USgeocoder SM
EVERY PLACE TELLS A STORY
1591 Williamsport Drive
San Jose, California 95131

USgeocoder LLC
Tel: (888) 938-6732
Fax: (408) 889-2669
www.usgeocoder.com

A Guide to Understanding Requirements for Redistricting California Cities and Counties

By Mitchell Pearce
USgeocoder, LLC
669-223-0209
1591 Williamsport Dr
San Jose, California 95131
mitchell@usgeocoder.com

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San Jose, California 95131

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Table of Contents

How to Use This Paper

This paper was originally written to inform USgeocoder employees and contractors of a non-lawyer's basic understanding of the legal framework within which re-districting assignments to USgeocoder must be undertaken. It is also meant to give those who hire USgeocoder an ability to know we won't stray outside the legal requirements for re-districting when we draw district maps. This paper is not meant to be used as legal advice. It may be used to assist people interested in re-districting to become familiar with basic concepts so they can have more fruitful discussions with their lawyers. We strongly suggest those who want to influence the re-districting process read this paper so they can develop their questions for lawyers they'll hire to advance their theses.

This paper does not address how to muster the facts or present the evidence necessary to prove how a federally protected class should be represented within or across districts. A good first read for a basic description of requirements and process is *League of United Latin American Citizens v Perry* 548 US 399 (2006). With regard to appellate level law on communities of interest and neighborhoods, there is only *Pico Neighborhood Association v City of Santa Monica* 51 Cal. App 5th 1002 (2020). Because the California Supreme Court has agreed to decide further on that case, the case cannot be sited as legal authority. That said, the case is good reading concerning the framing of issues of concern when considering neighborhoods and communities of interest. Readers are advised: The best steps are taken by following the advice of your lawyers.

USgeocoder LLC is a company of data nerds who make maps that computers and people can read. We tell the stories of places with maps and numbers. Neither USgeocoder nor anyone working for it is authorized to give legal advice. We work for anyone who needs maps that answer questions and present data in understandable ways. Our only interest in the outcome of re-districting is that our maps are accurate and conform with legal requirements.

When USgeocoder is working for a city re-districting, it can only assist others with re-districting maps in the manner the city authorizes, such as

running workshops and meetings and providing technical support, demographic and cartographic knowledge. If the city authorizes us to assist the public with preparing their maps for city consideration, those seeking USgeocoder help must sign a waiver of claims of conflict of interest, and waiver of liabilities against the city and against USgeocoder LLC. USgeocoder welcomes anyone with an interest in re-districting to contact and hire us to develop and present their maps and numbers to governments throughout California.

Introduction

Population changes over the past ten years will likely trigger reapportionment among county districts and city wards throughout California. In turn, this can significantly impact the election of county supervisors and city council members, state-wide.

Reapportionment requires studies be undertaken to determine if current city council districts (aka “city wards”) and county supervisory districts are still equal enough in population to satisfy certain legal requirements of the Voting Rights Act of 1965. Such requirements include the one man one vote rule and that no “packing” or “cracking” of racial or ethnic groups takes place.

Packing occurs when an ethnic or racial group is large enough to elect its choice of candidates in multiple districts, but the districts are drawn to push most of the members of the group into a single district.

Cracking, also known as “splitting”, takes place when a group that is the majority in a single district gets split up into multiple districts thereby making it very unlikely members of the split group could elect a candidate of their choice. Both packing and cracking are violations of Section 2 of the Voting Rights Act of 1965 as amended.

California Election Code sections (“§§”) 21601(c-d) and 21621(c-d), prescribe additional rules when redistricting cities. In order from highest to lowest priority: 1) the districts must be contiguous. 2) Communities of Interest must not be split into separate districts, 3) districts must be easily identifiable by residents 4) the district must be geographically compact, and 5) must not favor one political party over another. California Election Code §21500(c), which applies to counties, states the same and adds that member cities within the county not be split into separate supervisory districts to the extent practicable.

If a study determines re-districting is necessary, re-drawing of precincts (aka Voting Tabulation Districts or VTDs) may also be necessary to ensure

precincts reflect the boundaries of the newly drawn wards and supervisory districts.

The Purpose and Method Requirements for Redistricting

Answers to 8 Common Questions Clarify the Goals and Requirements for Redistricting

1. Do the Federal Voting Rights Act and California FAIRMAPS Act protect only communities of color and/or Hispanic heritage?
2. What tests can prove or disprove redistricting has violated the Federal Voting Rights Act without having to prove intent to violate the Act?
3. What is the correct measure of a population (e.g., census data of population, census data of citizenship, registered voter data)?
4. How close to equal size must districts be in order to meet the one man one vote requirement while not contravening permissible state policies?
5. How do we define *contiguous*?
6. What factors help define "*common social and economic*" interests?
7. What makes a district geographically *compact* or not compact?
8. How do we avoid results that look like districting was done to favor or discriminate against a political party?

Answer to Question 1: The Voting Rights Act and California Fair Maps Act protect all races as well as Asian American, Native American, and Spanish Speaking Ethnicities.

Voting Rights Act of 1965:

The US Supreme Court in *Shelby County v. Holder*, 133 S. Ct. 2612 (2013) terminated enforcement of racial equality in exercising the power of the vote through Section 5 and Sections 4(b) and 4(f)(4) of the Voting Rights Act. Such Sections and sub-sections of the Act had required pre-clearance with the U.S. Department of Justice Office of Civil Rights when re-districting plans were likely to affect certain counties in several states. This ruling by the Supreme Court rendered Section 4(a) essentially moot. Nevertheless, enforcement of the Act via civil litigation in court with reliance on Section 2 of the Act remains alive and well.

Section 2 of the Voting Rights Act, currently codified as U.S. Title 52 § 10301 states:

> (a) No voting qualification or prerequisite to voting or standard, practice, or procedure shall be imposed or applied by any

> State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in section 10303(f)(2) of this title, as provided in subsection (b).
>
> (b) A violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) 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. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: Provided, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

U.S. Title 52 § 10303(f)(2) states:

> No voting qualification or prerequisite to voting, or standard, practice, or procedure shall be imposed or applied by any State or political subdivision to deny or abridge the right of any citizen of the United States to vote because he is a member of a language minority group.

A minority language group is defined in Title 52 § 10310(c)(3):

> The term "language minorities" or "language minority group" means persons who are American Indian, Asian American, Alaskan Natives or of Spanish heritage.

As can be seen by the language above, the Act applies to all races and all American Indian, Asian American, Alaskan Native, or Spanish language speaking ethnicities. The Act's purpose is to protect those who have been subjected to a history of discrimination by voting laws that result in dilution of the power of their vote. Thus, the Act protects all citizens from past, present, and future discrimination no matter how the winds of prejudice may blow.

California Fair Maps Act

Cal. *Election Code* §§21500-21629 does not reference race or language or ethnicity. However, Election codes §§ 21500 (b), 21601(b) and 21261(b) state all

redistricting of counties and cities must follow the US Constitution, California Constitution, and the Federal Voting Rights Act requirements.

California has 155 cities with white minorities which, so far, have not seen a history of discrimination against them. It is possible that whites in one or more of these cities could *eventually* challenge a city re-districting plan if they prove a history of reduction in their ability to influence and participate in the political process owing to dilution of their votes caused by re-districting, and that such reduced influence correlates with the needs of their communities being slighted or ignored by the governments in question.

Answer to Question 2: If Intent to dilute a racial or language group vote is not provable, the Three *Gingles* factors must be proven.

Thornburg v. Gingles 478 U.S. 30 (1986) was the seminal case that described how to find a redistricting scheme violated Section 2 of the Voting Rights Act without having to prove the discrimination was intentional. As stated by the US Supreme Court in *League of United Latin American Citizens v Perry* 548 US 399 (2006) at page 425-426:

> The Court has identified three threshold conditions for establishing a § 2 violation: (1) the racial group is sufficiently large and geographically compact to constitute a majority in a single-member district; (2) the racial group is politically cohesive; and (3) the majority vot[es] sufficiently as a bloc to enable it . . . usually to defeat the minority's preferred candidate. These are the so-called *Gingles* requirements.
>
> If all three *Gingles* requirements are established, the statutory text directs us to consider the "totality of circumstances" to determine whether members of a racial group have less opportunity than do other members of the electorate. *De Grandy, supra,* at 1011-1012; see also *Abrams* v. *Johnson,* 521 U.S. 74, 91 (1997). The general terms of the statutory standard "totality of circumstances" require judicial interpretation. For this purpose, the Court has referred to the Senate Report on the 1982 amendments to the Voting Rights Act, which identifies factors typically relevant to a § 2 claim, including:
>
> [T]he history of voting-related discrimination in the State or political subdivision; the extent to which voting in the elections of the State or political subdivision is racially polarized; the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination

> against the minority group . . .; the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; the use of overt or subtle racial appeals in political campaigns; and the extent to which members of the minority group have been elected to public office in the jurisdiction. The Report notes also that evidence demonstrating that elected officials are unresponsive to the particularized needs of the members of the minority group and that the policy underlying the State's or the political subdivision's use of the contested practice or structure is tenuous may have probative value. *Gingles*, supra, at 44-45 (citing S. Rep. No. 97-417 (1982) (hereinafter Senate Report); pinpoint citations omitted).
>
> Another relevant consideration is whether the number of districts in which the minority group forms an effective majority is roughly proportional to its share of the population in the relevant area. *De Grandy, supra,* at 1000.

A "cohesive minority" is a minority where everyone in the minority group votes the same way. When a minority votes cohesively and the majority blocks en bloc so that neither will vote for the other's candidates, voting is said to be "racially polarized."

Answer to Question 3: The Decennial Census is the Required Database for Apportioning Local Government Districts

In *Reynolds v Sims*, 377 U.S. 533 (1964) at page 568, the US Supreme Court stated re-districting of state legislatures must be based upon population. In *Burns v Richardson*, 384 US 73 (1966), The US Supreme Court noted at pages 91-93 that population of citizens and populations of all persons could be used as a basis of apportionment. It noted that Hawaii population varies wildly based upon tourism and the waxing and waning of disturbances in the Pacific giving rise to fluctuations in the military population, most of whom are not residents of Hawaii, and thus, apportioning on the basis of the population of Hawaiian citizens was appropriate. *Ibid* pp 94-97.

The *Burns* court also cited with approval *Ellis v Mayor and City Council of Baltimore* (4th Cir. 1965) 352 F.2 123 that invalidated the city's re-apportionment because it was based on voter registration data. *Ibid* p 93.

Calderon v City of Los Angeles 4 Cal. 3d 251 (1971) at pages 258-259, the California Supreme Court held, absent proof that a voting database provided a

reliable count of population, it violates the US Constitution to re-apportion voting within cities using only registered voter data.

California Elections Code §§ 21500(a)(1), 21601(a)(1*)* and 21621(a)(1) mandate, "Population equality shall be based on the total population of the city as determined by the most recent federal decennial census for which the redistricting data described in Public law 94-171 are available." (i.e., the US Census decennial Census). However, incarcerated persons shall be assigned the census block of their last known address. *Election Code* §§ *21500(a)(2), 210601(a)(2) and 210621(a)(2).*

Parcel databases such as those maintained by USgeocoder, LLC; CoreLogic, Inc.; or Black Knight Services, Inc., *may* provide more accurate representations of population distribution and be useful for dividing a census block so as to lessen deviation of votes between districts. However, parcels are not people. Parcel data does not reveal the number of people residing on a parcel, and parcels often have no one residing on them. At best, if the land use code for the parcel is available, as it usually is in the USgeocoder data base, parcels could be identified as residential v commercial, and a census block could be split based upon apportioning the number of residential parcels. When a bedroom count is also available certain assumptions could be made as to the potential population of the parcels that, at least theoretically, could support decisions for where in the census block the split should occur. This could improve the parcel data set as a basis for splitting census blocks. The California legislature did not, however, permit using anything other than the decennial census as a basis for apportionment of population to districts through the re-districting process. As stated in *Reynolds v Sims* 377 US 533 (1964) at page 579, "people, not land or trees or pastures, vote." Hence, it is inappropriate to count parcels rather than people, no matter how fervent the effort to equalize the power of the vote among the population may be.

Answer to Question 4: For State Legislative Re-Districting, No Bright Line or De Minimis Rule exists. The test is whether the attempt to approach 0 deviation is honest and practicable given permissible state-specific policy considerations. But for Local Government Re-Districting, the Requirement for Equal Representation is More Stringent

In Reynolds v Sims 377 US 533 (1964), at page 562 the court said:

> … Especially since the right to exercise the franchise in a free and unimpaired manner is preservative of other basic civil and political

> rights, any alleged infringement of the right of citizens to vote must be carefully and meticulously scrutinized.
>
> At page 577 the *Reynolds* court continued:
>
> …the equal Protection Clause requires that a state make an honest and good faith effort to construct districts, in both houses of the legislature, as nearly of equal population as practicable."

The court reaffirmed this position in *Mahan v Howell* 410 US 315 (1973). At pages 323 – 327, the court found that a deviation of 1.8% from the ideal was not justified by a need for such absolute equality since the attempt resulted in dilution in voting power of Scott County to "almost nil" and Virginia Beach residents claimed they had been effectively disenfranchised. *Ibid* p 323 The court then went on to approve a plan with a total 16% deviation (i.e. +/- 8% from 0) on the basis that state plans for redistricting are not to be judged under the requirements of Article 2 §2 but under the Equal Protection Clause. It further stated that lower courts determinations as to what is considered adequate in any one case are not helpful in other cases since all cases are so fact-specific. It stated that 16% deviation presented in this case may be approaching a limit of tolerance but that the goal of not emasculating equal protection was met and the state's concern about equal representation of votes as presented through its government subdivisions (counties and independent cities) to the legislatures was a rational state concern.

In *Kirkpatrick v Preisler* 394 US 526 (1969) at page 530, the Supreme Court stated with regard to Legislative Apportionment,

> [We] reject Missouri's argument that there is a fixed numerical or percentage population variance small enough to be De Minimis and to satisfy without question the 'nearly as practicable standard'. The whole thrust of the 'as nearly as practicable' approach is inconsistent with the adoption of fixed numerical standards which excuse populations variances without regard to the circumstances of each particular case.

In *Brown et al v Thomson, Secretary of State of Wyoming*, et al, 462 U.S. 835 (1983) at page 842, the Supreme Court stated it has found that a deviation in legislative districts population of less than 10% are insufficient to make out a *prima facie* case of invidious discrimination under the Fourteenth Amendment.

In *Harris v Arizona Independent Redistricting Commission*, 136 C Ct. 1301 (2016) the Supreme Court held that a less than 10% overall deviation was not sufficient evidence in and of itself that the one man one vote rule had been

impermissibly violated resulting in slighting of Republican voting power. The defendants produced evidence that the reason for the variation was to satisfy its obligations under section 5 of the Voting Rights Act.

In *Avery v Midland County* (1968) 390 US 474 at pages 484-485, the Supreme Court announced, "the Constitution permits no substantial variation from equal population in drawing districts from units of local government having general government powers."

In *Hadley v Junior College District* 397 US 50 (1970) at pages 54-56, the US Supreme Court announced the one person one vote principal necessitates that each district within the local government of any kind that is run by elected officials "must be established on a basis that will insure, as far as practicable, that equal numbers of voters can vote for proportionally equal numbers of officials." Thus, the "as far as practicable" test for equality stands for apportionment of city wards.

In *Silver v. Reagan* (1967) 67 Cal.2d 452, at page 458, the California Supreme Court stated "deviations from equality cannot be presumed valid but must be justified by a specific showing that a permissible state policy is thereby promoted."

In *Calderon v City of Los Angeles* 4 Cal. 3d 251 supra at pages 269-271, the California Supreme Court adopted the "as far as practicable" test of the foregoing US Supreme Court cases.

The California Legislature has declared those state policies it wishes to promote during re-districting as per Election Code §§ 21601(c-d), 21621(c-e) and 21500(c-d).

Answer to Question 5: Election Code §§ 21500(c)1, 21601 (c)(1) and 21621(c)(1) define 'contiguous' for California election purposes.

There is nothing in the Federal Voting Rights Act, US Constitution, or the California Constitution that requires apportionment of local government districts to result in contiguous districts. An example of districts that are not contiguous, are the towns of Cohasset and Brookline in Norfolk County Massachusetts where the member district, Cohasset, is separated from the rest of Norfolk County by Plymouth County's member districts of Hingham and Hull Massachusetts. Likewise, the town of Brookline District is separated from the bulk of Norfolk by the Town of Newton, which is a Middlesex County District, and part of Boston which is Suffolk County. Election codes §§21500(c)(1) 21601(c)(1) and 21621(c)(1) state:

> To the extent practicable, [county in § 21500] city [§ 21610 and § 21621] council districts shall be geographically contiguous. Areas that meet only at the points of adjoining districts are not contiguous. Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous." To the extent an area of a city is isolated completely from the rest of a city or connected only at a corner to the rest of the city and it has a large enough population to be a district, the fact of its isolation cannot be remedied through reapportionment only to annex intermediate areas, so successfully adhering to this rule may be impracticable in such cases.

Answer to Question 6: Consideration of neighborhoods and communities of interest articulated in Election Code §§21500(c)(2), 21602(c)(2) and 21621(c)(2) may be limited by Supreme Court interpretation of the Voting Rights Act and by the wording of Election Codes §§21500(b), 21601(b) and 21621(b).

Only these election codes and the California Constitution at Article XXI section 2(d)(4) define a "community of interest". It is not the same as a neighborhood. It is a population that "shares common social or economic interests that should be included within a single district for purposes of effective and fair representation".

The codes states both neighborhoods and "communities of interest" shall be respected in a manner that minimizes their division.

> The Supremacy clause of the US Constitution states that laws passed by Congress supersede laws on the same subject matter passed by the states. Likewise, interpretation of those laws by the US Supreme Court supersedes interpretations by any other judicial body. In *Reynolds v Sims*, supra at page 557, quoting their previous decision in *Gray v. Sanders* 372 US 368, (1963) page 381:
>
> > Once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment. The concept of `we the people' under the Constitution visualizes no preferred class of voters but equality among those who meet the basic qualifications.

> The idea that every voter is equal to every other voter in his State, when he casts his ballot in favor of one of several competing candidates, underlies many of our decisions.
>
> Continuing, we stated that "there is no indication in the Constitution that homesite or occupation affords a permissible basis for distinguishing between qualified voters within the State." And, finally, we concluded: "The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one person, one vote."

Decided shortly after *Reynolds*, the Supreme Court wrote in *Davis v Mann* 377 US 673 (1964) at pages 691-692:

> We reject appellants' argument that the underrepresentation of Arlington, Fairfax, and Norfolk is constitutionally justifiable since it allegedly resulted in part from the fact that those areas contain large numbers of military and military-related personnel. Discrimination against a class of individuals, merely because of the nature of their employment, without more being shown, is constitutionally impermissible.

It is difficult so see how the military and military related personnel, together with their families in Arlington, Fairfax, and Norfolk could not be considered sharing the same economic and social ties sufficient to be considered a “community of interest” as it is defined in Elections Code §§ 21500(c)(2), 21601(c)(2) and 21621(c)(2) and in California Constitution Article XXI, Section 2(d)(4).

California Constitution Article XXI §2(d)(4) further defines a community of interest:

> 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.

The *Reynold*s and *Davis* courts expressly prohibit using characterization of land and its demographic description (e.g. urban, rural, industrial,

agricultural) employment (e.g. work opportunities, military personnel work where the military jobs and opportunities exist) and income (which is the most salient component of living standards) in ways that could dilute the one man one vote rule.

It is highly unlikely that access to means of transportation or media of communication would convince the Supreme Court to allow these to have any influence on apportioning district populations given these statements in *Reynolds v Sims* at page 580:

> Modern developments and improvements in transportation and communications make rather hollow, in the mid-1960's, most claims that deviations from population-based representation can validly be based solely on geographical considerations. Arguments for allowing such deviations in order to ensure effective representation for sparsely settled areas and to prevent legislative districts from becoming so large that the availability of access of citizens to their representatives is impaired are today, for the most part, unconvincing.

The *Reynolds* Court continued at pages 380:

> A consideration that appears to be of more substance in justifying some deviations from population-based representation in state legislatures is that of insuring some voice to political subdivisions, as political subdivisions.

And at page 581:

> But if, even as a result of a clearly rational state policy of according some legislative representation to political subdivisions, population is submerged as the controlling consideration in the apportionment of seats in the particular legislative body, then the right of all of the State's citizens to cast an effective and adequately weighted vote would be unconstitutionally impaired.

City wards and county supervisory districts are not governmental subdivisions of anything. Neither are governmental units that have power to tax or legislate; they are only geographies of convenience for assuring representation from all parts of a city or county occur on its governing body. Nor do they deliver any government services, have the power to enforce any law or deputize anyone to do so. A neighborhood is a geographic place within a city or county defined only by the local customs and tastes of its residents. It also is not a governing entity. Thus, the exception to prohibition of

consideration of apportionment on anything other than population is not available to rescue this stated purpose of the California Legislature if using these sections of the Election Code were to result in a deviation from equality of the vote amongst the city or county population. The extent to which adherence to these codes may improve administration of government without disturbing the equalization of the power of the vote amongst the population is certainly the limit of practicable application of these sections.

Given that the Supreme Court is the final word on what is and is not constitutional, it is difficult to see how re-districting based on any consideration of neighborhoods or communities of interest can pass federal judicial scrutiny. Elections Code §§ 21500(b), 21601(b) and 21621(b) all state that re-districting must adhere to the US Constitution and the State Constitution. Consideration of communities of interest only exists in article XXI which refers only to redistricting Congressional, Legislature, and Board of Equalization Districts. Thus, there is no California Constitutional requirement to consider neighborhoods or communities of interest when re-districting on the county or city level. There is, however, a US Constitutional Requirement to ignore these considerations if they cause a deviation in population equality among districts. Hence, the application of Elections Code §§ 21500(c)(2), 21601(c)(2) and 21621(c)(2) are limited by the constraints of Election Codes §§ 21500(b), 21601(b) and 21621(b).

The foregoing said, the Supreme Court has on multiple occasions stated considering the needs and concerns of communities of interest in apportioning districts is a traditional function of re-districting. See e.g. *League of United Latin American Citizens v. Perry* 548 U.S. 399 (2006) at pages 432-434 regarding reasons for why compactness is important. *Rucho v Common Cause* 139 S. Ct. 2484 (2019) at page 2500 listing "traditional" districting criteria. *Bethune-Hill v State Board of Elections* 137 S Ct 788 (2017) at page 795 noting "traditional redistricting factors such as compactness, contiguity of territory, and respect for communities of interest." Nowhere has the Supreme Court stated these traditional criteria are no longer valid. The foregoing discussion is just to state that these criteria cannot cause deviation from the one person one vote rule or violate the Voting Rights Act of 1965.

Answer to Question 7: The most important factor in determining whether a district is *compact* is whether nearby population(s) are bypassed in order to include more distant populations.

The hoary practice of political Gerrymandering is the process of mapping representational districts; such as Congressional, Legislative, County Council

and City Council Districts; so that populations most likely to vote for incumbents of the party in power are concentrated just enough to carry the district for the incumbent while the populations most likely to vote for the party out of power are scattered about in small enough fragments of districts to prevent them from ever having a majority vote in those districts. The Federal Voting Rights Act prevents Gerrymandering on the bases of race, ethnicity, and language only. The US Supreme Court, in *Rucho v Common Cause* 139 S. Ct 2484 (2019) stated that the courts have no jurisdiction that would allow them to rein in political gerrymandering.

One can readily find examples of political Gerrymandering in most states. The most obvious sign of Gerrymandering on a map is districts that wrap around or protrude into other districts. Another easy sign is when a district looks like a bent barbell, a snake digesting a meal, a Packman eating its neighbor, or an octopus-like creature holding one or more fish.

To see examples, go to USgeocoder.com and enter an address in almost any state that does not have a redistricting commission. When the map comes up:

Click on the Map Layer & Legend.

Unclick transportation network and landmarks

Click on the 117th Congressional Dist, State Upper House 2020, or State Lower House 2020.

Zoom out so you can see the borders of districts, then move around in the map.

It will quickly become apparent that the most important tool in gerrymandering is being able to bypass nearby areas of population not wanted in the district so as to include areas that are wanted in the district. Elections Codes §§ 21500(c)(5), 21601(c)(4) and 20621(c)(4) explicitly restrict bypassing nearby populations so as to include distant populations.

The second most important tool is the ability to stretch, bulge, and bend districts. This also allows the Gerrymandering politician to concentrate the bulk of his district in the areas that will vote for his party while avoiding areas that vote against his party. Simple visual scanning of the district maps in USgeocoder can reveal such behavior.

Also, the more equidistant from a center the borders of a district are, the more compact it is. The more a district bends, bulges, and stretches, the less equidistant from the center its borders become. In technical speak, the higher

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Tel: (888) 938-6732
Fax: (408) 889-2669
www.usgeocoder.com

the "Reock score", the more compact the district. DRA 2020 contains calculation of the Reock score for districts mapped by the program.

Answer to Question 8: Look for evidence of packing and cracking on the basis of previous election voting and registration patterns as well as income/persons per household. Also look for the total population of rural voters versus urban voters in county districts.

Nothing tells you more about how people in a geography will vote than how those in the geography voted in the last election. The next best data is how people are registered to vote.

DRA 2020 a.k.a. Dave's Redistricting is a web-based re-districting platform designed for use by people who do not have degrees in either math, geography, computer science, or political science to create re-districting maps. It is well designed and well stocked with American Community Survey (ACS) demographic and voter registration by, depending on the dataset, Census block or block group. The ACS 2019 file provides the most recent Census data on income and household makeup down to the census block group level.

It is no secret that those who receive public assistance tend to vote Democrat and those who pay high taxes tend to vote Republican. The ACS 2019 data at DRA 2020 will assist you in determining where each of those groups of people live throughout the US.

At the county and larger level, it's also no secret that rural areas generally vote Republican while urban areas tend to vote Democrat. To see the urban versus rural distribution of geographies within districts visually, go to USgeocoder.com and:

Enter an address

When the map comes up, click on map layer and legend

Unclick landmarks and transportation

Click on the + at Political Districts

Click on the district you want to study, such as county

Click Urban Area. Urban areas turn dark grey

You can overlap the borders of Census Tracts to see how Rural and Urban match up on a more granular level.

Use DRA 2020 to build your proposed re-districting maps.

Utilize their analytic tools to check for compactness and partisan lean.

Also, check to see if you've fragmented one party over multiple districts in such a way that members of that party never get above 45% of the population

Then check to see if the other party has maximized the number of districts it can be in with over 50% of the vote.

If you notice that by slightly moving the lines for districts you can change partisan lean, then, you are well on your way to becoming successful at political gerrymandering!

To get even better at it, try splitting as many fairly compact clusters of voters in the opposition party between districts while pulling clusters of voters who vote for your party into districts. Soon, you'll see you can change the competitiveness of a district with ease!

However, if you want competitive elections and to comply with the California FAIRMAPS Act, you'll need to avoid splitting populations of the voters who vote for the opposing party between adjacent districts that have large populations of your preferred voters. You also must avoid packing voters for the opposing party into supermajorities where they could just be majorities.

Timeframe for Redistricting California Cities:

Redistricting must be completed no sooner than August 01, 2021 and no later than 174 days before the next election for those cities that hold their elections for city council on the day of the statewide primary. (*CA Elections Code §* 2160(a)(2). Since the next election is June 07, 2021, re-districting must be completed by December 15, 2021. For those cities that hold their elections with the November 02, 2022 general election re-districting must be completed no later than 204 days prior to November 02, 2022. (*Election Code §§ 21602* (a)(3) & 21602(a)(3) That date is April 11, 2022.

Four public meetings must be held of which one must be before the City Council proposes a draft or model map. Periods of public comment can be for a time the City Council sets. The length of time between public meetings can be prescribed by the City Council. (*Elections Code § 21607.1*)

Drafts of maps can be based upon estimates of what the census of voters will be in the official US Census results. (*Election Code § 21608(d)(2)*) DRA 2020 has loaded American Community Survey 2019 demography files which can be used for this purpose.

Using those files, cities and counties can determine if their populations have shifted enough to require re-districting. Thus, in order to get their re-

districting done on time, cities with a December 15, 2021 deadline can get a jump on the process prior to the Census files being released by using ACS data and by scheduling their meetings with just slightly more time than is stated in the requirements of notice.

Timeframe for Re-Districting California Counties

California counties also must have their re-districting done 205 days prior to the November 02, 2022 election (*Election Code § 21501(a)(2).* However, counties have to hold their four meetings on redistricting at least 30 days apart. The legislature has authorized using the 2010 data by amending Election Code 21500(a)(1), 21601(a)(1) Because that will result in re-districting with obsolete data, the resulting re-districting will not be in compliance with the rule of one man one vote. Counties will be subject to liability that can only be avoided by re-districting again in 2022 using population data from the 2020 Census. Careful adherence to the shortest allowed notice periods and starting with pre-census data may be necessary to avoid these liabilities.

About USgeocoder

USgeocoder LLC specializes in matching people and addresses to political jurisdictions while protecting their privacy. USgeocoder APIs power government relations management and advocacy systems, sales tax management solutions, construction permit management, mortgage origination, real estate transactions, business asset management, employee management, student record management, and state agency services delivery throughout the United States. USgeocoder's API is the location engine for DownPaymentResource.com an application that matches down payment assistance programs to every home in the US. To see the information available within USgeocoder's API enter an street address and zip code in the Live Demo on the USGeocoder home page. Once the map shows up, click on the + in the upper left hand corner, then scroll down.

From the DRA 2020 website

Dave's Redistricting is a team of volunteers with a shared passion for technology and democracy. Our mission is to empower civic organizations and citizen activists to advocate for fair congressional and legislative districts and increased transparency in the redistricting process.

DRA 2020 is a free web app to create, view, analyze, and share redistricting maps for all 50 states and the District of Columbia. DRA 2020

includes demographic data from the 2010 census and 2018 5-Year ACS estimates and extensive election data. Official congressional and legislative district maps are included and can be used to start new maps, or you can create maps from scratch. A comprehensive feature set makes it easy to create and modify maps while keeping them within the accepted parameters. DRA 2020 also includes a rich set of analytics, including measures of proportionality, competitiveness, minority representation, compactness and splitting.

About the Author

Dr. Mitchell Pearce is a co-founder and CEO of USgeocoder LLC. He directed the development and query structures for USgeocoder's database and API's. Prior to founding USgeocoder, Dr. Pearce spent 35 years practicing and teaching chiropractic and acupuncture. In 1981 through 1983, he convinced Kaiser Permanente and Northern California hospitals to open their diagnostic facilities to chiropractic patients. Dr. Pearce has been an advocate in multiple positions and organizations for acupuncture and chiropractic throughout much of his career. As a Realtor, Dr. Pearce also spent 2 years representing endangered species for the Santa Clara Valley Habitat Authority.