



November 9, 2020

To: Santa Barbara CIRC Members  
Fr: Douglas Johnson, National Demographics Corporation  
Re: Commissions Question Regarding Adjusting Official Census Population Counts

### **The Question**

Commissioner Bradley posed the following question regarding whether the Census population data can be adjusted to account for any COVID-driven temporary reduction in university students in the County's 2020 Census counts:

I have a related question . . . about how reduced numbers of UCSB and CC students, who normally reside in and around Isla Vista and are registered to vote there, may have been overlooked by the 2020 US Census count during the pandemic lock-down. Specifically, whether these temporarily reduced numbers can impact Santa Barbara County's Third District, especially for future years to come when the population there returns to higher, more-typical population levels. Obviously, this presents an anomaly to college towns and districts throughout the USA during the current COVID-19 crisis.

The US Census Bureau had already identified areas in and around Isla Vista as a Hard to Count (HTC) zone, and this has been compounded by the additional absence of students who stayed home during the pandemic while classes were taught online; it also coincides with the summertime lease/rent cycles for housing there. How might this affect the redistricting process, at least for the upcoming 10-year, redistricting cycle?

### **Analysis**

For charter counties such as Santa Barbara, a complicated set of County Charter and state Statute provisions determines the population numbers the Commission must use in redistricting.

Santa Barbara County Charter Sec. 2-10.9A. (6)(A)(1)

Districts shall comply with the United States Constitution and each district shall have a reasonably equal population with other districts for the board, except where deviation is required to comply with the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10101 et seq.) or allowable by law.

The Charter language does not specify a source for those population numbers. NDC's understanding (legal counsel may disagree once they are on board) is that when the charter is silent the County must follow state statutes. There are a series of three inter-related statutes that designate the population data to be used in county redistricting:

California Election Code Section 21500:

(a) Following each federal decennial census, and using that census as a basis, the board shall adjust the boundaries of any or all of the supervisorial districts of the county so

that the supervisory districts shall be substantially equal in population as required by the United States Constitution.

(1) Population equality shall be based on the total population of residents of the county as determined by that census.

(2) Notwithstanding paragraph (1), an incarcerated person, as that term is used in Section 21003, shall not be counted as part of a county's population, except for an incarcerated person whose last known place of residence may be assigned to a census block in the county, if information about the last known place of residence for incarcerated persons is included in the computerized database for redistricting that is developed in accordance with subdivision (b) of Section 8253 of the Government Code, and that database is made publicly available.

#### Government Code Section 8253(b)

The Legislature shall take all steps necessary to ensure that a complete and accurate computerized database is available for redistricting, and that procedures are in place to provide the public ready access to redistricting data and computer software for drawing maps. Upon the commission's formation and until its dissolution, the Legislature shall coordinate these efforts with the commission.

#### California Elections Code Section 21003

(b) In order to comply with its obligation to ensure that a complete and accurate computerized database is available for redistricting in accordance with subdivision (b) of Section 8253 of the Government Code, the Legislature, in coordination with the Citizens Redistricting Commission, shall ensure that the information provided by the Department of Corrections and Rehabilitation pursuant to subdivision (a) is included in that computerized database.

(d) Consistent with Section 2025, the Legislature hereby requests the Citizens Redistricting Commission to deem each incarcerated person as residing at that person's last known place of residence, rather than at the institution of that person's incarceration, and to use the information furnished to it pursuant to subdivision (a) in carrying out its redistricting responsibilities under Article XXI of the California Constitution.

#### **NDC's Conclusion:**

NDC's understanding (again, subject to legal counsel review once they are on board) is state law requires the CIRC to measure total population balance using the prisoner-adjusted 2020 Census population counts that will be provided by the California Statewide Database.

The 'equal population' rule does allow some flexibility: a plan is "presumptively constitutional" if the populations deviations of the smallest and largest districts are within 10% of each other. Thus, if the Census data do confirm a shortage of university students has a particular impact on a specific district, the CIRC can under-populate that district within that 10% range to offset the anticipated quick increase in population once the students return to campus.