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# **Changing from At Large to District Election of Trustees** in Two California Community College Districts A Study of Contrasts1

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#### Abstract

One of the primary ways Latino groups are attempting to gain political power in the west is by pressing for modification of election procedures. They urge change from at large election of officials to election from single member This paper contrasts the political processes and demographic methods used in two California community college districts when local Latinos called for trustee election reform. Though these two college districts are only 50 miles apart, they differ radically in population size, dominant economic base and community involvement in the colleges. These differences gave rise to very different political processes in drawing boundaries for district election of trustees. In the larger, urban college district, there was very little public involvement in the project and Latino political power was maximized in the districting plan. In the smaller, partly rural district, a task force of community leaders was formed to develop a plan for the new trustee districts. resulted in negotiation between the community's white leaders and Latino leaders and a compromise districting plan which did not maximize Latino political power. The different political patterns in the two college districts highlighted differences in the way district boundaries can be drawn. One philosophy (which we label "political affirmative action") that could guide the drawing of district boundaries leads to maximization of minority power. An alternative philosophy ("proportional representation") leads to less political power for minorities.

The authors recently provided demographic consulting services in two California school districts: San Jose/Evergreen Community College District in the Santa Clara Valley of Santa Clara County and Hartnell Community College District in the Salinas Valley of Monterey County. The incumbent Board of Trustees in each district decided in 1989 to change the method of electing members. Similar community pressures prompted both Boards to change from at large election of trustees to election from single member districts.

<sup>&</sup>lt;sup>1</sup> Presented at the Annual Meeting of the Population Association of America, March 22, 1991, Washington, D.C. Also published in the Fall 1991 issue of *Applied Demography*.

Though the process began at about the same time in both districts, it proceeded at very different rates. In the fall of 1989 the San Jose/Evergreen District began the change from at large election of five trustees to election of seven trustees from single member districts. At the same time, the Hartnell District began the change from at large election of seven trustees who lived in and represented their six districts<sup>2</sup> to election of seven trustees from single member districts. Ultimately, Hartnell lagged a year behind San Jose/Evergreen in the process.

These college districts are only about 50 miles apart, but they are worlds apart in some respects. They differ in population size, degree of urbanization, and economic base. The political and administrative processes used in developing trustee areas for the two college districts were very different. The demographic techniques also differed greatly. The two cases illustrate disparate procedural approaches to the task of political redistricting. They evoke questions about the philosophy behind districting and redistricting efforts. In this paper, we describe the political, legal, and practical demographic issues and contrast the processes and outcomes of changing election methods in the two community college districts. Table 1 summarizes some of the important contrasts.

### **Contrasts: Two Communities**

In both districts, the decision to change from at large election of trustees to election from single member districts resulted from pressure from Latino (Mexican American) community groups aided by attorneys from Latino political organizations. In the San Jose/Evergreen District there was little general community interest or involvement in the process. In the Hartnell District the opposite was true. As a result, very different districting procedures were followed in the two college districts.

Differences resulted in part from the fact that the Hartnell District is a mostly rural agricultural area with a small population<sup>3</sup> while the San Jose/Evergreen District is an almost entirely urban area with a diversified economy and a much larger population.<sup>4</sup> The San Jose/Evergreen District has a population three times that of the Hartnell District (1980 populations of 550,000 and 148,000, respectively).

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<sup>&</sup>lt;sup>2</sup> Two trustees were elected from the same city of Salinas district. Trustee districts had unequal populations and were based on the boundaries of feeder school districts.

<sup>&</sup>lt;sup>3</sup> Monterey County's 1980 population was 290,444. Official 1990 Census results indicated a Monterey County population of 355,660. We estimated the Hartnell Community College District's 1990 population to be about 185,500. Its only community of substantial size is the city of Salinas, with a 1990 population of 108,777.

<sup>&</sup>lt;sup>4</sup> Santa Clara County's 1980 population was 1,295,071. The 1990 Census showed a County population of 1,497,577. The San Jose/Evergreen District's 1990 population was at least 600,000 (Gobalet, 1985). The city of San Jose, some of which is in another community college district, had a 1990 population of 782,248.

In the Salinas Valley, Hartnell College has been the preeminent institution of higher education for decades and is frequently mentioned by the local media. In the Santa Clara Valley, the San Jose/Evergreen District is nearly invisible to the public and is rarely mentioned by the media. There are three four-year universities and seven community colleges in Santa Clara County;<sup>5</sup> in the larger urban area there are many more of each. The difference between the Hartnell and San Jose/Evergreen districts' community importance results primarily from differences in population.

**Table 1: Summary of Contrasts** 

San Jose/Evergreen District Hartnell District 1980 District 550,000 148,000 population 1980 percent Latino 26 % 40 % Pressure to change Latino political groups elections minimal substantial Community involvement seven trustees elected at large Old election method five trustees elected at large to represent six districts New election method seven trustees elected from single member districts Districting overseen College District Board Monterey County Committee Task Force plus consultants Plan drawn by consultant (attorney) (demographers) Voter input November 1990 ballot election waiver (no vote) Data for districting update of population to 1990 1980 census data Eligible Voter Overall itizenship rates by Tract- and age-specific ethnicity applied to tract-level citizenship rates by ethnicity Estimate (special tabulation of 1980 population aged 18 and over Census) Results One Latino majority district Three Latino majority districts political affirmative action Districting philosophy proportional representation

<sup>&</sup>lt;sup>5</sup> One of the universities (San Jose State University) is public; two are private. One of the private univer- sities, Stanford University, is world-renowned. Nearby DeAnza College is considered to be among the best community colleges in the United States.

Histories of relations between majority group members (mostly white) and minority group members (mostly Mexican American) differ in the Salinas Valley and the Santa Clara Valley. In part this is because agriculture has continued to be the mainstay of the former area's economy, whereas the Santa Clara Valley ("Silicon Valley") has become economically diversified. Salinas Valley agriculture today (primarily row crops) is laborintensive, reliant on manual labor provided mostly by Mexicans and Mexican Americans. Though the Latino population comprises a much larger proportion of the Hartnell District's population than is the case in the San Jose/Evergreen District (40 percent versus 26 percent in 1980), the political economy and social atmosphere of the Hartnell District has until recently precluded Latino political participation.

### **Contrasts: Political Procedures**

Efforts to change the board election systems in the San Jose/Evergreen and Hartnell Districts were part of a larger strategy. Expansion of political opportunities for Latinos is occurring simultaneously in the two areas because of concerted efforts by multistate organizations like the Mexican American Legal Defense and Education Fund (MALDEF), the Southwest Voter Registration and Education Project, and the Mexican American Political Association (MAPA). These groups and local ones like them have begun to identify jurisdictions in California which are suitable targets for efforts to increase Latino political influence (Weiss, 1991).

Latino political activists have focused on several means for increasing Latino political power. One is voter registration drives. Another is evident in widespread Latino efforts to encourage post-1990 Census political redistricting which would increase Latino representation in the California state legislature and in local political jurisdictions (Farragher, 1991). Pressing for election of officials from single member districts is a third means (Torres, 1990; Weiss, 1990). Litigation has been a part of this strategy. Voting rights lawsuits have been used successfully by Latinos in the city of Watsonville near the Hartnell District (*Gomez v. City of Watsonville*, decided in 1988) and the county of Los Angeles (*Garza v. County of Los Angeles*, decided in 1990). Late in September 1990, a voting rights lawsuit was filed against the city of Oxnard in southern California. It charged illegal dilution of Latino voting strength in Oxnard's at large City Council election system. A similar lawsuit was threatened against the city of Salinas, but was settled out of court.

The process of changing board election procedures, part of a larger political plan, was initiated simultaneously in the two college districts, but thereafter the events and chronology were markedly different. In the San Jose/Evergreen District there was little community involvement and events proceeded rapidly; in the Hartnell District there was

was the instrumental group.

<sup>&</sup>lt;sup>6</sup> In the San Jose/Evergreen District, the Latino Issues Forum led Latino efforts to reform board election methods. In the Hartnell District, the League of United Latin American Citizens (LULAC)

extensive community involvement and much slower progress, in part because of the community involvement.

Santa Clara County Latino organizations and a Latino attorney approached the San Jose/Evergreen Board in the summer of 1989 with the suggestion that the district change to single member trustee areas. The Board decided in early November to begin the process of changing from at large election of five board members to single member district election of seven board members. One of the authors (Gobalet) was demographic consultant to the college district's Board and administration. Two employees of the Santa Clara County Office of Education's Center for Educational Planning (which provides support for Santa Clara County's Committee on School District Organization) also provided guidance during the process. The San Jose/Evergreen Board dealt directly with its consultant, who was hired in December 1989. (The consultant was the Latino attorney who had initially approached the Board with the suggestion that the District change its method of electing trustees.)

Three sets of proposals were developed by the consultant. Early in March 1990 the Board approved a plan recommended by the consultant. One public hearing was held at the end of May. No member of the public attended. After the hearing, the Santa Clara County Committee on School District Organization approved the plan to present two measures to the public in the November 1990 elections. These two measures proposed to increase the number of trustees from five to seven and to establish that trustees must live within a trustee area and be elected by registered voters from that trustee area. No ballot arguments were offered in support of or in opposition to either measure, a further indication of community indifference. Both measures passed and two individuals were appointed by the Board to fill the new seats in February 1991 (one Latina and one African-American).

In Monterey County, local Latino community members requested in August 1989 that the Hartnell Board change its method of election. In December 1989 the Board passed a resolution. The resolution recommended

that the Monterey County Committee on School District Organization establish a process as set forth by the Education Code to create seven equipopulation trustee areas based on current State Department of Finance demographic data and that voting be area-based.

The County Committee (a subcommittee of the Monterey County Board of Education, with membership identical to the Board of Education) established a Task Force of community leaders. The County Committee charged the Task Force with recommending boundaries for seven new single member trustee areas consistent with requirements of the Voting Rights Act. The Task Force included representatives from the Hartnell Board, the Hartnell Administration, three Latino organizations (the League of United Latin American Citizens, Alisal Betterment Committee, and Chicano Alumni of Hartnell Community College), the League of Women Voters, the Filipino Community, and the County Committee on School District Organization.

The Monterey County Committee issued a Request for Proposals, and in June 1990 hired the authors to provide technical demographic assistance and an attorney to serve as legal advisor. We developed a series of districting plans and worked with the Task Force and a subcommittee of the Task Force on modifications of the plans.

The Task Force reviewed eleven different districting plans. After several rounds of negotiations between Latinos and whites, a compromise plan recommended by the Task Force subcommittee was accepted by the Task Force. Prominent white community members met with the subcommittee and negotiated the compromise with Latino Task Force members. The compromise involved Latinos accepting less than the Voting Rights Act may permit. The Latinos supported the compromise plan and settled for district boundaries in the city of Salinas which gave them less - than - maximum power politically in exchange for white leaders' support for the plan. Early in October the Task Force approved the compromise plan.

The Hartnell District's electoral reforms faced additional complications which somewhat delayed the process. Four public hearings were held to provide public opportunity for discussion of the plan. Because part of the District is located in a lightly populated portion of adjacent San Benito County, the approval of that county's Committee on School District Organization was required. The Hartnell District also needed to obtain preclearance from the U.S. Attorney General for its changes (see page 11).

It was decided to attempt to obtain a waiver of election from the California State Board of Education to bypass a vote on the change to single member districts.<sup>7</sup> The Hartnell College Board, after some consideration, voted to support the request for a waiver. The State Board of Education granted the waiver. Federal preclearance was received in February 1991.

The Hartnell districting plan, like the San Jose/Evergreen plan, will be reevaluated following the Public Law 94-171 redistricting data release.<sup>8</sup> The Hartnell plan will operate for one election in November 1991, when four Hartnell trustee terms expire. The original San Jose/Evergreen plan will not be used in an election because the next Board election will occur in 1992.

### **Contrasts: Demographic Procedures**

In both districts, political pressures precluded postponing the change in election method until 1990 Census results became available. Very different decisions were made about how to satisfy one person, one vote requirements. In the San Jose/Evergreen District, two of the finalists in the bidding for the districting job, an experienced professional

<sup>&</sup>lt;sup>7</sup> This was both an economy measure to save an estimated \$60,000 to \$90,000 and an effort to avoid possible public rejection and costly consequent litigation by Latinos to obtain single member district elections.

<sup>&</sup>lt;sup>8</sup> Section 5019 of the California Education Code requires that school districts complete redistricting by March 1, 1992.

demographer and the Latino attorney who received the contract, argued that an updating of the 1980 Census might not withstand court challenge. Despite indications that the District's population growth had been uneven in the 1980s, the final districting plan was based on 1980 Census data. There apparently was no legal precedent for updating until a federal court allowed such a procedure in the Los Angeles County supervisorial district case (*Garza v. County of Los Angeles*) in its June 1990 ruling.

It was evident that in the Hartnell District, 1980s population growth was considerable and that it was geographically uneven. California State Department of Finance (DOF) estimates indicated that 1980s city population growth in the Hartnell District ranged from 18 to 73 percent (Table 2). The city of Salinas grew by an estimated 29 percent and this growth was geographically uneven. A single housing development was responsible for the addition of 5,000 people (20 percent of the city's growth). Thus, an important part of the demographers' work was to update population figures for census tracts and in some cases for block groups and blocks. We felt there was an implicit legal mandate to update the 1980 Census figures. We also hoped that updating would mean that minimal adjustment of trustee area boundaries would be necessary following release of 1990 Census data. (The plan based on the estimated population figures was to be used for only one election, and would be revised using 1990 Census figures.)

**Table 2: Estimated Population Change of Cities Within the Hartnell Community College District** 

City	1980 Census Population	1990 Population Estimate (DOF)	Percent Change
Gonzales	2,891	4,233	46%
Greenfield	4,181	7,250	73%
King	5,495	7,739	41%
Salinas	80,479	104,102	29%
Soledad	5,928	7,103	18%

## **Updating Procedure**

The update of 1980 Census data was based on the housing method of projection. This procedure was used in developing single member districts for Palm Beach County, Florida (Serow, et al., 1990). The method bases population estimates on the number of housing units multiplied by the average number of persons per household.

 $<sup>^9</sup>$  The Hartnell Board recognized in its December 1989 resolution that it would be inappropriate to base trustee areas on 1980 population figures (see page 5).

Data on housing growth are available in California annually. All jurisdictions are required to report completed building permits (by type of housing unit) to the State Department of Finance (DOF), which publishes the data. In addition, many cities and counties can provide housing data for small geographical areas. In Salinas, housing data (by type of housing) for each census tract and for traffic zones within tracts are updated annually. These data were used to estimate the population of tracts and smaller geographical units. For rural parts of the Hartnell District, population estimates were based on housing growth data by census tract from the Monterey County Planning Department.

Population estimates were developed by multiplying typical numbers of person per household (by type of housing unit) by the number of each type of housing unit. Household size varied significantly by type of unit within the city of Salinas and in the rural parts of the Hartnell District. Minority areas had much larger household sizes than predominantly white areas. Tract-specific data showed these differences. Use of tract-specific average household sizes helped prevent underestimation of the minority population.

To estimate Salinas' population, we used average household size (by type of unit) multipliers for each census tract. These were obtained from a special DOF computer run using 1980 Census data (see Appendix). Because household size had increased over the decade, we controlled to the DOF population estimate for Salinas as a whole.

The DOF uses housing growth to estimate the population of cities and counties but also uses more detailed data, including changes in drivers licenses, postal drops, and school enrollments. We believed that DOF estimates would be more accurate than our own (which used only housing counts). Therefore, we controlled our population estimates to those provided by the DOF. It was assumed that the increase in household size was distributed proportionately across all households. For example, in the city of Salinas, controlling to the DOF estimate meant that we increased each census tract estimate by 3.4 percent to match the DOF aggregate estimate for the city as a whole. This type of adjustment is commonly used when population estimates for a larger geographical area are deemed more accurate than those for a smaller geographical area. Better data are often available for larger areas than for smaller ones. <sup>10</sup>

Task Force members were very interested in how the population's ethnic composition had changed in the 1980s, and had different ideas about how to use information about ethnicity. Some thought that the overall percent minority should be used to determine the proportion of districts which should have a minority majority. Others wanted updated ethnic figures so that districts which maximized minority political power could be devised.

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<sup>&</sup>lt;sup>10</sup> For example, the DOF has better data for counties than it does for cities. Therefore, its demographers first estimate the population of counties. If initial city estimates do not equal the county- wide estimate, they adjust or "control" city population estimates to conform to the county estimate.

Unfortunately, little information was available on 1980s ethnic changes. The only official data available by ethnicity were for school enrollment. There were significant increases in Latino percentages in almost all the school districts. An estimate of ethnic composition of the entire population based on student ethnicity information would require estimating age distributions for the white and minority populations. Small errors in the assumed age distributions could produce large errors in the projected percent minority. We did not feel we could make a reasonable estimate of the change in age distributions. Thus, we discussed probable ethnic composition changes with the Task Force, but did not provide estimates of each census tract's 1990 ethnic distribution. When ethnic data were required, 1980 Census proportions were used.

# **Criteria for Drawing Jurisdictional Boundaries**

We found there to be two major legal criteria important in drawing jurisdictional boundaries. The first results from one person, one vote court decisions. It requires that trustee areas be equal in population. The courts have preferred deviations<sup>12</sup> of less than 10 percent in this sort of jurisdiction (O'Hare, 1989). Population is defined as the *total population, including children and non-citizens*. The theory is that all people are represented, although only some of them are able to vote. This was an important definition in the Hartnell districting because many Latino residents were not citizens. A special Census Bureau tabulation using 1980 census data revealed that less than 40 percent of the Latinos aged 18 and older were citizens in some census block groups. This Census Bureau tabulation was useful in estimating numbers of eligible voters in each trustee district, and showed that the proportions of Latinos aged 18 and over who were citizens varied greatly from one census block group to another. See Clark and Morrison (1990) for a discussion of this subject. <sup>13</sup>

A second legal criterion in districting results from the Voting Rights Act of 1965, its amendments (1970, 1975, 1982), and related court decisions. These were intended, among other things, to facilitate political empowerment of blacks and other minorities. They have tended to encourage replacing at large systems with district election, because minorities may not be numerous enough to elect representatives of their choice in at large elections. A minority group may be a majority in certain neighborhoods but not in the community as a whole. Court interpretations of the Fourteenth Amendment and the

<sup>&</sup>lt;sup>11</sup> Data by ethnicity for births and deaths are collected, but the Monterey County Health Department did not have the data computerized in a usable form. By matching Spanish surnames to changes in drivers licenses one could estimate the migration of Latinos in and out of the area. However, this procedure was beyond our resources.

<sup>&</sup>lt;sup>12</sup> The deviation is calculated by dividing the difference between the largest and smallest district populations by the ideal district population (one-seventh of the total population in these community college districts).

<sup>&</sup>lt;sup>13</sup> Interestingly, the San Jose/Evergreen districting consultant estimated voter eligibility by applying Latino citizenship rates for all age groups to the Latino population aged 18 and over. This procedure overestimates the number of Latinos eligible to vote because children are more likely to be citizens.

Voting Rights Act (Sections 2 and 5) indicate that in constructing districts, minorities are not to be overly concentrated or overly diluted. There are some legal guidelines on how to avoid over concentration and dilution (or fragmentation), but their practical implementation is open to interpretation.

Some courts have held that to guarantee that minorities have an effective voting majority, districts need to have a total population which is more than 50 percent minority. In a 50 percent minority district, minority group members may not be able to elect the candidate of their choice because they constitute less than 50 percent of voters. The younger age distributions of minority groups, their lower citizenship rates, and their lower rates of registering to vote can reduce minority voting power. One court recommended a total population which is 65 percent minority to compensate for these factors (Fontana, 1989).

In the Hartnell District, citizenship rates were so low among the Latinos in some areas that trustee areas which were 65 percent Latino might not permit Latinos to have an effective political majority. However, the Latino population of the Hartnell District is not sufficiently concentrated to permit drawing of districts which are more than about 69 percent minority (62 percent Latino). The low Latino citizenship rates resulted in minority groups having a voting majority in *none* of the seven new districts (using eligible voter estimates from the Census Bureau special tabulation of 1980 census data).

Another legal and demographic question we faced in the Hartnell project was how to treat the large number of convicted felons (incarcerated in Soledad Prison in central Hartnell District) in calculating estimates of the eligible voter population. They are ineligible to vote, and represent a significant proportion of one trustee area's eligible voter population. These prisoners are also more likely to be minority group members than the general voting-age population.

Yet another Voting Rights Act requirement (Section 5) is that certain jurisdictions, including those in Monterey County, California, obtain preclearance from the U.S. Attorney General or the Federal District Court for the District of Columbia for all changes in voting laws or practices.<sup>14</sup> This slowed the implementation of the new election system in the Hartnell District.

### **Philosophical Differences**

In addition to the legal, political, and practical questions that arose in the construction of trustee districts, a significant difference in philosophical orientation became evident in the Hartnell District. We observed a philosophical or ideological confrontation between majority and minority group members. We characterize the dichotomous ideologies as "political affirmative action" and "proportional representation." The minorities favored the political affirmative action philosophy, under which districts would be constructed to

<sup>&</sup>lt;sup>14</sup> This requirement applies to nine states (Alabama, Georgia, Louisiana, Mississippi, South Carolina, Virginia, Alaska, Texas, and Arizona) and certain counties in seven other states (Congressional Quarterly, 1985).

maximize minorities' political power. Others wanted districting to give minorities proportional representation. They reasoned that if the minorities comprised 40 percent of the population, a system should be devised to enable them to have a population majority in 40 percent of the districts. In politics, this represents an incrementalist approach. As far as we know, interpretations of the Voting Rights Act have not addressed this issue.

In the Hartnell District, the compromise districting plan implemented the proportional representation philosophy. The Task Force subcommittee discussion focused on avoiding an awkwardly-shaped trustee area in central Salinas but the true dispute appeared to be over a difference of a few percentage points in the minority population of that district.

We speculate that Hartnell District Latinos may have been willing to settle for slightly less political power than the law allows for several reasons. First, white leaders promised to support publicly the compromise districting plan through all stages of its adoption. Second, the whites essentially assured that if Latinos accepted the compromise, the Hartnell Board would support the County Committee's request for an election waiver. Finally, the Latinos undoubtedly wished to maintain a working agreement with local white leaders, anticipating future quests for political empowerment. Latinos agreed to a districting plan based on the proportional representation philosophy for practical political reasons.

In the San Jose/Evergreen District, differences among community members did not manifest themselves, and districting was guided by the political affirmative action philosophy. Community apathy led the District's Board to adopt the plan recommended by the consultant. This plan tended to maximize Latino voting power. According to the consultant's estimates, one of the seven new trustee areas had a potential majority of minority group voters (51 percent minority, 41 percent Latino).

#### Conclusion

Our work in the San Jose/Evergreen and Hartnell Community College Districts has revealed a series of fascinating contrasts in the procedures followed in changing trustee election methods. The differences resulted from a variety of demographic and political conditions. The sequence of events in the two districts was different, as was the speed with which districting was accomplished. Demographic procedures differed. The result of the process will undoubtedly be greater political power for Latinos in choosing college trustees in both districts, though the differences in philosophy guiding districting has resulted so far in proportionately greater power for Latinos in the San Jose/Evergreen District. As of February 1991 the San Jose/ Evergreen District board had two Latino members and the Hartnell District board had one. It will be years before it is clear whether the electoral reforms have resulted in permanent Latino political empowerment.

Appendix

Average Number of Persons Per Household by Census Tract and Type of Dwelling Unit 1980 Census Data

Census					Mobile
Tract	SFU-D	SFU-A	2-4	5+	Homes
			Units	Units	
1	3.61	4.04	3.36	2.38	2.92
2	3.38	3.24	3.09	2.06	2.92
3	2.97	3.24	2.96	2.13	2.92
4	3.10	3.24	2.03	1.90	2.92
5	3.50	3.24	3.13	3.19	2.45
6	3.02	3.24	3.72	3.71	2.92
7	3.78	3.96	3.16	3.22	1.65
8	2.95	3.24	2.82	4.03	2.92
9	3.57	3.24	2.83	2.73	2.92
10	2.17	3.24	1.39	2.85	2.92
11	2.75	3.24	1.58	1.57	2.92
12	2.52	3.24	1.98	1.81	2.92
13	2.56	3.24	3.25	2.16	2.92
14	2.45	3.24	1.63	2.29	2.92
15	3.05	2.10	2.27	1.83	2.92
16	2.96	3.24	1.94	2.06	2.92
17	2.68	3.24	2.67	2.59	2.92
18	3.42	3.62	2.65	2.92	2.51
105	3.35	2.71	2.87	2.48	2.31
106	3.81	3.65	4.28	3.80	4.80
County					
Averag	3.26	3.24	3.13	2.85	2.92
e					

Source: California State Department of Finance. Cells under 100 housing units were set equal to the County average. SFU-D = single family unit, detached, and SFU-A = single family unit, attached.

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