

Racial Motivations of Individual Legislators Will Not Invalidate a Legislative Body's Decision to Adopt a Specific District Map

11.29.2018

While race cannot be the predominant factor behind a legislative body's decision regarding the final boundaries of election districts, the racial motivations of individual legislators do not invalidate the body's choice of a specific district map.

Lee v. City of Los Angeles was a constitutional challenge to the boundaries of a district map redrawn as a result of the City of Los Angeles' redistricting efforts to rebalance the City's population following the 2010 census. The Los Angeles City Council Redistricting Commission, created to advise the City Council on the drawing of new council district boundaries, was divided into three ad hoc committees corresponding to three geographic regions of the City. Each committee was responsible for drawing an initial map of the council districts within its assigned region. The committee assigned to the West and Southwest Los Angeles region was responsible for drawing five council districts, including Council District 10. One committee member proposed a map he stated was intended to increase the African American population in the district, and protect the district's historical African American incumbents by increasing both the registration percentage of the African American population and their percentage of the citizen voting age population ("CVAP"). Ultimately the committee presented this proposed map to the full Commission for approval.

After receiving public input, the City Council adopted the map presented by the Commission with certain adjustments. Subsequently, one of the City Councilmembers stated publicly that his "priority" in voting for the map was to "make sure [they] have a black vote or two on that council." However, he indicated that he was alone in prioritizing race in drawing the council districts. As adopted, Council District 10's final boundary map increased African American CVAP from 36.8% to 40.5%, and decreased White CVAP from 15.9% to 12.3% and Asian CVAP from 17.1% to 16.3%. A federal trial court granted summary judgment in favor of the City and, on appeal, the Ninth Circuit found that despite individual decision-makers' racial motivation, the final boundary map of District 10 did not violate the Equal Protection Clause because the evidence was insufficient to show that race was the predominant factor motivating the entire City Council's decision as to the final boundaries. The court reasoned that the committee member and councilmember who made comments regarding using race to draw Council District 10 were only two people in a public review process that involved multiple layers of decisions and changes to the maps from the entire Commission as well as the City Council. Other non-racial factors showed that the City Council did not allow race to be the predominant motivation for adopting the District Map. The Ninth Circuit's decision re-emphasizes that legislative bodies should not be primarily motivated by race in districting decisions, and should

document the range of permissible factors that the body considers in determining the boundaries of districts.

If you have any questions about establishing districts or the redistricting process, please contact **Youstina N. Aziz**.