

From: [Christina Turner](#)
To: [Michelle Bigelow](#)
Cc: [Donald Larkin](#)
Subject: FW: [EXTERNAL] California Article 21
Date: Thursday, February 17, 2022 8:47:05 PM

Please supplement.

From: Joe Baranowski <joe.b@mh-rgc.org>
Sent: Wednesday, February 16, 2022 7:09 PM
To: Rene Spring <Rene.Spring@morganhill.ca.gov>
Cc: Donald Larkin <Donald.Larkin@morganhill.ca.gov>; Yvonne Martinez Beltran <yvonne.martinezbeltran@morganhill.ca.gov>; Rich Constantine <Rich.Constantine@morganhill.ca.gov>; John McKay <john.mckay@morganhill.ca.gov>; Gino Borgioli <Gino.Borgioli@morganhill.ca.gov>; Christina Turner <Christina.Turner@morganhill.ca.gov>; Barmando3 <barmando3@gmail.com>
Subject: [EXTERNAL] California Article 21

Rene,

I appreciate that you mentioned Article 21 this evening. I also looked at that Article in comparison to the FAIR MAPS ACT. In the Author's Statement in the legislative record, Mr. Bonta said "Instead this bill would establish mandatory, ranked redistricting criteria, *modeled off the State redistricting criteria*"

Clearly, when considering the FAIR MAPS ACT the legislature was aware of Article 21.

As the court stated in the Vandermost case, Article 21 was changed to add an important clarification:

*Unlike former article XXI, section 2, or the judicial decisions on which that provision was based, however, the current version of article XXI, in section 2, subdivision (d), expressly ranks the criteria in order of priority, **stating explicitly that a lower-ranked criterion is to be followed only when doing so does not conflict with a higher-ranked criterion or criteria.***

The author of the FAIR MAPS ACT surely was aware of that clause but it was NOT included in the Act.

Joe

ARTICLE XXI REDISTRICTING OF SENATE, ASSEMBLY, CONGRESSIONAL AND BOARD OF EQUALIZATION DISTRICTS [SECTION 1 - SEC. 3]
(*Heading of Article 21 amended Nov. 4, 2008, by Prop. 11. Initiative measure.*)

The commission shall establish single-member districts for the Senate, Assembly, Congress, and State Board of Equalization pursuant to a

mapping process using the following criteria as set forth in the following order of priority:

(1) Districts shall comply with the United States Constitution. Congressional districts shall achieve population equality as nearly as is practicable, and Senatorial, Assembly, and State Board of Equalization districts shall have reasonably equal population with other districts for the same office, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) Districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following).

(3) Districts shall be geographically contiguous.

(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**. 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. 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 shall not include relationships with political parties, incumbents, or political candidates.

(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.

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