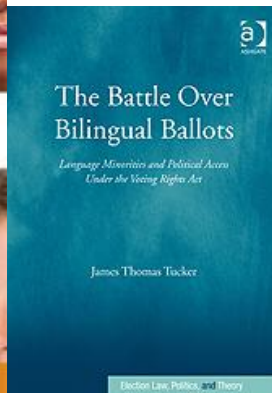
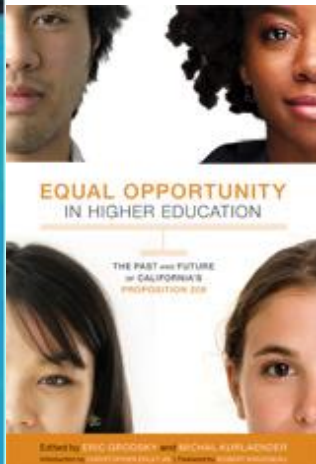
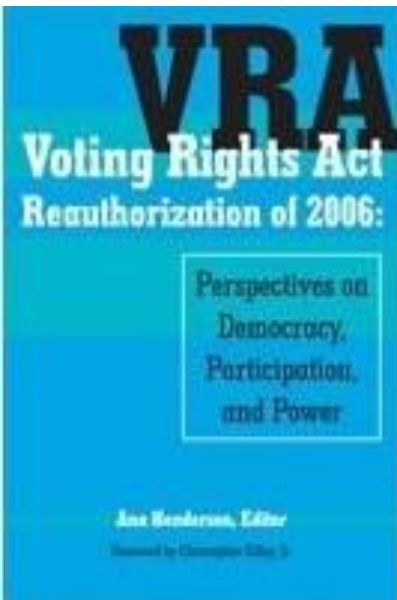


Staying on Track with the Voting Rights Act: VRA Issues in California Redistricting

Presentation to: RedistrictingCA Conference
January 25, 2011



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Chief Justice Earl Warren Institute on Social Policy & Law

- Interdisciplinary research institute at UC Berkeley School of Law
- Produce legal and social science research and research-based policy recommendations
- Project areas:
 - Civil Rights and Racial Justice
 - Family Health and Economic Security
 - Criminal Justice



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CA's Statewide Redistricting Criteria

In rank order:

1. Comply with US Constitution & Reasonably equal population
 2. Comply with Voting Rights Act
 3. Contiguity
 4. Political subdivisions, local communities of interest, and local neighborhoods intact
 5. Compactness
 6. Nesting
- PLUS: No regard for incumbents or parties

Equal Population

- Congressional districts:
 - Population should “achieve population equality as nearly as practicable”
 - Case law: absolute equality
- CA Legislative and Board of Equalization districts:
 - Population should have “reasonably equal population”
 - Equal population specifically subject to VRA compliance. (Generally $\pm 5\%$)

Redistricting Criteria Subject to VRA

- Criteria specifically subject to the VRA caveat:
 - Population Calculus (for state districts)
 - Following political boundaries, neighborhoods and communities of interest
 - Compactness
 - Nesting
- Officially: Contiguity (but non-contiguous districts are highly problematic)

Section 5: California

- Four counties in California are covered:
 - King, Merced, Monterey, Yuba
- All voting changes for these counties or any jurisdiction within them must be precleared. This includes redistricting plans.
- State-wide redistricting plans must be precleared for impact on the four covered counties.
- Review: whether new plan discriminates against voters of a protected racial/language group or makes them worse off than they were under the existing plan.

Voting Rights Act, Section 2

- Prohibits practices that have the purpose or effect of discriminating on the basis of race or language minority status, as defined by VRA.
- Applies nationwide, to ALL jurisdictions that conduct elections.
- In redistricting: prohibits plans that discriminate or that dilute the voting strength of voters of a protected racial/language group so they cannot elect their candidate of choice.

Interpreting CA criteria and VRA

- CA statewide criteria are in rank order. If line drawing causes conflict between criteria, the criterion closer to top of list controls.
 - e.g., equal population (#1) vs. compactness (#5)
- Criteria prioritize VRA compliance. If there is a conflict between complying with the VRA or a lower criterion, VRA compliance controls.
 - e.g., VRA compliance (#2) vs. nesting (#6)

Thank you and Questions



Ana Henderson, Staying on Track with the Voting Rights Act:
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