

# TRANSITION TO DISTRICT-BASED ELECTIONS

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Public Hearing #1

April 4, 2017

# Background

- Letter received claiming City's at-large election process violates the California Voting Rights Act (CVRA)
- On March 21, 2017 Council adopts a resolution of intention to transition from at-large to district-based elections compliant with CVRA

# Timeline

- Public Hearing Schedule adopted:  
Five (5) meetings required per Elections Code Section 10010
  - Public Meeting #1: April 4, 2017
  - Public Meeting #2: April 18, 2017
    - Public input on composition of the districts
  - Public Meeting #3: May 2, 2017
  - Public Meeting #4: May 16, 2017
    - Public input on content of draft maps and proposed sequencing of elections
  - Public Meeting #5: June 6, 2017
    - Council to consider Ordinance to establish district-based elections

# Meeting Objectives

1. Consider Number of Districts
  - a. Five (5) member Council:
    - Four (4) Districts with separately elected Mayor
  - b. Seven (7) member Council:
    - Six (6) Districts with separately elected Mayor
  - c. Other?
  
2. Public Input and Council Dialog on what components/elements to consider when defining districts

# Legal Framework

- Process:
  - Elections Code § 10010
    - Notice, Public Hearings & Timing – 90 days to complete process
  - Government Code § 34886
    - Action by Ordinance – No election is necessary to change to by-district elections

# Legal Framework (cont'd)

- Required Criteria: Population Equality  
(U.S. Constitution; see also Elect. Code § 21601 & Gov. Code § 34884)
  - Overriding criterion is population equality (see *Reynolds v. Sims*, 377 U.S. 533 (1964)).
  - Unlike congressional districts, local electoral districts do not require perfect population equality—some deviation acceptable to serve valid governmental interests.
  - Total deviation less than 10% presumptively constitutional. (Caution: the presumption *can* be overcome!)

# Legal Framework (cont'd)

- Required Criteria: No Racial Gerrymandering (U.S. Constitution)
  - Popular use of term: Oddly-shaped districts, or any districting plan a candidate or office-holder does not find advantageous to him or her. Gerrymandering under this definition is NOT legally actionable.
  - Gerrymandering prohibited by the Fourteenth Amendment is the use of race as the “predominant” criterion in drawing districts and the subordination of other considerations. (*Shaw v. Reno*, 509 U.S. 630 (1993); *Miller v. Johnson*, 515 U.S. 900 (1995).)

# Legal Framework (cont'd)

- Required Criteria: Federal Voting Rights Act (52 U.S.C. § 10301 et seq.)
  - Section 2 of the federal Voting Rights Act prohibits electoral systems (including districting plans), which dilute minority voting rights by denying minorities an equal opportunity to nominate and elect candidates of their choice.
  - In the districting context, Section 2 only *requires* creation of majority-minority districts, unless, there is intent to discriminate. *Bartlett v. Strickland*, 559 U.S. 1 (2009).
  - California Voting Rights Act is silent with respect to the *shape* of electoral zones.



# Optional Considerations

- In establishing the boundaries of the districts, the legislative body may consider the following factors:
  - (A) Topography
  - (B) Geography
  - (C) Cohesiveness, contiguity, integrity, and compactness of territory
  - (D) Community of interests of the districts.

(See Elect. Code § 21601 & Gov. Code § 34884.)

# Optional Considerations (cont'd)

- Many courts have approved other considerations as legitimate, including, for example:
  - Preventing head-to-head contests between incumbents, to the extent reasonably possible.
  - Consideration for the boundaries of other political subdivisions (e.g., school districts, established neighborhood, etc.).
  - Use of whole census geography (e.g., census blocks).
  - Other non-discriminatory, evenly applied criteria (e.g. location of public facilities, planned development, allocation of commercial areas)

# Optional Considerations (cont'd)

- **Weighing And Balancing Is Inevitable and Proper**

“Because, as a practical matter, the reapportionment process involves give and take in resolving conflicts among the various standards and in considering the concerns, desires, and objections of numerous interested persons and groups ..., a result “‘which may appear ideal for one place or another must be subordinated to the goal of fair and reasonable reapportionment of the whole [city].’” (*Legislature v. Reinecke, supra*, 10 Cal.3d at p. 403.) Therefore, courts must approve a reapportionment plan if it appears to reflect a reasonable application of the standards, “even though alternatives may appear equally reasonable.” (*Legislature v. Reinecke, supra*, 10 Cal.3d at p. 403; see also, *Wilson v. Eu, supra*, 1 Cal.4th at p. 720, 4 Cal.Rptr.2d 379, 823 P.2d 545.)”

(*Nadler v. Schwarzenegger*, 137 Cal.App.4<sup>th</sup> 1327 (2006).)

# Baseline Demographic Information

## City's 2010 Census Demographic Information

Official redistricting data (PL 94-171)

Detailed ethnic/racial group concentrations  
with detailed Asian categories

## 2010-2015 U.S. Census Bureau (American Community Survey/ACS) estimates:

Population trends

Citizenship rates by race and ethnicity

## Voter registration & turnout data from the California Statewide Database

# Baseline Demographic Information (cont'd)

## To draft election district plans we must use Census 2010 counts, by Census block, of:

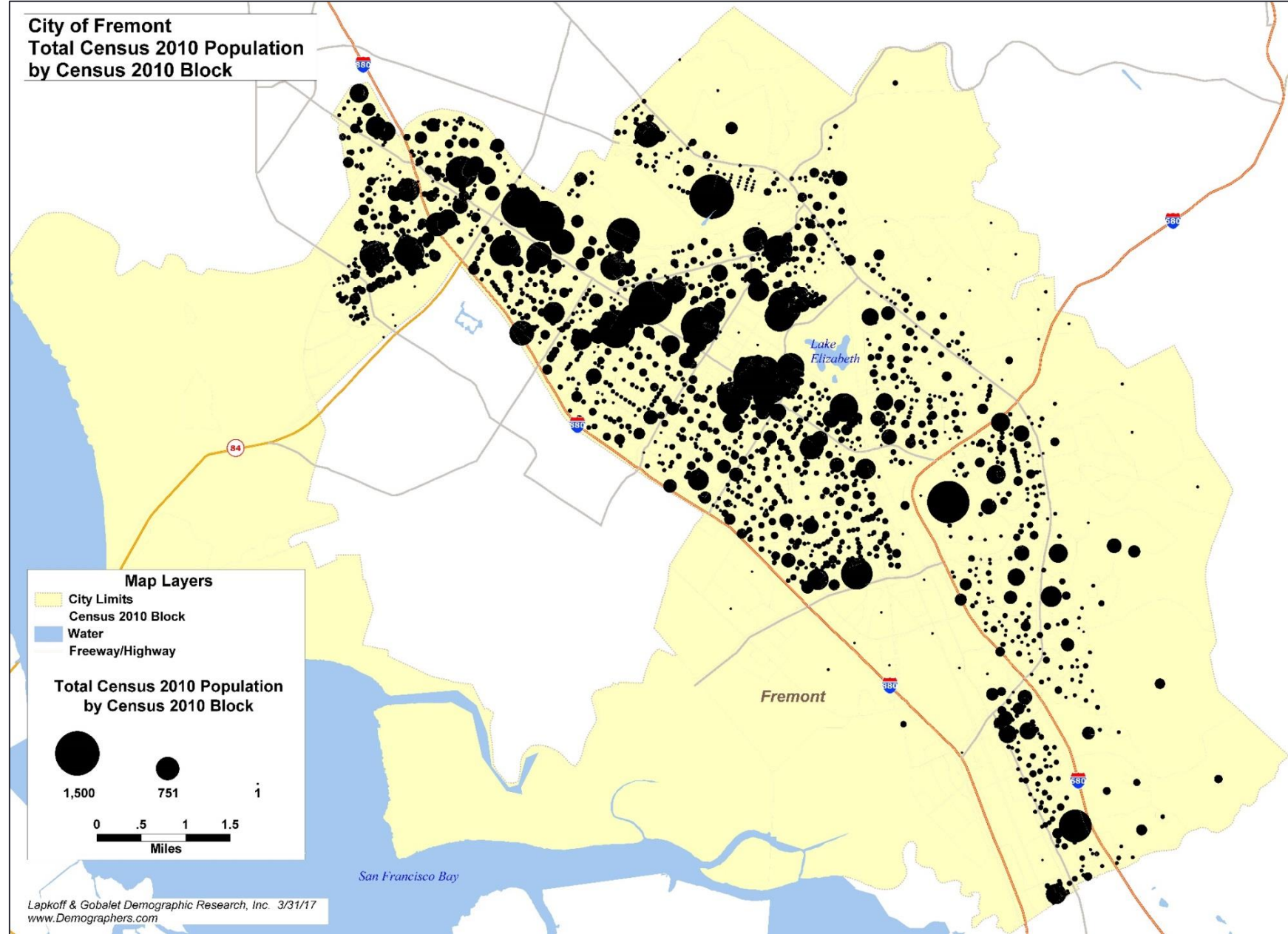
- Total population (used to assess whether election district population counts are equal or nearly equal)
- Populations of a limited set of race/ethnic categories: total and those aged 18+ (the Voting Age Population, or VAP)

## We also use:

- Estimates of the Citizen Voting Age Population (CVAP, citizens 18+) for a limited number of race/ethnic categories (from the Census Bureau's American Community Survey, or ACS)
- Estimates of the number of registered and actual voters, by Spanish surname (from the California Statewide Database)

# Distribution of Fremont's Census 2010 population, by Census block

(Census 2010 redistricting data)



# Baseline Information: Census 2010 population counts for drawing election districts (official race/ethnic categories; we also have detailed Asian group counts)

Census 2010 Redistricting Data for Fremont, CA		
official population counts PL94-171 database		
	Total	Aged 18+
Population	214,089	160,873
Official districting race/ethnic groups:		
Hispanic Origin	31,698	21,839
NH White	56,766	47,918
NH Black	7,383	5,134
NH Native American	947	708
NH Asian	112,907	82,239
NH Hawaiian	1,334	1,028
NH Other	479	302
NH Multiple Race	2,575	1,705

**Ideal population per Council district (based on Census 2010 counts):**

**Four (4) Districts = 53,522**

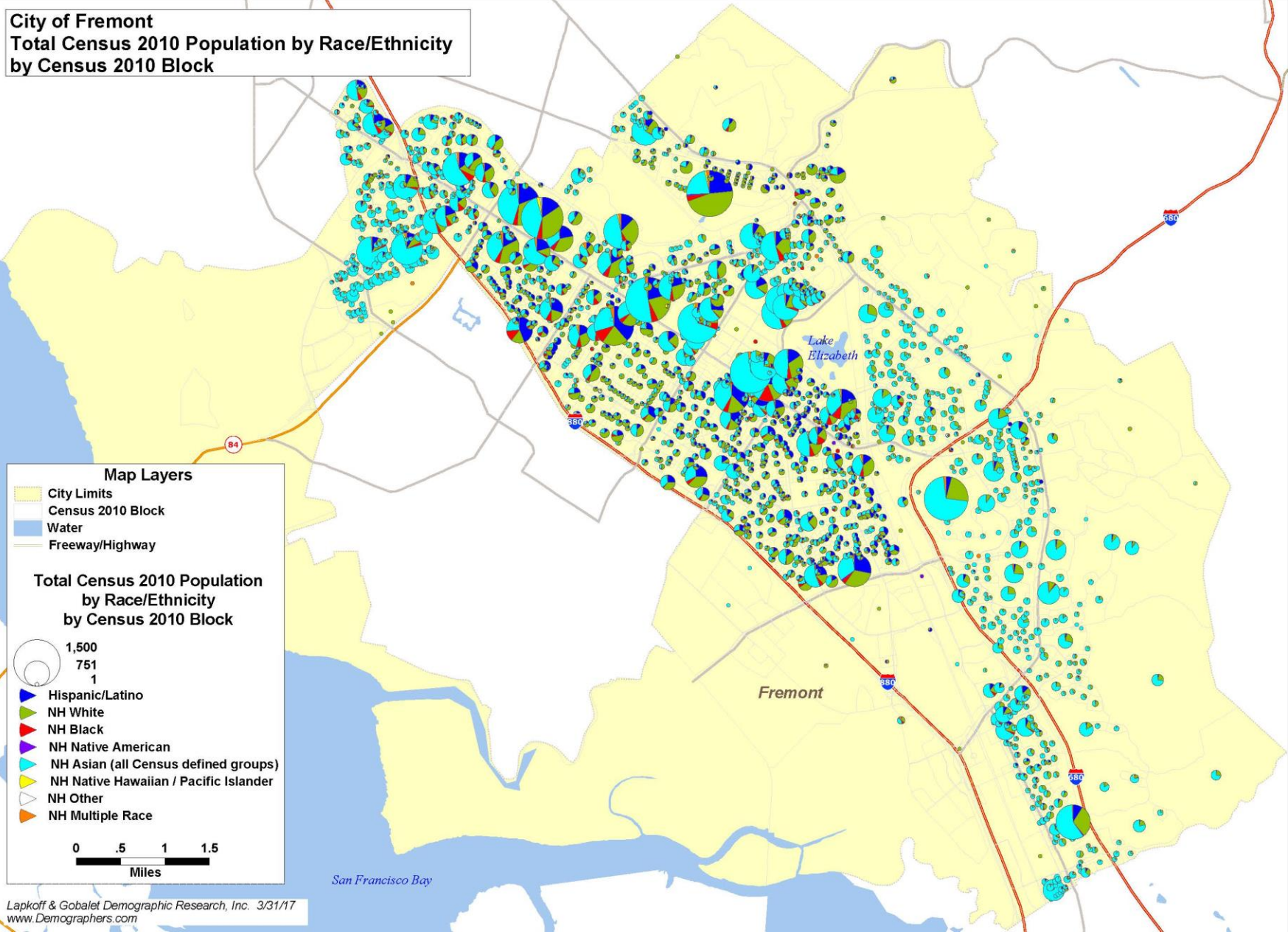
**Six (6) Districts = 35,682**

**Permitted deviation from ideal population:**

- **Four districts +/- 5,352**
- **Six districts +/- 3,568**

# Distribution of Fremont's Census 2010 race/ethnic populations, by Census block

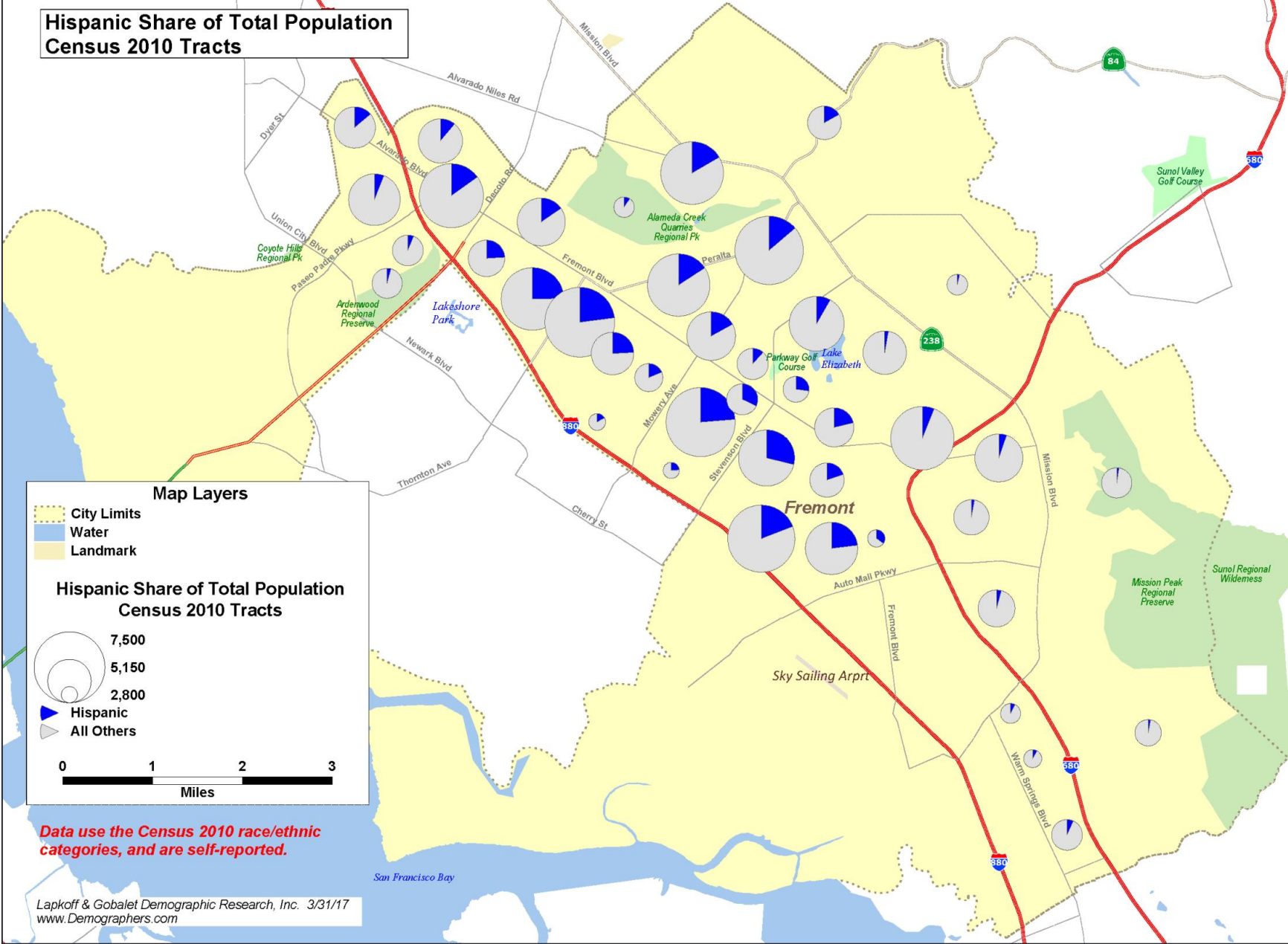
(Census 2010 redistricting categories; we also have detailed Asian group counts)





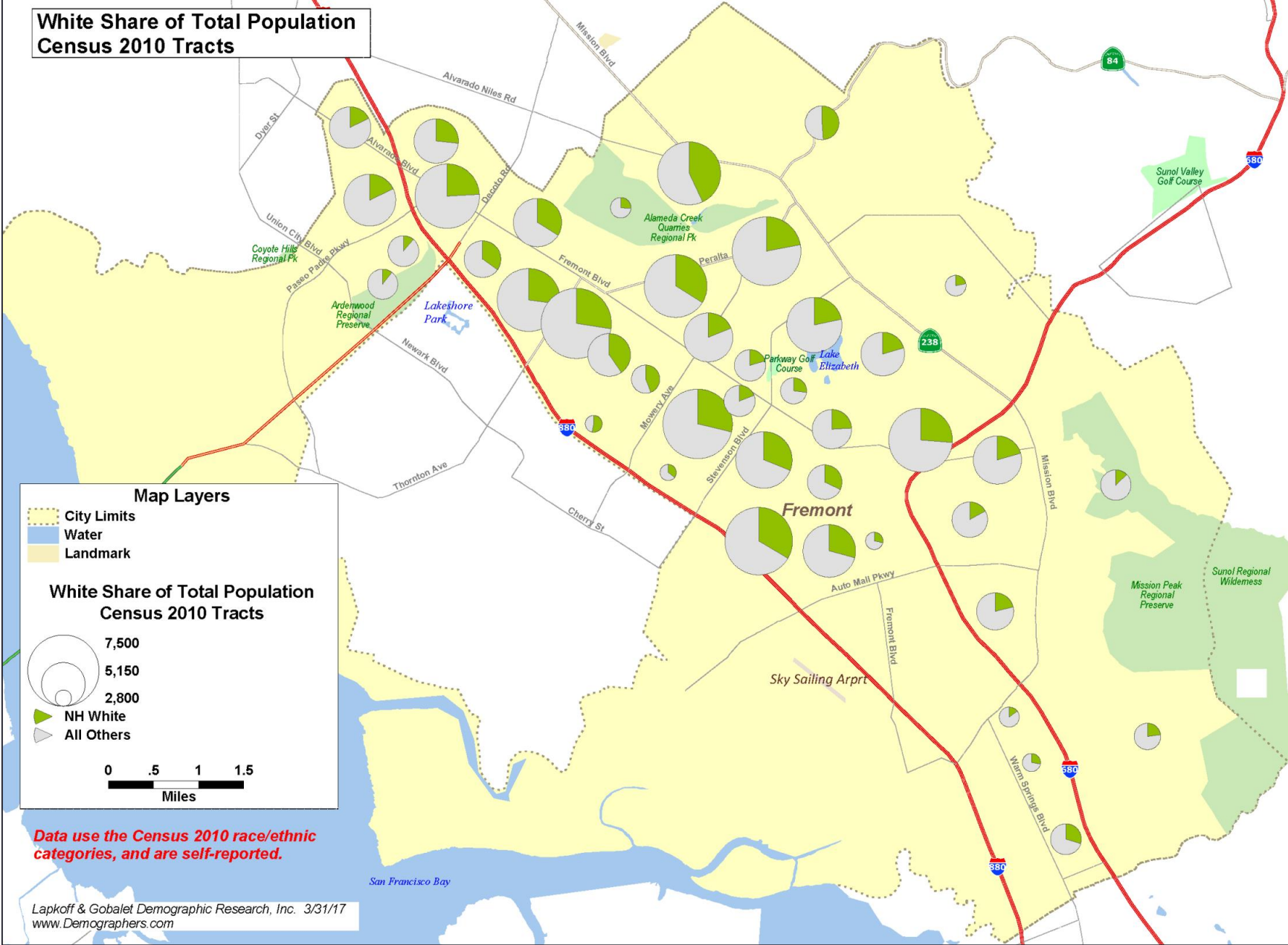
# Distribution of Fremont's Census 2010 Hispanic population, by Census tract

(Census 2010 redistricting categories)



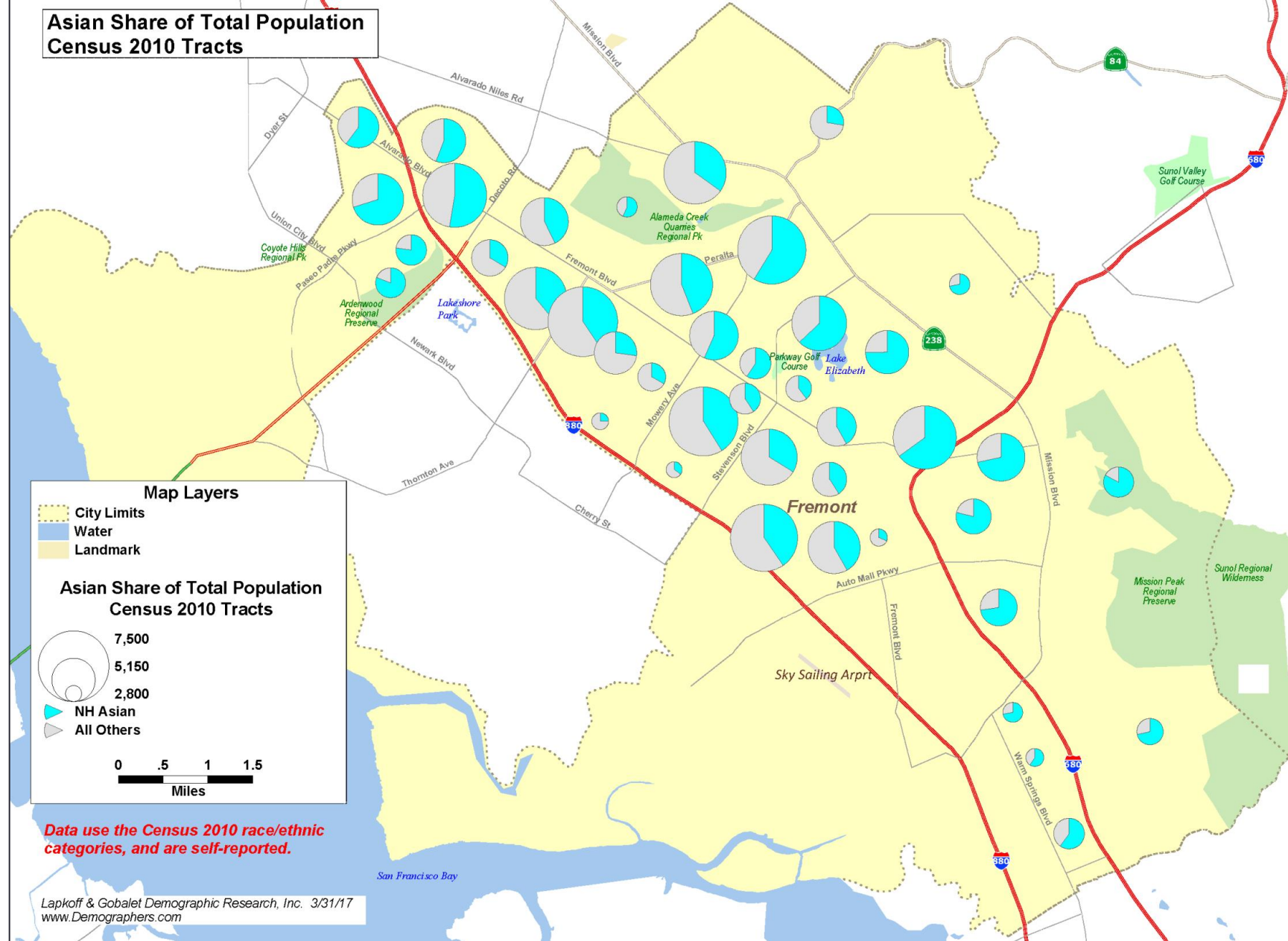
# Distribution of Fremont's Census 2010 non-Hispanic White (NH White) population, by Census tract

(Census 2010 redistricting categories)



# Distribution of Fremont's Census 2010 non-Hispanic Asian (NH Asian—all Asian groups combined) population, by Census tract

(Census 2010 redistricting categories)



# Baseline Geographic Information

## From the U.S. Census Bureau:

- 2010 Census blocks and other boundaries

## From the City of Fremont - Information Technology Services (GIS):

- City limits
- Neighborhoods \*
- Fremont Unified elementary & high school attendance areas \*
- Streets
- Housing units by permit date – useful for estimating the distribution of housing & population growth since the 2010 Census
- And much more \*

## From the Alameda County Registrar of Voters:

Election precincts

\* Useful for defining communities of interest

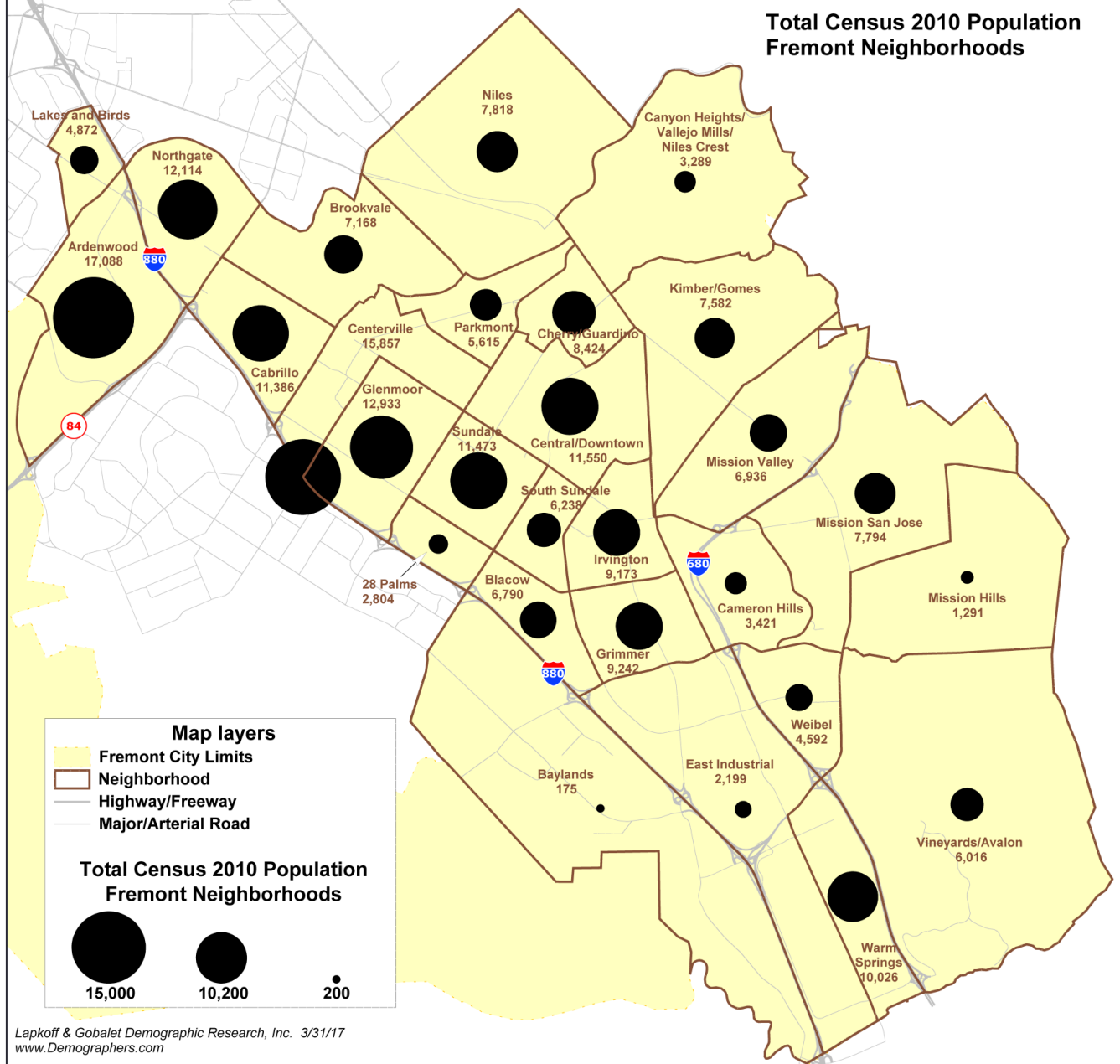
# Fremont's Possible Communities of Interest

That may be taken into account when drawing election district boundaries

- Neighborhoods
- Original townships that incorporated as Fremont
- Fremont Unified School District's High School and Elementary Attendance Areas
- Distribution of ancestry groups and groups protected by the Federal Voting Rights Act
- Residential and non-residential areas
- Areas with common socio-economic characteristics

# Fremont's Neighborhoods with 2010 Census population counts

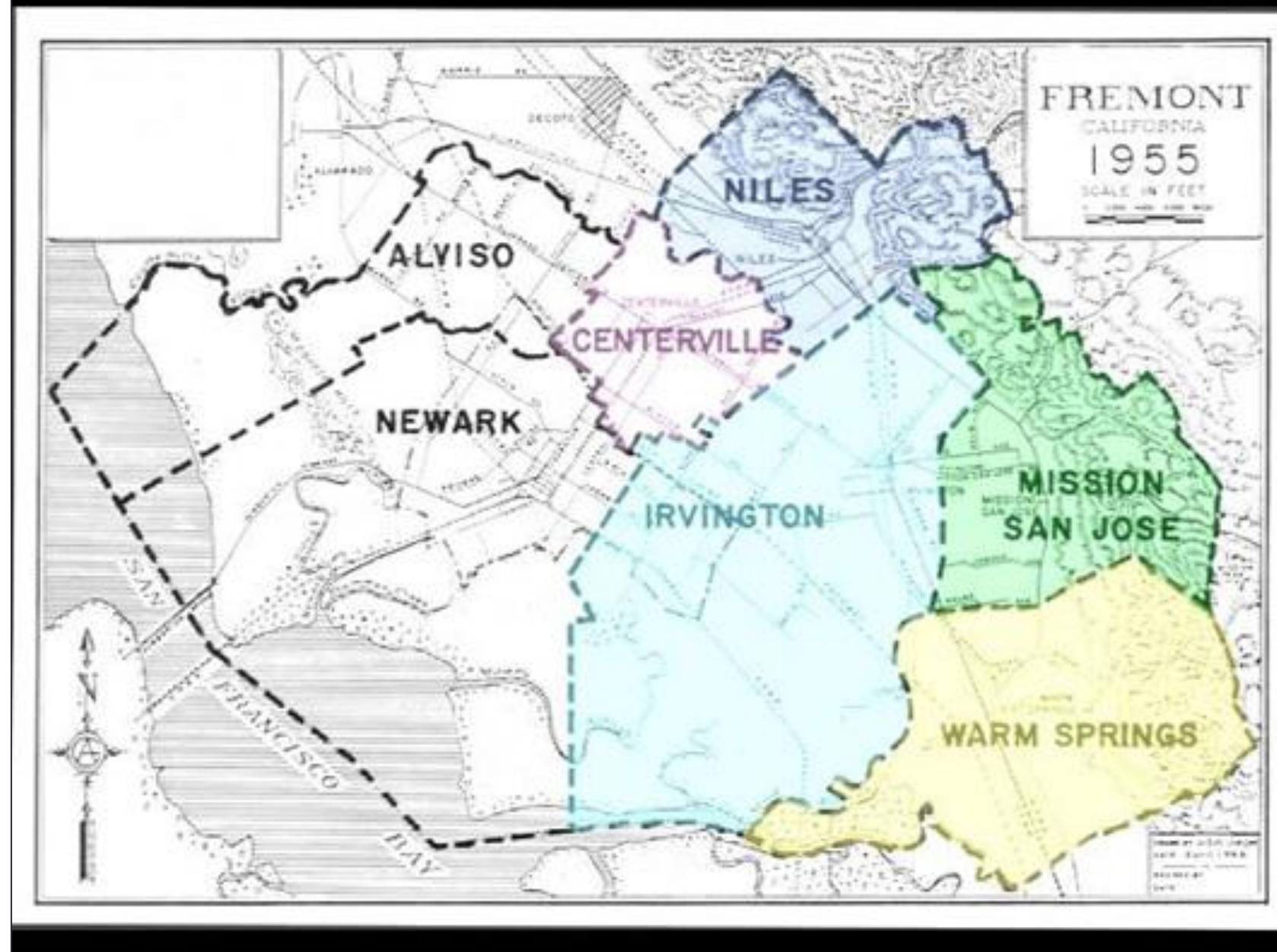
(possible communities of interest)



# Five townships incorporated in 1956 to form the City of Fremont

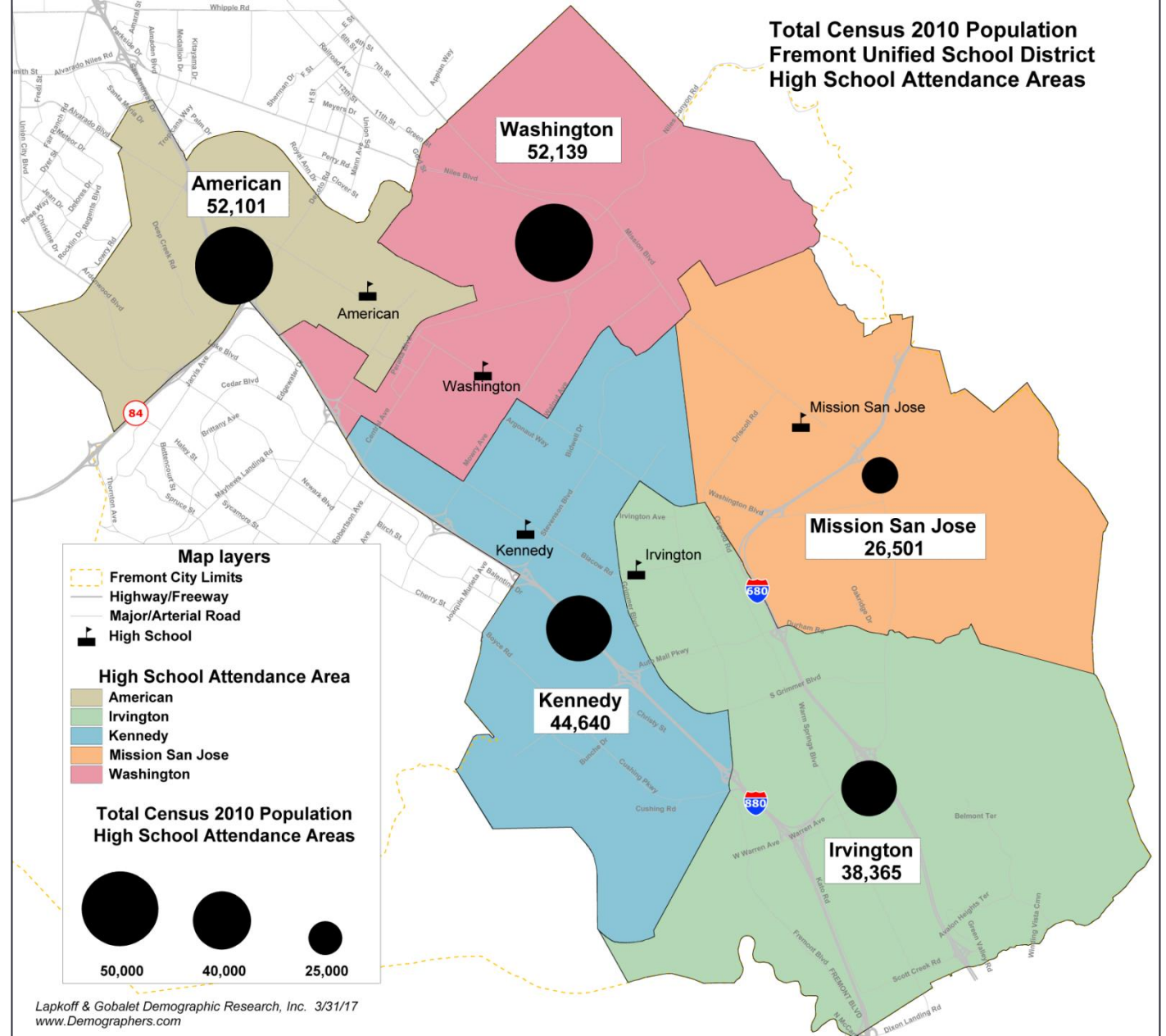
(Centerville, Niles,  
Irvington, Mission San  
Jose, and Warm  
Springs – original  
boundaries are unclear)

(possible  
communities of  
interest?)



# Fremont Unified School District's High School Attendance Areas with 2010 Census population counts

(possible communities of interest)

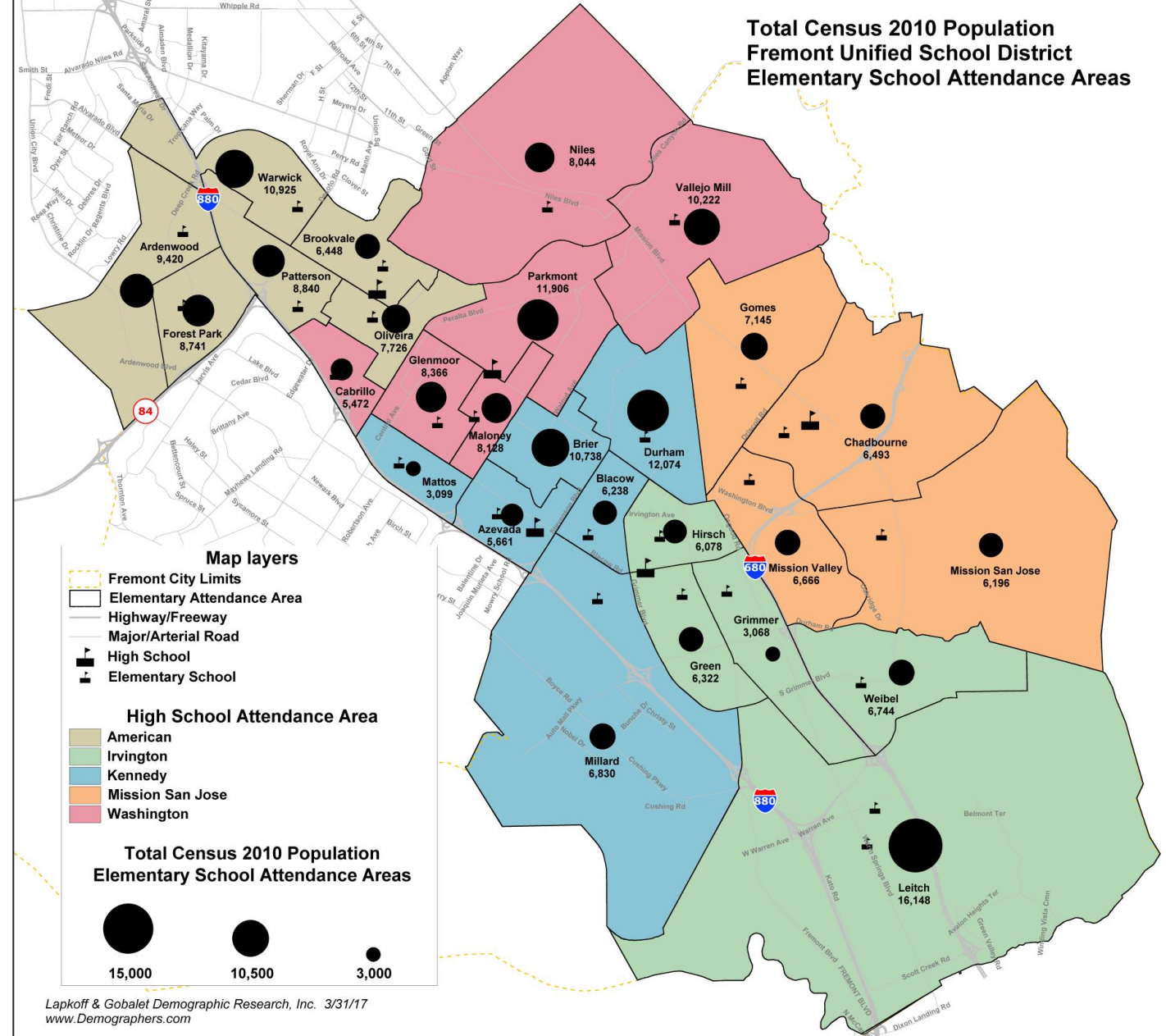




# Fremont Unified School District's Elementary School Attendance Areas

with 2010 Census population counts

(possible communities of interest)



# Additional Information: Detailed Asian groups

(possible communities of interest)

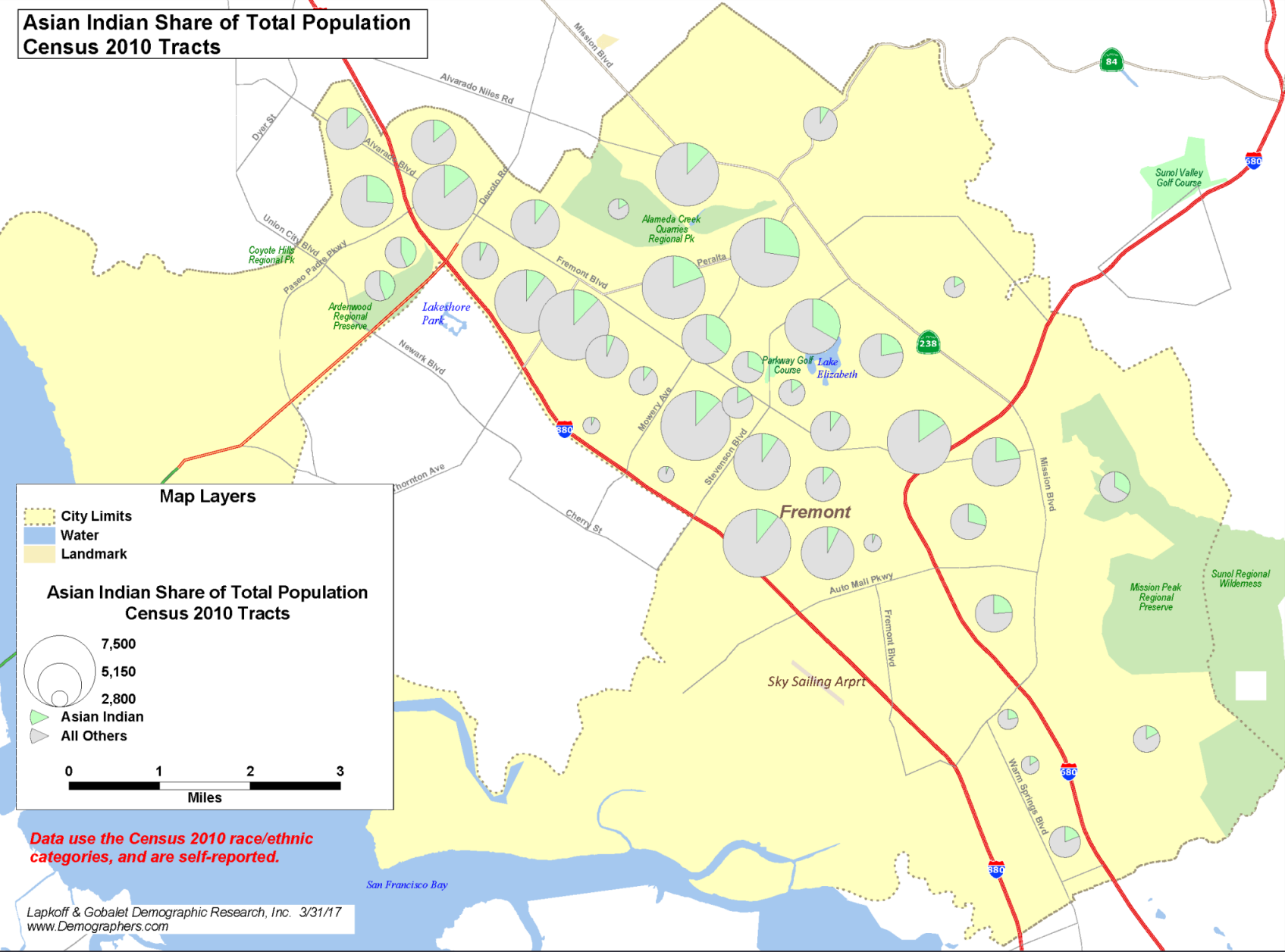
**We also use Census 2010 counts to take the distribution of the City's various Asian groups into account when drafting scenarios.**

(These details are not part of the Census Bureau's Official districting database, but we will take them into account.)

<b>Detailed Asian Group Populations</b>	
<b>Asian Indian</b>	<b>38,711</b>
<b>Chinese</b>	<b>38,118</b>
<b>Filipino</b>	<b>14,285</b>
<b>Vietnamese</b>	<b>5,249</b>
<b>Korean</b>	<b>3,059</b>
<b>Japanese</b>	<b>1,716</b>
<b>Other Asian groups</b>	<b>7,194</b>
<b>Total Asian</b>	<b>108,332</b>
2010 Census Summary File 1	

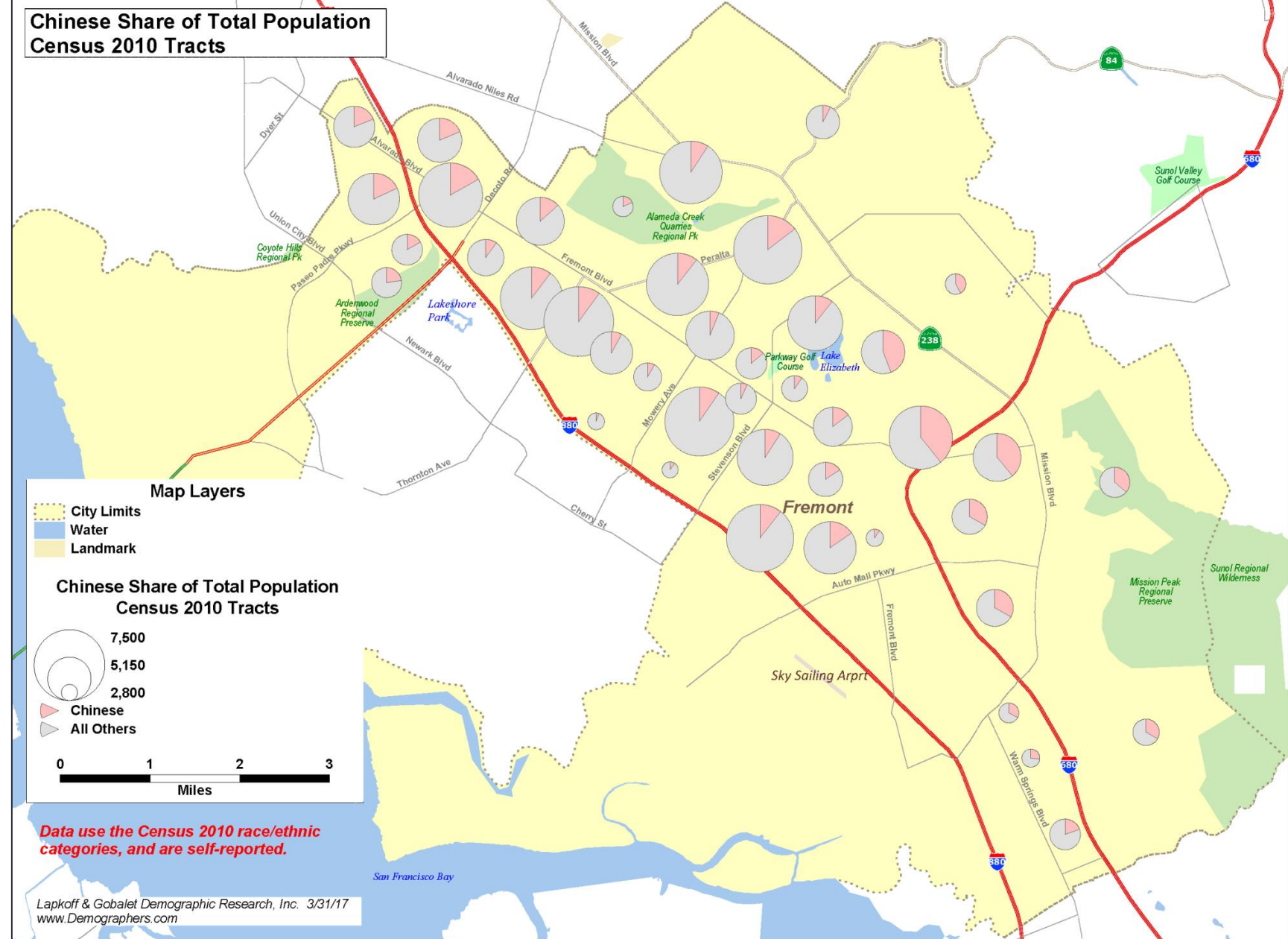
# Distribution of the City's Asian Indian population with 2010 Census population counts

(possible community of interest?)



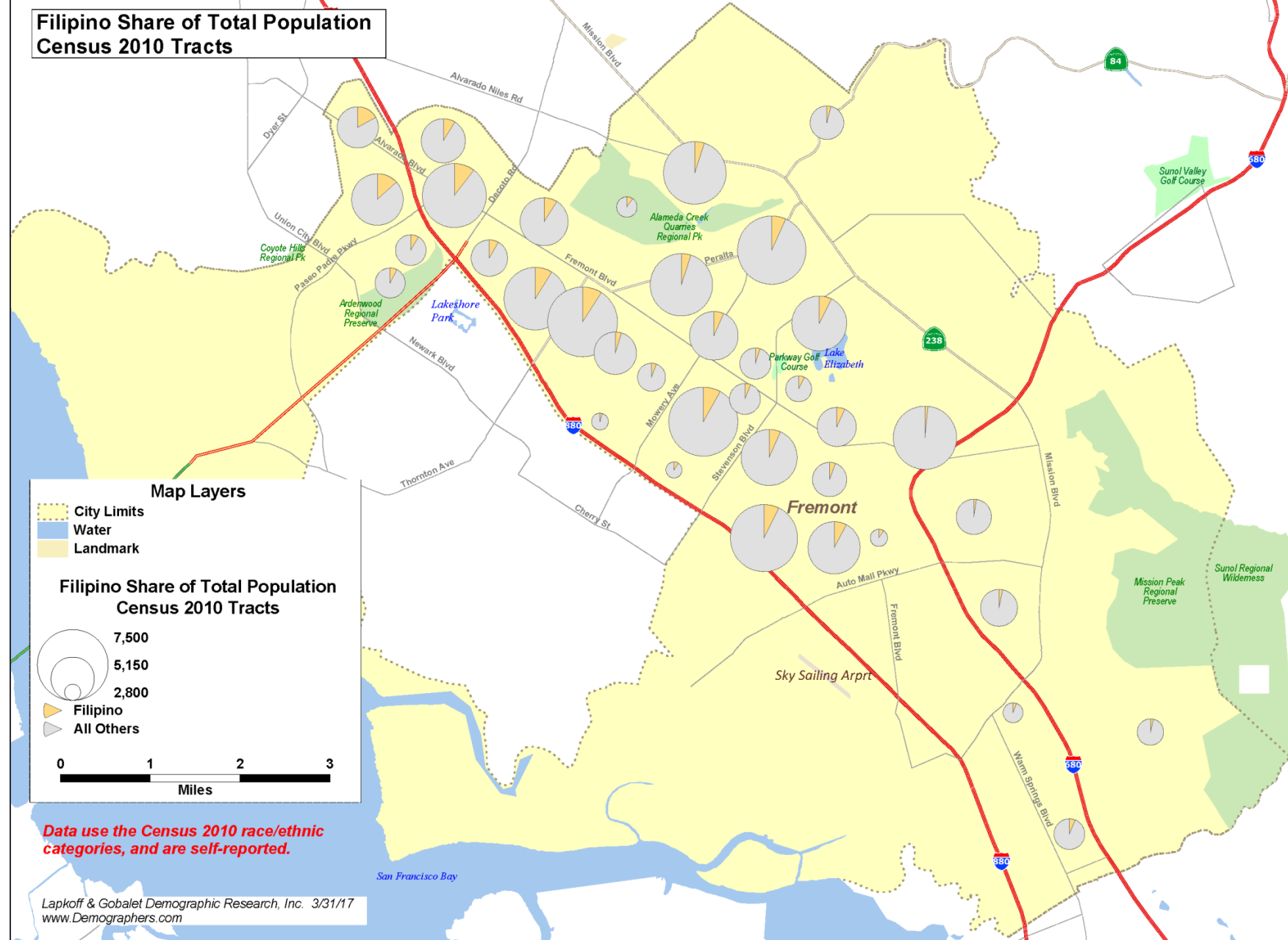
# Distribution of the City's Chinese population with 2010 Census population counts

(possible community of interest?)



# Distribution of the City's Filipino population with 2010 Census population counts

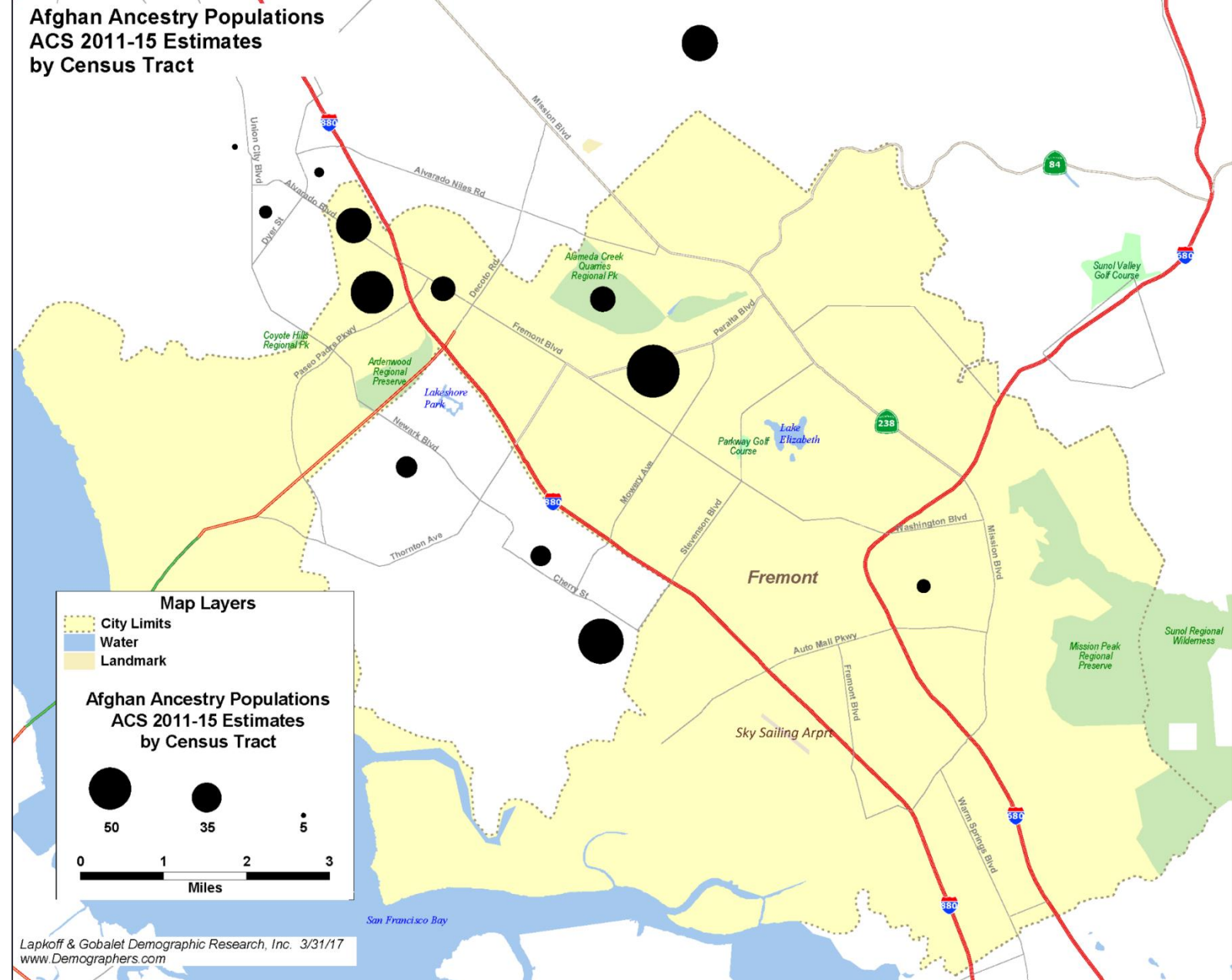
(possible community of interest?)



# Concentrations of the City's Afghan ancestry population

**Note:** *This map's proportional symbols do not use the same scale as previous maps—The Afghan populations are much smaller than those of other groups.*

**(possible community of interest?)**



# Other useful information: Distribution of the City's housing units

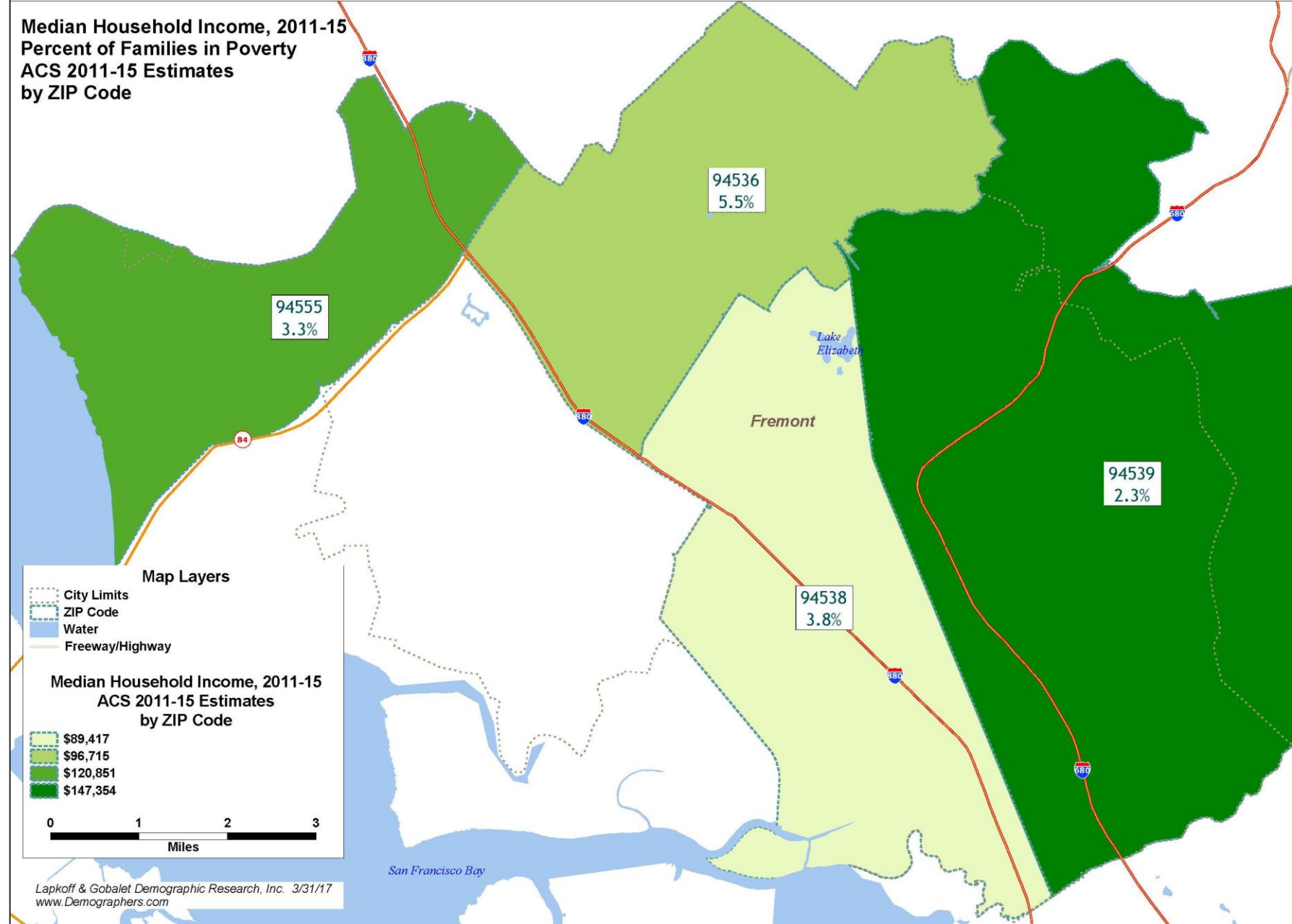
(shows  
unpopulated areas  
that may affect how  
election district  
boundaries are  
drawn)



# Income data by ZIP Code

(possible  
communities  
of interest?)

***Note: for  
smaller  
subareas of  
the city,  
margins of  
error are  
quite large***





# Additional Demographic Information: American Community Survey estimates for the City as a whole (ACS 2015)

## American Community Survey estimates 2011-2015 – specific population groups

Population Group	Estimate	Margin of Error	Population Group	Estimate	Margin of Error
Total population	225,221	+/-86	Hispanic or Latino and Race		
18 years and over	171,845	+/-695	Hispanic or Latino (of any race)	31,238	+/-1,416
One race	211,406	+/-1,210	Mexican	24,400	+/-1,436
Two or more races	13,815	+/-1,199	Puerto Rican	1,135	+/-360
White	63,078	+/-1,774	Cuban	73	+/-71
Black or African American	7,433	+/-1,078	Other Hispanic or Latino	5,630	+/-932
Asian	121,048	+/-1,960	Not Hispanic or Latino	193,983	+/-1,418
Asian Indian	48,707	+/-2,174	White alone	53,600	+/-1,428
Chinese	39,125	+/-1,926	Black or African American alone	7,289	+/-1,057
Filipino	14,743	+/-1,484	American Indian and Alaska Native alone	952	+/-185
Japanese	1,748	+/-300	Asian alone	120,684	+/-1,953
Korean	3,386	+/-713	Native Hawaiian and Other Pacific Islander	1,917	+/-547
Vietnamese	5,387	+/-1,103	Some other race alone	489	+/-189
Other Asian	7,952	+/-1,163	Two or more races	9,052	+/-899
Native Hawaiian and Other Pacific Islander	1,965	+/-555			
Some other race	16,638	+/-1,520	Citizen, 18 and over population (CVAP)	131,593	+/-1,473
Two or more races	13,815	+/-1,199			

**Note: some margins of error are quite large, and are much larger for subareas of the City. Therefore it is not feasible to use these estimates when drawing election districts.**

# TRANSITION TO DISTRICT-BASED ELECTIONS

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Public Hearing #1

April 4, 2017