

From: **Angelo Ancheta**

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Subject: REVISED Public Comments Re Compactness Criterion

Hello. After speaking to Karin Mac Donald about the Maptitude for Redistricting program, I realized my previous comments sent on April 7, 2021 might lead to some confusion for the Commission or the public. I offer the following revised comments for circulation and posting.

Thank you.

Angelo

COMMENTS RE COMPACTNESS CRITERION AND CRC EDUCATION AND OUTREACH MATERIALS (APRIL 17, 2021)

Commissioners:

I am writing to comment on the Commission's compactness criterion and on the CRC's education and outreach materials discussing compactness.

As you know, the Voters FIRST Act states in part: "(5) To the extent practicable, and where this does not conflict with the criteria above, districts shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant population."

This compactness definition was novel in the CRC's 2010 cycle, but it has since been incorporated into state law applicable to redistricting in jurisdictions throughout California. The 2010 CRC did not spend much time discussing the compactness requirement, but simply chose to operationalize it by employing common-sense definitions and analyses during district creation. When practicable, the CRC typically employed "eyeball testing" and basic population and distance queries as lines were drawn to see if greater compactness could be achieved. More formal approaches that involve computing mathematical ratios or analyzing polygons were not used.

The 2020 CRC may opt for an elementary approach, or it may choose to include additional checks that might be available in the public domain, such as algorithmic testing. (Maptitude for Redistricting, the software that the CRC's consultant will be using, has a multitude of compactness checks, but may not have a compactness test that perfectly aligns with California's peculiar compactness definition.) In any case, the CRC should be clear about its standards and processes, particularly because many local redistricting bodies may follow the CRC's lead in this cycle.

For public education and outreach, it is important for the CRC to explain the fundamentals of the criteria, the rankings, and the CRC's standards for implementing the criteria. Compactness is an essential topic because many members of the public elevate compactness and geometric aesthetics beyond their actual importance, even with higher-order criteria in play and even though it is commonplace for odd shapes to arise from natural geography, municipal boundaries, and other factors outside CRC control.

Understandably, the public can also confuse the compactness criterion in the state constitution with compactness in the context of federal Voting Rights Act compliance, where inquiries into the size and compactness of minority populations are necessary under the *Thornburg v. Gingles* factors, and where compactness guidelines in VRA case law rather than California constitutional law need to be applied.

Bulleted lists and other short-form educational materials have to sacrifice many of these nuances, but the CRC's basic materials still need to be clear and accurate. Recent materials released by the CRC on its web site and distributed to the public, however, contain some inaccurate or ambiguous statements of the law.

For example, the Frequently-Asked-Questions materials on the Outreach page of the CRC web site contain the following language regarding compactness:

"5. Districts should be geographically compact: such that nearby areas of population are not bypassed for a more distant population. This requirement refers to density, not shape. Census blocks cannot be split."

Other materials, such as fact sheets and slide presentations, contain variations on this language.

The FAQ language contains a few problems. First, while the statement is trying to illuminate the point that California's definition of compactness is rooted in population rather than being purely shape-based or perimeter-based, the wrong metric is used. It is not population density (i.e., number of people per unit of area) that needs to be examined, it is just population and the existence of nearby areas of population relative to more distant ones that need to be examined.

Given its brevity, the outreach language could also be unclear to members of the public, who might assume that shape is entirely irrelevant in testing for compactness. Population locations are the central inquiry, but examining district shape may help provide initial clues, and shapes do inevitably change when moving lines to make districts more compact.

In addition, the FAQ language states that census blocks cannot be split. This is a certainly the strongly preferred approach, but it is technically possible to split a census block and the Census Bureau does occasionally split blocks when it issues new geographies. The Commission may want to implement a formal policy confirming that census blocks will not be split to advance compactness (or other criteria).

As the CRC moves forward with implementing the state criteria, the public will likely need additional guidance. It may be more effective merely to restate the constitutional language in the CRC's initial materials, and to cover more ground in presentations and through extended Q & A materials for each of the criteria, after decisions have been made on how they will be interpreted and operationalized.

Thank you for your consideration.

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