

Introduction to Redistricting Law



REDISTRICTING COMMISSION OF THE CITY OF SAN DIEGO

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Redistricting Overview



- City must be redistricted at least once every 10 years (Charter § 5)
- Complete plan no later than nine months following receipt of final federal Census data (Charter § 5)
- Census data due to City - April 1, 2011

Unique Challenges in 2010



- Less time
 - ✦ Potential earlier date for 2012 state primary election
 - ✦ Tentative Plan deadline: August 15, 2011, from the Registrar of Voters
- Add new ninth Council seat
 - ✦ Voters approve first new district since 1960s

Legal Requirements



The plan “shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and Federal statutes.”

- San Diego City Charter § 5.1

Legal Requirements



- Redistricting Plan must comply with:
 - U.S. Constitution
 - San Diego City Charter §§ 5 and 5.1
 - Federal Voting Rights Act of 1965
 - Related statutes and case law interpreting redistricting plans and criteria
- Legal training schedule – several meetings

City Charter Section 5.1 Requirements



- Charter is City's Constitution
- San Diego City Charter sections 5 and 5.1 set forth areas of legal compliance and track requirements of U.S. Constitution and federal laws

City Charter Section 5.1 Requirements



- Nine districts to be created
- Composed of whole Census units, as developed by U.S. Bureau of the Census
- Each has one-ninth of City's population as nearly as "practicable" – law regarding "deviation" to be discussed later
- Not drawn for the purpose of advantaging or protecting incumbents

City Charter Section 5.1 Requirements



○ Districts are to:

- ✦ Preserve “identifiable communities of interest”
- ✦ Be composed of contiguous territory
- ✦ Have reasonable access between population centers
- ✦ Be geographically compact
- ✦ Be bounded by natural boundaries, street lines and/or by City boundary lines

“Communities of Interest”



- Residents of City to assist in identifying and preserving “communities of interest” in order to retain common activities, social and lifestyle patterns typical and desired by members of the area.
- Hearings to gather information
- U.S. Census data to support such findings

Key Principles



- Avoid diluting voting strength of protected classes, as set forth in Voting Rights Act of 1965; but accomplish this without race being a predominant motive
- Keep communities united
- Must justify, in good faith, any deviation from districts having equal population
- Conform with principles of federal Constitutional requirement of “one man, one vote”

More than a map!



- Redistricting Plan is a legal document, with supporting evidence
- Preliminary Plan to include:
 - Written statement of findings
 - Reasons for adoption
 - Notation of all criteria used in the process, with full analysis and explanation of decisions made by the Commission
- Final Plan
 - Subject to the right of referendum by the People (Charter § 5.1)

Political Impact for 2012



- Full impact of redistricting will not immediately be seen:
 - No change in the boundary or location of any district by redistricting shall operate to abolish or terminate the term of office of any Council member prior to the expiration of his or her term of office.

Upcoming Hearings



- **Public Hearing Requirements**
 - ✦ Preliminary Plan: Commission required to have at least 4 public hearings in various geographic areas of the City before completing Preliminary Plan
 - ✦ Final Plan: Commission required to have at least 3 public hearings in various geographic areas of the City before adopting Final Plan