County Redistricting 2021

Presented By:
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Overview

- Redistricting Responsibilities of the County
- The Federal Census Data and Release
- Redistricting Law Drives the Process
- The Redistricting Time Line
- Using Technology
Commissioner Court Responsibility

- Commissioner Precinct Rebalancing
- Review/adjust Justice Precincts
- Review and Create Election Precincts
  - Timing issues
  - Coordination with other political subdivisions in the county
Justice of the Peace/Constable Precinct Review

- Reconfigure or adjust precinct territories or reduce
- Adjustments typically based upon workload
- Statutes prescribe number of Justice Precincts, so commissioner court authority is somewhat limited
2020 Census

- When will it be released?
- What is included in the census?
- What are some of the issues raised?
- What is census likely to show for area counties?
Statewide Growth

Estimated Percent Change, Texas Counties, 2010-2019

Map prepared by Texas Demographic Center.

Source: U.S. Census Bureau, 2019 Population Estimates
Redistricting Law

- 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
One Person-One Vote

- Commissioner Precincts 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.
Voting Rights Act

- Section 2 still applies
  - Anti-discrimination provisions
  - No packing or cracking
  - Proportionality.
- Section 5 no longer applies
  - Non-retrogression standard gone
- Restrictions on race-based redistricting
  *(Shaw v. Reno)*
State Law Issues

- A non-county redistricting plan must be adopted at least three months before an election.----Tex. Elec. Code, § 276.006
The proposed 2021 timeline for county redistricting includes the following stages:

**Initial Preparations**
- Probable Census Release

**Develop Plan**
- Overview of Process and Legal Issues
- Adopt Rules, Criteria
- Initial Assessment
- Review First Draft Plan
- Conduct Public Hearing

**Assessment & Adoption of Final Plan**
- October 1, 2001 Deadline to Make Changes to County Election Precincts Because of Redistricting
- Adoption of Final Plan
- Assessment of Plans & Public Comments

**Election Precincts**
- Implementation*

*Texas Election Code Chapter 276.006:
A change in the boundary of a political subdivisions other than a county must be adopted 3 months prior to the election under than 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
Preparation of Data Prior to Release of Census Redistricting Data

- Gather incumbent locations
  - Preserve the will of the voters
  - Provide consistency in the incumbent-constituent relationship
- Gather facilities, current election precincts, polling locations, existing boundaries and prison locations, if applicable
  - Determination of prison facilities; include or exclude
- Gather roads and other local data to be used to assist with meeting redistricting criteria
Initial Assessment

- Examine the 2021 census data summed within the existing boundaries
  - Review Census 2021 geography in comparison to client data
  - Determine whether districts are unbalanced
  - Identify basic minority population distribution
  - Prepare report on findings to initiate the process
Plan Development

- Adopt guidelines and criteria for the process
- Have consultant develop an illustrative plan
- Work sessions for commissioners to review and fine-tune a redistricting plan.
- Obtain public input
- Adopt the plan
Election Precincts

- Coordination of redistricting between entities in the same county
- Adjusting Election Precincts to Conform to Commissioner Redistricting
- Similar Adjustments to Election Precincts required to conform to changes by legislature and other political subdivisions.
County Election Precincts

- Must have polling locations in each precinct or use countywide vote centers
- Must **NOT** cross into other Districts (see following list)
- Will be adjusted **AFTER** Commissioner, Justice Precincts and Legislative Districts.
  - Trying to also provide for city, school, water and special district redistricting results 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

- Other Election Precinct Tasks:
  - Check registered voter totals
    - Split or combine based upon Chapter 42 (Texas Election Code) size requirements
    - Split or combine based upon Chapter 42 (Texas Election Code) jurisdiction “must not cross” districts.
      - Including state redistricting and updating for court ordered changes
  - Polling locations
    - By Precinct
    - Countywide Vote Centers
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.
Using Technology to Minimize Costs

- County use of teleconferencing can save substantial cost of redistricting
- Interactive development of redistricting plans is possible over Zoom or similar apps
- Commissioner work session to draw and review plans avoids open meetings issues
Questions?

- If you would like a copy of this presentation, please email Sherry McCall at smccall@bickerstaff.com

- Or download the presentation at www.bickerstaff.com
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