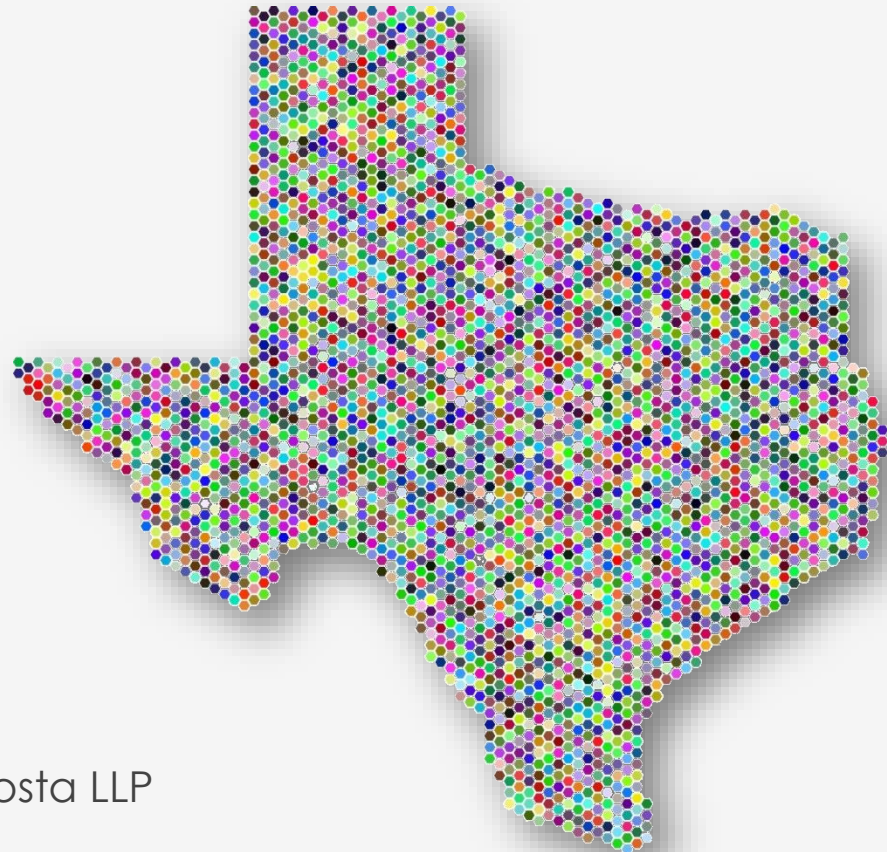


County Redistricting 2021



Presented By:

David Mendez, Partner

Bickerstaff Heath Delgado Acosta LLP

December 2, 2020

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

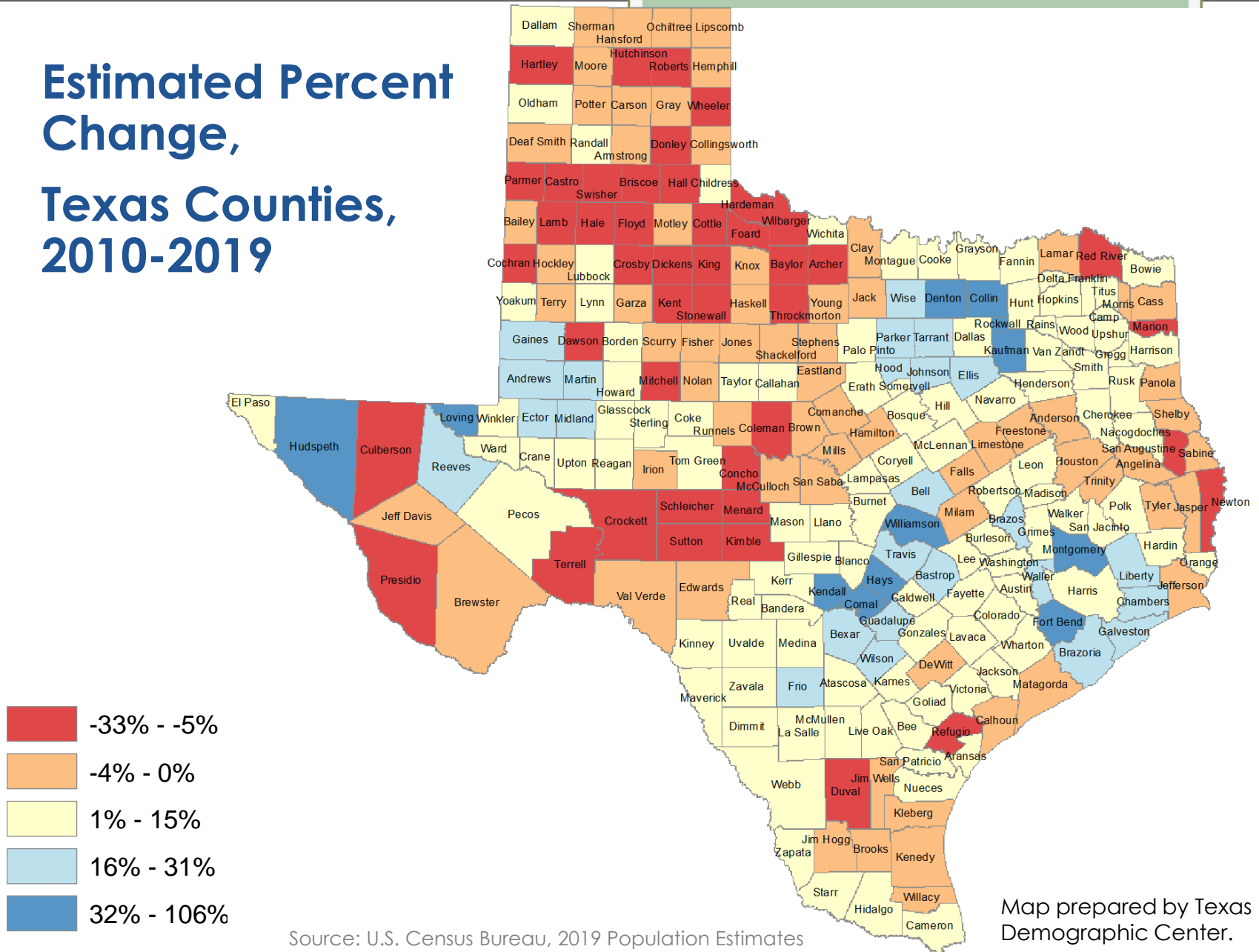
- Reconfigure or adjust precinct territories or reduce
- Adjustments typically based upon workload
- Statutes prescribe number of Justice Precincts, so commissioner court authority is somewhat limited

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?

Estimated Percent Change, Texas Counties, 2010-2019



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***.

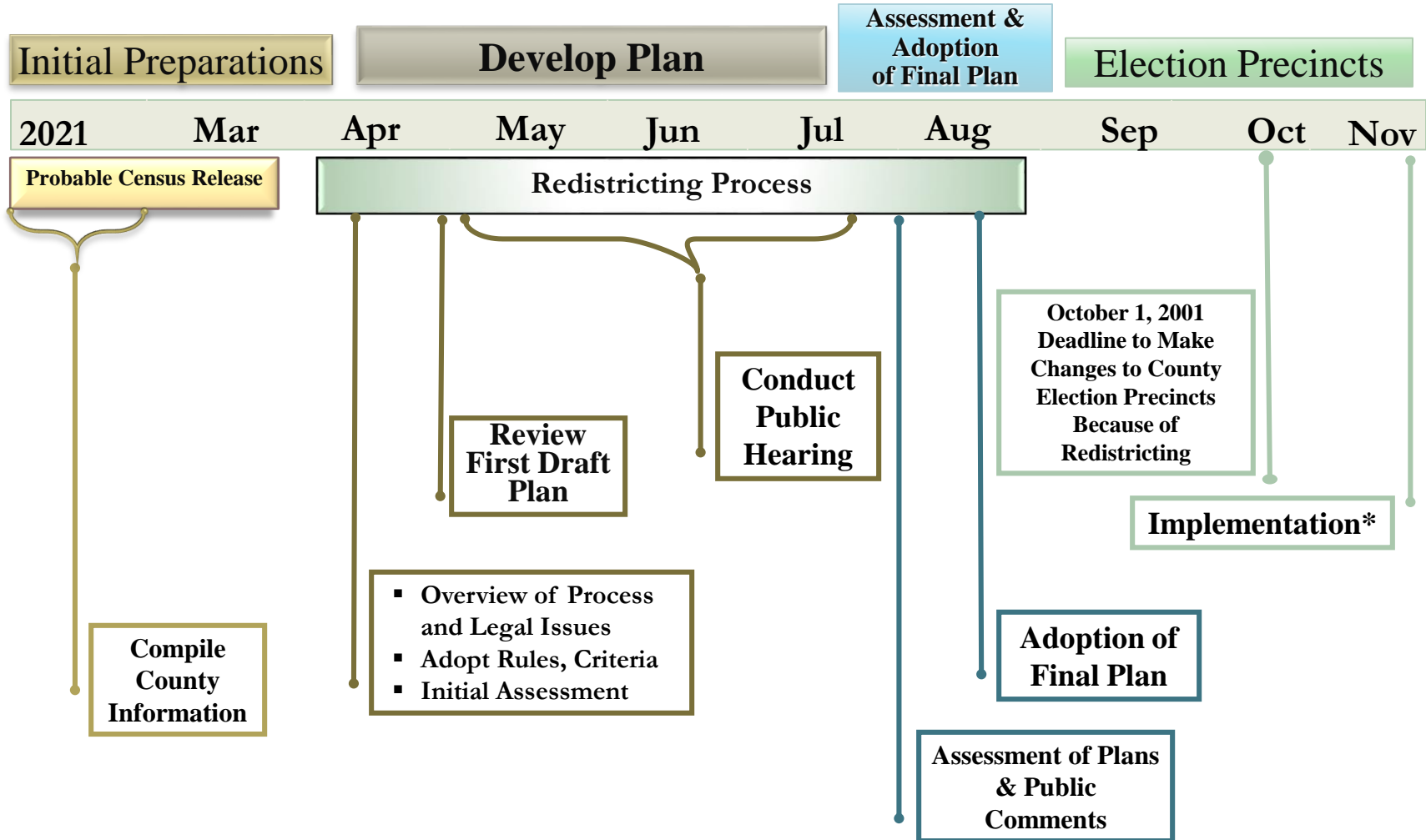
Voting Rights Act

- 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

Proposed 2021 Timeline for County Redistricting

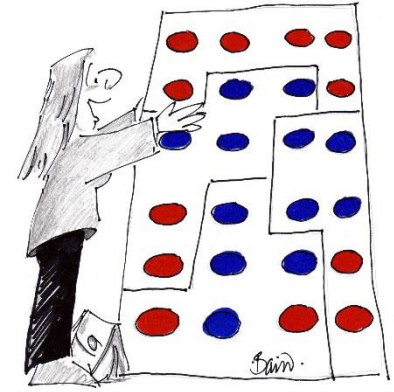


*Texas Election Code Chapter 276.006:

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

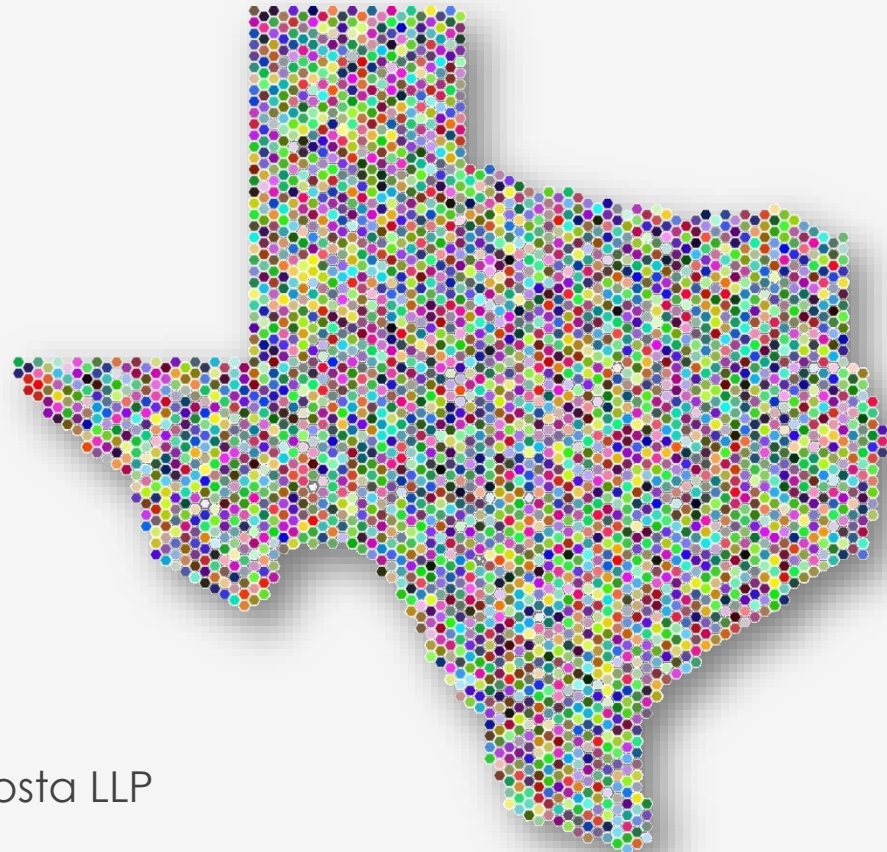
- Or download the presentation at

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