What You Need To Know Before, During, and Following Census

Professor Justin Levitt
LMU Loyola Law School

League of CA Cities
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The Census is our picture of who we are

Representation
• Congress
• State legislature
• County comm’n
• City council
• School board

Funding
• $115B federal funds to CA per year
• State

Information
• Polls / surveys
• Business location
• Economic trends
Controversy has people scared

- Phone number
- Own/rent home
- Name
- Sex
- Date of birth
- Hispanic origin
- Race

Citizenship

6-8% nationally, 10-14% in California
California invests heavily in outreach

$187.2 million
We know who’s hard to count

1. Foreign-born population
2. Multi-unit structures
3. Below 150% of poverty level

Support your Complete Count Committee

1. Foreign-born population
2. Multi-unit structures
3. Below 150% of poverty level
Redistricting follows the census

1990  Census
1991  Redistricting

2000  Census
2001  Redistricting

2010  Census
2011  Redistricting

2020  Census
2021  Redistricting
Race and ethnicity (federal rules)

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

Under certain conditions, jurisdictions may have the federal responsibility to ensure equitable electoral opportunity based on race or language minority status.

Voting Rights Act predicate

- 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 an electoral system to give minorities a fair shot?
Rule Three

Consider other factors at the same time

Race can only “predominate” in placing voters within or without a district if there’s a really good reason

Partisanship
(federal rules)
Partisan gerrymandering in the U.S. Supreme Court

2004  “An excessive injection of politics” is unlawful

Litigation based on partisanship

- MD: Congress
- MI: all
- NC: all
- OH: Congress
- WI: State Assembly
- FL: all
- PA: Congress
Rucho v. Common Cause  
(U.S. Supreme Court, 2019)  

(in the federal courts)  

But ... AB849 creates a rule  
under state law, for the state courts  

“The council shall not adopt council district boundaries for the purpose of favoring or discriminating against a political party.”
Voting Rights Act predicate

- 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 an electoral system to give minorities a fair shot?
CVRA predicates

• Are there sizable, relatively concentrated minority communities?
• Do the minority communities have distinct electoral preferences?
• Is the ability of minorities to elect or influence the outcome of an election impaired?
• Can we design an electoral system to give minorities a fair(er) shot?

No CVRA liability for districts

“An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class . . . .”
An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class . . . .”

Many at-large jurisdictions moving to districts

There are alternatives

5 city council seats

• At-large plurality Each voter gets 5 votes to use on 5 candidates
• Districts Each voter gets 1 vote to use on 1 candidate
• Limited voting Each voter gets 1, 2, 3, or 4 votes
• Cumulative voting Each voter gets 5 votes, use ‘em how you want
• Ranked-choice voting Each voter gets 1 vote, ranking all candidates
Considering the alternatives

- Size and growth rate of the minority community
- Dispersion or concentration of the minority community
- Relative rate of turnout (and likely persistence of those rates)
- Political organization of minority community
- Nature and cost of campaigning in the jurisdiction
- Capacity of the voting system to accommodate the change
- Campaign incentives of the various systems
- Legal context for making the change

Justin Levitt
justin.levitt @ llsl.edu
Federal Voting Rights Act predicate – detail 1

Are there sizable, relatively concentrated minority communities?

- > 50% of the electorate in a district-sized population
Are there sizable, relatively concentrated minority communities?

Los Angeles, 2016

NH White
Black
Hispanic
Asian

Do the minority communities have distinct electoral preferences?
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.