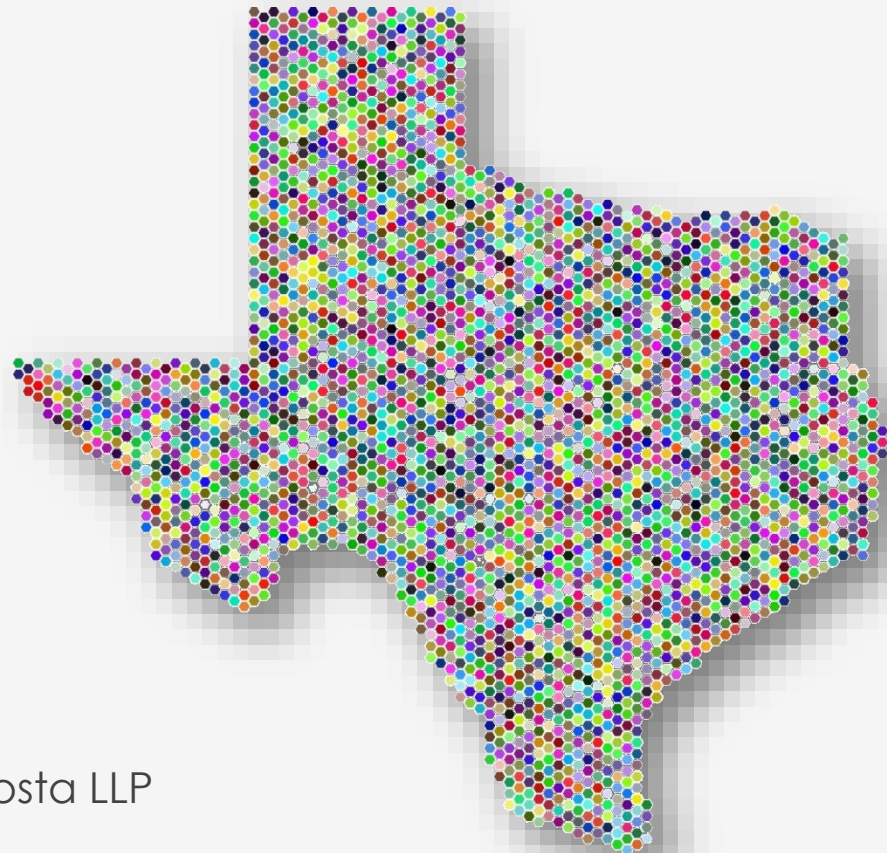


Redistricting



Presented By:

David Mendez, Partner

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Overview

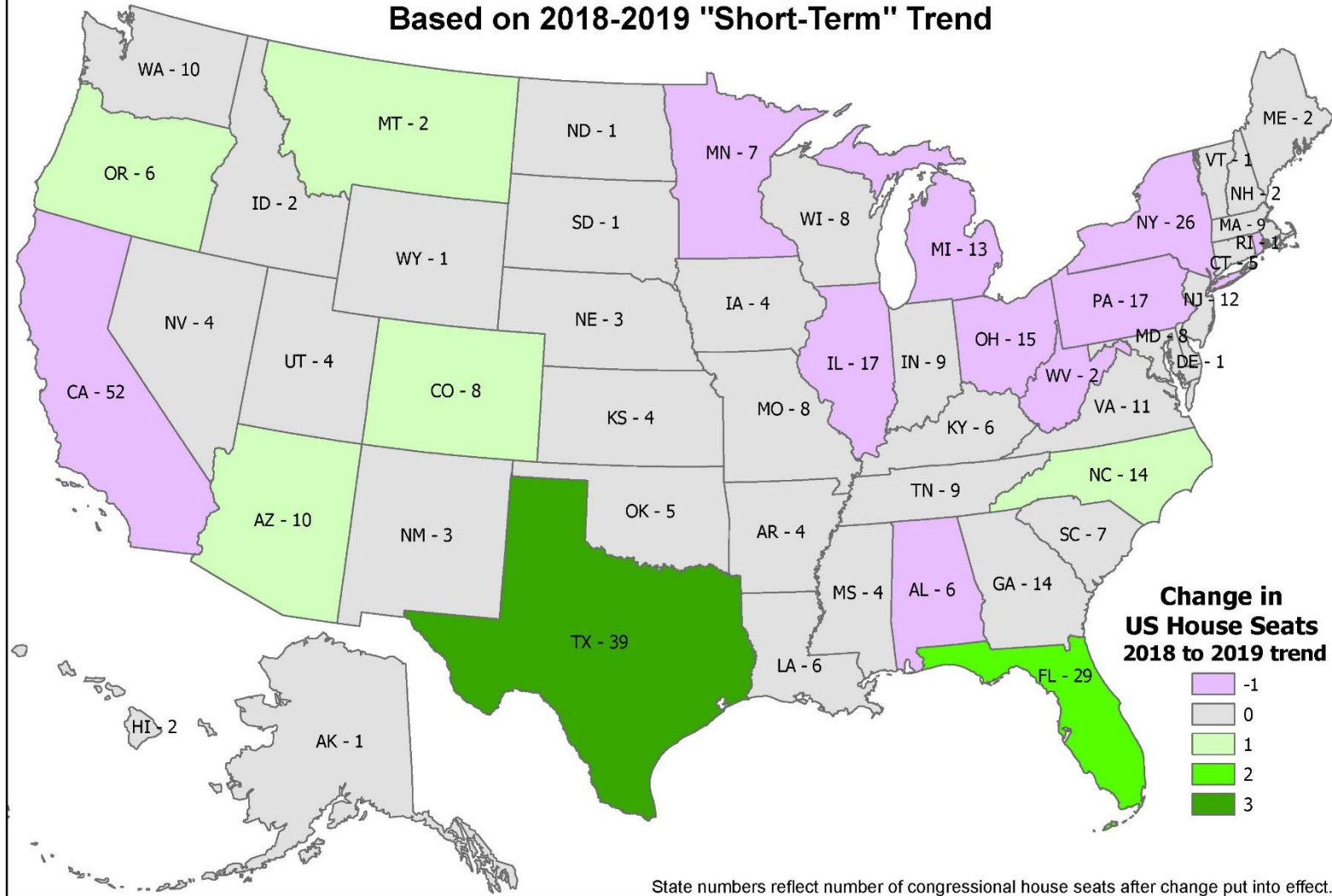
- Texas Population Growth
- The 2020 Federal Census
- County Responsibilities
 - Redistricting process and time line
 - Election precinct adjustments
- Impact of Technology

Population Growth and Projected Congressional Seats of Select States

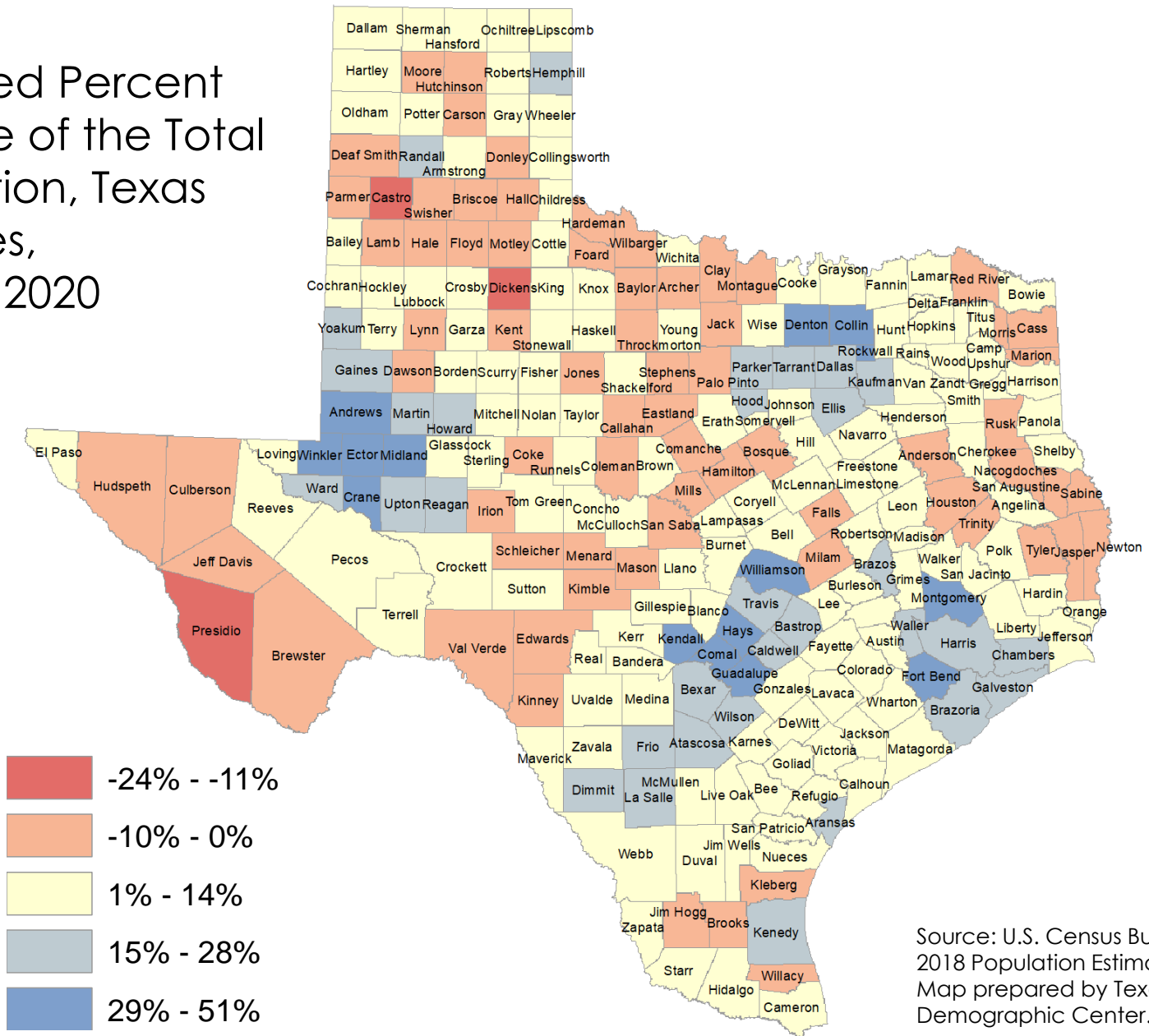
	2010 Population	2018 Population	Numeric Change 2010-2018	Percent Change 2010-2018	Projected Congressional Seats Added
United States	308,745,538	327,167,434	18,409,329	6%	
Texas	25,145,561	28,701,845	3,555,731	14%	3
Florida	18,801,310	21,299,325	2,494,745	13%	2
North Carolina	9,535,483	10,383,620	847,884	9%	1
Arizona	6,392,017	7,171,646	779,358	12%	1
Colorado	5,029,196	5,695,564	666,248	13%	1
Oregon	3,831,074	4,190,713	359,638	9%	1
Montana	989,415	1,062,305	72,896	7%	1
California	37,253,956	39,557,045	2,302,522	6%	0 to -1
Minnesota	5,303,925	5,611,179	307,254	6%	0 to -1

Source: U.S. Census Bureau. 2000 and 2010 Census Count, 2018 Population Estimates; Brennan Center for Justice.

Anticipated Gains/Losses in Reapportionment 2020 Population Projections Based on 2018-2019 "Short-Term" Trend



Projected Percent Change of the Total Population, Texas Counties, 2010 to 2020



Source: U.S. Census Bureau, 2018 Population Estimates; Map prepared by Texas Demographic Center.

Figure 3: Population Change by Type of Driving Force in Counties in Texas, Metros (Population > 20,000), Towns (Population 2,500 to 20,000), and Rural Areas (Population < 2,500)

- Migration driven growth
- Natural increase driven growth
- Migration driven decline
- Natural decrease driven decline
- No population change

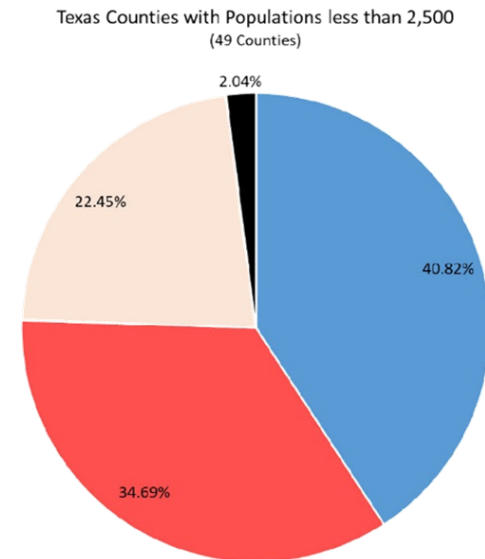
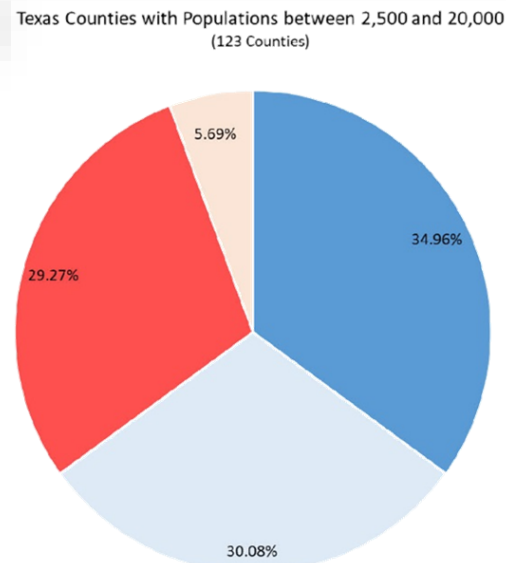
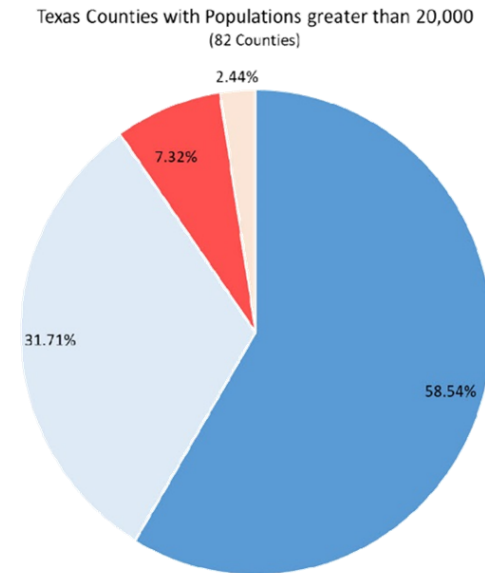
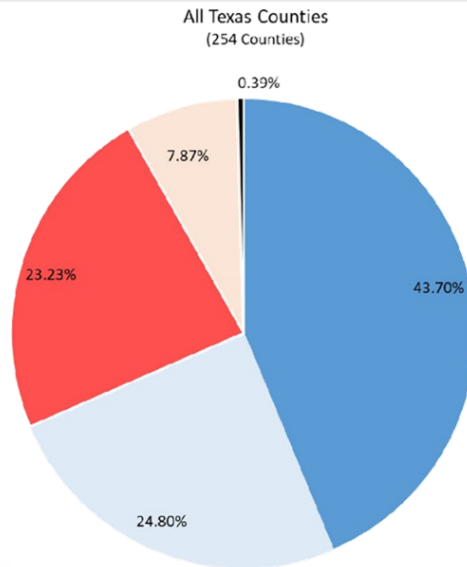
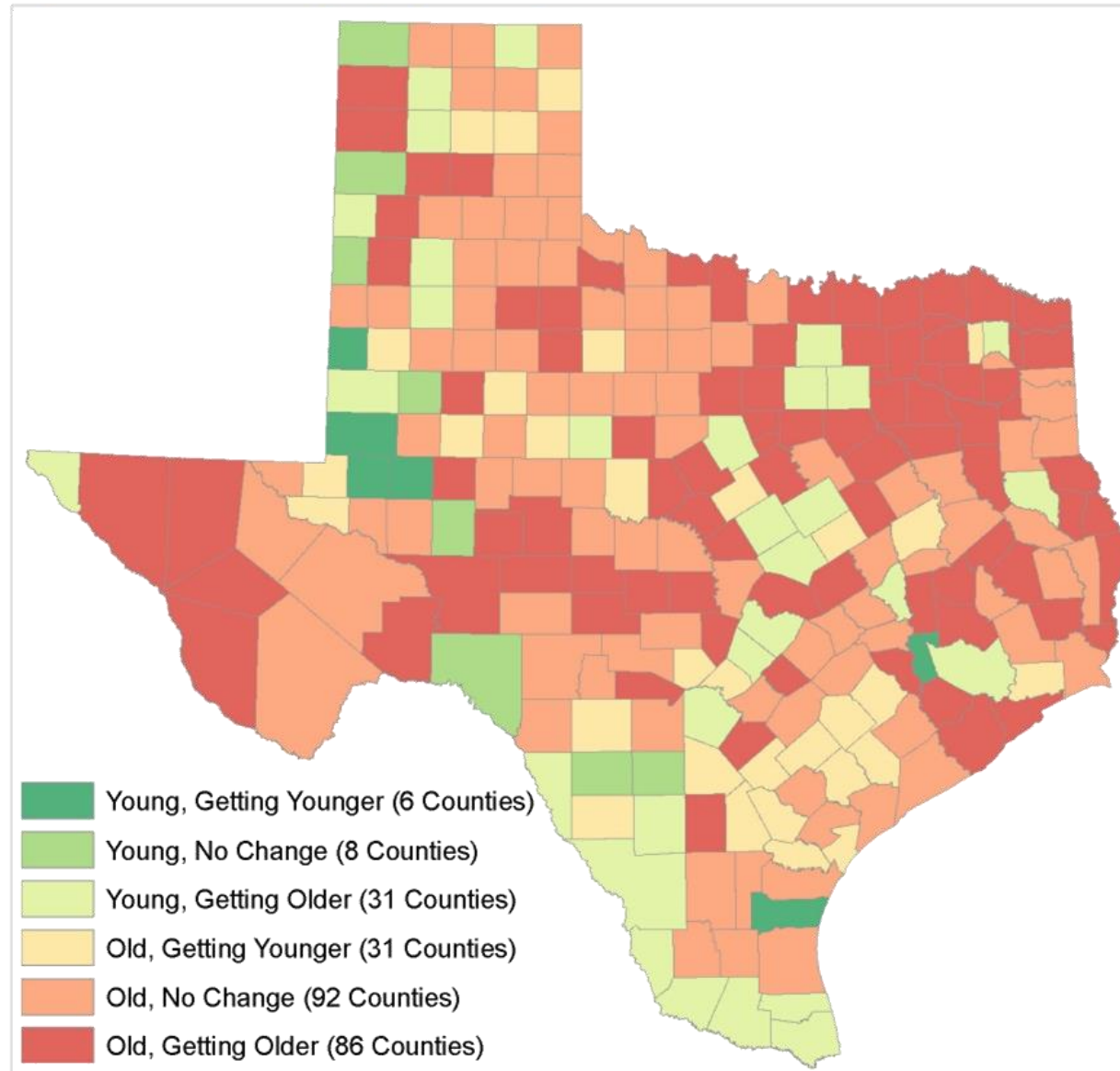


Figure 5: Trends in Aging by County 2010 to 2018

Source: U.S. Census Bureau, 2010 Census Data; Texas Demographic Center, 2018 Population Estimates

Census



- What is included in the Census?
- What are some of the issues raised?
- When will it be conducted?
- When will it be released?
- What is expected growth (Texas)?

Types of Population

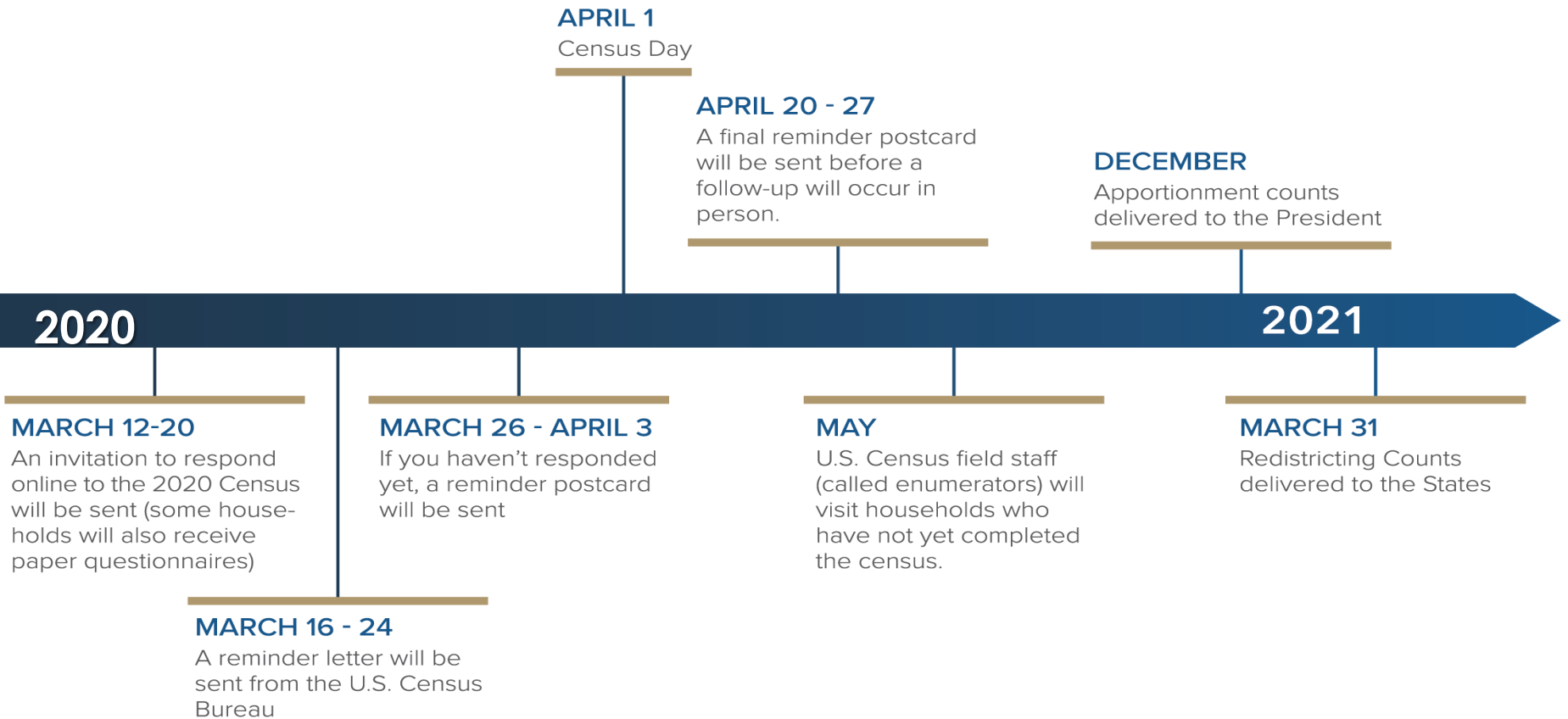
- **Total Population**
- **Voting Age Population**
- **Citizen Voting Age Population**
- **Spanish Surname Registered Voters (SSRV)**

Controversies Surrounding Census 2020

Whether injecting questions about citizenship will chill response to the census

- The higher the population figures for a state such as Texas, the greater the impact on legislative representation.
- A significant undercount would adversely impact the potential amount of federal aid available to the state.
- A significant undercount would impact the ability to draw majority minority districts.

2020 Census Scheduled Events



U.S. Census Bureau website

Commissioner Court Responsibility

- Commissioner Precinct Rebalancing
- Justice Precincts
- Election Precinct Issues
 - Timing
 - Entities affected

Redistricting Law

- Recent Court Cases
- Basic Legal Principles that apply:
 - One person – One vote
 - Voting Rights Act Section 2
 - Restrictions on Race-Based Redistricting (*Shaw v. Reno*)
 - State Election Law

Shelby County v. Holder

No. 12-96 (June 25, 2013)

- U.S. Supreme Court holds Voting Rights Act section 4(b) is unconstitutional
 - Section 4(b) is unconstitutional because it is based on outdated information
 - Section 4(b) defines who must comply with section 5 (“coverage”)
 - Section 5 is the preclearance process

Evenwel v. Abbott

- In *Evenwel v. Abbott*, 136 S.Ct. 1120 (2016), one of the term's most significant cases, the U.S. Supreme Court unanimously (Justices Thomas and Alito concurring) held that a state or locality may draw legislative districts based on total population and is not required to use a metric limited to persons eligible to vote.

One Person-One Vote

- **Districts Must Have Relatively Equal Population**
- While not a safe harbor, generally districts will meet constitutional requirements if they have no more than a ***10 percent deviation***.

Section 2 of the Voting Rights Act

- Section 2 prohibits election practices that discriminate on the basis of race or language minority status
- Generally you need to avoid **cracking** or **packing**
 - Cracking or fracturing is dividing a geographically compact group of minority voters to fragment their voting power
 - Packing is concentrating minority voters in a single district when dividing them would permit the group to elect their candidates of choice in more than one district

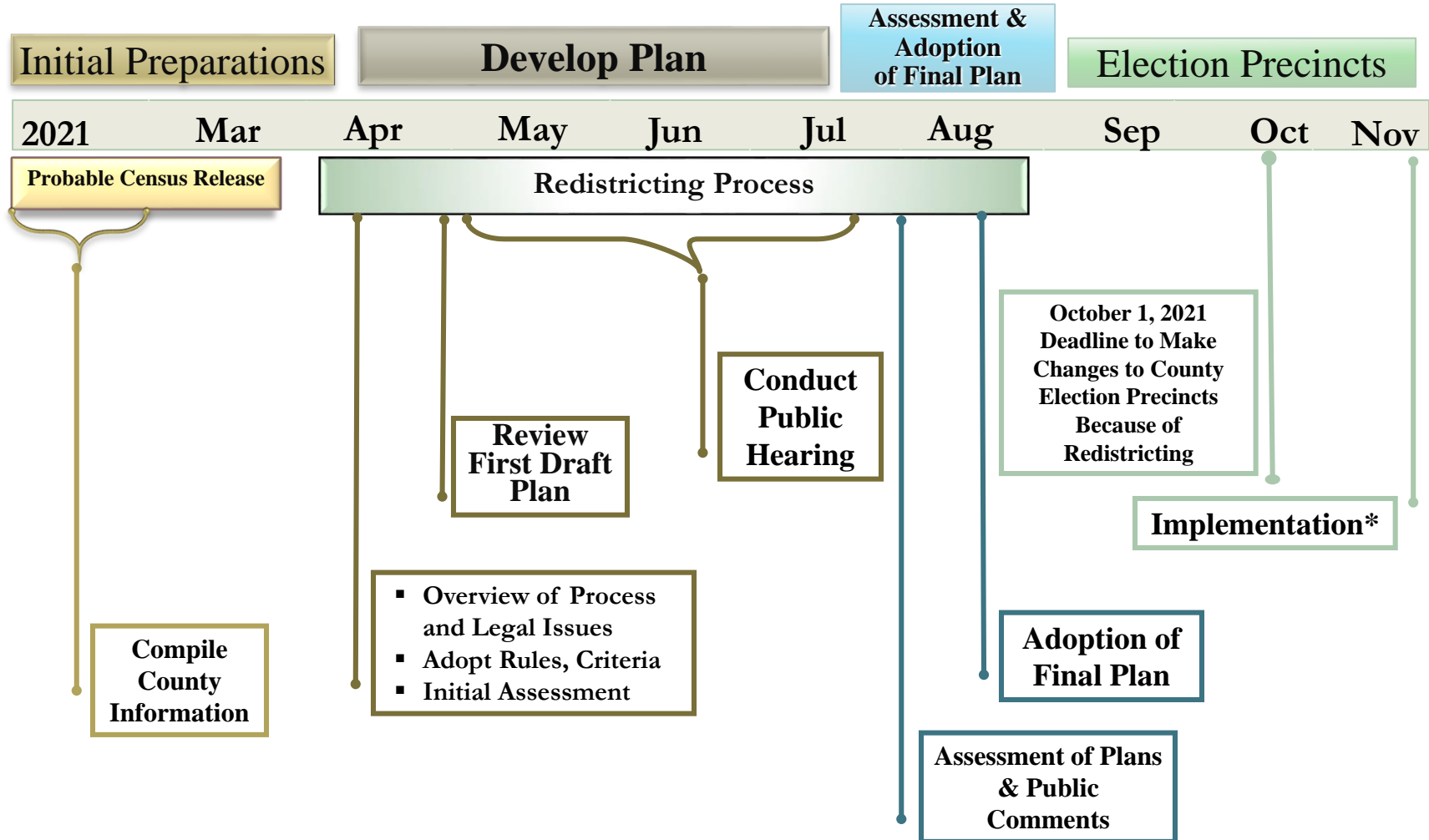
Section 2 Threshold Test

1. The minority group must be sufficiently large and geographically compact to be able to constitute a majority in a single-member district.
2. The minority group must be politically cohesive.
3. The white majority must vote as a bloc usually to defeat the minority choice.

Shaw v. Reno

- Race cannot be the predominant factor in the redistricting process to the subordination of traditional districting principles.
- Districts with odd shapes are not necessarily unconstitutional; however, a bizarre shape may be evidence that strongly suggests that race was the predominant factor driving the redistricting decision.

Proposed 2021 Time Line for County Redistricting

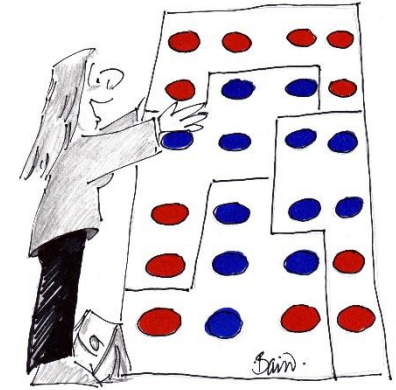


*Texas Election Code Chapter 276.006:

A change in the boundary of a political subdivision other than a county must be adopted 3 months prior to the election under that plan.

How to Redistrict - Steps

- Preparation of Local Data
- Initial Assessment
- Establishing Policies and Guidelines
- Traditional Districting Criteria
- Rebalancing to correct the population imbalance
- Develop Redistricting Plan(s)
- Present Illustrative Plans
- Public Participation
- Adopt New Plan



Justice of the Peace/Constable Review

- Reconfigure precincts or reduce
- Redraw based upon workload or convenience
- Statutory requirements for number of Justice Precincts
 - The Constitution provides that “any county that is divided into four or more precincts on November 2, 1999, shall continue to be divided into not less than four precincts.”
 - *Article V, Section 18, Texas Constitution*

Legal Consideration in Changes to Justice Precincts

- One person – one vote does **NOT** apply
- BUT Section 2 **DOES** apply
- Incumbents have Texas Constitutional rights
 - Finish term
 - Reasonable compensation
 - Furnish reasonable office, staff

County Election Precincts

- Must have polling locations in each precinct or use countywide vote centers.
- Must **NOT** cross into other jurisdictions (*see following list*).
- Will be adjusted **AFTER** Commissioner Precincts, Justice Precincts and Legislative Districts.
- Coordinate with city, school, water and special districts redistricting to create more efficient precincts.

State Law Issues: Election Precincts

1. County Election Precincts Cannot Contain Territory From More Than One:

- Commissioner precinct
- Justice precinct
- Congressional district
- State senate district
- State representative district
- State Board of Education district

2. County participation in the Countywide Polling Place Program

3. County Election Precincts Have Population Requirements:

- At least 100 but not more than 5,000 registered voters
- County Under 100,000
 - Minimum reduces to 50 registered voters
- County Under 50,000
 - Minimum under 50 with petition from 25 registered voters
- Suspense voters shall not be included in the counts

Election Precincts

- Deadline to complete election precinct realignment is October 1st
- Submission of newly realigned election precincts to:
 - Secretary of State and Texas Legislative Council
- Elections Administrator/Voter Registrar
 - Coding of voters into realigned election precincts
 - County can use technology to simplify process and reduce costs.

Counties Approved to Use the Countywide Polling Place Program (CWPP) for the November 5, 2019 Constitutional Amendment Election

- **Populations more than 100K (6 slots available)**
 - Bexar County
 - Comal County
 - Dallas County
 - Hays County
 - Tarrant County
- **Populations less than 100K (4 slots available)**
 - Atascosa County
 - Henderson County
 - Jones County
 - Kendall County

*Implementation of Current Program (2019)

Texas Conference of Urban Counties' Members (RED)

Counties Designated “Successful” (unlimited slots) and Year Designated

- Aransas County (2016)
- Archer County (2019)*
- Bee County (2019)*
- Brazoria County (2015)
- Brazos County (2016)
- Callahan County (2014)
- Collin County (2013)
- Coryell County (2014)
- Deaf Smith County (2018)
- DeWitt County (2018)
- Eastland County (2013)
- Ector County (2016)
- Ellis County (2019)*
- Erath County (2012)
- Floyd County (2013)
- Fort Bend County (2016)
- Gaines County (2012)
- Galveston County (2012)
- Grayson County (2014)
- Gregg County (2017)
- Grimes County (2017)
- Guadalupe County (2017)
- Harris County (2019)*
- Hidalgo County (2018)
- Hood County (2015)
- Hopkins County (2015)
- Howard County (2019)*
- Jack County (2018)
- Jefferson County (2014)
- Kaufman County (2018)
- Lampasas County (2014)

The counties with an * are newly designated Successful counties.

Texas Conference of Urban Counties’ Members (RED) – 25 out of 35

Counties Designated “Successful” (unlimited slots) and Year Designated

- Lee County (2016)
- Lubbock County (2012)
- Madison County (2013)
- McLennan County (2015)
- Medina County (2016)
- Midland County (2012)
- Milam County (2016)
- Montague County (2015)
- Navarro County (2015)
- Nueces County (2017)
- Palo Pinto County (2016)
- Parker County (2015)
- Potter County (2016)
- Randall County (2014)
- Rusk County (2015)
- San Jacinto County (2016)
- San Patricio County (2018)
- Smith County (2015)
- Swisher County (2014)
- Taylor County (2015)
- Throckmorton County (2017)
- Tom Green County (2015)
- Travis County (2012)
- Upshur County (2017)
- Victoria County (2014)
- Wharton County (2015)
- Williamson County (2014)
- Wichita County (2018)
- Young County (2016)

The counties with an * are newly designated Successful counties.

Texas Conference of Urban Counties’ Members (RED) – 25 out of 35

Counties Should Insure That Process and Technology are Adequate to Meet the Unique Challenges of Urban Counties

- GIS and Redistricting Applications should be powerful enough to handle large data files.
- The county's redistricting team should be accessible to commissioners and the necessary county departments by virtual meetings or otherwise to quickly and accurately update maps.
- The county's redistricting process and resources should be able to handle the complexities that arise from redistricting by multiple overlapping jurisdictions.

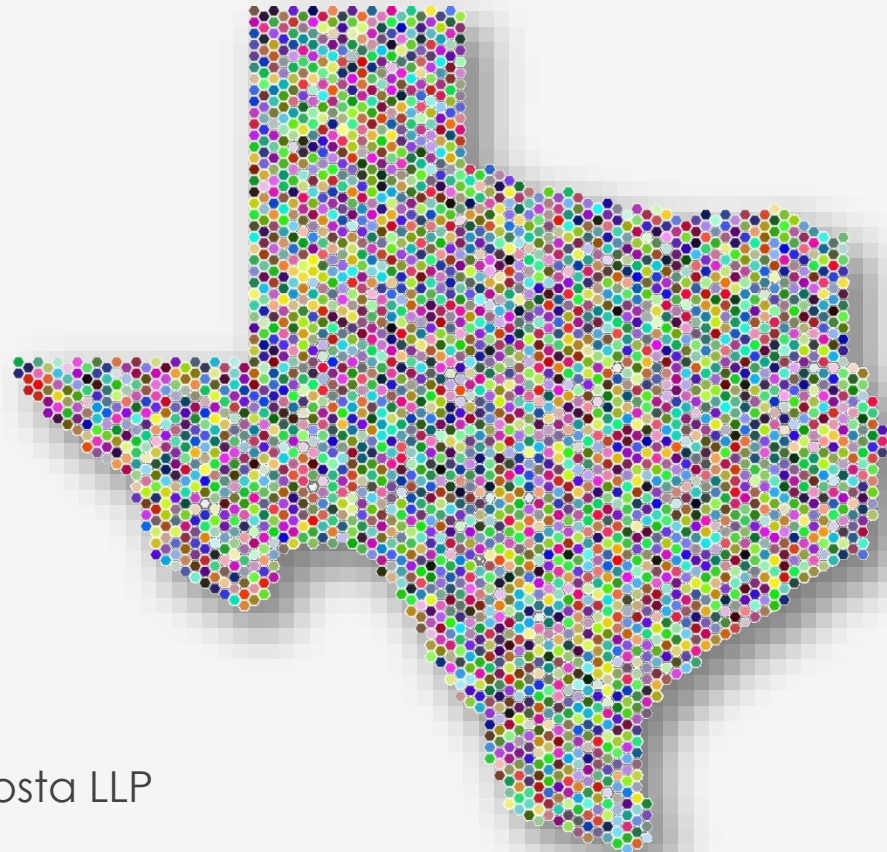
Process Overview

BEGIN: February 2021

- Collect base data (GIS, boundaries, geocoding data)
- Work session & scheduling with Commissioners
- Census release – Initial Assessment
- Adopt guidelines and criteria
- Develop Illustrative Plan
- Review plans/modify illustrative plan
- Public input
- Analyze and report
- Adopt plan
- Adjust Election Precincts

END: October 1st, 2021

Redistricting



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