

Diversity and Communities of Interest

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Applicant Review Panel Training

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Overview

Definitions and Requirements for Diversity

Selection Criterion:

- “Appreciation of California’s Diverse Demography and Geography”

Communities of Interest

Implementation by the CRC

Legal Requirements

“The selection process is designed to produce a commission that is independent from legislative influence and **reasonably representative of this State’s diversity.**”

Cal. Const. art. XXI, § 2(c)(1)

Definition of Diversity

“Diversity” means the variety in the

- racial,
- ethnic,
- geographic,
- economic, and
- gender

characteristics of the population of California.

2 Cal. Code Reg. § 60815

ARP's Consideration of Diversity

In multiple phases of the process, the ARP:

“shall . . . consider whether the composition of the pool of applicants to participate in . . . the application process is reflective of the State's diversity”

2 Cal. Code Reg. §§ 60848, 60850

However, “[t]he panel shall not use formulas or specific ratios in identifying which applicants will participate in [the next phase] of the application process.”

Selection Criteria

The Applicant Review Panel is charged with selecting the 60 most qualified applicants, with three subpools of 20, so that

[S]ubpools shall be created on the basis of relevant

(1) analytical skills,

(2) ability to be impartial, and

(3) appreciation for California's diverse demographics and geography

Cal. Gov. Code § 8252

Definition: Appreciation of California's Diverse Demographics and Geography

Cal. Code Reg. § 60805(a):

“Appreciation for California's diverse demographics and geography” means all of the following:

Appreciation for Diversity: Demographics

(1) An understanding that California's population consists of individuals sharing certain demographic characteristics that may reflect their preferences concerning political representation, **including, but not limited to, race, ethnicity, gender, sexual orientation, and economic status.**

Appreciation for Diversity: Geography

(2) An understanding that the people of California reside in many different localities with distinct geographic characteristics that may reflect the preferences of the residents concerning their political representation, **including, but not limited to, urban, suburban, rural, industrial, agricultural, coastal, inland, arid, and temperate.**

Appreciation for Diversity: Effective Participation

(3) A recognition that California benefits by having effective participation in the electoral process by persons of all demographic characteristics and residing in all geographic locations, **including, but not limited to, participation by those persons who in the past, as a consequence of sharing certain demographic characteristics, such as race and ethnicity, have had less opportunity than other members of the electorate to participate in the electoral process.**

Demonstrating Appreciation for Diversity

An applicant may demonstrate an appreciation for California's diverse demographics and geography [1] through a description of that appreciation and [2] through occupational, academic, volunteer, or other life experiences that show this appreciation, such as

...

Demonstrating Appreciation for Diversity

- (1) Working on one or more projects that involve or affect Californians having different backgrounds or residing in different areas, and therefore having differing interests, yet achieving results that are acceptable to these different Californians.
- (2) Studying the voting behavior of Californians in various areas of the state for the purpose of improving the effectiveness of the electoral process.
- (3) Traveling throughout California and meeting with people having different backgrounds, in order to recruit them for employment or some other endeavor, or to build consensus on some issue or idea.

Implications for the ARP: Aggregate and Individual Applicant Review

POOL OF APPLICANTS

Actual Diversity Across
Demographic and Geographic
Dimensions

INDIVIDUAL APPLICATIONS

Each Applicant Must Show an
Appreciation of California's
Diverse Demographics and
Geography

Diversity: 2010 Statistics and CRC

Let's review data from the ARP's selection of 60 candidates in 2010, as well as information about the current CRC . . .

Demographic Data - Party

	Other Party or DTS		Republicans		Democrats		TOTAL	
Party	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Democratic Party	0	0	0	0	20	100	20	33.33
Green Party	2	10	0	0	0	0	2	3.33
Republican Party	0	0	20	100	0	0	20	33.33
Other	1	5	0	0	0	0	1	1.67
Decline to State/Not Registered with a Political Part	17	85	0	0	0	0	17	28.33

Demographic Data - Geographic (County)

County	Other Party or DTS		Republicans		Democrats		TOTAL	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Alameda	4	20	0	0	2	10	6	10
Butte	0	0	0	0	1	5	1	1.67
Contra Costa	1	5	0	0	2	10	3	5
Fresno	1	5	0	0	0	0	1	1.67
Humboldt	1	5	1	5	0	0	2	3.33
Los Angeles	5	25	3	15	4	20	12	20
Orange	0	0	1	5	0	0	1	1.67
Riverside	0	0	2	10	0	0	2	3.33
Sacramento	3	15	4	20	0	0	7	11.67
San Bernardino	0	0	0	0	1	5	1	1.67
San Diego	1	5	2	10	0	0	3	5
San Francisco	1	5	2	10	3	15	6	10
San Joaquin	1	5	0	0	0	0	1	1.67
San Luis Obispo	0	0	0	0	1	5	1	1.67
San Mateo	1	5	1	5	0	0	2	3.33
Santa Barbara	0	0	1	5	1	5	2	3.33
Santa Clara	0	0	1	5	3	15	4	6.67
Santa Cruz	0	0	2	10	0	0	2	3.33
Tulare	0	0	0	0	1	5	1	1.67
Ventura	0	0	0	0	1	5	1	1.67
Yolo	1	5	0	0	0	0	1	1.67

Demographic Data - Geographic (Region)

Region	Other Party or DTS		Republicans		Democrats		TOTAL	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Bay Area	7	35	4	20	10	50	21	35
Central Coastal	0	0	3	15	2	10	5	8.33
Inland Empire	0	0	2	10	1	5	3	5
North Central Valley and Mountain	4	20	4	20	1	5	9	15
North Coastal	1	5	1	5	0	0	2	3.33
Southern Central Valley and Mountain	2	10	0	0	1	5	3	5
Southern Coastal	6	30	6	30	5	25	17	28.33

Demographic Data - Economic Status

Economic Status	Other Party or DTS		Republicans		Democrats		TOTAL	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Under \$35,000	0	0	1	5	0	0	1	1.67
\$35,000 - \$74,999	4	20	4	20	1	5	9	15
\$75,000 - \$124,999	6	30	9	45	5	25	20	33.33
\$125,000 - \$250,000	6	30	4	20	12	60	22	36.67
Over \$250,000	4	20	2	10	2	10	8	13.33

TABLE 5. The Final 14 Commissioners

Name	Party	Selected/Random Draw	Occupation	City
Vincent Barabba	Republican	Random Draw	Business and Marketing	Capitola
Cynthia Dai	Democrat	Random Draw	CEO and Professor	San Francisco
Stanley Forbes	Affiliated with neither major party	Random Draw	Bookstore Co-Owner	Esparto
Connie Galambos Malloy	Affiliated with neither major party	Random Draw	Urban Planning and Policy Development	Oakland
Elaine Kuo	Democrat	Random Draw (Resigned)	Researcher	Mountain View
Jeanne Raya	Democrat	Random Draw	Lawyer; Risk Management	San Gabriel
Jodie Filkins Webber	Republican	Random Draw	Self-Employed Attorney	Norco
Peter Yao	Republican	Random Draw	Former Mayor; Engineer	Claremont
Gabino Aguirre	Democrat	Selected	Retired Teacher and School Principal	Santa Paula
Maria Blanco	Democrat	Selected	Nonprofit Executive	Los Angeles
Michelle R. DiGuilio	Affiliated with neither major party	Selected	Community Planning; Homemaker	Stockton
Lilbert "Gil" R. Ontai	Republican	Selected	Architect and Lecturer	San Diego
M. Andre Parvenu	Affiliated with neither major party	Selected	Geographer and Urban Planner	Culver City
Michael Ward	Republican	Selected	Chiropractor and Polygrapher	Anaheim
Angelo Ancheta	Democrat	Other (Selected by the commission to replace Elaine Kuo)	Law Professor	San Francisco

Source: League of Women Voters of California, *When the People Draw the Lines* (2013)

Application of Diversity in CRC's Work

Examples of how diversity and the appreciation of diversity were important in the CRC's work:

- First 8 commissioners must select the remaining 6 to create a diverse CRC
- Hiring and managing staff and consultants
- Developing public education and outreach strategies
- Engaging with media, including non-English-language media
- Developing hearing schedules and public input channels
- Understanding public testimony to inform line drawing
- Setting priorities and decision making in line drawing

Communities of Interest

Cal. Const. art. XXI, § 2(d)(4):

(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.

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Communities of Interest: 4th Level Ranked Criterion

(1) Federal
Constitution

> (2) Federal Voting
Rights Act

> (3) Contiguity

> (4) Cities, Counties,
Neighborhoods,
and Communities
of Interest
> (5) Compactness
> (6) Nesting

Cities

= Counties

= Neighborhoods

= Communities of
Interest

Communities of Interest: Definition

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.

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Communities of Interest: Examples

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: Prohibitions

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

Parallels Between Diversity and COI

Explicit Parallels

- urban
- rural
- industrial
- agricultural

Implicit and Commonly Used

- living standards, work opportunities, and economic class
- race and ethnicity
- sexual orientation

COI-specific

- transportation access
- media markets

Challenges for CRC in Addressing COIs

- Unlike cities and counties (and many urban neighborhoods), communities of interest are not easily catalogued and may lack clear boundaries
- Conceptions among the public – and even among commissioners – can vary significantly and often rely on subjective opinions
- COIs should fit within a single district (or a small number of adjacent districts)
 - can be problematic when public input employs broad commonalities, such as “coastal” interests or “foothill” interests
- COIs often overlap and can present difficult line drawing choices

Challenges for CRC in Recognizing COIs

- Public testimony often has gaps, or contains inconsistencies and conflicts
- Public testimony may be subject to manipulation or subterfuge for partisan or incumbent-protection ends
- High volume of public testimony poses major data collection and information processing issues

COI Debates Among Redistricting Professionals and Academics

Differing Approaches:

“Public Input” vs. “Statistical Analyses”

In 2011, CRC relied almost entirely on written and oral testimony on COIs

COI Debates

Public Input (Employed by 2010 CRC)

- Advantages:
 - Public engagement
 - Can reveal non-obvious COIs and neighborhoods
 - Can help promote agreement and consensus among line drawers
- Disadvantages:
 - Open-ended definitions, subjective interpretations
 - Gaps, inconsistencies, conflicts in public input; manipulation of testimony
 - “Big data” problems
 - May cause cherry picking of different sources of COI information

COI Debates

Statistical Analyses

- Post-2010 academic literature focusing on census data and electoral data
 - Includes factor analysis and cluster analysis of census or other demographic data, as well as analyses of ballot initiative voting patterns
- Advantages:
 - Defined standards and methodologies
 - Application of consistent standards across entire jurisdiction
- Disadvantages:
 - Limitations of data and methodologies can misidentify or omit COIs
 - Can gloss over complexities and conflicts among COIs
 - Additional costs

COI Debates

Hybrid Approach

- Rely primarily on public input, but employ Census data and other analyses to fill in gaps and to help reconcile inconsistencies and conflicts
- Ultimately, commissions and other line drawers must exercise their best **judgment** in reconciling local geographies and drawing the appropriate district lines

Racial and Ethnic COIs: Special Issues

- **Race- and ethnicity-based COIs are commonly employed by the public**
- **Distinct from federal VRA claims and majority-minority districts**
 - Minority populations may be below 50% CVAP of proposed district
 - Need not be evidence of racially polarized voting
 - May involve ethnic groups not formally protected by the VRA
 - Includes European ethnic groups, Arab Americans
 - E.g., Armenian population in Glendale area of Southern California
- **Caveat: Using race or ethnicity as the predominant factor may raise constitutional problems**

ARP and COIs

Many applicants will discuss COIs to explain their basic interest in redistricting, or to demonstrate their analytical skills and their appreciation for California's diversity:

Maria Blanco: "I believe redistricting or reapportionment is the key to democracy. It is the key not only because it ensures the concept of one person one vote, but also because in drawing lines that encompass communities of interest and maximize opportunities for representation, those communities are given a voice in government."

Stanley Forbes: "Legislative districts should represent communities of interests. . . . As it stands now however, the primary community of interest is political party registration. This effectively results in many single party legislative districts that may not represent communities of interest that reflect our common interests in solving the problems facing the state."

ARP and COIs?

Useful in the interview process to ask how applicants will approach COIs in order to assess their appreciation for diversity, as well as their impartiality and analytical skills

- Ability to be impartial includes setting aside “[b]iases for or against any individuals, groups, or geographical areas.” (2 Cal. Code Reg. § 60800(a)(2))
- Relevant analytical skills include “evaluating the validity and significance of the information gathered by the commission in order to make sound decisions about the proper placement of communities in districts . . .” (2 Cal. Code Reg. § 60827(b))

No right or wrong answers -- but the ARP can assess problem solving skills and strategic thinking about redistricting by asking how applicants would approach identifying COIs and implementing data collection

Suggestions for the ARP

- No group of 60 people, let alone 14 people, can fully represent the demographic and geographic diversity of the entire State of California
- Strive to cover different bases, and continue checking for disparities throughout the selection process
- No individual knows California so well that s/he won't have to listen and learn from their fellow commissioners, the staff and consultants, and the public
- Appreciation for diversity requires experience, as well as an ***openness to learning*** about diverse geographic areas and communities throughout the state
- Strong candidates will be open-minded, team-oriented, flexible, patient, and eager to listen and learn more about the State of California.