ATTACHMENT A

INITIAL ASSESSMENT POPULATION TABLES

City of Victoria, Texas - Initial Assessment

DISTRICT	Total Population Tabulation				Demographics as a Percent of Total Population															
	All Persons	Target	Dev.	Difference	White		Black	%	Hispanic	%	Amer Indian	%	Asian	%	Hawaiian	%	Other Race	%	Two or More Races	%
1	14,962	16,384	-8.68%	-1,422	3,977	26.58%	1,105	7.39%	9,427	63.01%	41	0.27%	101	0.68%	10	0.07%	32	0.21%	269	1.80%
2	15,029	16,384	-8.27%	-1,355	2,632	17.51%	1,460	9.71%	10,532	70.08%	44	0.29%	153	1.02%	1	0.01%	25	0.17%	182	1.21%
3	19,368	16,384	18.22%	2,985	10,813	55.83%	904	4.67%	6,449	33.30%	44	0.23%	624	3.22%	7	0.04%	79	0.41%	448	2.31%
4	16,175	16,384	-1.27%	-209	6,531	40.38%	1,186	7.33%	7,530	46.55%	29	0.18%	459	2.84%	9	0.06%	27	0.17%	404	2.50%
Total	**65,534**		**26.90%**		**23,953**	**36.55%**	**4,655**	**7.10%**	**33,938**	**51.79%**	**158**	**0.24%**	**1,337**	**2.04%**	**27**	**0.04%**	**163**	**0.25%**	**1,303**	**1.99%**

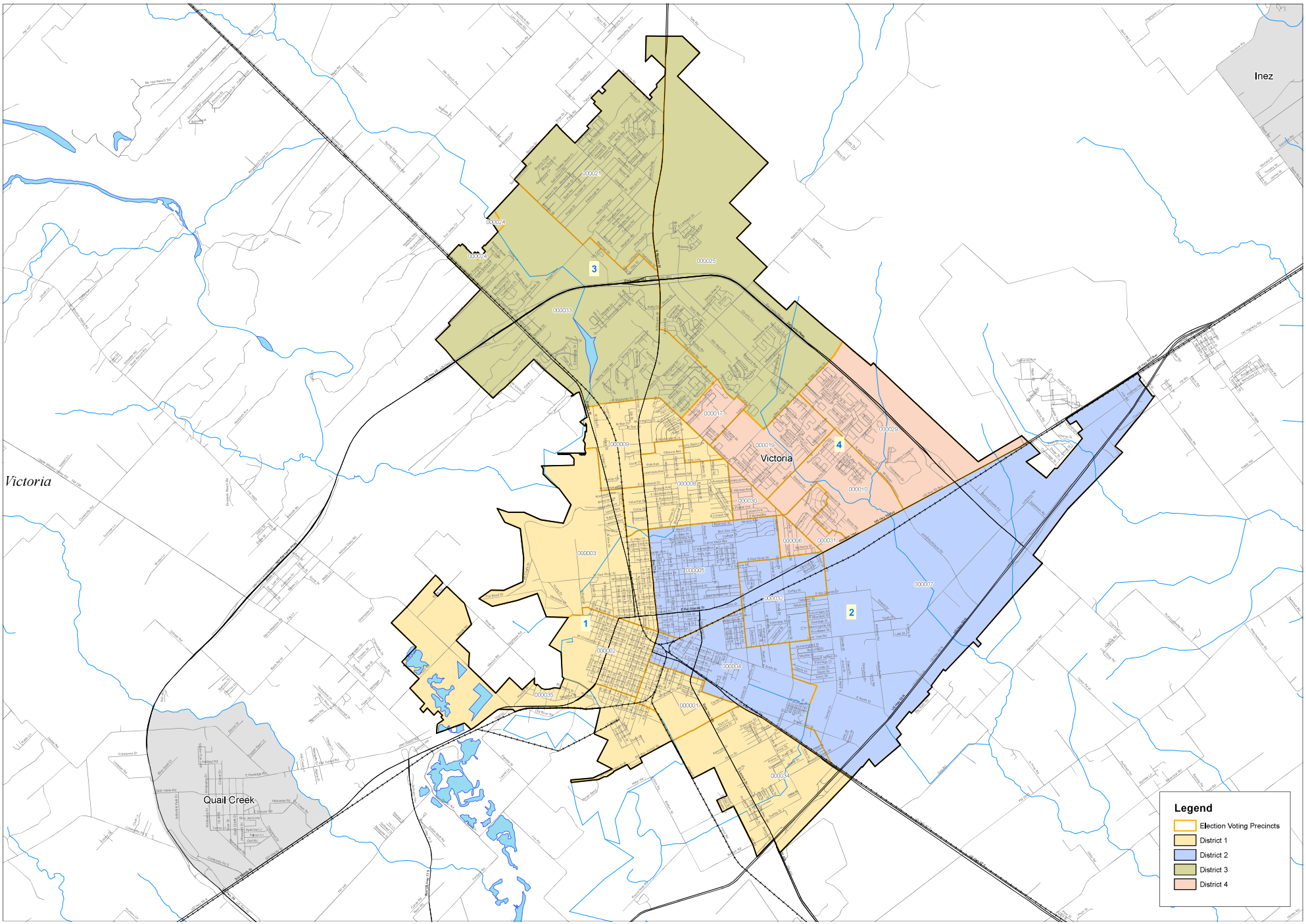
Voting Age Population

DISTRICT	Total Population Tabulation				Demographics as a Percent of Total Population															
	All Persons				White		Black	%	Hispanic	%	Amer Indian	%	Asian	%	Hawaiian	%	Other Race	%	Two or More Races	%
1	11,117				3,346	30.10%	869	7.82%	6,594	59.31%	30	0.27%	90	0.81%	5	0.04%	15	0.13%	168	1.51%
2	11,089				2,209	19.92%	1,151	10.38%	7,413	66.85%	41	0.37%	132	1.19%	1	0.01%	23	0.21%	119	1.07%
3	14,729				8,911	60.50%	645	4.38%	4,315	29.30%	31	0.21%	487	3.31%	7	0.05%	49	0.33%	284	1.93%
4	12,184				5,478	44.96%	910	7.47%	5,155	42.31%	18	0.15%	354	2.91%	7	0.06%	13	0.11%	249	2.04%
Total	**49,119**				**19,944**	**40.60%**	**3,575**	**7.28%**	**23,477**	**47.80%**	**120**	**0.24%**	**1,063**	**2.16%**	**20**	**0.04%**	**100**	**0.20%**	**820**	**1.67%**

Source:
2020 US CENSUS (PL 94-171)
2020 TIGER/Line Shapefiles

ATTACHMENT B

MAP



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City of Victoria, Texas
Initial Assessment

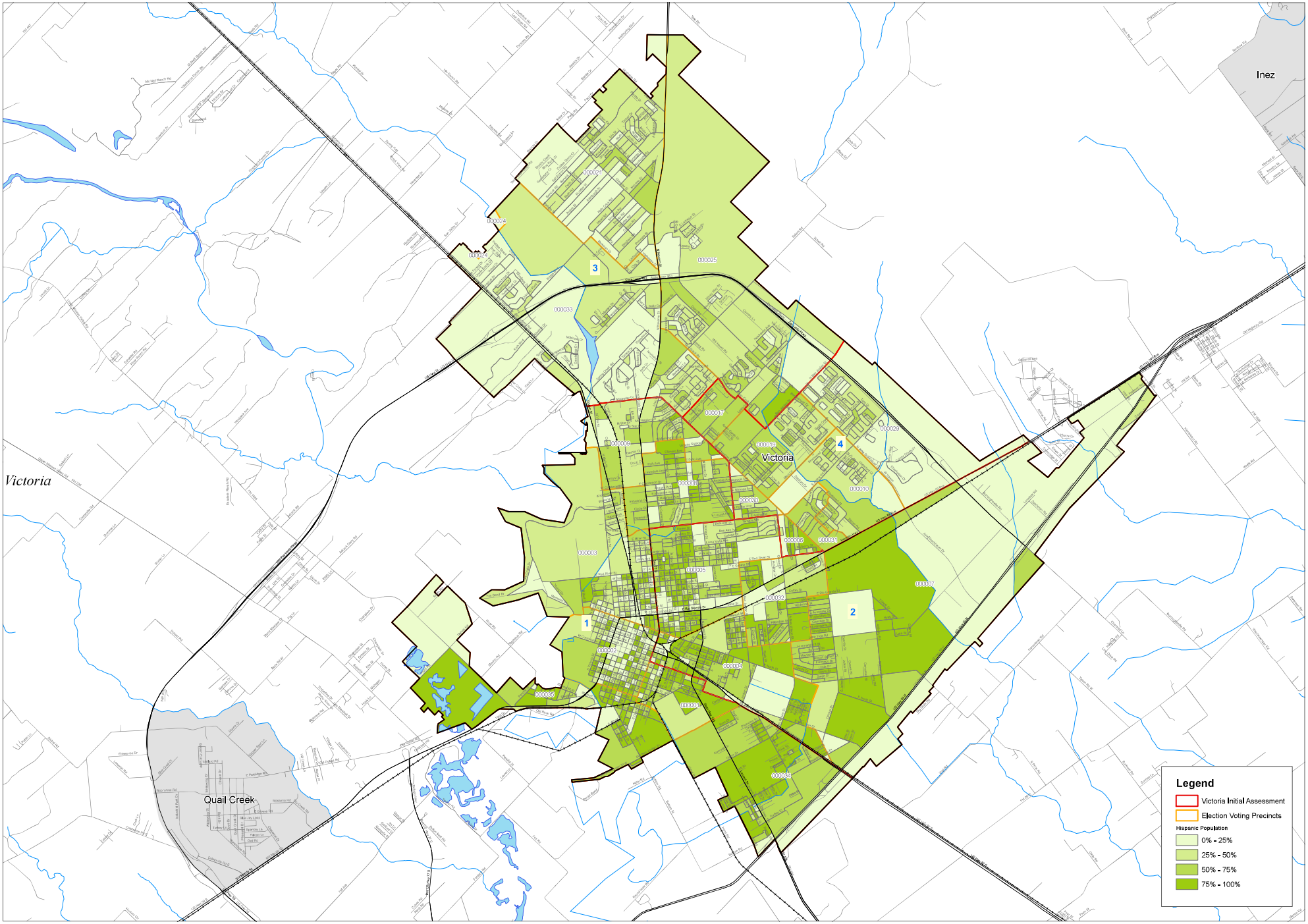
10-5-21

Data Source:

2020 TIGER/LINE GEOGRAPHY
2020 CENSUS (PL 94-171) SUMMARY FILE

0 0.25 0.5 1 1.5 2 Miles

N W E S



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City of Victoria, Texas
Initial Assessment
Hispanic Population

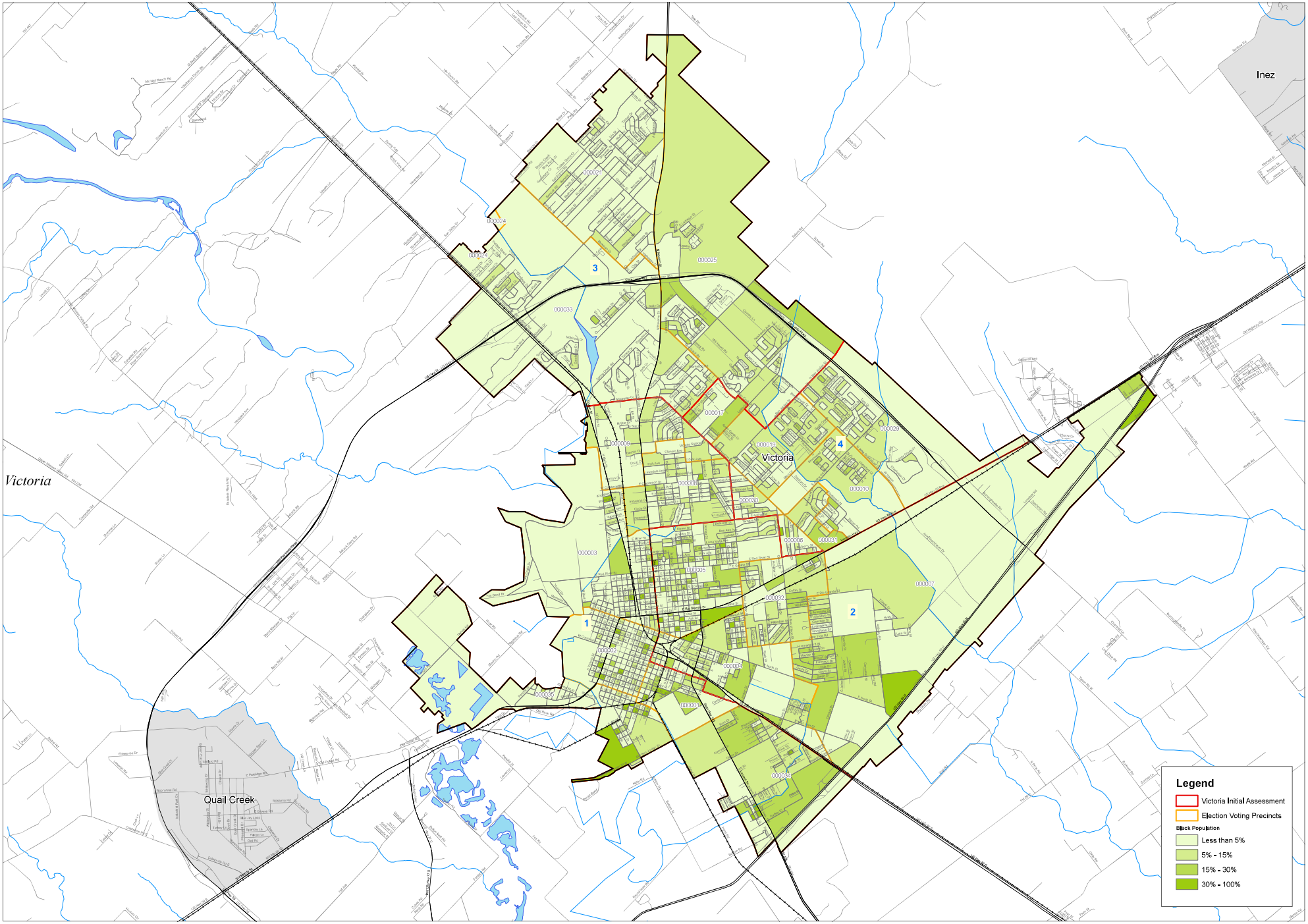
10-18-21

Data Source:

2020 TIGER/LINE GEOGRAPHY
2020 CENSUS (PL 94-171) SUMMARY FILE

0 0.25 0.5 1 1.5 2 Miles

N W E S



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City of Victoria, Texas
Initial Assessment
Black Population

10-18-21

Data Source:

2020 TIGER/LINE GEOGRAPHY
2020 CENSUS (PL 94-171) SUMMARY FILE

0 0.25 0.5 1 1.5 2 Miles

N W E S

ATTACHMENT C

LEGAL PRINCIPLES

LEGAL PRINCIPLES GOVERNING THE REDISTRICTING PROCESS

There are basic legal principles that govern the redistricting process: (1) your home rule charter; (2) the "one person-one vote" (equal population) principle; (3) the non-discrimination standard of Section 2 of the Voting Rights Act; (4) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting; and (5) Texas law related to elections.

The terminology of redistricting is very specialized and includes terms that may not be familiar, so we have included as **Attachment D** to this Initial Assessment letter a brief glossary of many of the commonly used redistricting terms.

The "One Person – One Vote" Requirement: Why You Should Redistrict

The "one person-one vote" requirement of the United States Constitution requires that members of an elected body be drawn from districts of substantially equal population. The requirement is derived from the Supreme Court cases of *Baker v. Carr* and *Reynolds v. Sims*. This requirement applies to the ***single-member districts*** of "legislative" bodies such as commissioners' courts and other entities with single-member districts such as school boards or city councils.

Exact equality of population is not required for local political subdivisions. However, they should strive to create districts that have a total population deviation of no more than 10 percent between their most populated district and the least populated district. This 10 percent deviation is usually referred to as the "total maximum deviation." It is measured against the "ideal" or target population for the governmental entity based on the most recent census.

A governing body is therefore required to determine whether the populations of its single-member districts (including city councils) are within this 10 percent balance based on 2020 Census population data. If the population deviation among the districts ***exceeds*** the permissible 10 percent total maximum deviation, the entity **must** redistrict, that is, redraw the boundaries of the individual districts so that the total populations of all the new districts are within the permissible 10 percent limit. A hypothetical example of how deviation is calculated is given in **Attachment E**.

The Census Bureau's official census data should be used unless the governmental entity can show that better data exists. The court cases that have dealt with this question have made it clear that the showing required to justify use of data other than census data is a very high one, impossibly high at a time so close to the release of new census data. As a practical matter, therefore, we recommend that entities use the 2020 Census data in their redistricting processes. We have based the Initial Assessment on PL 94-171 total population data; the relevant data are summarized in **Attachment A**.

In the redistricting process, each governmental entity will use a broad spectrum of demographic and administrative information to accomplish the rebalancing of population required by the one person-one vote principle. The charts provided with this report not only show the total population of the entity but also give breakdowns of population by various racial and ethnic categories for the entity as a whole and also for each single-member district.

Census Geography

These single-member population data are themselves derived from population data based on smaller geographical units. The Census Bureau divides geography into much smaller units called "census blocks." In urban areas, these correspond roughly to city blocks. In more rural areas, census blocks may be quite large. Census blocks are also aggregated into larger sets called "voting tabulation districts" or "VTDs" which often correspond to county election precincts.

For reasons concerning reducing the potential for *Shaw v. Reno*-type liability, discussed below, we recommend using VTDs as the redistricting building blocks where and to the extent feasible. In largely rural counties this may not be feasible.

Census Racial and Ethnic Categories

For the 2020 Census, the Census Bureau recognized 57 possible racial combinations and 2 ethnic categories and collected and reported data based on all of them. Many of these categories include very few persons, however, and will not therefore have a significant impact on the redistricting process. The charts that accompany this report include two ethnic categories (Hispanic or Latino and Not Hispanic or Latino) and five racial categories that were consolidated from the larger set (White, Black or African American, American Indian or Alaska Native, Asian, and Native Hawaiian or Other Pacific Islander). In addition to the five race groups, the 2020 Census also states that respondents were offered the option of selecting "Some Other Race" or "One or More Races." Based on extensive research and outreach over the past decade, the design of the 2020 Census race and ethnicity questions provides ways for all respondents to self-identify their detailed identities. All of the population of the entity is represented in these charts. These designated categories are the ones most likely to be important in the redistricting process.

The 2020 Census allowed individuals to choose a single race or any combination of races that might apply. Thus, there are potentially 57 different racial combinations that might occur. Additionally, the Census asks persons to designate whether they are or are not Hispanic and whether they are or are not Latino. When the Hispanic and Latino status response is overlaid on the different possible racial responses, there are 228 possible different combinations. The Census tabulates each one separately.

We will also consider data called "voting age population" (or "VAP") data. It is similarly classified in racial and ethnic categories. This information is provided for the limited purpose of addressing some of the specific legal inquiries under the Voting Rights Act that are discussed

below. Voting age population is the Census Bureau's count of persons who identified themselves as being eighteen years of age or older at the time the census was taken (*i.e.*, as of April 1, 2020).

In addition to this population and demographic data, the entity will have access to additional information that may bear on the redistricting process, such as county road miles, facility locations, registered voter information, incumbent residence addresses, etc.

Section 2 of the Voting Rights Act – No Discrimination Against Minority Groups

Section 2 of the Voting Rights Act forbids a voting standard, practice, or procedure from having the effect of reducing the opportunity of members of a covered minority to participate in the political process and to elect representatives of their choice. In practical terms, this non-discrimination provision prohibits districting practices that, among other things, result in "packing" minorities into a single district in an effort to limit their voting strength. Also, "cracking" minority populations into small groups in a number of districts, so that their overall voting strength is diminished, can be discrimination under Section 2. There is no magic number that designates the threshold of packing or cracking. Each plan must be judged on a case-by-case basis.

The Supreme Court has defined the minimum requirements for a minority plaintiff to bring a Section 2 lawsuit. There is a three-pronged legal test the minority plaintiff must satisfy: a showing that (1) the minority group's voting age population is sufficiently large enough and geographically compact enough so that a district with a numerical majority of the minority group can be drawn (a "majority minority district"); (2) the minority group is politically cohesive, that is, it usually votes and acts politically in concert on major issues; and (3) there is "polarized voting" such that the Anglo majority usually votes to defeat candidates of the minority group's preference. *Thornburg v. Gingles*, 478 U.S. 30 (1986). In the federal appellate Fifth Circuit, which includes Texas, the minority population to be considered is *citizen* voting age population. In certain cases, a minority group may assert that Section 2 requires that the governmental body strike down at-large voting systems or draw a new majority minority district where each citizen has a chance to elect a representative of its choosing. The governing body must be sensitive to these Section 2 standards as it redistricts.

In considering changes to existing boundaries, a governmental entity must be aware of the location of protected minority populations within its single-member districts for the purpose of ensuring that changes are not made that may be asserted to have resulted in "packing," or "cracking" the minority population for purposes or having effects that are unlawful under Section 2.

Shaw v. Reno Standards – Avoid Using Race as the Predominant Redistricting Factor

In 1991, local government redistricting had to satisfy both the Section 5 non-retrogression standard and the Section 2 non-discrimination standard, but the *Shaw v. Reno* standard had not yet come into play. In this current round of redistricting, local governments have a harder task than they did in 1991. The *Shaw* standard applies now as well as the Section 2 and Section 5 standards. While satisfying Section 2 and Section 5 standards require a local government to explicitly consider race to comply with these standards, *Shaw* places strict limits on the manner and degree in which race may be a factor. In effect, therefore, local governments must walk a legal tightrope, where the competing legal standards must all be met.

In the *Shaw v. Reno* line of cases that began in 1993, the Supreme Court applied the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution to redistricting plans. Where racial considerations predominate in the redistricting process to the subordination of traditional (non-race-based) factors, the use of race-based factors is subject to the "strict scrutiny" test. To pass this test requires that there be a showing that (1) the race-based factors were used in furtherance of a "compelling state interest" and (2) their application be "narrowly tailored," that is, they must be used only to the minimum extent necessary to accomplish the compelling state interest.

A majority of the United States Supreme Court has indicated that compliance with Section 2 of the Voting Rights Act is a "compelling state interest." While the Court has not expressly addressed the question in any case to date, it is reasonable to assume that it would find that satisfying Section 5 of the Voting Rights Act would also be a compelling state interest for strict scrutiny purposes so long as the efforts to comply with Section 5 are consistent with the Court's narrow, retrogression-based interpretation of Section 5.

Thus, the following principles emerge in the post-*Shaw* environment to guide the redistricting process:

-- race may be considered;

-- but race may not be the predominant factor in the redistricting process to the subordination of traditional redistricting principles;

-- bizarrely shaped districts are not unconstitutional per se, but the bizarre shape may be evidence that race was the predominant consideration in the redistricting process;

--if race is the predominant consideration, the plan may still be constitutional if it is "narrowly tailored" to address compelling governmental interest such as compliance with the Voting Rights Act; and

--if a plan is narrowly tailored, it will use race no more than is necessary to address the compelling governmental interest.

The better course, if possible under the circumstances, is that racial considerations not predominate to the subordination of traditional redistricting criteria, so that the difficult strict scrutiny test is avoided.

Adherence to the *Shaw v. Reno* standards will be an important consideration during the redistricting process. One way to minimize the potential for *Shaw v. Reno* liability is to adopt redistricting criteria that include traditional redistricting principles and that do not elevate race-based factors to predominance.

Adoption of Redistricting Criteria

Adoption of appropriate redistricting criteria – and adherence to them during the redistricting process – is potentially critical to the ultimate defensibility of an adopted redistricting plan. Traditional redistricting criteria that the governing body might wish to consider adopting include, for example:

-- use of identifiable boundaries;

-- using whole voting precincts, where possible and feasible; or, where not feasible, being sure that the plan lends itself to the creation of reasonable and efficient voting precincts;

-- maintaining communities of interest (*e.g.*, traditional neighborhoods);

-- basing the new plan on existing districts;

-- adopting districts of approximately equal size;

-- drawing districts that are compact and contiguous;

-- keeping existing representatives in their districts; and

-- narrow tailoring to comply with the Voting Rights Act.

There may be other criteria that are appropriate for an individual entity's situation, but all criteria adopted should be carefully considered and then be followed to the greatest degree possible. A copy of a sample criteria adoption resolution is provided as **Attachment F**. You may wish to include additional criteria or determine that one or more on that list are not appropriate. We will discuss with you appropriate criteria for your situation.

Requirements for Plans Submitted by the Public

You should also consider imposing the following requirements on any plans proposed by the public for your consideration: (1) Any plan submitted for consideration must be a complete plan, that is, it must be a plan that includes configurations for all single-member council districts and precincts and not just a selected one or several. This is important because, although it may be possible to draw a particular precinct in a particular way if it is considered only by itself, that configuration may have unacceptable consequences on other precincts and make it difficult or impossible for an overall plan to comply with the applicable legal standards; (2) Any plan submitted for consideration must follow the adopted redistricting criteria.

ATTACHMENT D

GLOSSARY

GLOSSARY

Census blocks, census block groups, census VTDs, census tracts – Geographic areas of various sizes recommended by the states and used by the Census Bureau for the collection and presentation of data.

Citizen voting age population (CVAP) - Persons 18 and above who are citizens. This is a better measure of voting strength than VAP; however, the relevant citizenship data will not be available in time for this redistricting cycle.

Compactness - Having the minimum distance between all parts of a constituency.

Contiguity - All parts of a district being connected at some point with the rest of the district.

Cracking - The fragmentation of a minority group among different districts so that it is a majority in none.

Homogeneous district – A voting district with at least 90 percent population being of one minority group or of Anglo population.

Ideal population – The population that an ideal sized district would have for a given jurisdiction. Numerically, the ideal size is calculated by dividing the total population of the political subdivision by the number of seats in the legislative body.

Majority minority district – Term used by the courts for seats where an ethnic minority constitutes a numerical majority of the population.

One person, one vote – U.S. Constitutional standard articulated by the U.S. Supreme Court in the cases of *Baker v. Carr* and *Reynolds v. Sims* requiring that all legislative districts should be approximately equal in size.

Packing – A term used when one particular minority group is consolidated into one or a small number of districts, thus reducing its electoral influence in surrounding districts.

Partisan gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one political party.

PL 94-171 – The Public Law that requires the Census Bureau to release population data for redistricting. The data must be released by April 1, 2021, is reported at the block level, and contains information on:

- Total population
- Voting age population
- By race

- By Hispanic origin

Racial gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one race.

Section 2 of the Voting Rights Act – The part of the federal Voting Rights Act that protects racial and language minorities from discrimination in voting practices by a state or other political subdivision.

***Shaw v. Reno* –** The first in a line of federal court cases in which the U.S. Supreme Court held that the use of race as a dominant factor in redistricting was subject to a "strict scrutiny" test under the Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution. This case and the line of Supreme Court cases that follow it establish that race should not be used as a predominant redistricting consideration, but if it is, it must be used only to further a "compelling state interest" recognized by the courts and even then must be used only as minimally necessary to give effect to that compelling state interest ("narrow tailoring").

Spanish surnamed registered voters (SSRV) – The Texas Secretary of State publishes voter registration numbers that show the percentage of registered voters who have Spanish surnames. It is helpful to measure Hispanic potential voting strength, although it is not exact. It is available only at the county voting precinct level.

Total population – The total number of persons in a geographic area. Total population is generally the measure used to determine if districts are balanced for one person, one vote purposes.

Voting age population (VAP) – The number of persons aged 18 and above. DOJ requires this to be shown in Section 5 submissions. It is used to measure potential voting strength. For example, a district may have 50 percent Hispanic total population but only 45 percent Hispanic voting age population.

Voter tabulation district (VTD) – A voting precinct drawn using census geography. In most instances, especially in urban areas, VTDs and voting precincts will be the same. In rural areas, it is more likely they will not be identical.

ATTACHMENT E

HYPOTHETICAL POPULATION DEVIATION CALCULATION

Hypothetical Population Deviation Calculation

Consider a hypothetical political subdivision with four districts and a total population of 40,000. The "ideal district" for this political subdivision would have a population of 10,000 per district (total population / number of districts). This is the target population for each district. The deviation of each district is measured against this ideal size.

Suppose the latest population data reveals that the largest district, District A, has 11,000 inhabitants. The deviation of District A from the ideal is thus 1000 persons, or 10 percent. Suppose also that the smallest district, District D, has 8000 inhabitants; it is underpopulated by 2000 persons compared to the ideal size. It thus has a deviation of –20 percent compared to the ideal size. The *maximum total deviation* is thus 30 percent. Since this is greater than the 10 percent range typically allowed by the courts for one person-one vote purposes, this hypothetical subdivision must redistrict in order to bring its maximum total deviation to within the legally permissible limits.

The following table illustrates this analysis:

District	Ideal district	District total pop.	Difference	Deviation
A	10,000	11,000	1000	+ 10.0 percent
B	10,000	10,750	750	+ 7.5 percent
C	10,000	10,250	250	+ 2.5 percent
D	10,000	8,000	- 2000	- 20.0 percent
Totals:	40,000	40,000	net= 0	net= 0 percent

Total maximum deviation = difference between most populous and least populous districts = 10 percent + 20 percent = 30 percent.

ATTACHMENT F

ILLUSTRATIVE REDISTRICTING CRITERIA RESOLUTION

ILLUSTRATIVE REDISTRICTING CRITERIA RESOLUTION

(Here is an example of what the body of a resolution or ordinance adopting redistricting criteria might contain, but not including the footnotes. They are only included here by way of explanation to you of some of the criteria.)

The governmental body will observe the following criteria, to the greatest extent possible, when drawing district boundaries:

1. Where possible, easily identifiable geographic boundaries should be followed.

2. Communities of interest should be maintained in a single district, where possible, and attempts should be made to avoid splitting neighborhoods.

3. To the extent possible, districts should be composed of whole voting precincts. Where this is not possible or practicable, districts should be drawn in a way that permits the creation of practical voting precincts and that ensures that adequate facilities for polling places exist in each voting precinct.

4. Although it is recognized that existing districts will have to be altered to reflect new population distribution, any districting plan should, to the extent possible, be based on existing districts.

5. Districts must be configured so that they are relatively equal in total population according to the 2020 federal census and current population estimates from other reliable sources. In no event should the total deviation between the largest and the smallest district exceed ten percent (10%). The City will attempt to achieve a deviation that is less than ten percent according to the best available data.

6. The districts should be compact and composed of contiguous territory. Compactness may contain a functional,[1] as well as a geographical dimension.

7. Proposed plans shall be assigned a name in accordance with the naming convention established by the City, followed by an alpha character and, if applicable, a numeric character. The term "Illustrative Map" shall be used to define all maps that are created for

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[1] Functional compactness is a sometimes controversial notion that has appeared in some cases. Basically, the concept is that compactness is not simply a matter of geography but can include considerations such as (1) the availability of transportation and communication, (2) the existence of common social and economic interests, (3) the ability of the districts to relate to each other, and (4) the existence of shared interests. We do not anticipate that we will rely heavily on functional compactness, but there may be instances in which it comes into play. For example, we might be able to draw a very geographically compact district by including land on both sides of a river. If, however, the nearest bridge is several miles away, our geographically compact district may not be functionally compact. Saying that compactness has a functional dimension gives us flexibility to address this type of situation.

internal distribution only. The term "Draft Map" shall be used to define all maps that are shared and submitted to the public by the City.

8. Consideration may be given to the preservation of incumbent-constituency relations by recognition of the residence of incumbents and their history in representing certain areas.

9. The plan should be narrowly tailored to avoid retrogression[2] in the position of racial minorities and language minorities as defined in the Voting Rights Act with respect to their effective exercise of the electoral franchise.

10. The plan should not crack[3] a geographically compact minority community or pack[4] minority voters in the presence of polarized voting so as to create liability under Section 2 of the Voting Rights Act, 42 U.S.C. § 1973.

The governmental body will review all plans in light of these criteria and will evaluate how well each plan conforms to the criteria.

Any plan submitted to the governmental body by a citizen for its consideration should be a complete plan—*i.e.*, it should show the full number of single-member districts and should redistrict the entire political subdivision. The governmental body may decline to consider any plan that is not a complete plan.

All plans submitted by citizens, as well as plans submitted by staff, consultants, and members of the governmental body should conform to these criteria.

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[2] Retrogression is the standard used by the Department of Justice and the courts to determine if a plan can be precleared under Section 5 of the Voting Rights Act. Although preclearance is no longer required, this redistricting plan will still adhere to the preclearance standard that avoids retrogression. Basically, a redistricting plan is retrogressive if "its net effect would be to reduce minority voters' 'effective exercise of the electoral franchise' when compared to the benchmark plan." 66 FED. REG. 5412, 5413 (Jan. 18, 2001) (Department of Justice, Guidance Concerning Redistricting and Retrogression Under Section 5 of the Voting Rights Act, 42 U.S.C. § 1973c; Notice), quoting *Beer v. United States*, 425 U.S. 130, 141 (1976). The benchmark against which retrogression is measured is the last legally enforceable redistricting plan—typically the plan that was drawn under the prior decade's census and is now being replaced.

[3] Cracking occurs when a geographically compact area of minority voters is split into two or more districts when, if the area had been put in a single district, minority voters would have had greater voting strength.

[4] Packing refers to concentrating excessively large numbers of minority voters in a single district. For example, if a district is drawn to be 90 percent African American, that group's influence may be limited to that single district when, if it had been split, the group might have had an opportunity to elect candidates of their choice in two districts.