



City of Waco, Texas

Council Work Session

September 7, 2021

Mike Morrison

Review

One-Person One-Vote

- **The determination is based on the population variance:**
 - (1) between that of the highest and lowest populated Districts, and**
 - (2) among all Districts**
- Variance is measured in terms of the numerical difference between a district and the ideal
- Deviation is the percentage of the departure from the ideal
- The maximum deviation — the percentage of the variance between the highest and lowest populated districts — **may not exceed 10%, without a compelling justification**
- The average deviation — the mean of the average of all precincts collectively — **subject to no specific limitation**
- Judicial and Executive Officers' districts are not subject to the one-person one-vote standard

Avoid Unlawful Discrimination

The 5th and 14th amendments prohibit the federal and state governments from drawing distinctions among individuals based solely on differences irrelevant to any legitimate governmental objective, including race and ethnicity

This guarantee was specifically extended to the right to vote by the 15th amendment

The Voting Rights Act

Dilution - VRA §2

Retrogression — VRA §§ 4 and 5

- While preclearance is no longer required, retrogression remains a concern

“Our decision in no way affects the permanent nationwide ban on racial discrimination in voting found in § 2. We issue no holding on § 5 itself, only on the coverage formula. Congress may draft another formula based on current conditions.” *Shelby County, Ala. v. Holder*, 570 U.S. 529, 557 (2013).

In summary, the process requires:

- **Determining whether redistricting is required, based on the 2020 Census**

If required, any plan must:

- Balance population among the Council Districts;
- Comply with the equal protection guarantees of the Constitution;
- Consider traditional redistricting criteria (next slide);
- Navigate the dilemma created by the dual requirements of:
 - Satisfying the Voting Rights Act, while
 - Avoiding a reverse racial Gerrymander.

Traditional Redistricting Criteria

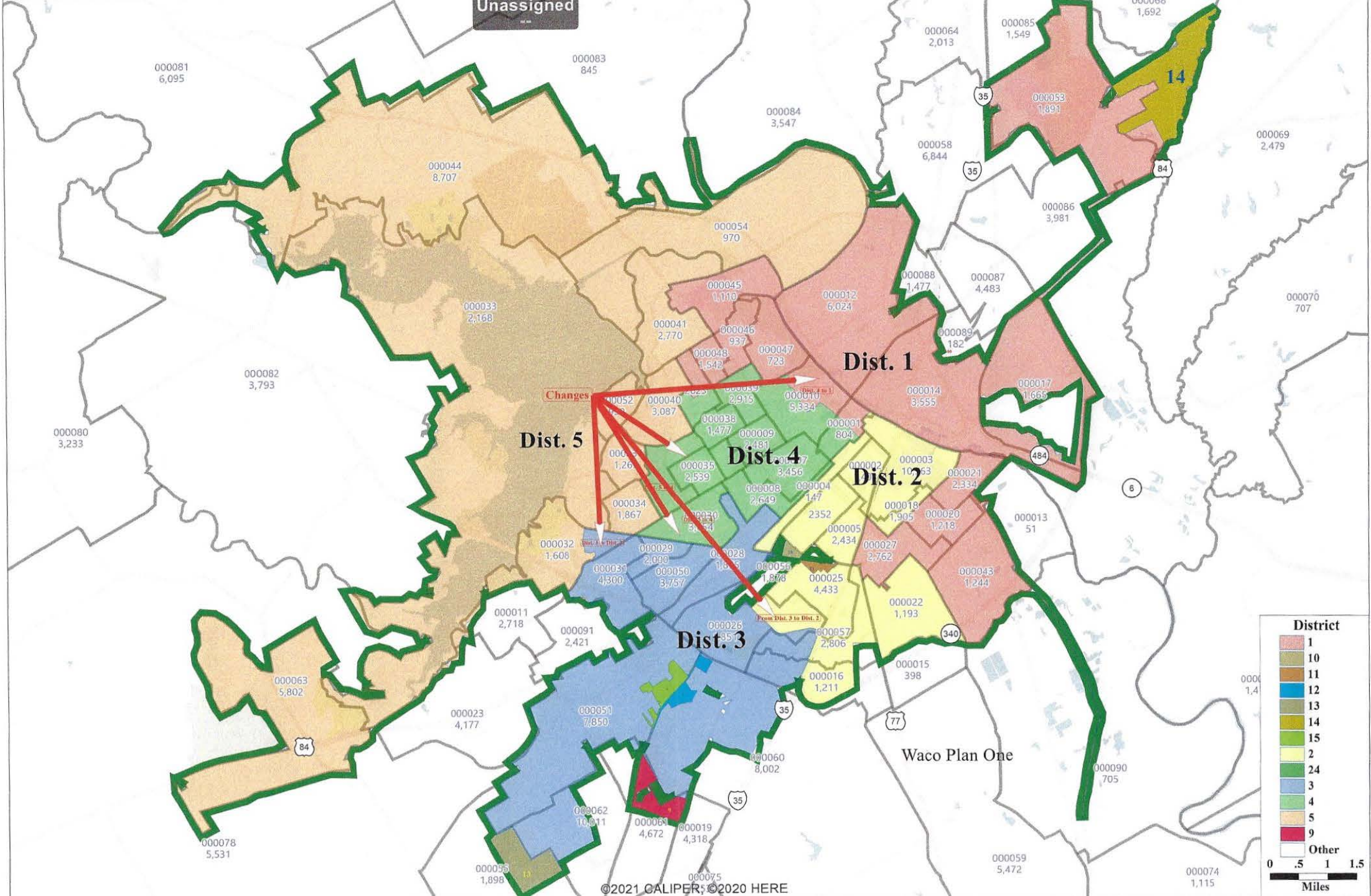
Caveat: The “Horns of the Dilemma” — Plans must also avoid reverse racial Gerrymanders

“Districts that are bizarrely shaped and noncompact, and that otherwise neglect traditional districting principles and deviate substantially from the hypothetical court-drawn district, for predominately racial reasons are unconstitutional.” *Bush v. Vera*, 116 S.Ct. 1941 (1996)

- **Maintaining the Core of Existing Districts** — for the benefit of those represented
- **Protecting Incumbency** — again, for the benefit of voters who chose the incumbent
- **Use of Existing Election Precincts** — once more for the voters, to reduce confusion
- **Maintaining Communities of Interest** — this does not apply to partisanship
- **Compactness and Contiguity** — no salients or “bar-bells”
- **Use of Natural or Physical Boundaries** — something that can be seen on the ground
- **Duties of the office** — less relevant in council/manager plan cities like Waco

City of Waco, Texas		2021 Benchmark w/split blks separated				8/28/21	
		The 1,317 variance from the census is due to annexations					
Ideal	27960.6						
2020 Census	Total	White	Black	Other	Hispanic	Total Minority	Variance (Deviation)
138,486	<u>139803</u>	<u>59447</u>	<u>27021</u>	<u>9277</u>	<u>44058</u>	<u>80356</u>	
		42.52%	19.33%	6.64%	31.51%	57.48%	
District 1	25964	7507	9850	1539	7068	18457	-1996.6 (7.14%)
		28.91%	37.94%	5.93%	27.22%	71.09%	
District 2	26352	9979	2915	2547	10911	16373	-1608.6 (5.75%)
		37.87%	11.06%	9.67%	41.40%	62.13%	
District 3	31708	15344	5492	2434	8438	16364	+3747.4 (13.40%)
		48.39%	17.32%	7.68%	26.61%	51.61%	
District 4	24399	5298	5954	881	12266	19101	-3561.6 (12.74%)
		21.71%	24.40%	3.61%	50.27%	78.29%	
District 5	31380	21319	2810	1876	5375	10061	+3419.4 (12.23%)
		67.94%	8.95%	5.98%	17.13%	32.06%	
Maximum Variance of 7309		Max Deviation of 26.14%				Board of Estimates at 21.78%	

Unassigned



Dist. 1

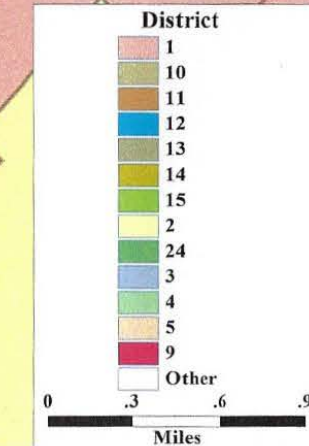
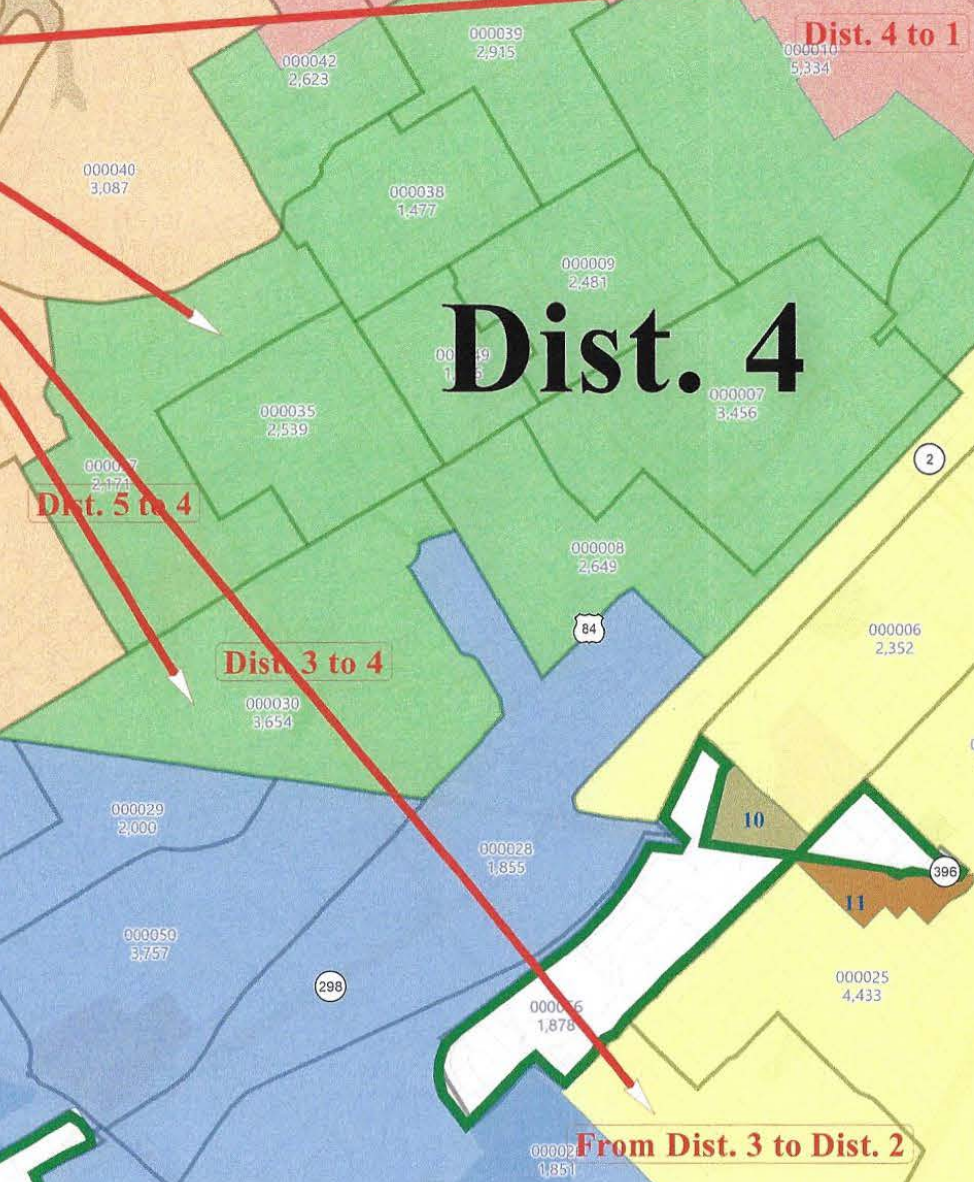
Changes

Dist. 5

Dist. 4

Dist. 2

Dist. 3



Unassigned

City of Waco			Working Draft One (incomplete)				9/7/21
Ideal	27960.6						
2020 Census Count	Total	White	Black	Other	Hispanic	Total Minority	Variance (Deviation)
138,486	<u>139803</u>	<u>59447</u>	<u>27021</u>	<u>9277</u>	<u>44058</u>	<u>80356</u>	
		42.52%	19.33%	6.64%	31.51%	57.48%	
	total	white	black	other	hispanic	total minority	
District 1	27565	7872	10517	1610	7566	19693	-395.6 (1.41%)
		28.56%	38.15%	5.84%	27.45%	71.44%	
District 2	27958	10461	3119	2610	11768	17497	-2.6 (0.01%)
		37.42%	11.16%	9.34%	42.09%	62.58%	
District 3	27052	13604	4763	2241	6444	13448	-908.6 (3.25%)
		50.29%	17.61%	8.28%	23.82%	49.71%	
District 4	28623	7222	6314	1077	14010	21401	+662.4 (2.37%)
		25.23%	22.06%	3.76%	48.95%	74.77%	
District 5	28605	20288	2308	1739	4270	8317	+644.4 (2.30%)
		70.92%	8.07%	6.08%	14.93%	29.08%	
Maximum Variance of 1571			Max Deviation of 5.62%		Board of Estimates at 4.68%		

2021 Benchmark -v- 2021 Working Draft One

Benchmark

1	-1996.6	-7.14%		Max Var	7309
2	-1608.6	-5.75%			
3	3747.4	13.40%			
4	-3561.6	-12.74%		Max Dev	<u>26.14%</u>
5	3419.4	12.23%			
over	3747.4	13.40%		# Single	5
under	-3561.6	-12.74%		# at large	1
				Bd of Est.	<u>21.78%</u>

Draft

1	-395.6	-1.41%		Max Var	1571
2	-2.6	-0.01%			
3	-908.6	-3.25%			
4	662.4	2.37%		Max Dev	<u>5.62%</u>
5	644.4	2.30%			
over	662.4	2.37%		# Single	5
under	-908.6	-3.25%		# at large	1
				Bd of Est.	<u>4.68%</u>

What's next?

Before moving forward:

- Refine the map
 - Identify and correct errors
 - Resolve differences between census geography and C.O.W. lines in the Beverly Hills land swap and annexations at TSTC and the area between Woodway and Hewitt

Moving forward:

Work with the council to . . .