



# Fair Redistricting

Activist Toolkit



California

**Common  
Cause**

*Holding Power Accountable*

# CALIFORNIA

THE GOLDEN STATE



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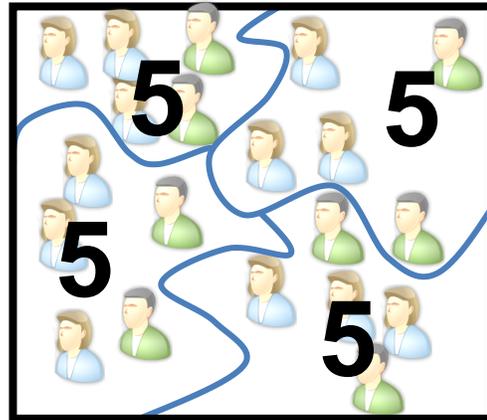
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## What is redistricting?

**Redistricting** is the process where district lines are redrawn within a state.

This includes districts of Congress (that is, seats for the U.S. House of Representatives) and the state legislature all the way to local seats for city councils and school boards.

Every ten years, the **Census** is conducted to give us a snapshot of how many people there are in the United States and where they live.



### Why do we redistrict?

Once we know how many people live in a state, we redistrict. That is, we draw new lines for each district in order to put the same number of people into each district.

Redistricting ensures every person has equal representation by drawing districts with an equal number of people.

### What is reapportionment?

Reapportionment is different from redistricting. But a lot of times people mix the terms up.

**Reapportionment** is the process that allocates how many representatives each state gets in the House of Representatives of Congress. Because California's population is the largest of all states, California has 53 out of the 435 representatives in the House of Representatives. The states with the smallest population, such as Vermont or Montana, have one representative each.

*People move. State populations grow or shrink. It is important to redraw electoral districts from time to time to be sure they have an equal number of people in each.*

## Why is redistricting important to me?

It is important that elected representatives listen to the public in order to ensure that our votes matter.

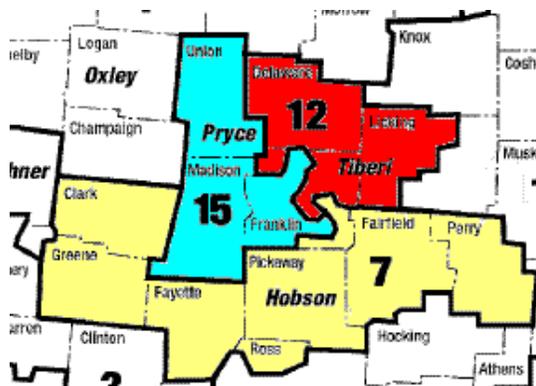
The way district lines are drawn affects how politicians represent constituents' interests. When communities are kept whole, we have a greater ability to elect candidates of our choice and hold politicians accountable. Having a good representative determines whether your tax dollars are used to serve your community.

## What's wrong with the way we redistrict now?

In most states, the district lines are drawn by a small group of politicians and political insiders. With little public input or checks, the traditional system of drawing political districts for state legislative and congressional seats is notoriously secretive, self-serving, and exclusive. In all but a few states, state legislatures draw the lines for congressional and legislative districts, to protect all the incumbents, or the party in power.

This can mean that communities are divided. It also means that voters often times have little choice in who to vote for, because challengers or certain parts of the community that might vote for a challenger have been carved out of a district.

Many experts say that the current gridlock in Congress is caused in part by how the districts have been drawn by politicians and partisans. That is, the lines have been drawn to protect the party in power or to insulate incumbents from challengers. Politicians who are not accountable to voters can be more extreme than the people they are supposed to represent.



## When politicians choose voters, instead of voters choosing politicians...

Urban communities in Columbus, Ohio were split into three segments. Each population segment of the city was placed in a district where they were outnumbered by the surrounding suburban populations. Even though the residents of the city of Columbus shared interests, they would have a harder time electing a candidate to represent those interests.

## What is possible?

An increasing number are creating alternatives to incumbent-controlled redistricting. See alternatives below.

**Citizen commission:** Non-politician citizens draw maps in nine states. Commissions approve final maps in all states except for Utah. All states except for Alaska and Utah require an equal number of Democrats and Republicans.

- **Alaska:** 5 members: Governor chooses 2, legislative majority leaders choose 1 each, chief justice chooses 1. State legislative districts only.
- **Arizona:** 5 members: 2 Democrats, 2 Republicans, 1 chair unaffiliated with either major party selected by first 4. Majority and minority legislative leaders select 1 each from pool created by the nonpartisan Commission on Appellate Court Appointments.
- **California:** 14 members: 5 Democrats, 5 Republicans, 4 unaffiliated with either major party. Majority and minority legislative leaders can only strike applicants from a pool chosen by nonpartisan state auditor's office. First 8 chosen randomly, final 6 chosen by first 8.
- **Colorado:** 12 members: 4 Democrats, 4 Republicans, 4 unaffiliated with either major party. Majority and minority legislative leaders choose from applicants that have been screened by nonpartisan staff and retired judges.
- **Idaho:** 6 members: 3 Democrats, 3 Republicans. Majority and minority legislative leaders choose 1 each and heads of each major party select 1 each.
- **Michigan:** 13 members: 4 Democrats, 4 Republicans, 5 unaffiliated with either major party. Open application and SOS mails application to random voters. SOS removes ineligible applicants and then randomly selects from eligible applicants.
- **Montana:** 5 members: 2 Democrats, 2 Republicans, 1 chair unaffiliated with either major party selected by the first 4. Majority and minority legislative leaders choose 1 each.
- **Utah:** 7 members: one selected by the governor, one selected by each legislative majority and minority leader, one unaffiliated voter selected jointly by legislative majority leaders, and one unaffiliated voter selected jointly by legislative minority leaders. Legislature must approve maps.
- **Washington:** 5 members: 2 Democrats, 2 Republicans, 1 nonvoting chair unaffiliated with either major party selected by the first 4. Majority and minority legislative leaders choose 1 each.

**Politician commission:** Five states have commissions with various combinations of legislators, statewide elected officials, and non-politicians; some have partisan balance built into the system and others do not.

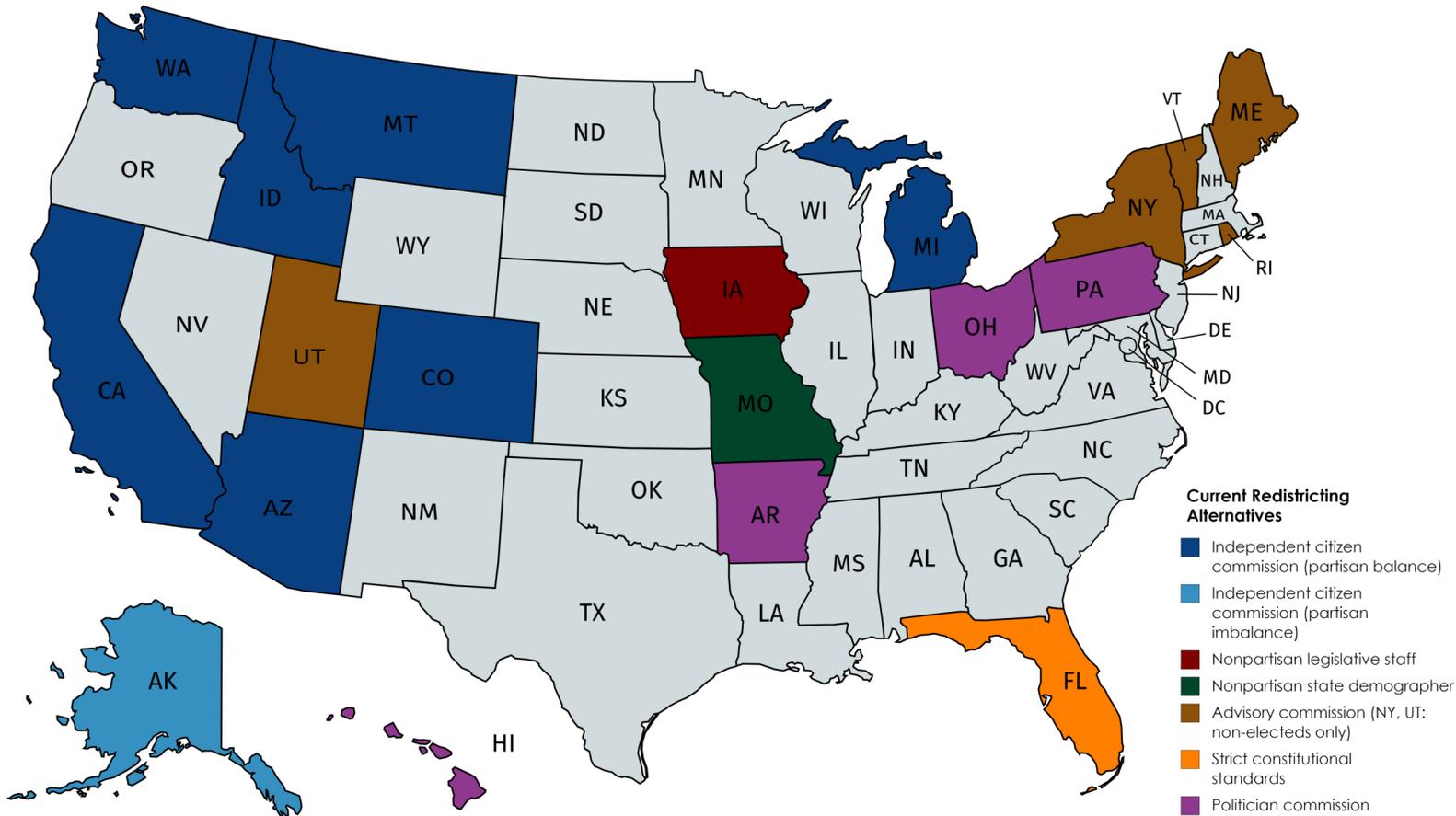
- **Arkansas:** 3 members: governor, secretary of state, attorney general. State legislative districts only.
- **Hawaii:** 9 members: legislative majority and minority leaders select 2 each. 6 of 8 must agree on 1 tiebreaker. Politicians can be on the commission but often aren't because they are then restricted from running for office for a certain period.
- **New Jersey:** State legislative—10 members: equal number chosen by chairs of the two major state parties. Chief justice chooses 1 more if group is deadlocked. Congressional—12 members: leaders of the senate and assembly majority and minority parties and chairs of the two major state political parties choose 2 each. Chief justice chooses 1 more if group is deadlocked.
- **Ohio:** State legislative—7 members: governor, state auditor, secretary of state are commissioners. Legislative majority and minority leaders select 1 each. Ban on partisan gerrymandering and other protections guide the process. Congressional—Supermajority and bipartisan vote required in either the legislature or, if that fails, the redistricting commission. If both fail, the legislature can pass by regular majority, but stronger rules against gerrymandering take effect.
- **Pennsylvania:** 5 members – legislative majority and minority leaders select 1 each. The 5<sup>th</sup>, who is not an elected official, is selected by the first 4 and serves as chair.

### **Non-partisan entity**

- **Iowa:** Nonpartisan legislative staff with input from an advisory citizen commission draws districts that legislature can veto.
- **Missouri:** Nonpartisan state demographer draws districts requiring partisan fairness. State legislative districts only.

**State constitutional standards:** **Florida** - Legislature draws districts but constitutional standards guide the process. The Florida Constitution prohibits intentional favoring or disfavoring of a political party or incumbent.

## State Redistricting Reform and Litigation



**ARKANSAS:** Arkansas Voters First is suing in federal court to challenge the secretary of state’s rejection of its signatures to place an initiative creating an independent citizens redistricting commission on the 2020 ballot.

**CALIFORNIA:** California Common Cause engineered a successful lawsuit to ensure that delayed census data did not limit the ability of the public to participate in redistricting and played a key role in ensuring diversity on the statewide commission. We are also active in promoting reform of county and city redistricting.

**COLORADO, OHIO, MICHIGAN:** Common Cause is closely monitoring the implementation of redistricting commissions to ensure transparency, fairness, and active public engagement.

**INDIANA, MARYLAND, NEBRASKA, PENNSYLVANIA, TEXAS, WISCONSIN:** Common Cause is leading active coalitions such as All IN for Democracy (IN), Tame the Gerrymander (MD), Fair Maps Texas, and Wisconsin Fair Maps that are pushing for reform of redistricting.

**MINNESOTA:** Common Cause Minnesota is pushing legislation that would create a citizens advisory commission to draw districts.

**MISSOURI:** Common Cause is supporting Clean Missouri in its effort to defeat Amendment 3, the Missouri State Legislature’s attempt to roll back anti-gerrymandering provisions of reform that voters passed in 2018.

**NEW YORK:** Common Cause New York is supporting redistricting reform at the county and city level and preparing to monitor implementation of the state’s newly created redistricting commission.

**NORTH CAROLINA:** After filing a successful lawsuit, *Common Cause v. Lewis*, to challenge General Assembly districts under the state constitution, Common Cause North Carolina continues to lead coalition efforts to reform how districts are drawn. We are currently organizing online local gatherings to spotlight egregious community splits.

**VIRGINIA:** Fair Maps Virginia is leading an effort to pass Amendment 1, a measure creating a bipartisan redistricting commission including non-politicians and mandating transparency and nonpartisan criteria.

# Steps to winning redistricting reform

From New York to Florida to Ohio to California, Common Cause has been successful in improving the redistricting process in many states. Some have an initiative process to allow voters to support reforms. Others require litigation or legislative efforts to make change. Here are some of the keys to success across different states and campaigns:

## 1. Build a Bipartisan Alliance

After several attempts to pass reform through a ballot measure, Ohio finally succeeded in 2015, largely because Common Cause helped build a bipartisan and non-partisan alliance that helped assure voters that Issue 1 was not a power grab by either party, and that the outcome would be fair elections. Polling in state after state shows that most voters are not familiar with the redistricting process. However, they are concerned about partisan or incumbent-driven manipulation of the political system. Assuring voters that the proposed system will be fair is critical. Creating a bipartisan coalition is a helpful litmus test for fairness.

- Secure support from leaders of both major parties. These can be current legislators, former elected officials, or local party clubs leaders.

### Tip from Ohio:

*The coalition actively sought and obtained the endorsements of the Ohio Democratic and Republican parties. The parties ensured effective and efficient outreach to the many county party organizations who eventually listed Issue 1 on their slate cards. The coalition also obtained the endorsements of every living former Ohio governor—Democrat and Republican.*

## 2. Engage Unusual Bedfellows as Partners

It is important to build broad coalition of unusual bedfellows. Start conversations about what the problem is and be open to crafting a solution together. Think about including groups that could be instrumental as supporters or dangerous if they oppose. Ultimately, including partners early can ensure that supportive groups will be willing to play key roles in public education, the decision about policy, the production and distribution of materials, managing the speakers' bureau, and activating their membership.

- Reach out to labor and business, faith organizations, civil rights groups, farmer's groups, AARP, students, women's groups, rotary clubs, environmental groups.



Ohio: Let them eat cake!

## 3. Neutralize potential opposition early

Do your research and find out who has opposed redistricting reform in the past. Elected leaders? Bar Association? Labor or Chamber of Commerce? Editorial boards? Are there differences in your approach or a change in the organization's make-up or position that might make them more open to reforms? Are there individuals within the organization who can be potential allies? Understand how decisions are made in the organization—are there layers of decision-makers or just one? What is the timing? Find out if the organization is fundamentally opposed or if there is room to find common ground.

- Reach out to groups that may potentially oppose. Understand and research their concerns.

# Steps to winning redistricting reform

## 4. Engage the Public

Develop a plan that includes field and communications strategies that help you connect to voters, constituents, and the media. Consider social media outreach, holding town halls, inserting articles in newsletters, canvassing voters. Some state organizations have letter writing campaigns to elected leaders or decision makers to urge change.



**Tip from Maryland:**

Maryland Common Cause organized a Gerrymander Meander Marathon around one of the most ridiculous districts as a way to bring media attention.



**Tip from North Carolina:**

Creating videos and humorous pieces can help spread the word through social media.

- July 17th is Elbridge Gerry’s birthday (the undisputed founding father of “gerrymandering”). Many states hold mock celebrations to draw attention to the problem.
- Hold competitions to draw better maps as New York, Massachusetts, Virginia and other states have.

## 5. Engage local elected officials and leaders

One way to build out a multi-partisan or non-partisan coalition is to go to city and county elected officials for support. You can draft a simple resolution to be adopted that supports fair principles of redistricting. As you approach city and county leaders, find people willing to work with you as spokesperson or to give you a quote that can be included in future materials.

- Identify local elected officials who may see how their city or counties have been divided in detrimental ways.
- Pass local resolutions in cities and counties to support redistricting principles or reforms.

### PASADENA, CA RESOLUTION

**WHEREAS**, the current redistricting process creates a conflict of interest—as state legislators are effectively choosing their own constituents; and

**WHEREAS**, the redistricting process should be conducted in an open manner with real opportunities for public dialogue and feedback, not behind closed doors; and

**WHEREAS**, public input and involvement in the redistricting process will empower our communities from the start by allowing communities to elect representatives who represent their interests on issues that are important to their lives; and

**WHEREAS**, the boundaries of state districts are currently drawn by legislative incumbents, often sacrificing the integrity of neighborhoods and cities; and

**WHEREAS**, important principles such as the protections of the federal Voting Rights Act of 1965 and respect for neighborhoods and cities should be clearly listed for a Commission to abide by;

## 6. Organize spokespeople

It is helpful to talk through what the problem is that you are trying to address and what your goals are. Develop written materials—keep it simple!—to help people with the main points. After the first few presentations, get back together to talk through commonly asked questions. You may also want to develop an FAQ (Frequently Asked Questions) page as both a handout, and a presentation guide. Having people trained and ready to speak to every media outlet, local gathering, and organization was important to getting the word out on a shoe-string budget.

- Develop talking points—why are you seeking change? What reform do you support?

# Common Cause Redistricting Guidelines

Common Cause strongly believes that the drawing of new congressional, state legislative, and local district lines every decade should be carried out by individuals with no inherent self-interest, instead of sitting legislators. Districts should be drawn to be representative of the population, reflecting the demographic changes of each state. Redistricting reform should give voters the power participate in the creation of political districts and ultimately to choose our representatives. Our work on redistricting is guided by the following principles:

## 1. The Creation of Nonpartisan Citizen Redistricting Commissions

Nonpartisan Citizen Redistricting Commissions should be established to replace current redistricting processes. If a commission is created, it should be structured so that, if membership includes representatives from political parties, that no political party interests can advance a plan without support from other political parties; and, so that the two major political parties cannot collude to create a plan without support from other members not affiliated with either major political party. Approval of redistricting plans should require approval by a super-majority of the members or by consensus of the members of the commission. Commissions should reflect the geographic, racial, ethnic, gender, and age diversity of the state or locality.

## 2. Fair Criteria for Congressional and Legislative Districts

Criteria for drawing districts should be clearly laid out for the state legislature, a commission, staff or any other body tasked with drawing district lines. Fair criteria ensure the process of drawing districts will be more transparent to the public, the media and courts.

- **Districts should be composed of populations of reasonably equal numbers of people** - The Supreme Court has interpreted the Equal Protection Clause of the Fourteenth Amendment as providing the guarantee of equal population of districts.
- **Districts shall comply with the United States Constitution and the Voting Rights Act** - The Voting Rights Act (VRA) is a federal mandate that requires the protection of minority communities to be able to elect candidate of their choice.
- **District boundaries should respect communities of interest to the extent practicable**- Communities of interest may be defined by visible geographic features; city, town, and county boundaries; similarities in social, cultural, ethnic, linguistic and economic interests; school districts and other relationships with local government.
- **Districts should be contiguous and compact where possible** - A district is contiguous when all parts of a district are connected. A district is compact when it is composed in a way that is not so dispersed that a representative cannot efficiently communicate and represent constituents.
- **The Commission should follow an "incumbent blind" process.** The rules for drawing the maps should ban favoring or discriminating against incumbents, candidates, or parties. Redistricting should also not take into account the address of any individual, including an officeholder.

## 3. Public Participation and Transparency

Public hearings should be conducted throughout the state on proposed plans, allowing for comments from the public. Regular meetings of the commission or body tasked with drawing district lines should be open to the public and with substantial notice.

All submitted maps, plans, revised plans, meeting agendas and minutes, hearing transcripts, descriptions of proposed districts, and other data should be available in a timely fashion, free of charge, to the public. Decision makers should not be allowed to have off-the-record communications with elected officials, representatives of parties or others regarding how the redistricting maps should be drawn.

## 4. Frequency

Congressional and legislative redistricting should occur once every 10 years following the decennial U.S. Census.

# Redistricting Principles For a More Perfect Union

*Throughout our history, Americans have aspired to "form a more perfect union." We as a people have sought to achieve a fair, representational democracy where the citizens fairly select their representatives; where our elected officials are responsive to the needs and concerns of their constituents; and where the vestiges of historic and ongoing racial discrimination are removed.*

*Yet even now, current redistricting practices too often pose new and daunting threats to our democracy's vibrancy, inclusiveness, transparency and accountability of its elected officials. Instead, in many cases, the process is used as a means for those with disproportionate political power to maintain that clout. Closed-door processes exacerbate the disconnect between the self-interested and the ideal of representative democracy. The public is cut out of the process and disillusioned as entrenched forces draw lines to maintain the status quo. The resulting district lines can ignore changes in U.S. demographics, which results in disenfranchisement of communities of color and others. Citizens lose a true sense of ownership of our democracy.*

*Improved redistricting practices can enhance and expand civic participation, help restore public confidence and participation in elections and governance, and build a modern democracy that serves as a beacon of inclusion and representation.*

*The undersigned organizations, which are committed to defending our democracy, agree on the following baseline principles to inform redistricting in this decade and future decades, as well as to present a framework upon which to build possible reforms in coming years as we as a nation move toward that more perfect union.*

1. Consistent with the requirements of the Constitution, all persons who reside in a state or local jurisdiction -- regardless of age, citizenship, immigration status, ability or eligibility to vote -- should be counted for purposes of reapportionment and redistricting. Districts should be populated equally, as defined by law, counting all residents as constituents to be represented by elected officials.
2. The Census Bureau should continue to improve its outreach and data collection to ensure as full and accurate a count of all communities as possible, including a full and accurate count of the population by race, ethnicity, and national origin. Redistricting decision-makers should use legally-permitted population deviation among districts in state and local redistricting to serve legitimate redistricting considerations, including underpopulation of districts to ensure adequate representation of undercounted communities.
3. Incarcerated or detained persons should be considered residents of their immediate pre-incarceration location or their family residence for purposes of reapportionment and redistricting. The Census Bureau should collect and release the data necessary to implement this principle in all jurisdictions.
4. Compliance with the letter and spirit of the federal Voting Rights Act and its prohibition of vote dilution and of retrogression must remain a primary consideration in redistricting. While the elimination of racial discrimination in voting is a critical goal, that goal and the protection of civil rights are undermined by decision-makers who deny, without sufficient evidentiary proof, the continued existence of factors, including racially polarized voting, that support the creation of remedial districts under the Voting Rights Act. In light of long-established historical pattern, the prudent course, absent compelling evidence of changed circumstances, is for decision-makers to preserve extant remedial districts under the Voting Rights Act and to create new opportunity districts consistent with growth in relevant populations. Moreover, the requirements of the Voting Rights Act should be viewed as a floor, and not a ceiling, with respect to the voting rights of voters of color in redistricting. To advance these foundational goals, redistricting decision-makers should always make it a priority to exercise their considerable latitude within the law to create coalition and/or influence districts for voters of color where the creation of Voting Rights Act-compliant opportunity districts, in which voters of color comprise the majority of the voting-age population in a district, is not possible.

# Redistricting Principles For a More Perfect Union

*(Continued)*

5. Consideration of communities of interest is essential to successful redistricting. Maintaining communities of interest intact in redistricting maps should be second only to compliance with the United States Constitution and the federal Voting Rights Act as a consideration in redistricting.
6. Transparency in redistricting is essential to a successful process. Meetings of decision-makers, among themselves or with legal and mapping consultants, must be open and accessible to the public in all but the most limited of circumstances.
7. Full access requires the development and implementation of measures to facilitate public attendance and meaningful participation. This includes outreach, informational materials, and interpretation services provided in languages other than English where the constituency involved warrants the provision of such services. This also includes means to permit the participation of constituents in remote locations. All efforts must recognize that certain communities face greater barriers to full participation, and outreach, education, and weighting of input should reflect this recognition. Full access to the redistricting process must also include maximized opportunity for input and participation. This requires facilitating participation through the availability of data and equipment well in advance of the consideration of specific proposals. This also requires timely disclosure of proposed maps being voted upon to allow ample opportunity for public input before adoption. Finally, meaningful participation requires that the decision-making body demonstrate its due consideration of the public input provided.
8. Public confidence in redistricting requires the decision-makers to reflect a broad range of viewpoints and be representative and appreciative of the full diversity of the population. Public confidence is furthered when relevant financial and other information about decision-makers and their paid retained consultants is disclosed. Fairness requires the development of clear conflict-of-interest criteria for disqualification of decision-makers and consultants.
9. Public trust in redistricting requires disclosure of information about any relationships between decision-makers and significant non-decision-making participants. Transparency requires the avoidance of rules that provide an incentive for outside participants to conceal their relationship to incumbents or candidates for the offices being redistricted. Rules that require participants in the redistricting process to disclose information must be applied evenly.
10. Accountability in redistricting requires public access to information about any non-public discussions of redistricting between redistricting decision-makers. This requires advance abrogation of any statutory or common-law legislative privilege that would protect such discussions of redistricting by decision-makers from disclosure during or after conclusion of the process.

*Advancement Project, American Civil Liberties Union,  
Asian American Legal Defense and Education Fund, Asian Americans Advancing Justice,  
Brennan Center for Justice, Campaign Legal Center, CHANGE Illinois,  
Common Cause, Demos, Lawyers' Committee for Civil Rights Under Law,  
LatinoJustice PRLDEF, Mexican American Legal Defense and Educational Fund,  
NAACP LDF, NALEO Educational Fund, Prison Policy Initiative,  
Sierra Club, Southern Coalition for Social Justice*