

Regional Redistricting Workshop
Fredericksburg, VA
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Redistricting by Local Governments:

A Guide for the Post-2010 Cycle

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While redistricting timetables may vary from one locale to the next, here's a suggested schedule of events that need to happen so local governments have a framework in which to undertake the redistricting process

Step 1-Staff

- **Designate staff person who will collect statistical information and be responsible for coordinating the redistricting process**

Step 2-Records

- **Document the entire redistricting process: record/transcribe hearings, retain public notices and records (including correspondence/reports, and other papers).**

These could be important later for DOJ submission and/or possible litigation

Step 3-Maps

- **Have a GIS System that contains accurate maps of city or county.**

Maps should depict current boundaries of county or city districts

Step 4 - Census Data

Which data will be delivered first?

- TIGER/Line Geographic Shape Files—
November 2010 thru January 2011
- Shape Files will include the final 2010 Census tabulation geography including: Census tracts, block groups, current political areas such as incorporated places, and legislative, congressional and voting districts, and of course, census tabulation blocks.

Step 4 (cont.)-Census Data

What types of maps will we receive?

DVDs with the map suite products will be delivered beginning in February 2011. We will provide these to all official recipients identified in the summer of 2010.

Paper copies will be delivered upon request only later in the calendar year.

Map Suite includes:

- County Block maps with SLDs, VTDs and census blocks
- Census Tract Reference Map
- Voting District Reference Map
- School District Reference Map

Step 4 (Cont.)-Census Data

- . Obtain 2010 census population data, and prepare tabulations of 2010 population data for existing county or city districts to determine the degree of population disparity among the existing districts --along with the racial/ethnic make-up of each district.**

Step 5 - Determine if Redistricting is Necessary

- If overall population deviation is less than 10%, then redistricting may not be required.

Still, VRA may warrant redistricting even if population equality exists (i.e., overall deviation is less than 10%)

Step 6 – Conducting Redistricting—steps to consider

- 1. Conduct public hearing-before map is drawn, during map drawing, after map is drawn**
- 2. Other Citizen participation**
 - a. advisory committee?**
 - b. encourage “outside” plans?**
- 3. Adopt redistricting criteria—least change, compactness, follow city or town boundaries, etc.**
- 4. Stick to criteria**
- 5. Review and assess maps for compliance with relevant legal requirements**

Step 6 – Public Hearing - Sample Notice

Public Notice
A PUBLIC MEETING
TO DISCUSS
REDISTRICTING
FOR _____ COUNTY (CITY)
WILL BE HELD ON

IN

AT

_____, Virginia

Maps showing the current boundaries for the County Board of Supervisors (or City Council) can be examined at the [office of the county manager, registrar of voters, clerk in the courthouse] or purchased for \$_____ from the [county clerk's office at (address)].

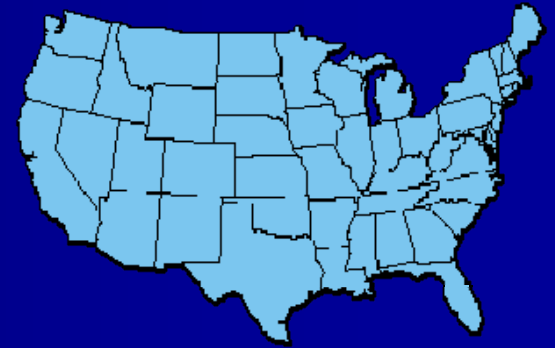
Any person or group may submit a proposed plan for the county board of supervisors (or city council) on or before _____. Any plan submitted should not operate to dilute the voting strength of racial or language minority citizens, should be based on 2010 census geography and statistics, should be composed of territory that is contiguous and reasonably compact, and should preserve historic boundaries and recognize clearly identifiable community interests to the extent possible.

Four Legal Requirements that Come into Play

1. **U.S. Constitution: One-person, one vote requirement.**
2. **Sections 2 and 5 of the Voting Rights Act**
3. **U.S. Constitution: Racial Gerrymandering or *Shaw v. Reno* Doctrine**
4. **Political Gerrymandering—no clear theory has emerged, yet issue remains justiciable**

One-Person, One-Vote Requirement for local districts:

- Origin--14th Amendment
- 10% Deviation is the Rule of Thumb
- If you go above 10%...



So How Do You Calculate The Deviation?

Remember—we do this to
ensure **Population Equality**
under the One-Person, One-
Vote Rule

Calculating the Deviation

- Assume a County or City with 1000 people and five districts
- Perfect population equality would be: 200 persons in each of the 5 districts
- The overall population deviation would be zero

Calculating the Deviation

- Assume in the County or City with 1,000 people and five districts with the following population in each district:

District 1: 180

District 2: 190

District 3: 200

District 4: 210

District 5: 220

Calculating the Deviation

- The overall population deviation in this plan would be 40 people (220 minus 180):

District 1: 180

District 2: 190

District 3: 200

District 4: 210

District 5: 220

Calculating the Deviation

- Expressed as a percentage of the ideal population of a district, **the overall population deviation in this plan would be 20%** (40 divided by 200).

District 1: 180

District 2: 190

District 3: 200

District 4: 210

District 5: 220

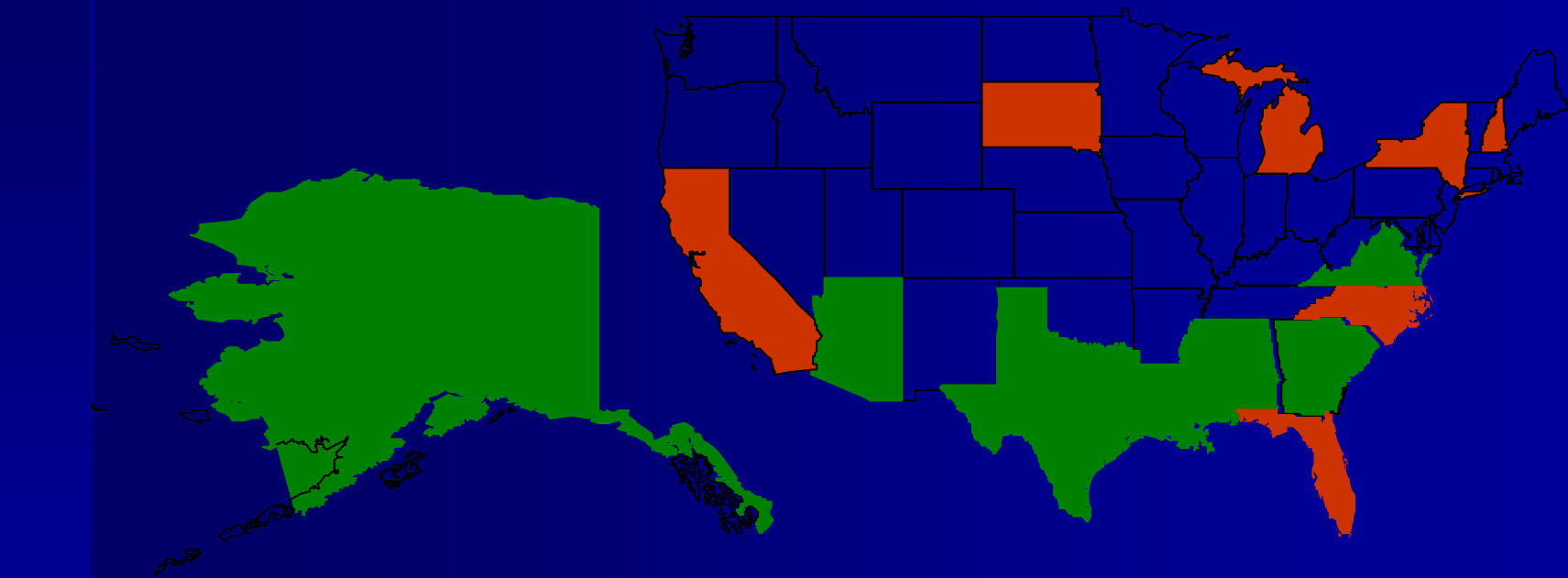
Calculating the Deviation

- Courts most often use **total population deviation** as the yardstick for determining when a deviation is too high to be constitutionally acceptable.
- Some courts also look to average population deviation. Under this method, you add up the deviation from the ideal in each district (0, 10, 10, 20, and 20) and you get an average deviation of 12 persons, which can also be expressed as a % (here 6%, or 12 divided by 200).

Redistricting and the Voting Rights Act

Section 5 of the Voting Rights Act

Applies to 16 States



9 states totally covered

7 states partially covered

Section 5 of the Voting Rights Act

Two Substantive Tests For Gaining Preclearance

- Prove absence of racially discriminatory *purpose*
- Prove absence of racially discriminatory *effect*

Section 5 of the Voting Rights Act

- Retrogression is the effects test under Section 5:
- Compare the “new” plan to the “old” plan.
- Will minority voters be worse off in the new plan than they were under the old plan?
- Example: a county has one majority black district, say 55%) and that district elects a black county supervisor from 2002 through 2010. In 2011, the county board votes, 4 to 1, to approve a new map and there are no longer any majority black districts

Section 2 of the Voting Rights Act:

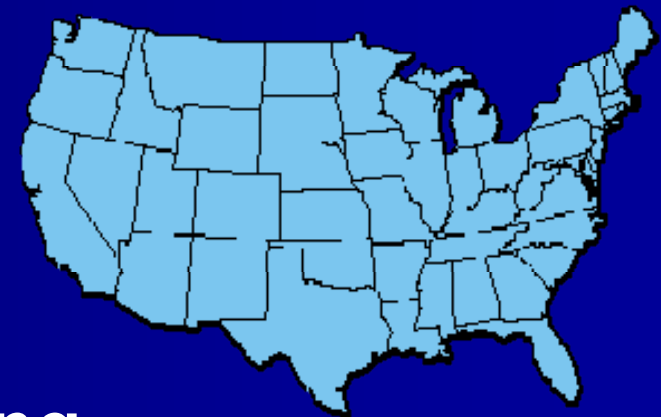
Applies Nationwide

A “Results” Test

50% Rule

Proportionality is relevant

Dilution: fragmentation/packing



Packing/Dilution

Biggest issues in post-2000 redistricting for minority opportunity districts

What is Packing? Dilution?

Packing. A district presently elects a minority candidate at 55% minority. The state redraws the district at 65% minority. What if the neighboring district is 45% minority? Packing one district with more minorities than necessary to elect a candidate of choice may produce vote **dilution** in another district. It may also raise issues under *Shaw v. Reno*.



Redistricting

The 1993 *Shaw v. Reno* decision

- Excessive and unjustified use of race
- Tugs States in directions seemingly counter to Voting Rights Act



Submitting a Redistricting Plan for Preclearance

- Make submission as soon as possible after adoption
- Make sure submission contains all relevant documents. Can cause a delay if incomplete (60 days)
- See 28 C.F.R. PART 51 Subpart C (Contents of Section 5 Submissions published by DOJ)
- Plan cannot be implemented without pre-clearance (that includes candidates qualifying in new districts)

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