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CALIFORNIA ASSOCIATION OF CLERKS AND ELECTION OFFICIALS

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Obstacles to Completing Mid-Decade Redistricting in Time for June 2006 Primary Election

Reapportioning/redistricting Congressional, State Senate, State Assembly and Board of Equalization districts in 2006 would present significant logistical obstacles for County election officials administering the June 6, 2006 Primary Election. While the California Association of Clerks and Election Officials (CACEO) does not take a position on the policy question as to whether or not mid-decade redistricting is a good idea, we are providing this paper to describe the operational considerations and consequences should a mid-decade redistricting occur. We focus on the problems conducting the June 6, 2006 Primary Election would encounter under redrawn district boundary lines. We detail key legal deadlines that must be met and major timing issues that need to be fully understood and the consequences if new boundary lines are anticipated to be in place for the June 6, 2006 Primary Election.

Issues Affecting Candidates:

Candidate filing begins December 30, 2005 for the March 2006 primary. If new district boundary lines are not complete before that date, candidates will be forced to guess which voters are eligible to sign their nomination documents. Candidates may also find that they have circulated nomination petitions to run in a district in which they do not reside. Candidates risk being disqualified from placement on the ballot because they do not reside within the district, do not have a sufficient number of valid signatures, or have collected insufficient valid signatures in lieu of filing fees.

Updating counties' election management/geographic information systems and voter registration databases is an incredibly

meticulous and time-consuming processⁱ that takes months for counties to accomplish following reapportionment each decade. This exacting process does not entail simply importing a data file with all of the new boundary lines into county databases. Rather, voting precinct boundary lines must be redrawn to accommodate the new district lines, registered voters must be re-assigned to the newly drawn precincts, revised polling place assignments must be based on the new/re-configured precinct boundaries, and ballot styles/groups relative to the newly formed districts must be created within the re-drawn precincts. Counties must assure that when creating these new precincts that the maximum limit of 1,000 registered voters per precinct is not exceeded.

Ensuring Correct Assignment of Voters:

Counties must create the appropriate ballot types/groups to assure that voters within each specific geographic area receive the correct ballot with appropriate contests for that area. Determination of ballot groups occurs after voter registration systems are updated to display revised district boundaries and precincts are redrawn to reflect the new districts. Ballot types/groups are the fundamental elements required to create, print and disseminate sample ballot booklets as well as official ballots. New district boundaries would have to be completed, adopted by a reapportionment Commission and disseminated to counties before the commencement of candidate filing on December 30, 2005 and before counties could complete labor-intensive re-precincting work prior to ordering ballots after the close of candidate filing on March 10, 2006.

Timing of Reprecincting, Sample and Absentee ballot deadlines:

Sample ballot production must commence immediately following the conclusion of candidate filing in order for sample ballots to be mailed to voters within legal deadlines prior to the June 6, 2006 election. Each voter's assigned polling place cannot be printed on the back cover of the sample ballot booklet if labor-intensive reprecincting within each County has not been completed. In large urban areas the required reprecincting following previous reapportionments has resulted in 20+% of voters being assigned to new, unfamiliar polling places. The resulting confusion on the part of voters creates voter dissatisfaction and can have an impact on election outcomes.

Operational requirements (such as ballot design, sample ballot mailing, absentee ballot mailing, assignment of voters to polling places, notifying voters of polling places, etc.) cannot be accomplished until counties' election management systems, voter registration systems and databases are adjusted to accurately reflect the new precincts within the new district boundaries. All new district boundaries as a result of redistricting must be established prior to commencement of candidate filing which begins on December 30, 2005.

Two-week Window for Completion of Commission’s Work:

With regard to timing, if a statewide election were to be called for November 8, 2005 and if voters were to approve an initiative calling for mid-decade redistricting at that time, the official certification of election results by the Secretary of State would occur on December 17, 2005. As previously noted, candidate filing for the June 6, 2006 Primary Election commences two weeks later on December 30, 2005. How would it be possible for a Reapportionment Commission to be formally appointed and complete work on a new reapportionment of all legislative districts, post legal notices and conduct public hearings prior to the beginning of candidate filing? This two week window is not only an incredibly short timeframe but also falls within the holiday period.

The chart below details the inevitable collision of key events in the established election calendar:

November 8, 2005	Possible Date for Special Election	
December 6, 2005	End of Official Canvass Period of Election	Election Code 15372
December 13, 2005	Statement of Results submitted to SOS	Election Code 15375
December 17, 2005	Secretary Of State Certifies Election	Election Code 15501
December 30, 2005	Signatures-in-lieu of filing fee for June 6, 2006 Primary Election begins	Election Code 8106
January 30, 2006	Legislative Candidates may purchase Candidate Statements in Sample Ballots	Govt. Code 85601
February 13, 2006	Declaration of Candidacy and Nomination period commences	Election Code 8020
March 10, 2006	Candidate filing period ends	Election Code 8020
March 13, 2006	State Ballot Pamphlet sent to printer	Election Code 9082
March 30, 2006	Certified list of qualified candidates	Election Code 8120-8125
April 7, 2006	Period to commence mailing of Special Absent Voter ballots (Military/Overseas)	Election Code 3103
April 27, 2006	Commence mailing of State Ballot Pamphlet and County Sample Ballots	Election Code 8601,9094
May 8, 2006	Absentee Voting period begins	Election Code 3001
May 22, 2006	Voter Registration closes	Election Code 2102
June 6, 2006	Primary Election Day	

- 1) As shown in the above chart, the election process begins with candidates filing and qualifying for office. This process starts on December 30, 2005 for the June 6, 2006 Primary Election. The chart reveals that a number of key election events will have passed by the end of March 2006.

- 2) The time required to update counties’ election management systems with new precinct boundaries following reapportionment – a minimum of two months is needed in large urban counties – is simply not available if the reapportionment is not completed until early in 2006. Any delays would jeopardize multiple processes required to conduct the Primary Election including finalizing ballot design, assignment of polling places, sample ballot mailing including notification to voters of their polling places, mailing of overseas absentee ballots and domestic absentee ballots, etc.

County election officials are accustomed to working under incredibly shortened schedules and timelines. Having extensive experience with accomplishing an inordinate amount of work in extremely truncated periods of time prior to each election, hard lessons have demonstrated that accuracy in sample ballot production is sometimes jeopardized even under the current short timelines and deadlines. Attempting to compress the timeline further or surpass critical dates invites disaster.

The cumulative effects on the election administration process if reapportionment were required to be in place in time for the 2006 Primary Election poses serious risks to the accuracy and viability of the administration of the Primary Election process. This risk could be somewhat mitigated if significant steps were taken now, in anticipation of voter approval of a constitutional amendment requiring mid-decade reapportionment, to facilitate and speed work of the Reapportionment Commission. These steps and suggested actions could facilitate the possibility of completing required county-level reprecincting within the needed window of time to conduct the June 6, 2006 primary election using redistricted boundary lines:

ACTIONS:

- Set a fixed date (before candidate filing commences for the Primary Election) for a Reapportionment Commission to supply new lines to the counties. Clarify that boundary line changes after a specified date will not be effective for the June 2006 Election.
- Appoint Reapportionment Commission members prior to the official certification of results of the special statewide election.
- Set dates and provide notice of meetings and hearings prior to official certification of special statewide election results.
- If necessary, shorten the candidate filing timeframe as candidate filing cannot commence until after the Commission's work is completed.
- "Nest"ⁱⁱ Assembly districts within Senate and Board of Equalization districts (i.e. conform the boundaries of two Assembly districts within each Senate district and ten Assembly districts with each Board of Equalization district). This would reduce the number of data elements to be updated in counties' systems. Such nesting occurred in the 1991 reapportionment but did not in the 2001 reapportionment.

CONCLUSION:

In conclusion, it is imperative that a date certain be established to revert to the existing district boundary lines should key dates be missed due to any number of occurrences including possible legal challenges. That date certain must be chosen with the conclusion of candidate filing in mind (March 10, 2006) to assure that candidates know the boundary lines of the districts they seek.

ⁱ Each split census tract has to be processed including the following steps:

1. Create a folder with the precinct map(s), census TIGER map(s) for each district splitting the census tract, and split district(s) description.
2. Identify the district(s) line(s) on the census TIGER map.
3. Locate and mark the district(s) line(s) on the precinct map.
4. Compare district lines to existing precinct lines to identify new precincts needed to recognize the new district lines.
5. Assign the new precincts new numbers.
6. Validate the above work and log the new precinct numbers with their district assignments.
7. Enter the new precincts and district combinations into the County's election management system. Retain previous districts in separate folders.
8. Determine the streets which need to be moved into the new precincts. Mark the street segments with the new precinct number. Split existing street segments into new segments to recognize where a district line splits the existing street segment through use of house numbers. *Note census data is not exact about house numbers, so this can be a complicated process requiring the use of experienced personnel.*
9. Update the street segments to their new precinct number. This is the process that actually moves the voters into their correct new districts.
10. Check the files for precincts with two districts assigned to the same precinct. Note the previous check was by split census tract.
11. Make precinct changes as necessary.
12. Download precinct information to GIS and validate coverage.
13. Update the precinct coverage in the geographic information system (GIS) used to consolidate precincts.
14. Create District Maps in GIS when all data is entered.
15. Validate district lines and enter precinct history.
16. Final verification of precinct realignment.

ii Nesting Assembly Districts:

In the 2001 reapportionment, the decision not to "nest" two Assembly Districts within each Senate District resulted in substantially more census tracts being split than in previous reapportionments throughout the State. In Los Angeles County alone, 700 of the county's 2,054 census tracts were split which resulted in significantly more ballot combinations over previous elections due to the excessive splitting of census tracts.