

What You Need To Know Before, During, and Following Census

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League of CA Cities
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The Census is our picture of who we are



Representation

- Congress
- State legislature
- County comm'n
- City council
- School board

Funding

- \$115B federal funds to CA per year
- State

Information

- Polls / surveys
- Business location
- Economic trends

Controversy has people scared

The screenshot shows the top portion of the 2010 Census form. It includes instructions for users, a 'Start here' section, and questions 1 through 10. Question 1 asks for the number of people living in the household. Question 2 asks for the names of all additional people staying in the household. Question 3 asks if the person is a resident of the household. Question 4 asks for the person's telephone number. Question 5 asks for the person's name. Question 6 asks for the person's sex. Question 7 asks for the person's age and date of birth. Question 8 asks for the person's Hispanic or Spanish origin. Question 9 asks for the person's race. Question 10 asks if the person is a U.S. citizen or a permanent resident alien.

- Phone number
- Own/rent home
- Name
- Sex
- Date of birth
- Hispanic origin
- Race

Citizenship



Loyola Law School
Loyola Marymount University
Los Angeles

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- Phone number
- Own/rent home
- Name
- Sex
- Date of birth
- Hispanic origin
- Race

Citizenship

6-8% nationally,
10-14% in California



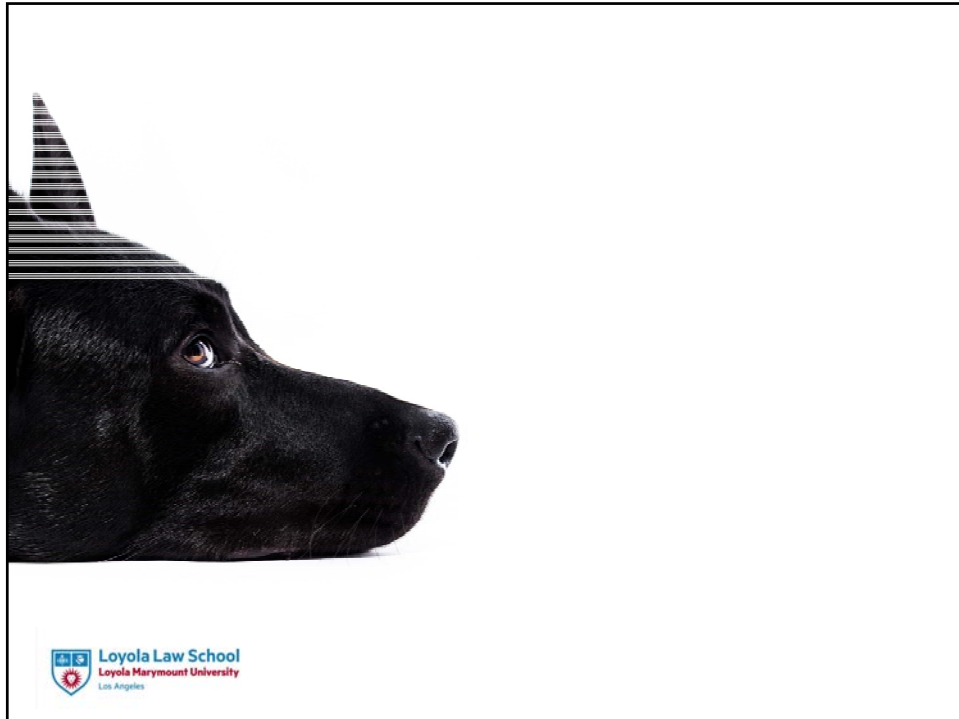
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Los Angeles



California invests heavily in outreach

\$187.2 million





Redistricting follows the census

1990 Census
1991 Redistricting

2000 Census
2001 Redistricting

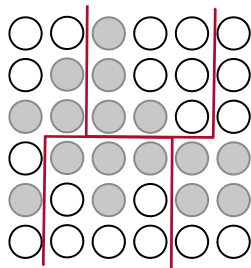
2010 Census
2011 Redistricting

2020 Census
2021 Redistricting

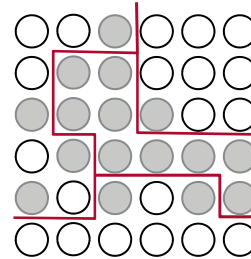
Race and ethnicity (federal rules)

Rule One

Don't set out to hurt voters based on their race or ethnicity



“Cracking”



“Packing”

- No matter if lines are “pretty”
- No matter the ultimate motive

Rule Two

Comply with the Voting Rights Act

Under certain conditions, jurisdictions may have the federal responsibility to ensure equitable electoral opportunity based on race or language minority status.



Voting Rights Act predicate

- Are there sizable, relatively concentrated minority communities?
- Do the minority communities have distinct electoral preferences?
- Did (or do) underrepresented minorities face discrimination?
- Can we design an electoral system to give minorities a fair shot?



Rule Three

Consider other factors at the same time

Race can only “predominate” in placing voters within or without a district if there’s a really good reason



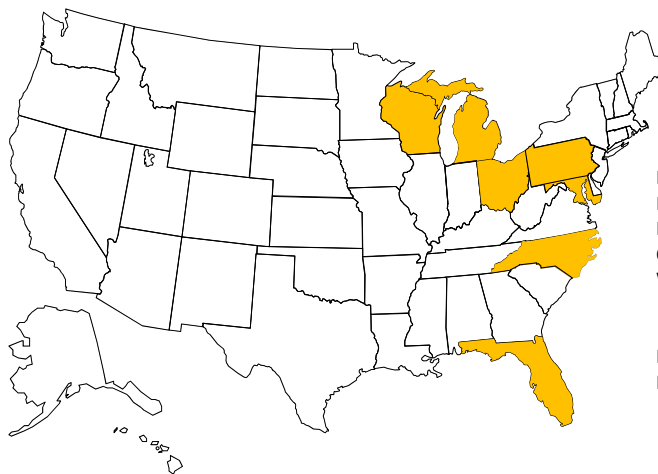
Partisanship (federal rules)

Partisan gerrymandering in the U.S. Supreme Court

2004 “An excessive injection of politics” is unlawful



Litigation based on partisanship



Rucho v. Common Cause
(U.S. Supreme Court, 2019)



(in the federal courts)

But ... AB849 creates a rule
under state law, for the state courts

“The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.”



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CVRA predicates

- ~~Are there sizable, relatively concentrated minority communities?~~
- Do the minority communities have distinct electoral preferences?
- Is the ability of minorities to elect or influence the outcome of an election impaired?

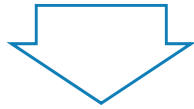
- Can we design an electoral system to give minorities a fair(er) shot?

No CVRA liability for districts

“An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class”

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Many at-large jurisdictions moving to districts

There are alternatives

5 city council seats

- At-large plurality Each voter gets 5 votes to use on 5 candidates
- Districts Each voter gets 1 vote to use on 1 candidate

- Limited voting Each voter gets 1, 2, 3, or 4 votes
- Cumulative voting Each voter gets 5 votes, use 'em how you want
- Ranked-choice voting Each voter gets 1 vote, ranking all candidates

Considering the alternatives

- Size and growth rate of the minority community
- Dispersion or concentration of the minority community
- Relative rate of turnout (and likely persistence of those rates)
- Political organization of minority community
- Nature and cost of campaigning in the jurisdiction
- Capacity of the voting system to accommodate the change

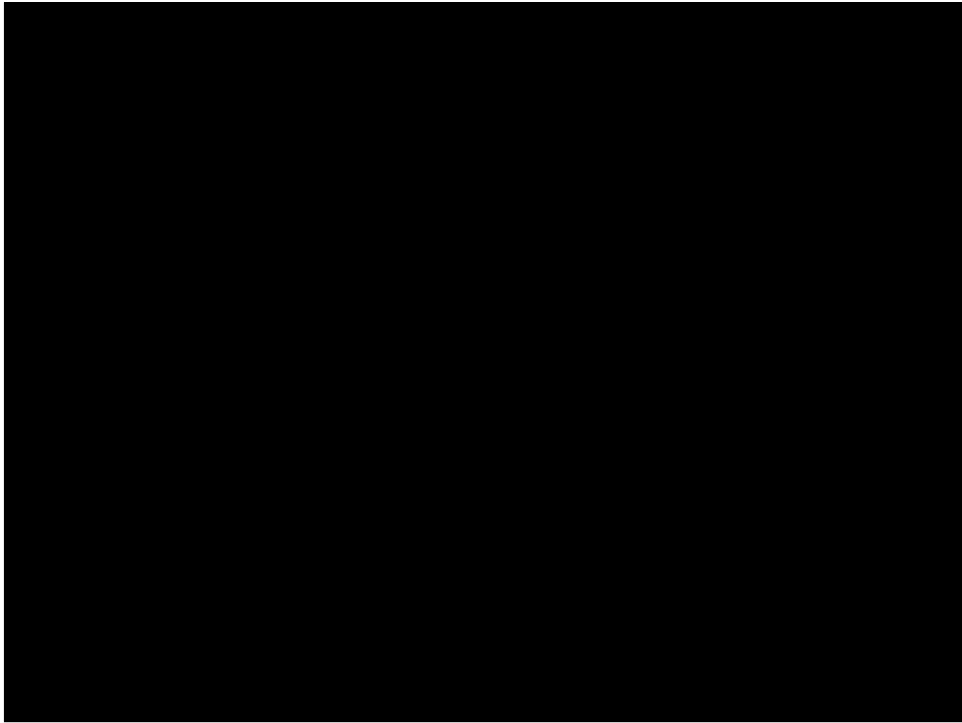
- Campaign incentives of the various systems

- Legal context for making the change



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Federal Voting Rights Act predicate – detail 1

Are there sizable, relatively concentrated minority communities?

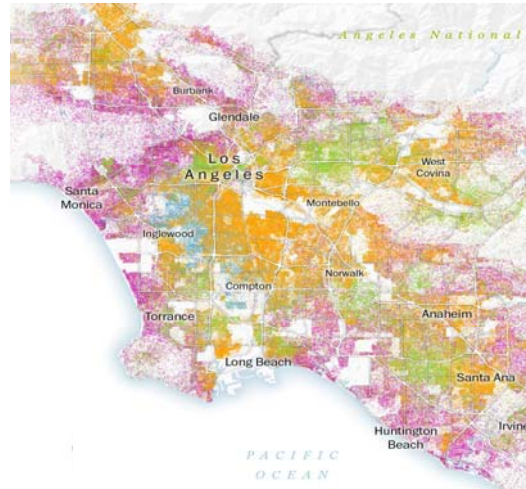
- > 50% of the electorate in a district-sized population

Federal Voting Rights Act predicate – detail 1

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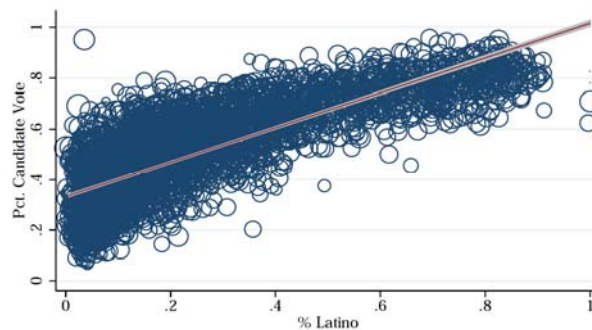
Los Angeles, 2016

NH White
Black
Hispanic
Asian



Federal Voting Rights Act predicate – detail 2

Do the minority communities have distinct electoral preferences?



Federal Voting Rights Act predicate – detail 3

Did (or do) underrepresented minorities face discrimination?

- rough overall proportionality in the jurisdiction
- history of voting-related discrimination
- extent of racially polarized voting
- extent of discriminatory voting practices or procedures
- exclusion of minorities from candidate slating
- extent to which minorities 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
- extent to which minorities have been elected
- extent to which elected officials are unresponsive to the particularized needs of minorities
- etc.