

October 20, 2021

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### **REDISTRICTING: Initial Assessment**

Mr. Gwosdz:

This is the Initial Assessment report for the City of Victoria. In it, we present our analysis of the results of the recently released 2020 Census data as applied to the current configuration of your city councilmember districts. As explained in below, we have concluded that the city councilmember districts are sufficiently out of population balance to warrant proceeding with the Redistricting process.

#### **Legal Priorities**

As we have noted during the training sessions that preceded this report, there are five basic sources of law that govern the Redistricting process:

1. your home rule charter;
2. the “one person-one vote” (equal population) constitutional principle derived from *Baker v. Carr* and *Reynolds v. Sims*;
3. the non-discrimination standard of Section 2 of the U.S. Voting Rights Act;
4. the line of cases following the U.S. Supreme Court case of *Shaw v. Reno* [imposing limitations on the use of race as one factor among many utilized in redistricting]; and
5. Texas law related to elections.

They are discussed in *Attachment C* to this report, which is provided for your convenience as a reference. As you may recall, Section 5 of the U.S. Voting Rights Act [requiring preclearance and applying a “retrogression” standard to minority group populations in specific districts] no longer applies following the U.S. Supreme Court case of *Shelby County v Holder*.

#### **Why You Should Redistrict**

Redistricting (also known as *Reapportionment*) is typically prompted by the need to satisfy the legal maxim of, “one person, one vote”, which is a requirement stemming from the United States

Constitution. It requires that members of an elected body who are elected from single-member districts have districts that are of substantially equal population. This rule applies to legislative bodies such as city councils. Exact equality of population is not required, but a “total maximum deviation” of no more than ten percent in *total population* between the most heavily populated and the least populated councilmember districts should be achieved based on the most recent census.

The population and demographics of all of your districts are presented in the Initial Assessment Population Tables (*Attachment A*). Below is a summary of the total population data as applied to your districts as of April 1, 2020.

Total Population in 2020:	65,534 persons
Total Population in 2010:	62,592 persons
Increase in Total Population:	4.7 %
Ideal Sized District:	16,384 persons
Calculation:	Total Population of 65,534 / 4 [Districts] = 16,384
Largest District:	3 [18.22% above Ideal District]
Smallest District:	1 [8.68% below Ideal District]
Total Maximum Deviation:	26.90%
Calculation:	18.22 + 8.68 = 26.90%

This Total Maximum Deviation exceeds the standard allowable amount of 10 % [the amount that has been recognized by the courts as permissible]. Accordingly, the City of Victoria should modify the boundaries of its districts to bring them within the 10 % range permitted by law.

The data in the Initial Assessment Population Tables in *Attachment A*, as well as the data in the map in *Attachment B*, which show the geographic distribution of the primary minority groups, will also be important in assessing the potential for Voting Rights Act Section 2 liability. (See *Attachment C* for a discussion of Section 2.)

At this point, it is our recommendation that you proceed with the Redistricting process. If at any time you have questions concerning any aspect of that process, please feel free to call one of us. We will be happy to talk with you.

Sincerely,



ALAN B. GOGGY

cc: Jessica Grosek, Redistricting Coordinator  
Rezzin Pullum, Associate Attorney