportunity for racial/ethnic minority voters to elect candidates of choice of whatever race).

x

Commented [GU2]: I would want Karin to be ok with this one.

Drawing an opportunity district requires a consideration of 1. CVAP level, 2. RPV degree, 3. Voter registration rates, 4. Voter turnout rates, and 5. Crossover voting rates. Note that CVAP is always larger than the voting population (since not all citizens register and vote) and the voting population is always larger than a winning vote (since votes are never 100% cohesive; though this can be offset by crossover votes). One consequence is that an area may qualify for a VRA district and still be difficult to draw as an effective opportunity district (e.g., if voter registration rates are low). There is never only one way to draw an opportunity district. Ultimately, the only way to evaluate the success of an opportunity district is if it performs in subsequent elections.

Retired Annuitant (R.A.) – A CalPERS (California Public Employee Retirement System) retiree who, without applying for Reinstatement From Retirement, returns to work with a CalPERS employer in a designated R.A. position. Strictly limited to 960 hours per fiscal year of employment, to include any nonpaid or volunteer hours.

Retrogression – The diminishment of a racial/ethnic minority community's ability to elect candidates of its choice. Usually measured by comparing the number of minority opportunity districts in previous districting plan with its proposed replacement. Percentages of votes beyond 50%+1 may or may not be germane (e.g., a change from 62% to 57% prevailing vote may or may not signal retrogression).

Ripple Effects – Population changes to one proposed district necessarily affecting not only immediately adjacent districts but, though them, further-away districts, even in completely different parts of the state.

Rotating Population – Making simultaneous changes between adjacent districts so that there is no net change to the sum of their populations (and so, no effect on surrounding districts). When only two districts are involved, usually called "swapping."

Secretary of State (SOS) – In California, officially receives the CRC's certified maps and transmits them to county election officials. Is the state's chief elections officer, overseeing all federal and state elections, and maintaining an official database of registered voters (VoteCal).

Section 5 Districts – In 2011, there were four counties in CA subject to VRA Section 5 preclearance: Monterey and Yuba (based on low voter participation in 1968); and Kings and Merced (based on low voter participation in 1972; in 2012 Merced successfully "bailed out" of Section 5 coverage). Since the 2013 *Shelby* decision, Section 5 preclearance is no longer required.

Senate Factors – In VRA litigation, a plaintiff who has satisfied the Gingles preconditions goes on to demonstrate racially discriminatory effects (regardless of intent) by using this non-exhaustive list of factors to help build a totality of circumstances. Originated in /the Senate Report accompanying the 1982 amendments to the VRA.

Shapefile – A computer file (and its associated files) that defines a point, line, or polygon for use in a GIS system. Election districts are created, manipulated, stored, and shared as shapefiles.

Special Districts – Local districts, authorities, boards, and commissions that provide only one or a limited number of designated functions, but with sufficient administrative and fiscal autonomy to function as separate government entities. Such districts may help define a Community of Interest. Certain special districts are under LAFCO regulation (e.g., water and other utilities, fire protection, flood control, park, sanitation, and airport districts) while others are not (e.g., school, community college, bridge, highway, and transit districts).

Sphere of Influence – Officially, an area defined by a LAFCO as the farthest likely future geographical extent of a given special district. Unofficially, an area extending outside a (small) municipality or Census Designated Place and likely part of the same Community of Interest, as determined via public testimony.

Statements of Registration & Vote – Elections data with voting results, registration rates, and turnout, issued publicly by county elections officials. These data are used in RPV analysis and in the VRA remedial phase, but require estimations of ethnicity and race (obtained via ecological inference). Archived by SWDB.

Statewide Database (SWDB) www.statewidedatabase.org – Created in 1993 by the California Legislature, SWDB is the state's public depository for all the population and elections data needed for redistricting. Originally housed at the Institute of Governmental Studies at U.C. Berkeley, SWDB is now housed at the U.C. Berkeley School of Law. For the 2020 redistricting cycle, SWDB developed the Draw My CA Community and Draw My CA District online tools to enable the public to draw and submit maps directly to the CRC. SWDB also performed the adjustments to the P.L. 94-171 Census data to reallocate incarcerated persons to their last known addresses for redistricting purposes.

Strict Scrutiny – The use of "narrowly tailored" and "least restrictive means" to achieve a "compelling state interest" (*Shaw v. Reno,* 1993). Applied to the consideration of race/ethnicity in achieving VRA compliance, which is the sole instance in which race/ethnicity may be allowed to predominate (rather than simply being considered alongside other factors) in redistricting.

Swapping – Making simultaneous changes between two adjacent districts so that there is no net change to the sum of their populations (and so, no effect on surrounding districts).

Total Population Deviation – The result of calculating the following populations in a given plan:

$$\frac{\text{largest district} - \text{smallest district}}{\text{ideal district}}$$

So, if the largest district population is 10,000 more than the smallest, and the ideal district size is 400,000, the TPD = 10,000 / 400,000 = 2.5%. Note that the largest and smallest districts need not be adjacent or even proximate.

Totality of Circumstances – In VRA litigation, the consideration of all relevant factors, and not just the Arlington Heights and/or Senate Factors.

Traditional Districting Criteria – First referred to as such in *Shaw v. Reno* (1993) to include very widely accepted criteria such as equal population, contiguity, compactness, and respect for political subdivisions; but also including a range of other criteria used historically in different places, and variously specified by some state constitutions. "Traditional" here primarily means "has been used historically in particular places" and not necessarily "widely and unanimously approved." The CRC's six statutory criteria are (now) California's traditional districting criteria.

Travel Expense Claim (TEC) – The form used by the DGS to reimburse official state travel and incidental costs.

Unity Map – A proposed map drawn by a coalition of multiple community groups, usually with the goal of showing that their various interests can be simultaneously upheld.

Vote Dilution – Diminishing the power or weight of some votes by gerrymandering techniques such as cracking or packing; the primary target of VRA legislation; different from voter suppression.

VoteCal – California's official, centralized voter registration database, administered by the Secretary of State.

Voter Registration Lists – Lists of registered voters derived from VoteCal. Especially used by county elections officials to administer elections, but also available to candidates, parties, ballot measure committees, and to any person for election, scholarly, journalistic, or political purposes, or for governmental purposes, as determined by the Secretary of State. These include names, addresses, and party affiliations down to the precinct level. These data are used in RPV analysis and in the VRA remedial phase but require estimations of ethnicity and race (obtained via techniques such as BISG).

Voter Suppression - The hindrance and prevention of some votes being cast at all; a matter of Fifteenth and Twenty-fourth Amendments protections; different from vote dilution.

Voting Age Population (VAP) – The total population ages 18 and over (citizens or not) in a given geography.

Voting Rights Act (VRA) – The federal legislation passed in 1965 (with subsequent amendments) to ensure state and local governments do not pass laws or policies that deny American citizens the equal right to vote based on race. Section 2 of the VRA protects voters from discrimination based on race, color, or membership in a language minority group in all election procedures. The goal of VRA compliance is to prevent minority vote dilution. Presently, only Section 2 of the VRA is operative; Section 5 (which required preclearance) was rendered inoperative by the 2013 *Shelby* decision. Note that the VRA is explicitly not a guarantee of racially proportional representation.