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**Loyola Marymount University**  
Los Angeles

# **Los Angeles redistricting**

**Prof. Justin Levitt**  
**March 10, 2021**

# This is not your lawyer



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# History matters

**Garza v. County of Los Angeles, 918 F. 2d 763 (9th Cir. 1990)**

- 1959 Intentional discrimination against Latino community
- 1965 Intentional discrimination against Latino community
- 1971 Intentional discrimination against Latino community
- 1981 Intentional discrimination against Latino community
- 1990 Intentional discrimination against Latino community
- 2001 Redistricting under supervision of US DOJ
- 2010 Redistricting plan approved over objections, 4<sup>th</sup> vote provided to expedite federal court action



# History matters

**Garza v. County of Los Angeles, 918 F. 2d 763 (9th Cir. 1990)**

- For decades, the County “intentionally fragmented the Hispanic population among the various districts in order to dilute the effect of the Hispanic vote in future elections and preserve incumbencies of the Anglo members of the Board of Supervisors.”
- “When the dust has settled and local passions have cooled, this case will be remembered for its lucid demonstration that elected officials engaged in the single-minded pursuit of incumbency can run roughshod over the rights of protected minorities. . . . The record is littered with telltale signs that reapportionments going back at least as far as 1959 were motivated, to no small degree, by the desire to assure that no supervisorial district would include too much of the burgeoning Hispanic population.”



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# SB 958

# LOS ANGELES COUNTY REDISTRICTING 2021



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# Where to draw the lines?

**U.S. Constitution, 52 U.S.C. § 10301, Cal. Election Code § 21534**

- Equal population
- Race and ethnicity
- Contiguity
- Cities, neighborhoods, and communities
- Compactness
- Partisan favoritism



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# Equal representation

District population must be “reasonably equal” (< 10% difference, ish)

	Population	Deviation
District 1	1,010	+ 1.0 %
District 2	1,035	+ 3.5 %
District 3	980	- 2.0 %
District 4	<b>940</b>	<b>- 6.0 %</b>
District 5	1,005	+ 0.5 %
District 6	990	- 1.0 %
District 7	965	- 3.5 %
District 8	1,020	+ 2.0 %
District 9	<b>1,050</b>	<b>+ 5.0 %</b>
District 10	1,005	+ 0.5 %

*Total population* 10,000

*Average* 1,000

**Total deviation 11.0%**





# Equal representation: total population

Districts based on total population as reported by the Census

The logo for the 2020 United States Census is centered on a dark blue rectangular background. It features the words "United States" in a white, sans-serif font at the top, followed by a registered trademark symbol (®). Below this, the word "Census" is written in a very large, bold, white, sans-serif font. At the bottom, the year "2020" is also written in a large, bold, white, sans-serif font.

United States<sup>®</sup>  
Census  
2020



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# Equal representation: incarceration



LA County State Prison:  
Lancaster non-prison:

37% Black, 39% Hispanic, 18% Anglo  
18% Black, 34% Hispanic, 40% Anglo

Data adjusted by the Statewide Database

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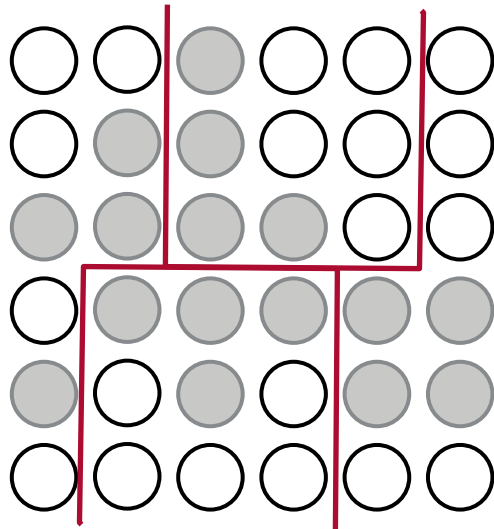
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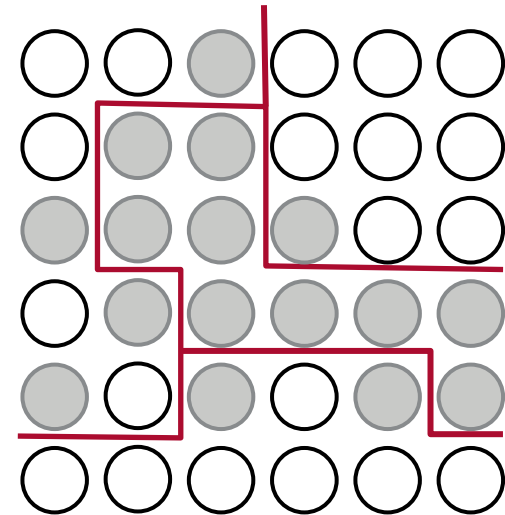
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# Rule One

**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

- 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 districts to give minorities a fair shot?



# Voting Rights Act predicate

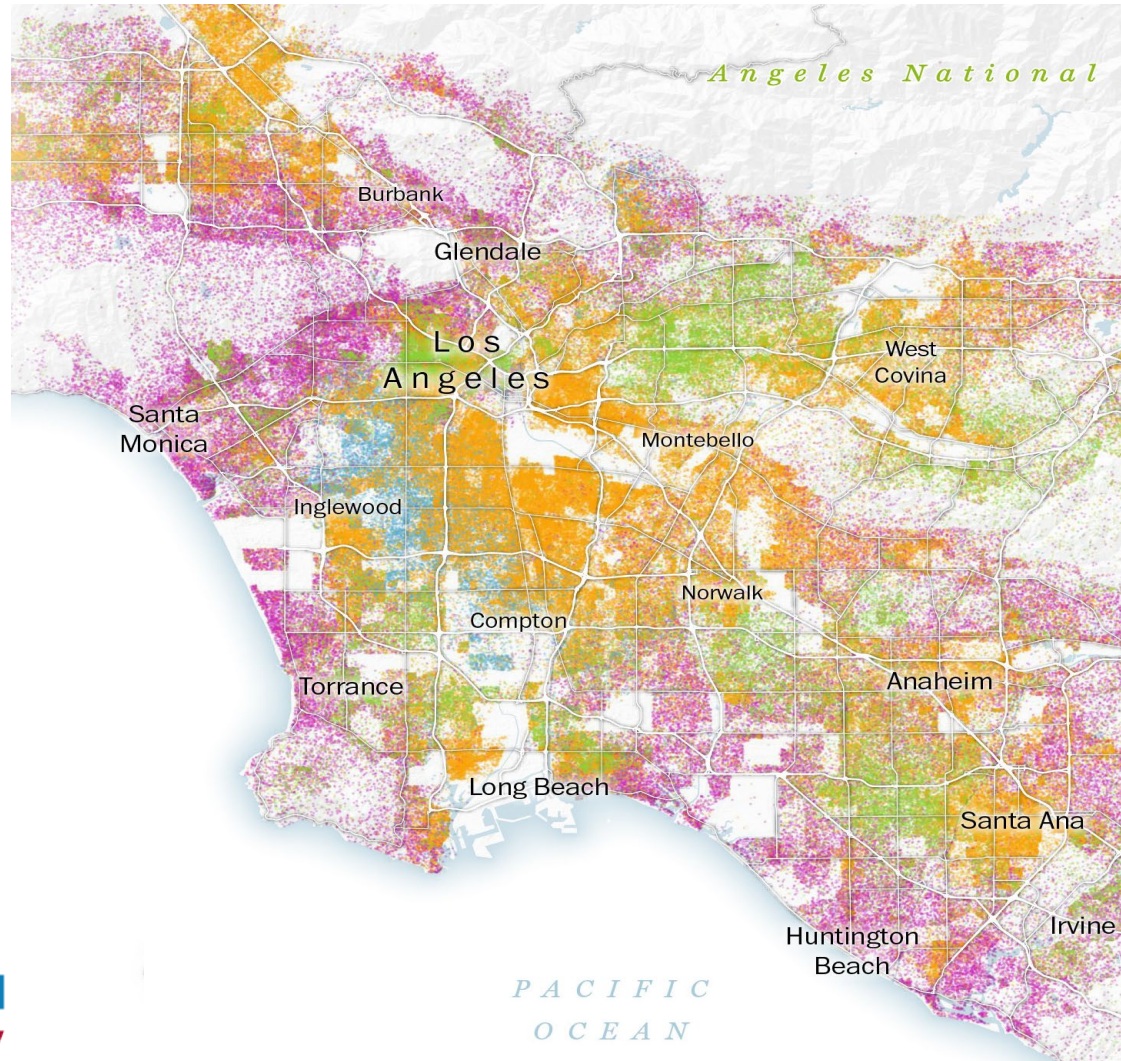
Are there sizable, relatively concentrated minority communities?

- > 50% of the electorate in a district-sized population  
(CVAP) (total population)



# Voting Rights Act predicate

Are there sizable, relatively concentrated minority communities?



Los Angeles, 2016

NH White  
Black  
Hispanic  
Asian

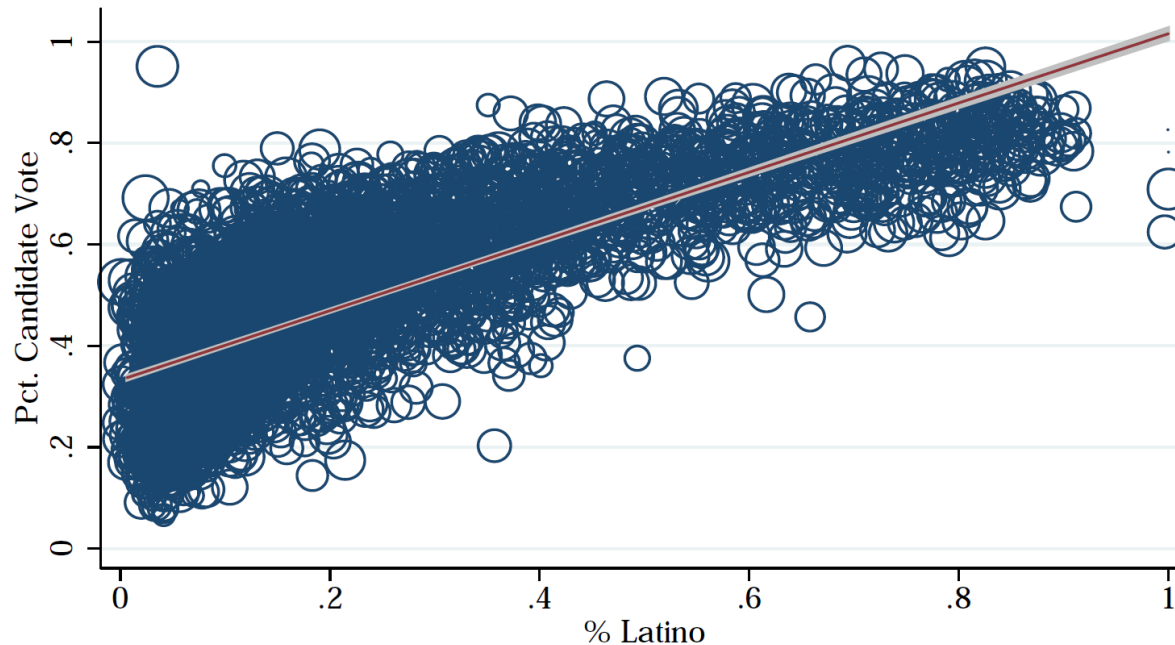


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# Voting Rights Act predicate

Do the minority communities have distinct electoral preferences?

(Is voting racially polarized?)





# Voting Rights Act predicate

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.



# Voting Rights Act responsibility

Can we design districts to give minorities a fair shot?

Iterative process

- Determine approximate localized threshold for electoral effectiveness (not just 50% demographic)
- Seek pockets of population containing communities with effective electoral strength
- Consider other criteria at the same time
- Repeat



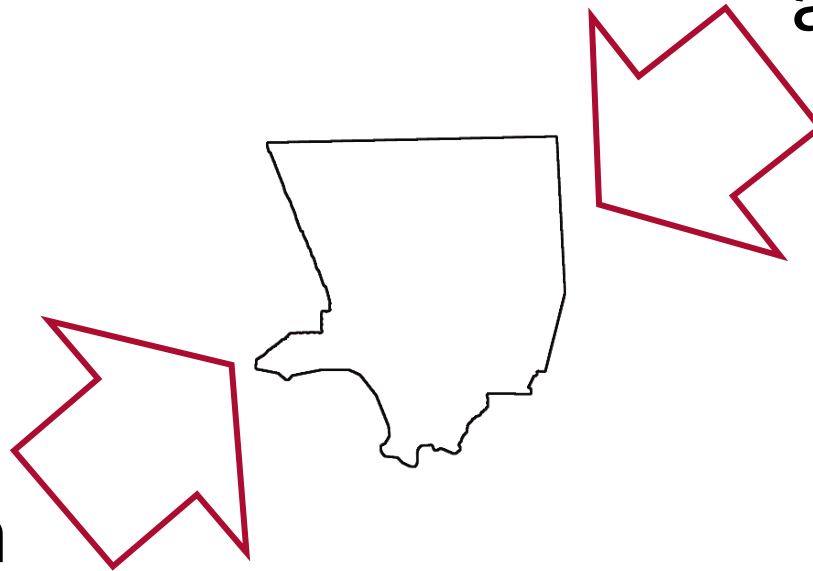
# Rule Three

**Consider other factors at the same time**

Race can only “predominate” if there’s a really good reason



Allegation of  
insufficient  
attention to race



Allegation  
of improper  
use of race



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# Avoiding insufficient attention to race

- Are local minority groups large enough to be > 50% “CVAP” (separately or together)
- Do local minority groups have distinct political preferences (separately or together, primaries or general elections)
- Is there a history of discrimination with lingering effects?
- Do minority groups have a meaningful opportunity in a proportional number of districts?
- What would it take for the local minority groups to have meaningful opportunities to elect candidates of their choice?



# Avoiding the improper use of race

- It's fine to consider race and ethnicity
- Don't set out to overpack
- Don't set out to divide / splinter
- Consider factors in addition to race / ethnicity (and explain those other factors)
  - Communities of interest
  - City / county / neighborhood boundaries
  - Compactness (based on population)



# California Voting Rights Act

Only applies to jurisdictions with at-large elections,  
not where all candidates are elected from single-  
member districts



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# Contiguity

All parts of a district must be connected to each other



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# Contiguity

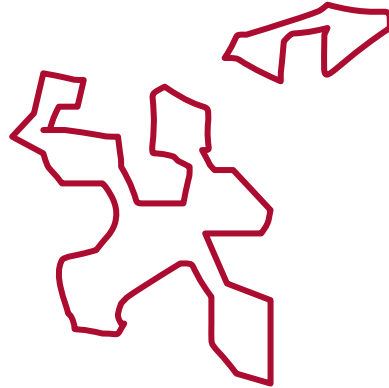
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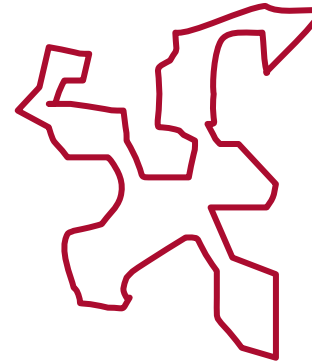
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# Contiguity

All parts of a district must be connected to each other



No



Yes



# Contiguity

Islands usually connected by bridges/tunnels/ferries ...



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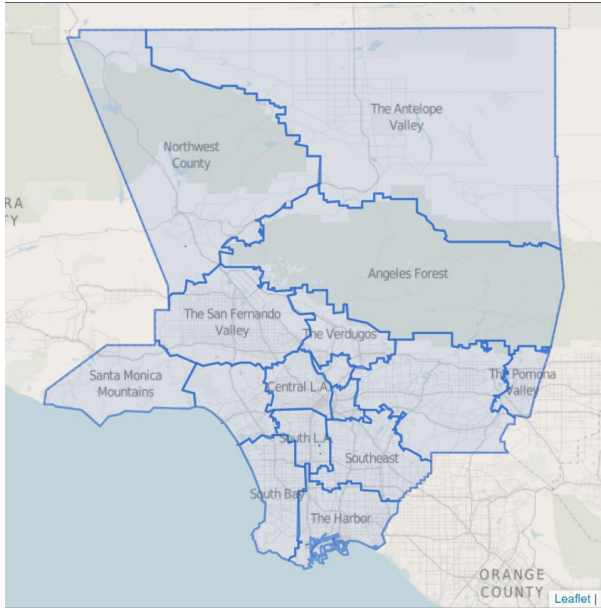
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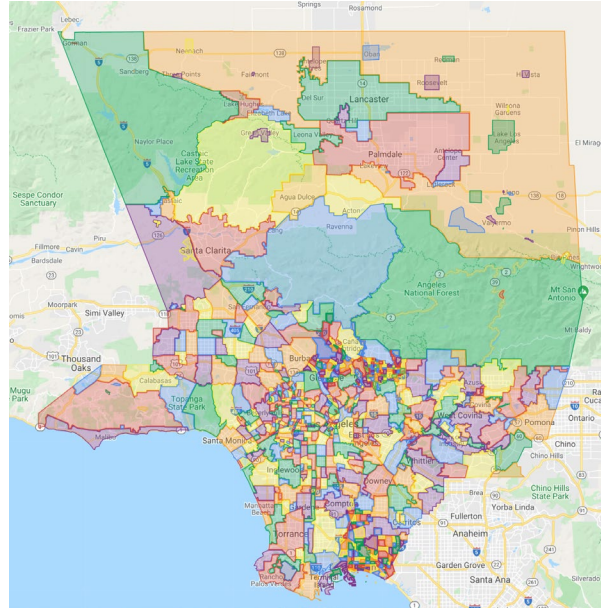
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# Neighborhoods

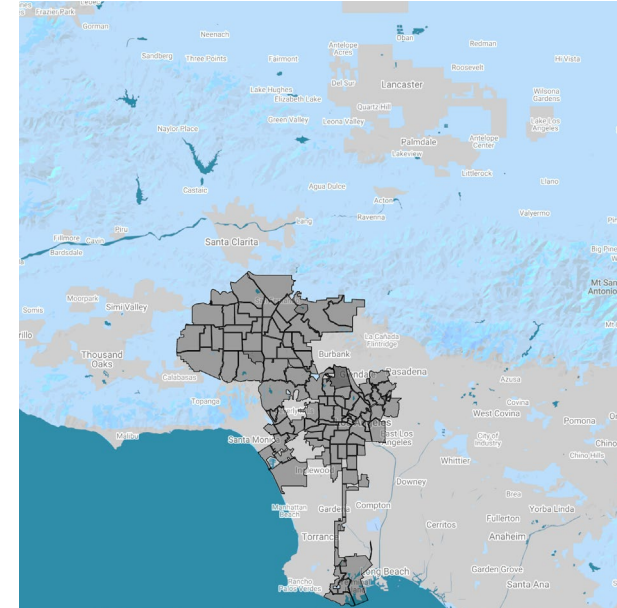
Minimize division of a city, local neighborhood, or local community of interest



LA Times



Eric Brightwell



Eric Brightwell / Neighborhood Councils



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# Communities of interest

**Minimize division of a city, local neighborhood, or local community of interest**

“A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.”



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# Where to draw the lines?

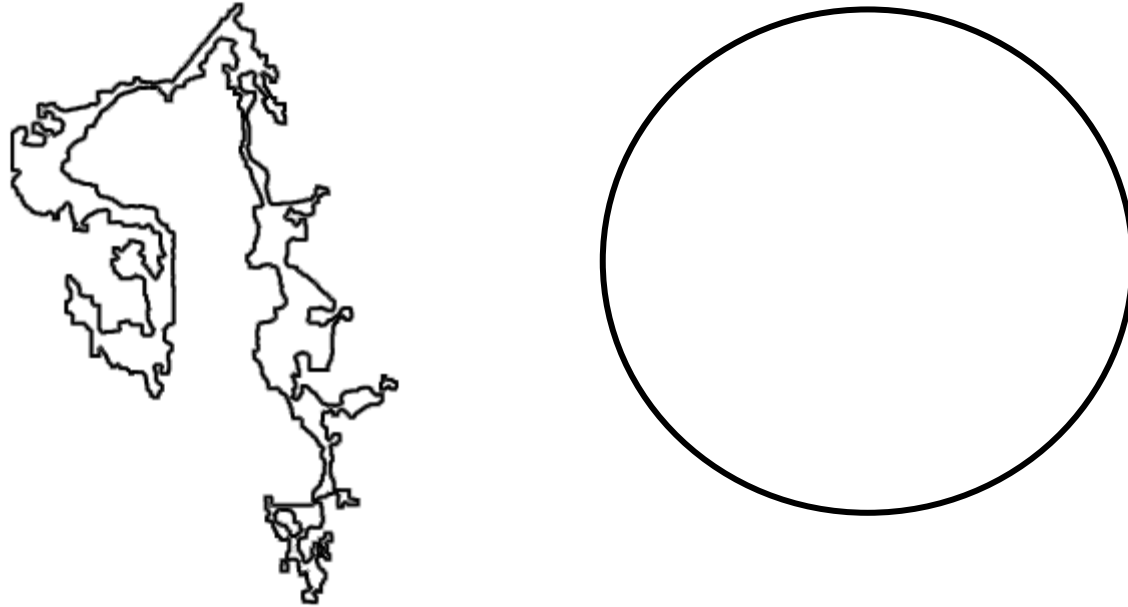
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# Compactness

Many think of “compactness” in terms of abstract shapes



**But that doesn't fit California law**



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# Compactness

Some think of “compactness” in terms of geometric formulas

- Total perimeter length
- Area v. area of circle with same perimeter (Cox/Polsby-Popper)
- Area v. area of circumscribing circle (Reock)
- Area v. area of circumscribing convex hull (Niemi)
- Diameter of circumscribing circle (Frolov)
- Moment of inertia / distance to center of gravity (Boyce-Clark)
- Significant corners (Kaufman-King)
- Inward-bending v. outward-bending angles (Taylor)
- Shortest path remaining in district (Chambers-Miller)

**But that doesn't fit California law**



# Compactness

California standard: Don't bypass nearby population



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# Candidates and parties

- Shall not consider residence of incumbent or candidate
- Shall not draw districts for purposes of favoring or discriminating against candidate or party



# Considering criteria

- Need to be able to distill and assess testimony
- Need to reconcile potential conflicts in testimony, even when there is no “right” or “wrong”
- Need to be comfortable determining borders that are not pre-defined
- May need to be comfortable with “strange” shapes
- Watch out for binding your own hands with absolutes



# Every decision has tradeoffs

Strict constraints make everything else harder

- Maintaining reasonably equal population
- Compensating for known Census problems
- Providing equitable opportunity for minority voting power
- Preserving neighborhoods / communities / cities
- Adjusting shape





# Watch out for natural human tendencies

- It's natural to prefer clarity to ambiguity
- It's natural to spend less mental effort on more ambiguous concepts

But in some instances, the law makes ambiguous concepts just as important as clear ones

(e.g., community boundaries v. city boundaries)



# Watch out for learned human tendencies

Many people have preconceived notions about what “good” looks like



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# Watch out for learned human tendencies

- Many people have preconceived notions about what “good” looks like



# Watch out for learned human tendencies

- Many people have preconceived notions about what “good” looks like



97 %



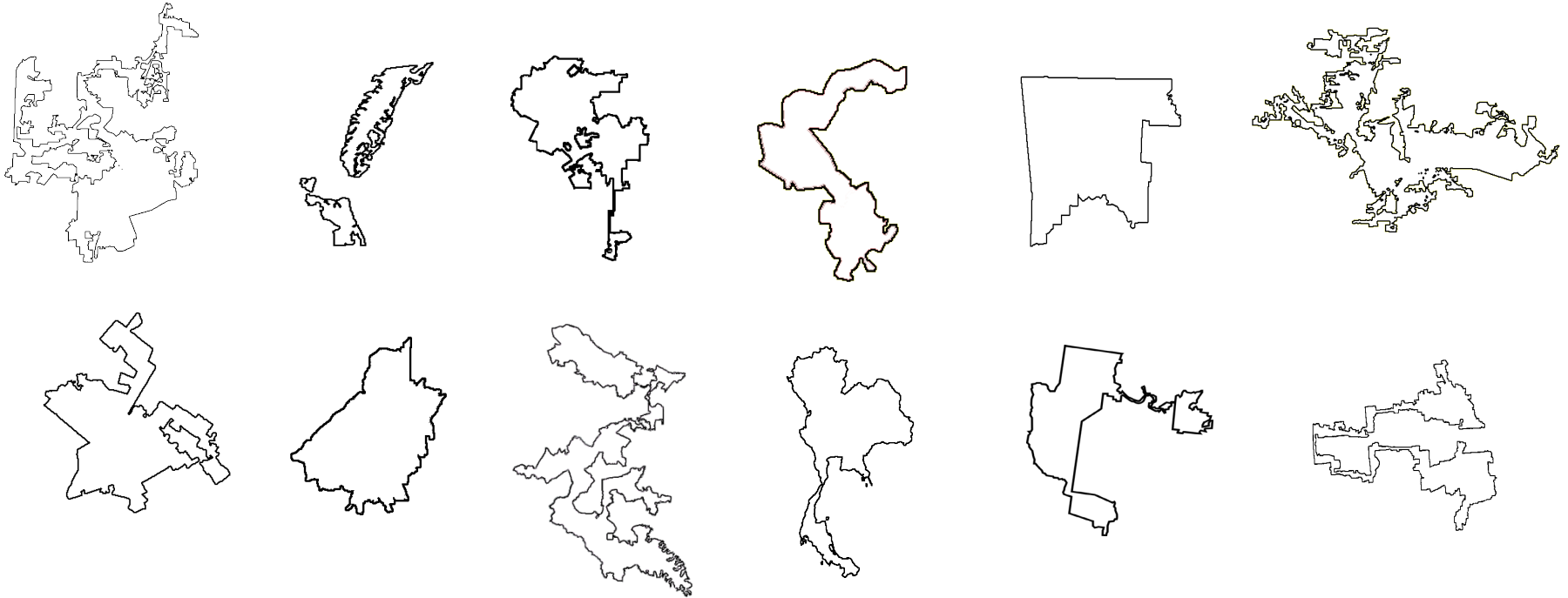
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# Watch out for learned human tendencies

Many people have preconceived notions about what “good” looks like



Without more info,  
you can't know whether any of these are “good”



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