

Districting Oroville: The Process and How to participate



January 2020

Introduction and Background

- 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.
- Cities throughout California have transitioned from ‘at-large’ to ‘by-district’ elections due to the CVRA
- In November 2019, the Oroville City Council received a ‘demand letter’ asserting a violation under the CVRA
- In December 2019, the City Council adopted a resolution of intent to move from at-large to by-district elections

Timeline and Constraints

- The CVRA has strict timelines and requirements for hearings
- The entire process must be completed in 90 days
- There are 5 hearings that must take place
- 2 hearings must be held prior to creating a draft map
- At the fifth hearing, the Council can adopt the council district boundaries

- The process the City is entering into is called 'districting'

What is Districting?

- In a district-based electoral system, representatives are elected from districts, by the voters that live in each district.
- Districting is the process of drawing the boundaries that divide the City's population into districts.
- The City has implemented a transparent public process to draw districts and enable residents to participate
- If passed by the City Council, these districts will go into effect with the November 2020 election.

How will this process work?

- **2 City Council Hearings to gather input:**
 - On January 21 and February 4 the Council will ask for input from the residents of Oroville to help shape the districts
- **This input will be used to inform the Draft maps**
- **Release Draft Maps**
 - On February 18, the Draft Plans will be available for comment online and elsewhere
- **2 City Council Hearings to gather feedback**
 - 2 more Council hearings on March 3 and March 17 will gather feedback; Additional adjustments may be made.
- The ordinance will be read and the districting will be finalized with a vote on the ordinance.
- **Collect data through Community Input:**
 - at hearings, through mailed and emailed submissions

Where & when are the hearings?

Hearings are held at City Hall on the following dates:

- Tuesday, January 21, 2020 at 5:30 pm
- Tuesday, February 4, 2020 at 5:30 pm
- Tuesday, March 3, 2020 at 5:30 pm
- Tuesday, March 17, 2020 at 5:30 pm
- A 5th hearing date will be announced soon

What are the mapping criteria?

- 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

Criteria 1 & 2 – Equal Population; The Federal Voting Rights Act

- 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

What is the Ideal Population per district?

- Compute the ideal population for each type of district:
- Total population \div # of districts = Ideal POP
- Oroville total Population from 2010 Census: 18,725
- Ideal population for Oroville City Council Districts?
 - $18,725 \div 6$ districts = $\sim 3,121$

How equal is equal?

- 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
 - Ideal population $3,121 \pm 156$ people

Federal Voting Rights Act (FVRA), Section 2

- 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

- 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.

Section 2 and Districting: Methods of Vote Dilution

- 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

Race and Districting

- 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: Compactness

- 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 4: Contiguity

- A geographic Criterion
- Definition: A contiguous district is one in which all parts are connected to each other
in other words:
- A district in which one may travel from any location to any other location without crossing the district boundary

Criterion 5: Communities of Interest

- 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 a Community of Interest?

You do!

- 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.
- Communities of Interest vary in size: mostly much smaller than districts.
- The City will need your input to define Communities of Interest in Oroville!

Common Interests, Examples

- 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 a Community of Interest

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.) or
 - Write down the boundaries

Why should you participate?

- 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 – How to learn more

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. The final deadline for comments to be considered for the Draft maps is February 14, 2020. You can continue to provide feedback thereafter.

- Submit information at a hearing, by mail, or drop off at the City Clerk's office at City Hall
- Via email: districting@CityofOroville.org
- Get information online here:
<http://www.cityoforoville.org/districting>

THANK YOU FOR PARTICIPATING!!!