

Districting the City of Oakley



Karin Mac Donald
Q2 Data & Research, LLC
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The California Voting Rights Act

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- The 2001 California Voting Rights Act (CVRA) expands on the Federal Voting Rights Act by making it easier for members of a protected class to prove that at-large elections ‘dilute’ their voting strength.
- Many jurisdictions including Cities and Special Districts throughout California have transitioned from ‘at-large’ to ‘by-district’ elections prompted by the CVRA
- Other jurisdictions have decided on their own to transition to ‘by-district’ elections.

The Process

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- The CVRA has strict timelines and requirements for hearings
- There are 5 hearings that must take place
- 2 hearings must be held prior to creating a draft map
- Draft map(s) must be posted for feedback
- At the fifth hearing, the Council can adopt the new district boundaries
- The process the City of Oakley is entering into is called 'districting'

Criteria and Laws

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- U.S. Constitution
 - Population Equality
- Federal Law
 - Voting Rights Act
- California Elections Code
 - Process and Criteria

Criteria for mapping:

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- There are 5 Criteria used for drawing districts
- Equal population
- Compliance with the Federal Voting Rights Act (FVRA)
- Contiguity
- Compactness
- Respect for Communities of Interest

- Also: disregard Incumbents, Candidates and Political Parties

Criterion 1: Equal Population

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- The US Constitution requires districts to have reasonably equal populations, e.g., “one person, one vote”
- 14th Amendment (Equal Protection)
 - Prohibits intentional discrimination because it is a violation of equal protection (the jurisdiction is treating residents differently because of race, and thus not according them equal protection under the law).
- 15th Amendment
 - Bans racial discrimination in voting

Ideal Population Per District

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To Compute the ideal population for each type of district:

$$\text{Total population} \div \# \text{ of districts} = \text{Ideal POP}$$

Oakley total Population from 2020 Census: 43,357

Ideal population for Oakley City Council Districts?

$$43,357 \div 5 = 8,671 \text{ people per/district}$$

How Equal Is Equal?

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- Different standards for different jurisdictions
 - Congressional Districts held to ‘strict scrutiny’
 - Lower level districts have more flexibility
- Districts must be reasonably equal
 - Some deviation above and/or below the ideal population is allowed
 - Generally up to $\pm 5\%$ is used in FVRA compliance

Criterion 2: Federal Voting Rights Act (FVRA), Section 2

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- Prohibits the denial or abridgement of voting rights on the basis of *race or language minority status*. (42 USC § 1973)
 - FVRA defines “language minority” as Asian, Native American, Alaskan Native or Spanish heritage. Does not apply to other language groups.
- Prohibits practices that have the purpose or effect of discriminating on the basis of race or language minority status.
- Applies nationwide, to ALL jurisdictions that conduct elections.

FVRA and districting: Vote Dilution

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- Electoral systems can limit the “ability to elect a candidate of choice” by a protected class of voters in various ways:
 - Example: at-large election systems can make it impossible for even a large minority group to elect a candidate of choice, when the majority votes against them.
 - Example: single-member districts can be drawn in ways that minimize voters’ ability to elect a candidate of choice.
- Systems that limit ability to elect in this way are said to “dilute” minority voting strength.

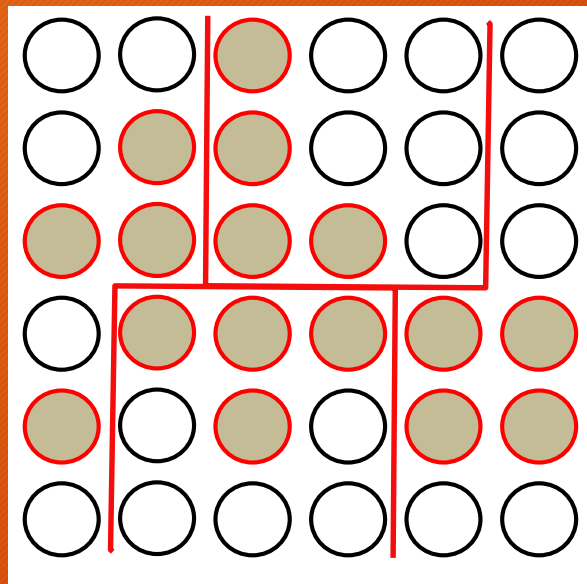
FVRA Section 2: Methods of Vote Dilution

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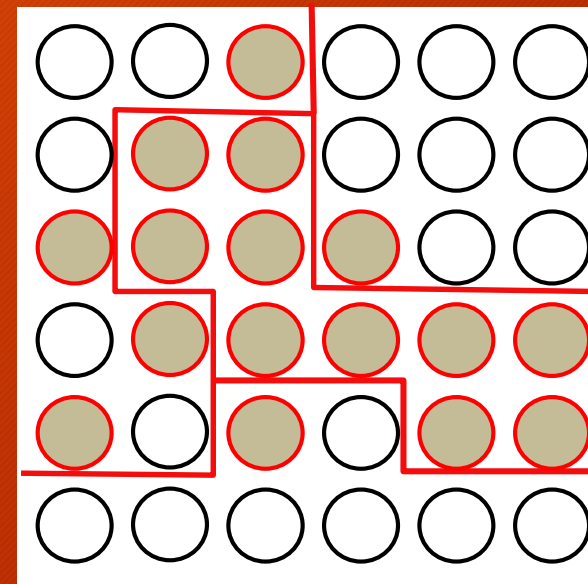
- A districting plan can dilute minority voting strength through two main ways:
- “Cracking”
 - Dividing up a politically viable population concentration so it doesn’t constitute a majority in any district.
- “Packing”
 - Drawing high proportion minority population into one district when it could be politically viable in more than one district

FVRA Section 2: Methods of Vote Dilution

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“Cracking”



“Packing”

Race and Districting

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- Supreme Court opinions have limited the role that race can play in districting
- Race cannot be the predominant criterion in line drawing
- Race should not subjugate “traditional districting principles” (Compactness, Contiguity, Communities of Interest)
- District appearance has been important in some cases.

Criterion 3: Contiguity

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- Contiguity: A district in which all parts must be adjacent to another part

in other words...

- A district in which one may travel from any location to any other location without crossing the district boundary
- California law specifies that areas that meet only at the points of adjoining corners are not contiguous
- and that:
- Areas that are separated by water and not connected by a bridge, tunnel, or regular ferry service are not contiguous.

Criterion 4: Compactness

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- Addresses the geography of the district
- Many different ways to measure
- Assumed to “guard against all types of gerrymandering” “drastic departures from compactness are a signal that something may be amiss”
 - (Karcher v Daggett)
- Most common complaints come from appearances:
 - Does a district look funny?
- “eyeball approach” “appearances do matter”
 - (Shaw v Reno)

Criterion 5: Communities of Interest (COIs)

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- Council districts shall respect Communities of Interest as much as practicable.
- Communities of interest generally refers to a contiguous population which shares common social and economic interests
- Communities of Interest are not districts: they can be used as building blocks for districts
- There are no datasets available to define Communities of Interest (COIs)

Who Defines Communities of Interest? You DO!

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- Law does not limit the kinds of interests that may bind a community.
- It is up to those who live in or work with communities to identify and establish the interests that unite it.
- Interests need not be limited to current situation, but can also include common goals.
 - Interests can not include affiliation with political party or candidate
- Communities of Interest vary in size: mostly much smaller than districts.
- The City will need your input to define Communities of Interest in Oakley!

Common Interest Examples:

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- Economic interests:
 - Current situation -- common employment or economic opportunities (or lack thereof).
 - Goals -- expanding opportunities, development, bringing in businesses and jobs, etc.
- Social interests:
 - Current -- schools, culture, transportation, parks
 - Goals -- improving recreational opportunities or public safety, preserving historic resources, etc.
- Neighborhoods are often thought of as Communities of Interest

How to document your COI

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Please answer the following questions:

- What bonds your community?
 - Outline what defines the COI:
 - What is your mission or commonality?
 - Explain what is different outside of the boundaries of your Community of Interest
- Where is your community located in the City?
 - Create a map of the boundaries (use Google maps, GIS/mapping program, paper, etc.)
 - Write down the boundaries
 - Residents will also receive instructions on how to use the State's Community of Interest tool to map their COIs and submit them to the City.

Components of a Districting

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California Law outlines the process:

1. Website
2. 5 Hearings
3. Draft plan development
4. Posting requirements
5. Public Access (incl. Translations and Interpretation)
6. Public Input

Hearings/Meetings in more detail

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- 5 Required Hearings, 2 Hearings must proceed the Draft map development
 - Oakley decided to hold an additional hearing, totaling 6
- Hearing 1: Consultant provides overview of the process and criteria; collect Communities of Interest and Public Comments
- Hearing 2: Council begins to give direction for Draft Maps; Collect Communities of Interest
 - After Hearing 2: Consultant works on various map options

Hearings/Meetings in more detail

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- Hearing 3: Consultant presents visualizations; live map drawing during the hearing with input from the public
 - After Hearing 3: Consultant works on various map options and posts draft(s) online for comment
- Hearing 4: Feedback on the Draft Map(s), live adjustments and input can be made during hearing
- Hearing 5: Feedback on the Final Map, Reading of Ordinance
- Hearing 6: Vote on Finalized Map and Adoption of Ordinance

When and where are the meetings?

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- August 31, 2021 at 6:30pm – Oakley City Council Chambers
- September 28, 2021 at 7pm – Oakley City Council Chambers
- October 5, 2021 at 6:30pm – Virtual Meeting
- October 12 – Draft Map(s) Posted Online for Comment
- October 26, 2021 at 7pm – Oakley City Council Chambers
- November 9, 2021 at 7pm – Oakley City Council Chambers
- December 14, 2021 at 7pm – Oakley City Council Chambers

Why should you participate?

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- To make sure we know about your Community of Interest.
- To give your community a voice and make sure it has equal access to the political process.
- To encourage citizens to register, vote, and remain politically engaged.
- To help shape a districting plan that provides communities a meaningful opportunity to elect candidates who represent their interests on issues that are important to their lives.

How to Get Involved

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To participate in the process: testify, submit written testimony, send supporting information to the City

Please provide information about your Community of Interest, or other topics the City needs to know about as soon as possible.

- Submit information at a hearing, by mail, or drop off at: Oakley City Hall, 3231 Main Street, Oakley CA, 94561
- Via email: districting@ci.oakley.ca.us
- Via Phone: 925-625-7013
- Get information online: <https://www.ci.oakley.ca.us/districting/>

THANK YOU FOR PARTICIPATING!!!

Thank you!

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Questions?