

Using Citizenship from the ACS to Adhere to the Voting Rights Act for Districting and Redistricting: A Report from the Field.

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The Census Bureau Redistricting Office creates and releases a special ACS tabulation for redistricting

- These files are based on the 5 year ACS and have been available since the 2005-2009 ACS. [Earlier from a special tabulation sponsored by a coalition of redistricters.]
- These files released to the block group are tailored for redistricters
- Many allocate them to blocks, and combine them with precinct data on the vote and turnout
- They make it possible to analyze proposed plans to see if they meet the criteria spelled out by the courts to enforce Section 2 of the Voting Rights Act (VRA).

The Supreme Court's Gingles decision states: plaintiffs must show the existence of three preconditions:

1. The racial or language minority group "is sufficiently numerous and compact to form a majority in a single-member district";
2. The minority group is "politically cohesive" (meaning its members tend to vote similarly); and
3. The "majority votes sufficiently as a bloc to enable it ... usually to defeat the minority's preferred candidate. Thornburg v. Gingles, 478 U.S. 30 (1986)

Special Citizen of Voting Age Tab for Redistricting

1. The current Census Redistricting Data program along with the decennial census provides all the data one needs to do districting and redistricting in a manner that follows Section 2 of the Voting Rights Act, as interpreted by the Supreme Court. These data include counts of citizens by race and Hispanic status for those 18 years or older (CVAP).
2. Allocating the CVAP data to blocks makes it possible to examine the size of the potential voting minority present in each district so as to assess the first precondition. Districts must be drawn in a compact form, and honor political and physical boundaries.
3. The other two preconditions require the CVAP data to be geographically allocated to election precincts so voting may be related to the presence of the minority group, and whether voting is polarized in the way described in the other two preconditions, so that minority preferred candidates seldom win. These analyses are done using a variety of regression and correlations techniques.
4. How this is done will be shown with a real life example from a challenge to an at-large system using maps and charts.

Is this person a citizen of the United States?

- ☐ Yes, born in the United States
- ☐ Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- ☐ Yes, born abroad of U.S. citizen parent or parents
- ☐ Yes, U.S. citizen by naturalization – *Print year of naturalization* ➤

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- ☐ No, not a U.S. citizen

Citizenship established since 1820.1

Is this person a citizen of the United States?

- ☐ Yes, born in the United States
- ☐ Yes, born in Puerto Rico, Guam, the U.S. Virgin Islands, or Northern Marianas
- ☐ Yes, born abroad of U.S. citizen parent or parents
- ☐ Yes, U.S. citizen by naturalization – *Print year of naturalization* ➤
- ☐ No, not a U.S. citizen

CITIZENSHIP DATA HELP COMMUNITIES:
Enforce Voting Rights Law
Knowing how many people reside in the community, how many of those people are citizens, in what language they speak, and other information, provides the data government officials need to enforce the Voting Rights Act.

2020 proposed

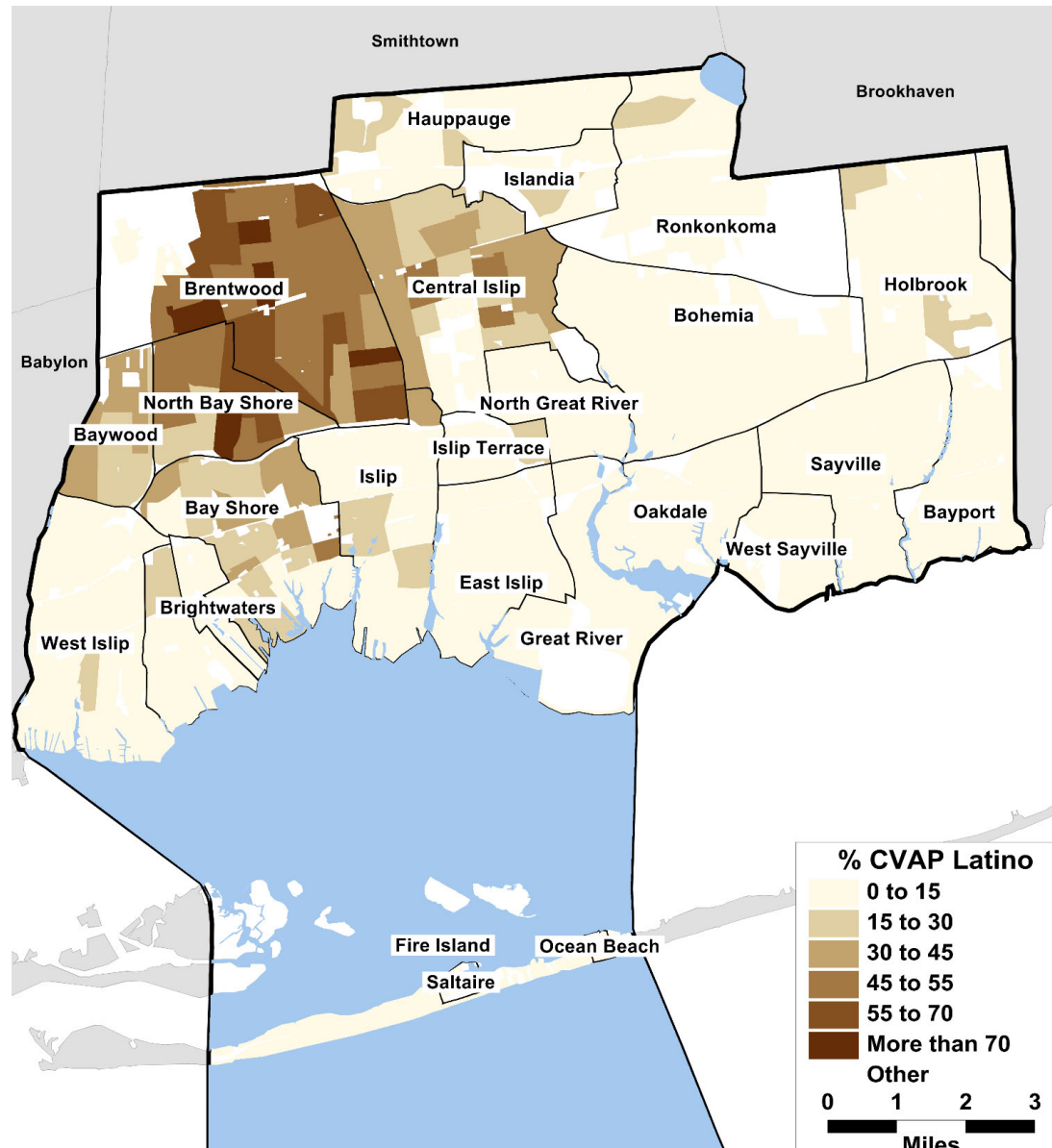
LNTITLE	LNNUMBER
Total	1
Not Hispanic or Latino	2
American Indian or Alaska Native Alone	3
Asian Alone	4
Black or African American Alone	5
Native Hawaiian or Other Pacific Islander Alone	6
White Alone	7
American Indian or Alaska Native and White	8
Asian and White	9
Black or African American and White	10
American Indian or Alaska Native and Black or African American	11
Remainder of Two or More Race Responses	12
Hispanic or Latino	13

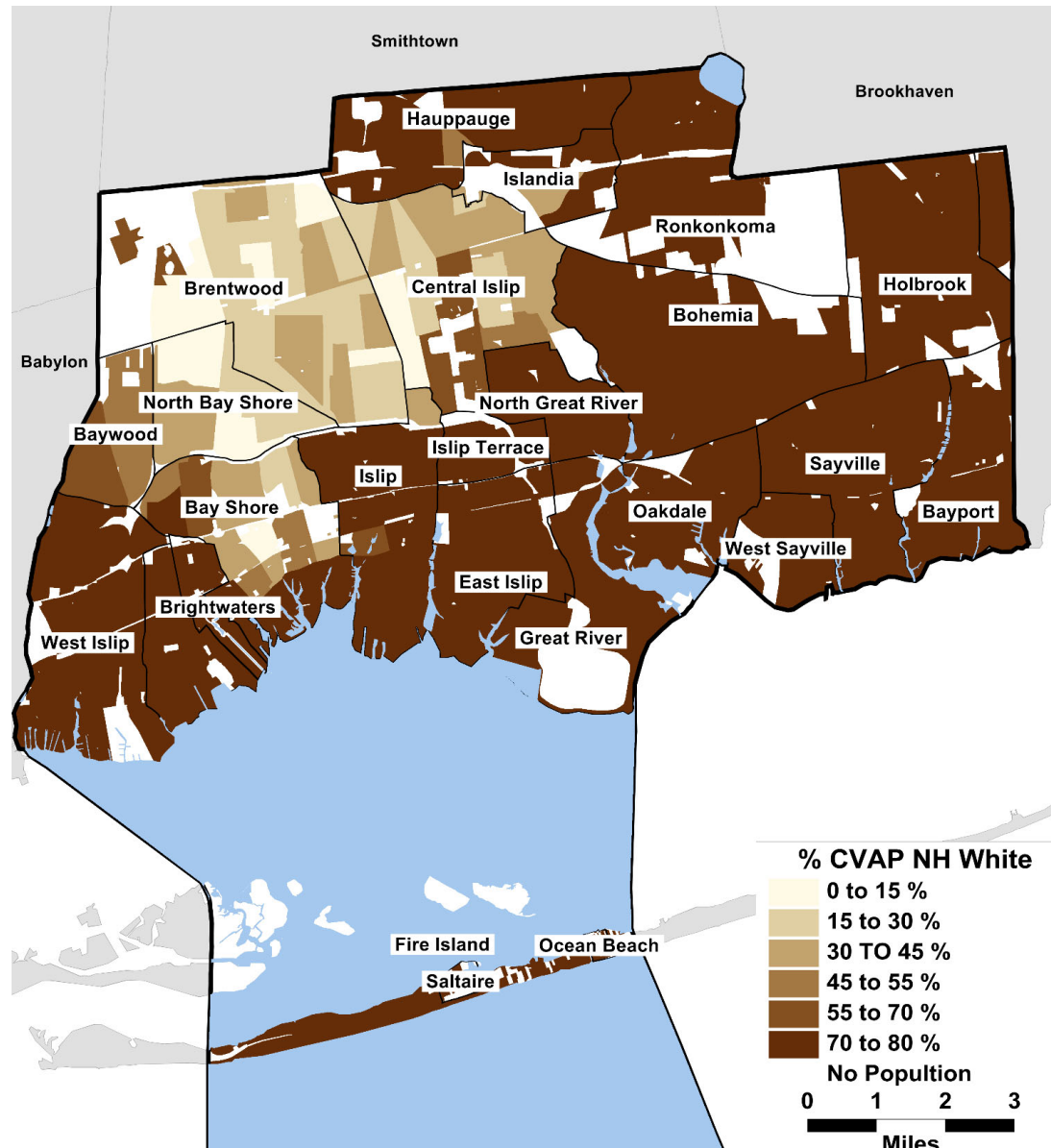
The Challenge to Islip's Single Member District

- “Make the Road” an Hispanic advocacy group along with Paul Weiss, one of the major law firms joined forces with two other attorneys to challenge the at large system
- My role was to see if the first prong of Gingles was possible
- I was tasked to draw a four district plan, that had one Hispanic majority district.
 - **[Which means a majority of citizens of voting age (CVAP), who are Hispanic or Latino]**
- Another expert was tasked to analyze the elections in Islip (Prongs 2 and 3 of Gingles)

Traditional Redistricting Principles

- 1. *Population equality.*** Districts within a plan should be roughly equal in population under the overarching principle of one-person one-vote.
- 2. *Contiguity.*** Contiguity simply requires that the district is one unit, meaning that the entire area of the district is contained within a single, continuous border. This is an absolute standard, except in situations where islands must be accommodated.
- 3. *Compactness.*** The shape of each particular district must be reasonably compact, as observed visually based on the borders of the district. There are a series of mathematical methods developed to evaluate compactness objectively.
- 4. *Preserving existing political and geographic subdivisions.*** Both for simplicity of creating ballots and EDs, and to ensure that representation for various levels of government be related to the same area or community, it is important to preserve existing political subdivisions and other delineated geographic borders, to the extent possible







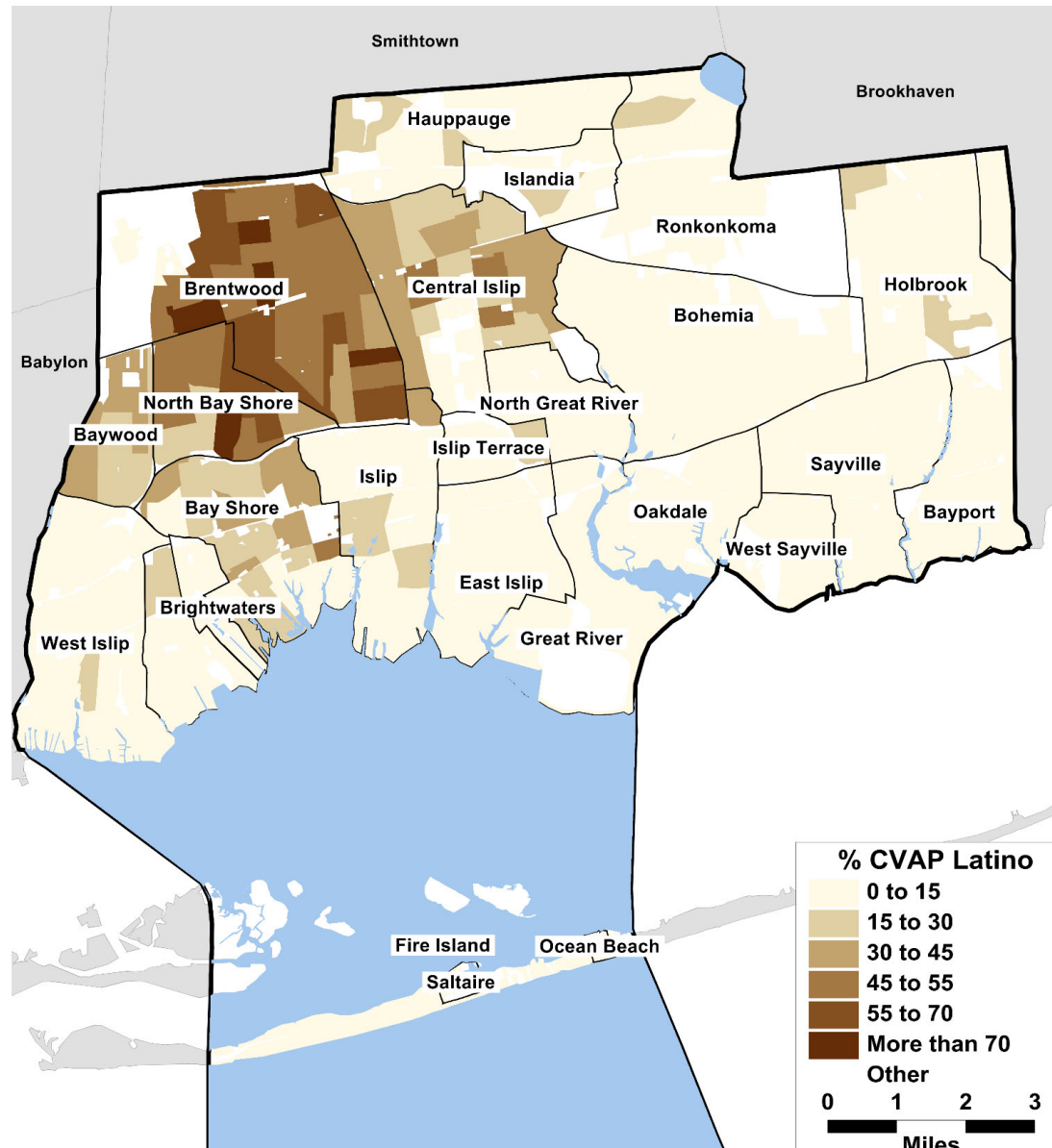


Exhibit 5a--Composition of Demonstrative Districting Plan based upon ACS 2013-2017 ACS and 2010 Census Blocks

Report on Census Block Plan											
District	Total Population	Deviation	% Deviation								
District1	83,601	-285	-0.34%								
District2	84,549	663	0.79%								
District3	84,144	258	0.31%								
District4	83,249	-637	-0.76%								
Islip Total	335,543										
District	Citizens of Voting Age 2016 ACS	CVAP NH White 2016 ACS	% CVAP NH White 2016 ACS	CVAP Hisp 2016 ACS	% CVAP Hisp 2016 ACS	CVAP NH Black 2016 ACS	% CVAP NH Black 2016 ACS	CVAP NH Asian 2016 ACS	% CVAP NH Asian 2016 ACS	CVAP NH All Other 2016 ACS	% CVAP NH All Other 2016 ACS
District1	44,307	9,757	22.0%	24,111	54.4%	8,889	20.1%	1,143	2.6%	407	0.9%
District2	56,249	39,191	69.7%	8,278	14.7%	6,705	11.9%	1,829	3.3%	246	0.4%
District3	61,069	44,412	72.7%	9,276	15.2%	5,966	9.8%	1,287	2.1%	128	0.2%
District4	60,237	53,630	89.0%	3,699	6.1%	1,219	2.0%	1,283	2.1%	406	0.7%
Islip Total	221,862	146,990	66.3%	45,364	20.4%	22,779	10.3%	5,542	2.5%	1,187	0.5%
District	Citizen Population	Citizen NH White	% Citizen NH White	Citizen Hisp	% Citizen Hisp	Citizen NH Black	% Citizen NH Black	Citizen NH Asian	% Citizen NH Asian	Citizen NH All Other	% Citizen NH All Other
District1	65,983	14,031	21.3%	38,208	57.9%	11,606	17.6%	1,478	2.2%	660	1.0%
District2	74,322	49,592	66.7%	12,759	17.2%	9,088	12.2%	2,520	3.4%	362	0.5%
District3	80,882	54,567	67.5%	16,084	19.9%	8,036	9.9%	1,947	2.4%	248	0.3%
District4	76,679	66,945	87.3%	5,624	7.3%	1,620	2.1%	1,923	2.5%	567	0.7%
Islip Total	297,866	185,135	62.2%	72,674	24.4%	30,351	10.2%	7,868	2.6%	1,838	0.6%

Source: ACS 2013-2017 Five Year File from Census Redistricting Office and 2010 Census for Population by Blocks. Citizen and CVAP Data allocated to blocks based upon population to allow districts to be built from blocks.

The Citizenship Question

- John Gore, who sent the letter to Ross asking for the question to enforce the voting rights act, said in deposition that it was not necessary
- Redistricting has been going on since 2003 using CVAP from a sample in 2002-2003 it was tabulated for a coalition of redistricting professionals
- Since the 2005-2009 ACS (released in February 2011) has been used, and is replenished each year.
- By April 1, 2021, we may have citizenship data at the block level, so the allocations will no longer be required. [At least initially, though it is expected that the special ACS CVAP tabulation will continue]
- Given the real fear among immigrants, it may turn out to be less accurate than the ACS sample.

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Queens College and Graduate Center CUNY and *Social Explorer*

Social Explorer (www.socialexplorer.com) will release a tool to examine citizenship and CVAP nation wide.

All conference attendees may use the coupon code below for a free trial to *Social Explorer*. We have virtually all of the ACS released data through 2013-17, and much Census data back to 1790 and many other data sets.

ACSUC2019 For 30 Day Free Trial

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