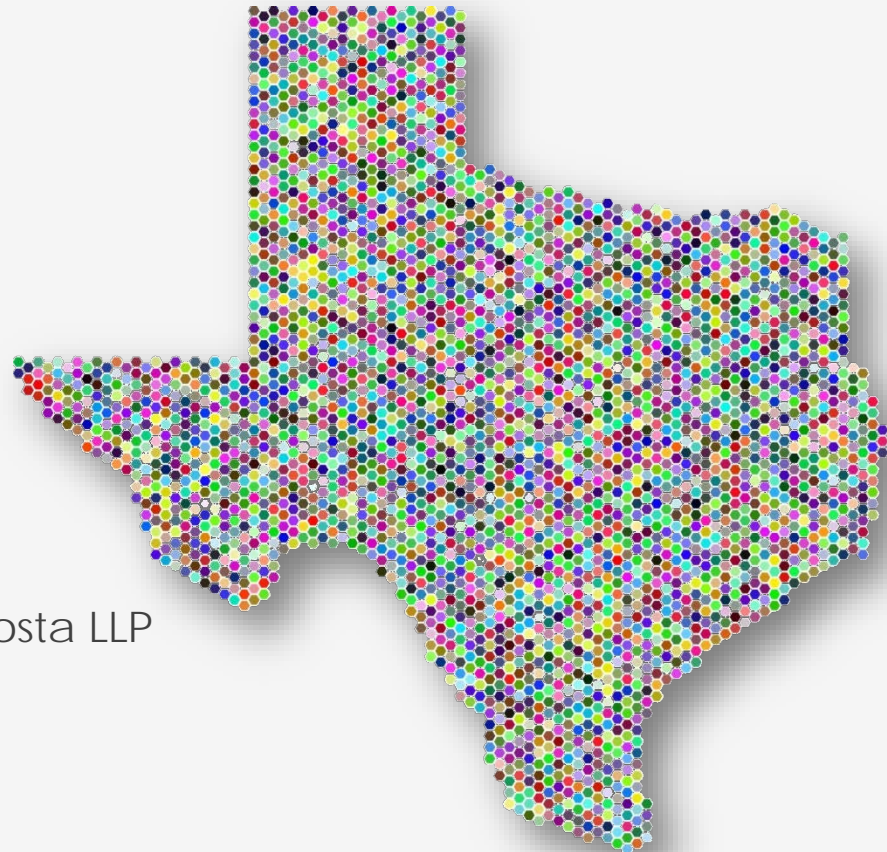


County Redistricting Under the 2020 Census



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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

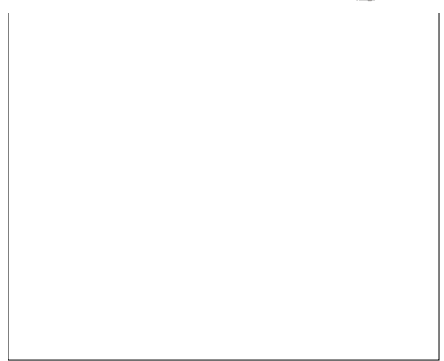
Population Growth and Projected Congressional Seats of Select States

	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.

Statewide Growth

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.

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

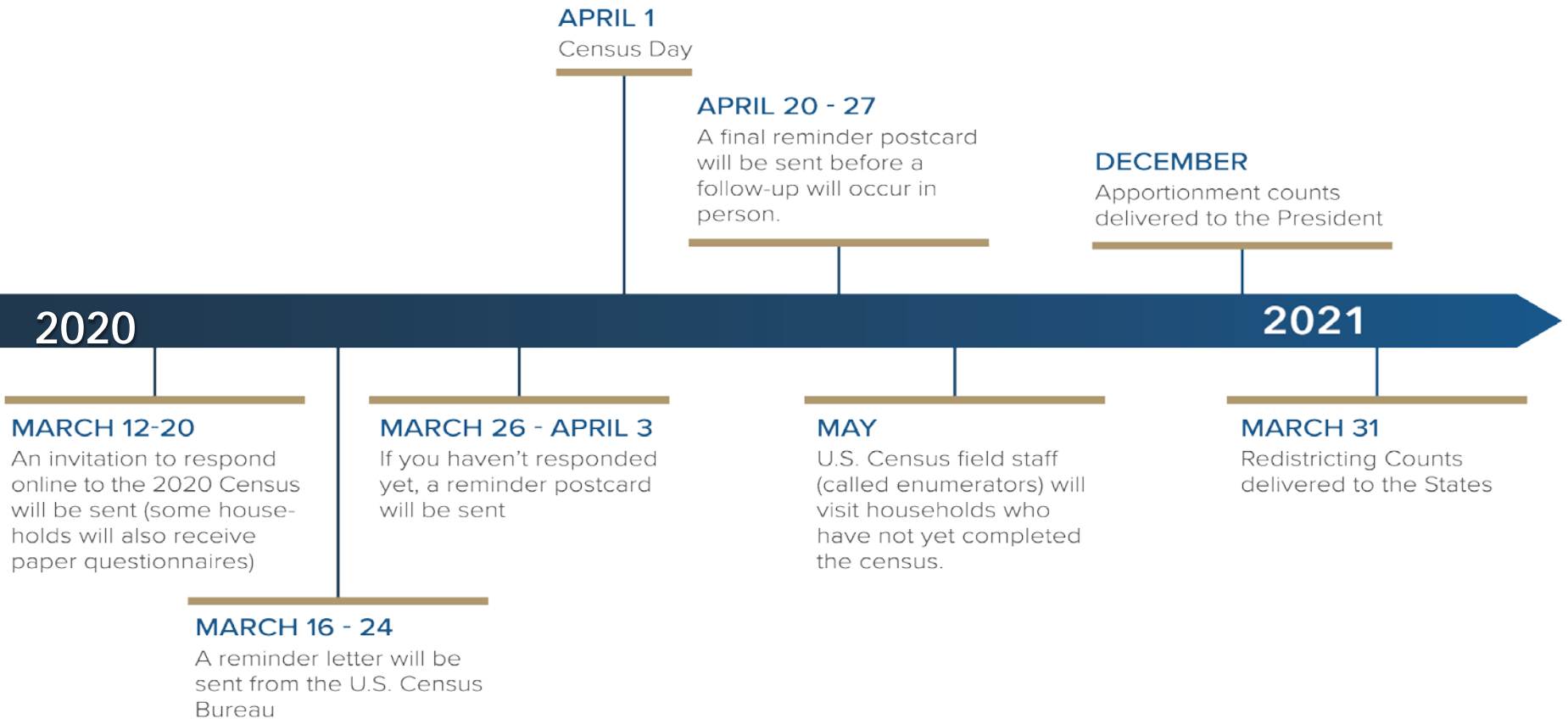
- **Total Population**
- **Voting Age Population**
- **Citizen Voting Age Population**
- **Spanish Surname Registered Voters (SSRV)**

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

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.

Adopt Criteria

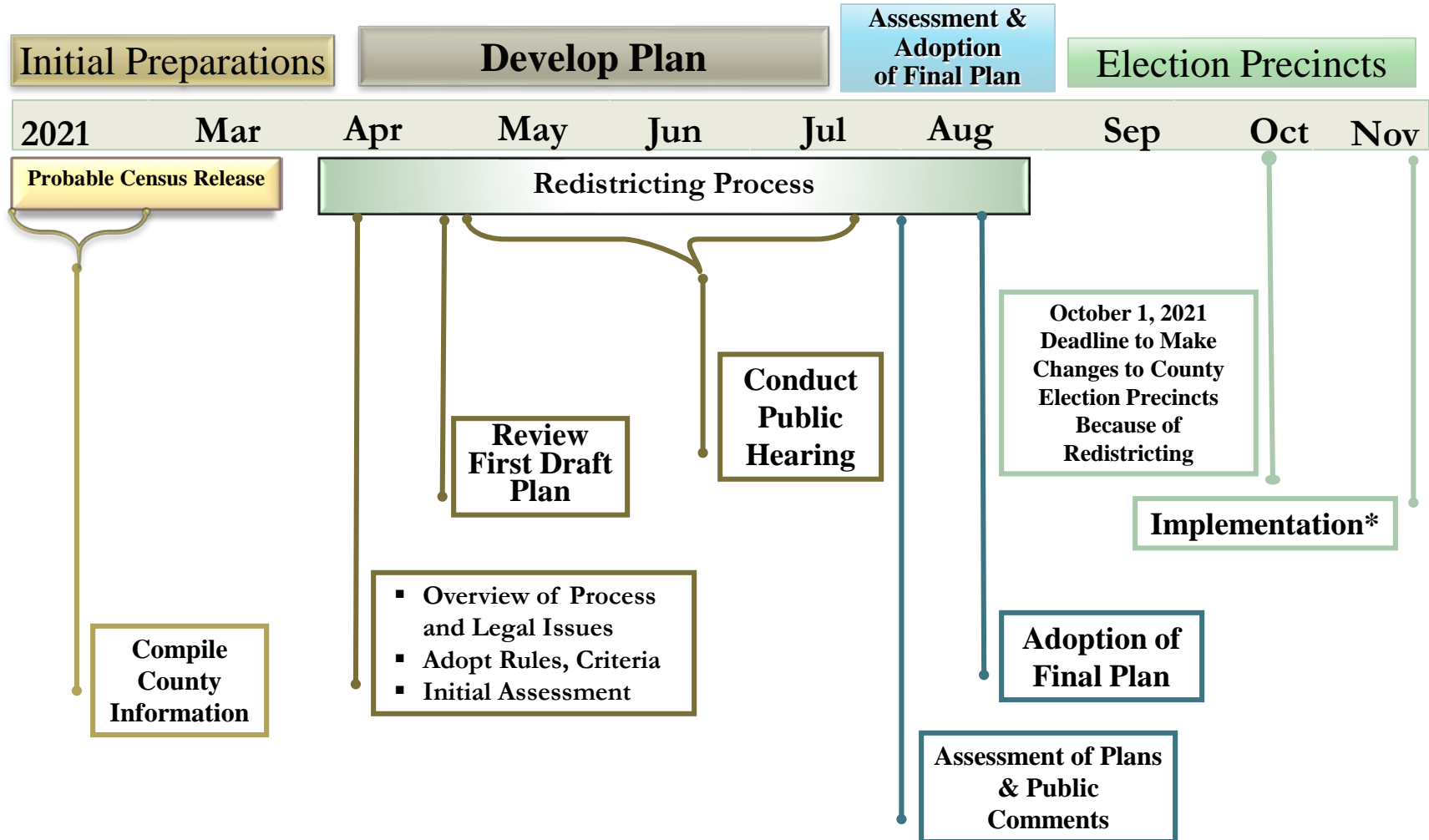
- Identifiable boundaries
- Maintaining communities of interest and neighborhoods
- Using whole voting precincts
- Basing plan on existing districts
- Adopting districts of relatively equal size
- Drawing districts that are compact and contiguous
- Keeping existing representatives in their districts
- Narrowly tailoring plan to comply with the VRA

Adopt Redistricting Guidelines

Proposed Plans:

- Submitted in writing and be legible
- Show all demographic and racial categories based upon the 2020 Census
- Plans should redistrict the entire jurisdiction
- Plans should conform to the criteria
- Comments must be submitted in writing and be legible
- Comments and proposed plans must include person's full name and home address and provide a phone number and, if available, an email address
- All comments and proposed plans must be submitted to the governing body by the close of the public hearing

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.

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.

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 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.

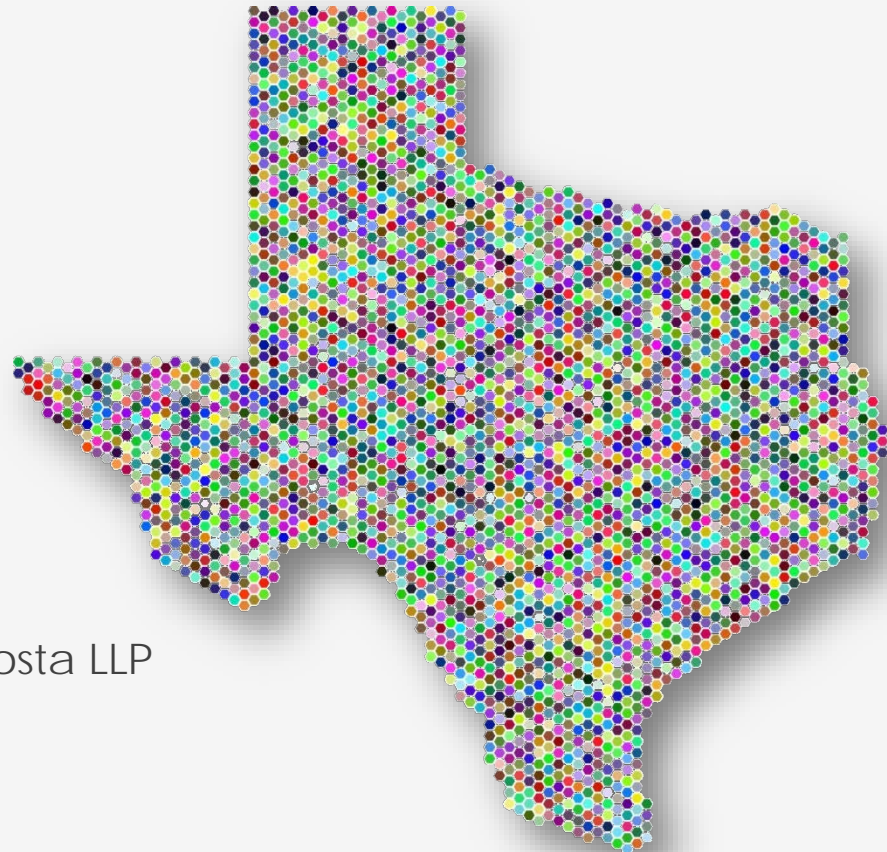
Process Overview

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

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