

Anti-Disenfranchisement Map v0.1

Right now, please search online “staggered redistricting disenfranchises”
and you should find:

“One Person, No Vote: Staggered Elections, Redistricting, and Disenfranchisement”

- Yale Law Journal article by Margaret B. Weston

What is at stake here is NOT what you think

- Communities of interest are important
- Fair representation of all ethnic and cultural groups in the city is important
- But there is a bigger issue at stake, that affects all San Jose voters...

The Redistricting Map determines WHO will be able to vote for a city council rep in the 2022 Election

- If you reside in an ODD numbered district, you are currently scheduled to vote for a new council member in the 2022 election cycle
- If the redistricting map moves the boundary “out from under you” to place you in an EVEN district, you will NOT be voting for anyone in 2022, you will be waiting until 2024

Voters who are moved from an odd to an even district:

- For 2 years are represented on the city council by a person they had no say in electing
- Will experience a 6 year gap in their ability to vote for a council rep
- Will have been “disenfranchised” by a vote of the city council, that they likely weren’t even aware was happening at the time
- Many may not even realize what has happened at the time they vote – all they know is their ballot doesn’t have any choice for city council

Disenfranchisement is not just “a feeling”

- Someone I was discussing this with said “if voters don’t FEEL disenfranchised, then nobody is going to do anything about this”
- IF you are an affected voter, you SHOULD feel disenfranchised
- It doesn’t matter if thugs with guns turn you away from the polling place, or if corrupt vote counting causes your ballot to be tossed, or if arbitrary changes to voter ID requirements make you have to jump through hoops to vote – all of these are forms of disenfranchisement
- And so is a 2 year delay in your ability to vote, and a 2 year period with zero representation at the level of government you likely interact with the most...
- “The pen is mightier than the sword” was never truer – you can be disenfranchised without even noticing that anything has changed

Is this how our democracy is supposed to work?

- Wikipedia says “Several constitutional amendments (the [Fifteenth](#), [Nineteenth](#), and [Twenty-sixth](#) specifically) require that voting rights of U.S. citizens cannot be abridged on account of race, color, previous condition of servitude, sex, or age (18 and older)
- What about address of residence?...maybe they left a loophole here.
- Actually, we can and should blame this situation on a bad call by a court in 1973 – see “Legislature v. Reinecke, 516 P.2d 6, 12 (Cal. 1973)”

CA Supreme Court made a mistake in 1973

- As we have learned repeatedly, “Supreme” Courts (or really courts at any level) are certainly NOT guaranteed to always make the right call...

1973 Court said “[fixing this issue] would substantially interfere with the orderly operation of the four year staggered terms system after every reapportionment.”

- So essentially, convenience to the government in administering elections overrode the harm of some voters getting disenfranchised
- The Court also equated losing the ability to vote due to redistricting as being the same as losing it due to the voter themselves choosing to move...
- See the problem here?

PLEASE contact your city council member

- They have the power to prevent this.
- Tell them that you do not believe ANY San Jose voter should lose the right to vote in 2022 due to redistricting
- I created an example map in 20 minutes that keeps disenfranchised voters to a minimum BUT probably does not meet all the population requirements OR take into account all the communities of interest and racial balancing
- The many citizens and civic groups who have already submitted maps for consideration were not aware of this issue and all existing maps probably result in significant numbers of voters being disenfranchised.

IF you live in the western or southern areas of D3...

- THIS ISSUE AFFECTS YOU
- Many existing maps under consideration move significant numbers of D3 voters to D6
- If you live in any other district, bring up the maps in redistrictr in tabs in your browser and flip back and forth to compare
- And let your council member and the redistricting commission know this matters to you and your neighbors

It is late in the game but we can still fix this...

- The city consultant has the “professional grade” redistricting software that I expect has the capability to quickly calculate the number of voters affected for each map under consideration
- These are ONLY the voters who were moved from an odd to even district
(actually the voters didn't move, just the lines on the map, to be clear)
- Even->even, odd->odd, even->odd are all OK
- I suggest that the redistricting commission should ask the consultant to perform this calculation for each of the maps being considered for submission to the city council
- I hope the City council will consider this issue of voter disenfranchisement as a critical issue for consideration as they select the final map.

If you can't save them all...

- If no map can avoid disenfranchising some number of voters...
 1. minimize the number of affected voters
 2. make sure none of the affected voters are lawyers
 3. give them the option to vote in their previous district?
 4. reset the staggered terms each 10 yrs: all council districts are up for grabs in 1st election after redistricting?
- In no way is it “in for a penny, in for a pound” – the more voters are affected, the more the resulting vote fails to accurately reflect the preferences of the electorate, and the more risk of an expensive lawsuit that all taxpayers end up paying for.