The CACEO Redistricting Crash Course

03/16/2011 - Part I

<u>Criteria</u>

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Who Draws the Lines?

- Citizens Redistricting Committee draws statewide district lines.
 - State Assembly & Senate Districts
 - State Board of Equalization
 - US House of Representatives
- Local jurisdiction lines drawn by local bodies.
 - Usually the body itself, but sometimes local commissions.

Who Is the Commission?

14 person committee.

- □ 5 Republican, 5 Democrat, 4 other/decline to state
- Carefully vetted for conflict of interest and compliance with Prop 11 requirements

What will Commission do?

- Apply the redistricting criteria set forth in Props 11 & 20, now in CA Constitution, to draw lines.
- Hold public hearings to gather information for use in redistricting.
- Consider public input when deciding where to draw lines.
- Adopt 4 statewide plans (one for each level of districts)

How will the Commission decide where to draw lines?

- CA Law (Props 11 & 20) determine what criteria the Commission must use to decide where to draw lines.
- The only things the Commission should consider are those criteria.
- Note: these criteria only govern statewide districting. Criteria for local jurisdictions is usually found in local laws or codes.

Redistricting Criteria:

Traditional Redistricting Criteria

or

Traditional districting principles*

or

Traditional "Race-neutral" districting principles

Versus

Additional Criteria or Principles: less widely used, often local

*Shaw v Reno, 1993

Judicially recognized traditional districting principles:

- Compactness
- Contiguity
- Preservation of Cities and Counties
- Respect for Communities of Interest
 - ("actual shared interests" Miller v Johnson, 1995)
- Incumbent protection
- Preservation of district cores
- Compliance with VRA Section 2

Criteria example:

CALIFORNIA CONSTITUTION ARTICLE 21

REDISTRICTING OF SENATE, ASSEMBLY, CONGRESSIONAL AND BOARD OF EQUALIZATION DISTRICTS

SEC. 1. ...the Citizens Redistricting Commission as described in Section 2 shall adjust the boundary lines of the congressional, State Senatorial, Assembly, and Board of Equalization districts (also known as "redistricting") in conformance with the standards and process set forth in Section 2.

SEC. 2.

(d) The commission shall establish single-member districts pursuant to a mapping process using the following criteria as set forth in the following order of priority:
(1) Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

more criteria:

(2) Districts shall comply with the federal Voting Rights Act (42U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(4) The geographic integrity of any city, county, city and county, local neighborhood, or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subdivisions. A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process.

Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

more criteria:

(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population. (6) To the extent practicable, and where this does not conflict with the criteria above, each Senate district shall be comprised of two whole, complete, and adjacent Assembly districts, and each Board of Equalization district shall be comprised of 10 whole, complete, and adjacent Senate districts.

(e) The place of residence of any incumbent or political candidate shall not be considered in the creation of a map. Districts shall not be drawn for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.

CA ELECTIONS CODE SECTION 21500-21506

In establishing the boundaries of the districts the board may give consideration to the following factors: (a) topography, (b) geography, (c) cohesiveness, contiguity, integrity, and compactness of territory, and (d) community of interests of the districts. Redistricting Criteria and Data used:

Equal Population – PL94-171 Compliance with Federal Law (VRA) – PL94-171, SOR, SOV

Contiguity – Census Geography

Respect for City and County boundaries - Census Geography

Respect for Neighborhoods – Public Testimony, Data/Geography submitted by Public, Cities/Counties, etc.

Respect for Communities of Interest – Public Testimony, Data/Geography submitted by Public

Compactness – Census Geography

Nesting – newly drawn Districts

Equal Population

- That's why we do it!
- Constitutional requirement
- One person, One vote
- 14th Amendment: Equal protection clause
- How equal is equal???

Terminology:

- Ideal population = Tot Pop / # of districts
 - (for single member districts)
- Ideal population = Tot pop / # of representative
 - (for multi-member districts)
- Deviation: how much districts are above/below (over/under) the ideal population

California Ideal Populations for 2011

CA total Population in 2010 Census: 37,253,956

Ideal populations for each district type:

- State Assembly: 465,674.4
- State Senate: 931,348.8
- □ State Board of Equalization: 9,313,488.7
- US Congressional: 702,904.8

Basic Deviation Measures: ('absolute'&'relative')

- Ideal population: 10,000
- District A pop: 12,000
- Deviation = +2000 people (absolute)
- In percent = +20% (relative)
- District B pop: 9,000
- Deviation = -1000 people (absolute)
- In percent = -10% (relative)

Total Overall Range/ Total Deviation

- Range from largest positive (over) to largest negative (under)
- District A = + 20% (2000 over)
- District B = 10% (1000 under)
- Total Overall Range = 30% (3000 people)
- Range = 10% to + 20%
- Other terms used to describe same stats: variation, overall pop deviation, maximum deviation, pop difference, etc.

How equal is equal? Part I: Congress

- Strict population equality in CDs
- No Deviation is too small to worry about
 - (if it could have been avoided)
- Translation: 28 States' CDs had total deviation of less than 10 people after 2000 round of redistricting!

How equal is equal? Part II – Legislative Districts

- Total deviation within 10% may not constitute a 'prima facie equal protection violation under the 14th Amendment'
 - Gaffney v Cummings 1973
- Above 10%: be ready to justify with "substantial and legitimate state interest"
 - Example: preservation of county boundaries
- Larios v Cox, 2004: Legislature believed that w/in +/-5% is 'safe harbor' – not necessarily!

VRA – Sections 2 & 5

Section 2 – Majority Minority Districts

- ->Minority group must be large enough to constitute a majority in the district (50%+)
- ->Minority group must be geographically compact
- ->There must be evidence of polarized voting against the minority group
- HOWEVER: Sec 2 does NOT prohibit the drawing of "influence seats" nor considering racial/ethnic Communities of Interest
- Section 5 Preclearance and Retrogression -> Kings, Merced, Monterey, Yuba

Contiguity:

- Definition: A district 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











New York 60th Senate District



March 16, 2011 Source: Regional Institute: University of Buffalo: The State University of New York



Source: LTSB GIS Applications: 17 South Fairchild Street, Suite 400 Madison, WI 53703-3219, (608) 266-6640 Ext. 1







Compactness:

- Addresses the geography of the district
- Many different measures developed
- "eyeball approach" "appearances do matter"
 (Shaw v Reno)
- Assumed to "guard against all types of gerrymandering" "drastic departures from compactness are a signal that something may be amiss"
 - (Karcher v. Daggett)

Reock Measure

Assumes that a Circle is the Most Compact Shape Possible



Score ranges from 0, least compact to

Karin Mac Donald; swdb.berkeley.edu; 1, most compact

Ehrenburg Measure

Compares the Area of the Inner Circle with the Area of the District



Score between 0 and 1, 1 is most compact score

Schwartzberg Measure

Perimeter-based measure that compares a simplified version of each district to a circle



A score closer to 1 is more compact than a score further away from 1

Perimeter Measure

Sums the perimeters of all the districts



Smaller total perimeter is most compact score
Polsby-Popper Measure

Compares the area of a district to the area of a circle with the same perimeter



Score between 0 and 1, 1 is most compact score

Population Polygon Measure

Compares the District's Population to the Population of the Enclosing Convex Hull



Score between 0 and 1, 1 is most compact score

Population Circle Measure

Compares the District's Population to the Population of the Smallest Enclosing Circle



Score between 0 and 1, 1 is most compact score

Compactness Scores Report

| DISTRICT | Reock | Schwartzberg | Perimeter | Polsby- Popper | Population Polygon | Population Circle | Ehrenburg |
|----------|-------|--------------|-----------|----------------|--------------------|-------------------|-----------|
| 01 | 0.55 | 1.46 | 1,107.90 | 0.39 | 0.62 | 0.25 | 0.47 |
| 02 | 0.41 | 1.77 | 641.23 | 0.26 | 0.30 | 0.26 | 0.39 |
| 03 | 0.37 | 1.63 | 319.13 | 0.30 | 0.90 | 0.62 | 0.35 |
| 04 | 0.40 | 1.93 | 365.09 | 0.21 | 0.60 | 0.18 | 0.31 |
| 05 | 0.24 | 2.06 | 101.02 | 0.21 | 0.72 | 0.29 | 0.22 |
| 06 | 0.44 | 1.92 | 130.09 | 0.23 | 0.81 | 0.57 | 0.35 |
| 07 | 0.40 | 1.75 | 91.78 | 0.30 | 0.83 | 0.63 | 0.23 |
| 08 | 0.38 | 1.88 | 197.16 | 0.26 | 0.69 | 0.43 | 0.35 |
| 09 | 0.26 | 1.58 | 1,006.49 | 0.37 | 0.36 | 0.07 | 0.30 |
| 10 | 0.37 | 1.65 | 65.26 | 0.34 | 0.83 | 0.56 | 0.32 |
| 11 | 0.20 | 1.56 | 202.69 | 0.24 | 0.62 | 0.36 | 0.31 |
| 12 | 0.43 | 1.69 | 105.28 | 0.30 | 0.83 | 0.53 | 0.43 |
| 13 | 0.52 | 1.80 | 64.73 | 0.29 | 0.78 | 0.61 | 0.26 |
| 14 | 0.52 | 1.55 | 184.57 | 0.36 | 0.69 | 0.35 | 0.39 |
| 15 | 0.27 | 2.26 | 621.02 | 0.15 | 0.37 | 0.18 | 0.25 |
| 16 | 0.40 | 1.61 | 98.15 | 0.34 | 0.84 | 0.53 | 0.46 |
| 17 | 0.51 | 1.80 | 276.14 | 0.24 | 0.64 | 0.28 | 0.61 |
| 18 | 0.48 | 1.60 | 198.52 | 0.32 | 0.86 | 0.68 | 0.48 |
| 19 | 0.55 | 1.75 | 609.79 | 0.25 | 0.51 | 0.30 | 0.39 |
| 20 | 0.47 | 1.79 | 459.91 | 0.29 | 0.62 | 0.59 | 0.46 |
| 21 | 0.40 | 2.01 | 210.03 | 0.23 | 0.84 | 0.71 | 0.29 |
| 22 | 0.26 | 1.58 | 710.86 | 0.23 | 0.49 | 0.18 | 0.41 |
| 23 | 0.46 | 1.72 | 65.48 | 0.29 | 0.77 | 0.56 | 0.37 |
| 24 | 0.29 | 2.32 | 73.06 | 0.17 | 0.67 | 0.33 | 0.19 |
| 25 | 0.36 | 2.16 | 57.37 | 0.20 | 0.57 | 0.35 | 0.34 |
| 26 | 0.47 | 1.88 | 56.43 | 0.27 | 0.77 | 0.55 | 0.22 |

California 13th Assembly District



California 13th Assembly District



Non-compact; Point-contiguous





Criteria for which data are not easily available:

Communities of Interest:

What is a Community of Interest? It depends... Group of people with specific common interest ("actual shared interests" Miller v Johnson, 1995) Can be defined geographically

What are they NOT?

In CA: Communities of interest shall not include relationships with political parties, incumbents, or political candidates

Neighborhoods:

Vary in size

Are sometimes defined by cities (often poorly), and/or communities No data sources available that show neighborhoods statewide Need to be documented and submitted

CA's new definition of 'community of interest'

'A community of interest is a contiguous population which shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Examples of such shared interests are those common to an urban area, a rural area, an industrial area, or an agricultural area, and those common to areas in which the people share similar living standards, use the same transportation facilities, have similar work opportunities, or have access to the same media of communication relevant to the election process.'

Community of Interest definitions may include:

- Organizing around schools, school districts
- Transportation hubs
- Community Centers
- Dog parks
- If race/ethnicity are raised, it may summarize:
 - Shared experiences
 - Access (or lack of) to education
 - Higher number of kids per household
 - Younger overall population

Communities of Interest continued:

Defining them top-down versus bottom-up

- Big difference here! (variables etc.)
 Race/Ethnicity (SCOTUS cases: stereotyping)
- Defining Cols may be especially important within the API group: multi/pan-ethnic populations

Data to document a Community of Interest or Neighborhood: an example

Create a map of the boundaries (use Google maps if no GIS available) Outline what defines the Community of Interest:

- What is your mission or your commonality
- Show that your members live within the boundaries
- Explain what is different outside of the boundaries of your Community of Interest
- Explain why it is important to be kept whole, and how it would be a disadvantage to be split by an electoral boundary line

To participate in the process, testify, submit written testimony, send supporting information to the redistricting authority.

Community of Interest and Neighborhood:



Other Redistricting Criteria

Legislative:

- Convenience (Minnesota)
- Understandibility to the Voter (Hawaii)
- Competitive Districts (Arizona)
- Nesting (California)

Local:

Preservation of business districts

- cultural areas
- extremely strict population deviations

Competition: The Criterion! Measuring Potential Competitiveness

Three ways

- Party registration difference (% registered Dem -% registered Rep)
- 2000 Presidential Vote (Gore vs Bush)
- 'Normal Vote' (averaged 6 statewide offices from Lt Governor to Insurance Commissioner, 1998 & 2002)

Competition: Results of different measures - ADs

| | Party Registration (3pt Rep, 10pt Dem) | Normal Vote (6 Statewide offices) (3pt Rep, 10pt Dem) | 2000 Presidential (Gore vs Bush) (within 3pt margin) |
|-----------------|---|---|---|
| Current 2001 | 5 | 6 | 1 |
| Random Box | 17 | 18 | 8 |
| Max Competitive | 26 | 18 | 7 |
| Fully Balanced | 15 | 14 | 6 |

Competition: Results of different measures -CDs

| | Party Registration (3pt Rep, 10pt Dem) | Normal Vote (6 Statewide offices) (3pt Rep, 10pt Dem) | 2000 Presidential (Gore vs Bush) (within 3pt margin) |
|-----------------|---|--|--|
| Current 2001 | 0 | 1 | 0 |
| Random Box | 13 | 10 | 5 |
| Max Competitive | 20 | 13 | 7 |
| Fully Balanced | 13 | 11 | 6 |
| | | | |

Karin Mac Donald; swdb.berkeley.edu;

March 16, 2011

Some Conclusions

- 'Competitiveness' is a vague concept
- Party registration tends to overstate extent of competitiveness
- Potential versus Actual competitiveness (incumbents, national political climate, candidate quality, campaign spending etc.)
- Short term gain (competitiveness may wear off due to partisan realignment, migration patterns, etc)
- Democrats will have more safe seats than Republicans (CA political geography)

Fun Facts about Criteria Trade-offs

- Potential competitiveness
 - = Majority Minority seats
- Majority Minority seats
 - = Compactness
- Sec 5 seats preserved = potential competitiveness
- City/County boundaries preserved = potential competitiveness

More Trade-offs

City/County Boundaries preserved =
 Compactness

- Nesting: City/County Splits MORE DIFFICULT TO CREATE M/M DISTRICTS
- Respecting Communities of Interest:

(most likely) potential competitiveness

(also likely) compactness



Redistricting Data CACEO Crash Course – Part II

Karin Mac Donald Statewide Database – Berkeley Law <u>karin@cain.berkeley.edu</u> 510.642.9086

DATA:

- Which data are used to draw lines?
- Which data are used for which criterion?
- Which data are easily accessible?
- Which ones are not?
- Which data sources are available but difficult (or impossible?) to use?

Redistricting Criteria and Data used:

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2000 Decennial Census

Census 2000 used 2 forms:

1. The "short" form – asked for basic demographic and housing information, i.e. age, sex, race, ethnicity, # of people in housing unit, renter/owner

EVERY HOUSEHOLD RECEIVED THIS FORM

2. The "long" form – collected the same information as the short form plus income, education, citizenship, language spoken at home, etc.

ONE IN SIX HOUSEHOLDS RECEIVED THIS FORM

Long form data aka "sample data."

Short form data aka "100 percent data" (or 100% sample)

2010 Decennial Census and American Community Survey (ACS)

What's New?

2010 Census used only the "short" form.

The sample data are now collected by the ACS instead of the "long" form.

What's Old?

Short form data must be released by the Census bureau before April 1, 2011, one year following Census day

2010 Decennial Census PL94-171 Data

-Basic Information/ Data that jurisdictions are required by law to use for Redistricting

-Census 2010 Redistricting Data (Public Law 94-171, or "PL94") contains the count of the U.S. population

-Is a BLOCK-LEVEL dataset

-Includes data on people's race and ethnicity, for both the total and the voting age population

- Information is based on answers to the questions in the Census 2010 Short-Form questionnaire.

-There are 5 detailed tables available in the PL94-171 data product.

2010 Decennial Census PL94 Data Summary Tables

| Subject | <i>Table #</i> |
|--|----------------|
| Race Total population | P1 |
| Hispanic or Latino, and Not Hispanic or Latino by Race | P2 |
| Race for the Population 18 Years and Over Total population 18 years and over | P3 |
| Hispanic or Latino, and Not Hispanic or Latino by Race for the Population 18 Years and Ove Total population 18 years and over | r P4 |
| Occupancy Status Housing units | H1 |

2010 PL94 Data Summary Table Subject Layout

P1. Race

Universe: Total population Total:

Population of one race:

White alone
Black or African American alone
American Indian and Alaska Native alone
Asian alone
Native Hawaiian and Other Pacific Islander alone
Some other race alone

Repeats for the Population of two or more races.....

P2. Hispanic or Latino, and Not Hispanic or Latino by Race

Universe: Total population Total: Hispanic or Latino Not Hispanic or Latino: Population of one race:

White alone Black or African American alone American Indian and Alaska Native alone Asian alone Native Hawaiian and Other Pacific Islander alone Some other race alone

Repeats for the Population of two or more races.....

2010 PL94 Data Summary Table Subject Layout

P3. Race For The Population 18 Years and Over

P1 variables are repeated for the Population 18 Years and Over

P4. Hispanic or Latino, and Not Hispanic or Latino By Race For The Population 18 Years And Over

P2 variables are repeated for the Population 18 Years and Over

H1. Occupancy Status

Universe: Housing units Total:

Occupied Vacant

2010 Census and American Community Survey (ACS)

- nationwide survey that replaces the long-form
- collects same information on people and housing as the long-form questionnaire used in Census 2000.
- is an on-going survey versus data released on PL94-171, which are collected on "census day" (April 1, 2010)
- is released in "multi-year estimates" on census block-group level The ACS does NOT release data on the census block level!

Detailed demographic, social, economic, and housing data are <u>no</u> <u>longer</u> collected as part of the decennial census.

ACS data can be grouped into four main types of characteristics – **social, economic, housing, and demographic**

American Community Survey Demographic Characteristics



Sex

- Age
- Race
- Ethnicity

American Community Survey Social Characteristics



- Education
- Marital Status
- Fertility
- Grandparent Caregivers
- Citizenship
- Veteran Status
- Disability Status

American Community Survey Economic Characteristics



- Income
- Benefits
- Employment Status
- Occupation
- Industry
- Commuting to Work
- Place of Work

American Community Survey Housing Characteristics





- Tenure
- Occupancy & Structure
- Housing Value
- Taxes & Insurance
- Utilities
- Mortgage/Monthly Rent
- And our personal favourite: PLUMBING!
American Community Survey Data Products Release Schedule

| Data Product | Population Size | Data released in: | | | | | | | |
|--|-----------------|-------------------|------|-----------|-----------|-----------|-----------|-----------|-----------|
| | of Area | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 | 2013 |
| 1-Year Estimates for Data Collected in: | 65,000+ | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 | 2011 | 2012 |
| 3-Year Estimates for Data Collected in: | 20,000+ | | | 2005-2007 | 2006-2008 | 2007-2009 | 2008-2010 | 2009-2011 | 2010-2012 |
| 5-Year Estimates for Data Collected in: | All Areas* | | | | | 2005-2009 | 2006-2010 | 2007-2011 | 2008-2012 |

* Five-year estimates will be available for areas as small as census tracts and block groups. Source: US Census Bureau District Building Blocks: U.S. Census Geography

- Blocks: smallest 'unit of analysis' on which data are reported"

- Block groups
- Tracts
- Places (cities)
- Counties
- State

















U.S. Census Bureau TIGER/Line

Topologically Integrated Geographic Encoding and Referencing system

1990 TIGER/ Line

58 Counties 471 Census Places/ Cities 5,874 Census Tracts 21,554 Census Block Groups 400,414 Census Blocks

2000 TIGER/ Line

58 Counties 1,018 Census Places/ Cities 7,049 Census Tracts 22,133 Census Block Groups 533,163 Census Blocks

2010 TIGER/Line

58 Counties 1,523 Census Places/ Cities 8,057 Census Tracts 23,212 Census Block Groups 710,145 Census Blocks Election Data! Why are those needed???

Voting Rights Act: Sections 2 & 5

Section 2 – Majority Minority Districts

- ->Minority group must be large enough to constitute a majority in the district (50%+)
- ->Minority group must be geographically compact
- ->Minority group votes cohesively
- ->There must be evidence of polarized voting against the minority group
- NOTE: Sec 2 does NOT prohibit the drawing of "influence seats" nor considering racial/ethnic Communities of Interest
- Section 5 Preclearance and Retrogression

-> Kings, Merced, Monterey, Yuba

Electoral Geography

Precincts

-Smallest unit of analysis for reporting of electoral data.

-Many precincts change with each election

Electoral geography that must be redistricted:

- -Assembly, Senate, and Congressional districts
- -City Council and County Board of Supervisor districts
- -Board of Equalization districts
- -County Hospital Board of Trustees districts, Community College districts, Water districts, Transportation districts, Mosquito Abatement districts, etc.

62,404 Precincts in the State





Alameda County, California

2008G Precincts that are contained or partially contained in 2000 Census Tract 435101







Census Block 1000 with transecting 2008G precincts



Data and reporting geography

PI94-171

Census block (constant for 10 years)

- Statements of Vote (SoV)
 - Voting precinct (frequent changes)
- Statements of Registration (SoR)
 - Registration files: individual level data

SoV & SoR

- SoV variables:
 - Total Vote
 - Votes for Races and Propositions
- SoR variables:
 - Total Registration
 - Party ID
 - Sex/Gender
 - Age
 - Cycles Registered
 - Race/Ethnicity surname matched

Data Complexities:

- Task: build dataset comparable on same unit of analysis over time ... available for redistricting (2011)
- Why is this difficult?
 - Election results reporting geography changes frequently (precincts)
- What's the solution?
 - Answer: census blocks

The Statewide Database

The State of California's Redistricting Database

History

- Data Collection:
 - Census
 - Registrars of Voters/County Clerks

Why are we talking about the Statewide Database?

(b) The Legislature shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software for drawing maps. Upon the commission's formation and until its dissolution, the Legislature shall coordinate these efforts with the commission.

A Quick Overview of the Statewide Database (SWDB)

The Database includes:

- I. Census & Electoral Data
- II. Census & Electoral Geography
- III. Conversion files
- IV. Data Reports & Maps
- V. Redistricting & Census News and Court case archive
- VI Redistricting Research

http://swdb.berkeley.edu

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We're Done!

Questions?