City of Tyler
2021 Redistricting

Initial Assessment

BICKERSTAFF HEATH DELGADO ACOSTA LLP

3711 S. MoPac Expressway
Building One, Suite 300
Austin, Texas 78746
(512) 472-8021

www.bickerstaff.com

REDISTRICTING
Applicable Law
Three Principles, plus

"One person – one vote"
(equal population)

Voting Rights Act § 2
(nondiscrimination)

Shaw v. Reno
(limits use of race)

Plus, as diagnostic tool:
Voting Rights Act § 5
(retrogression)

Redistricting

One Person - One Vote

- **U.S. Constitution – single-member districts must have *approximately equal populations***
- **Rule of thumb: total deviation < 10%**
  - **Compare most populous and least populous districts to "ideal"–sized district**
  - **Add both departures from ideal together**

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.

Example Deviation Calculation

Available Census Data

PL94-171 File

- **"Census block" level**
  - Total population
  - VAP (voting age population)
  - Race
  - Hispanic origin

What Population Do You Use?

Total Population	VAP (Voting Age Population)
• To determine one person - one vote	• To measure voting rights issues

Section 2 of the Voting Rights Act

- **No discrimination on basis of race or language minority status**
- **Generally, avoid *cracking* or *packing***
- ***Cracking or fracturing* is dividing minority voters to fragment their voting power.**
- ***Packing* is concentrating minority voters when dividing them would permit the group to elect their candidates of choice in more than one district**
- **Other practices can also violate Section 2**

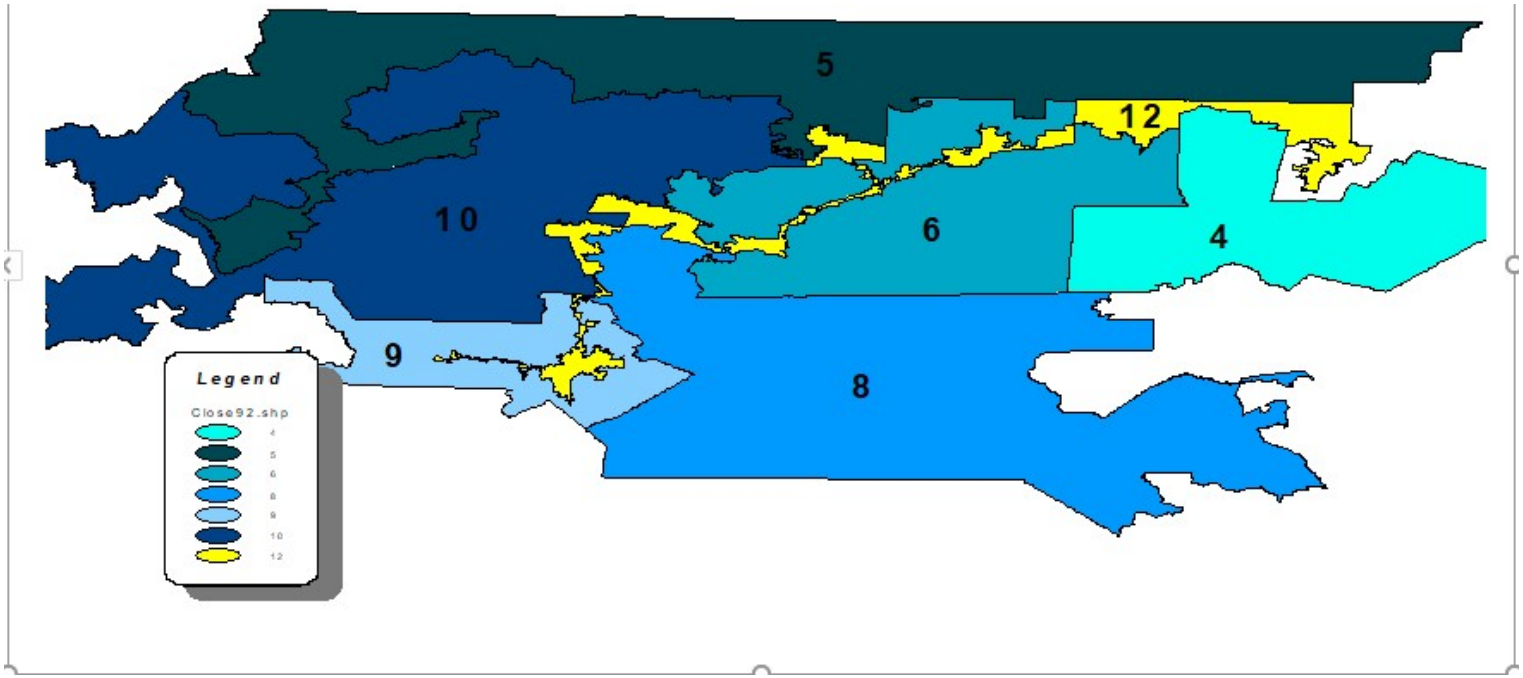
14th Amendment (*Shaw v. Reno*)

Limits race-based decision making, including redistricting

Was race the predominant consideration in drawing a redistricting plan?

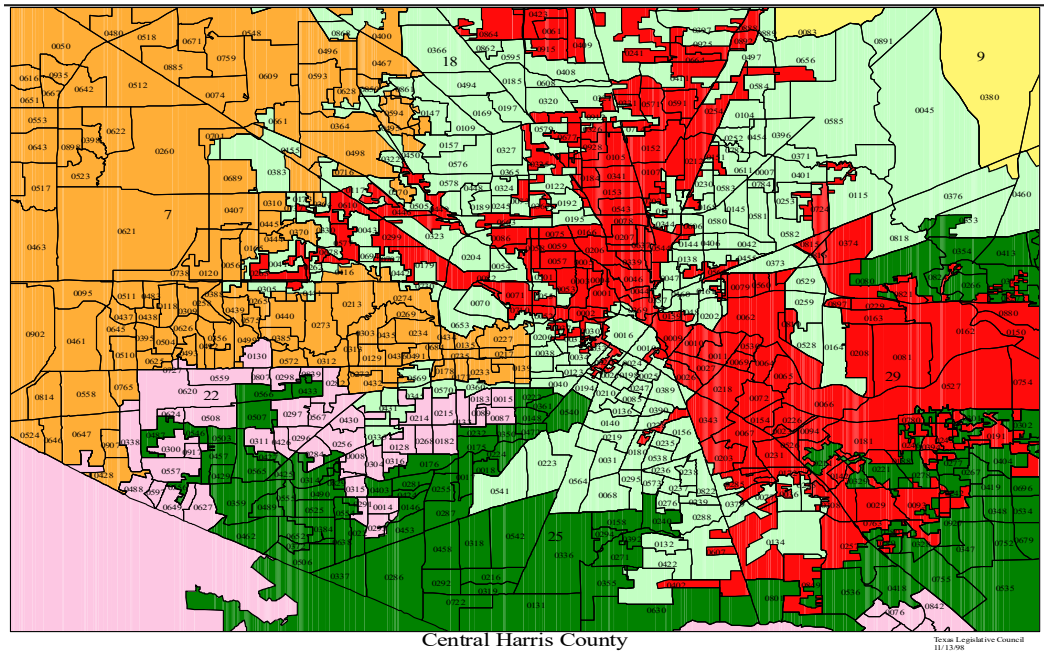
If so, is the plan a *narrowly tailored* means of addressing a *compelling governmental interest*?

CLOSE UP OF NORTH CAROLINA 1992 PLAN A

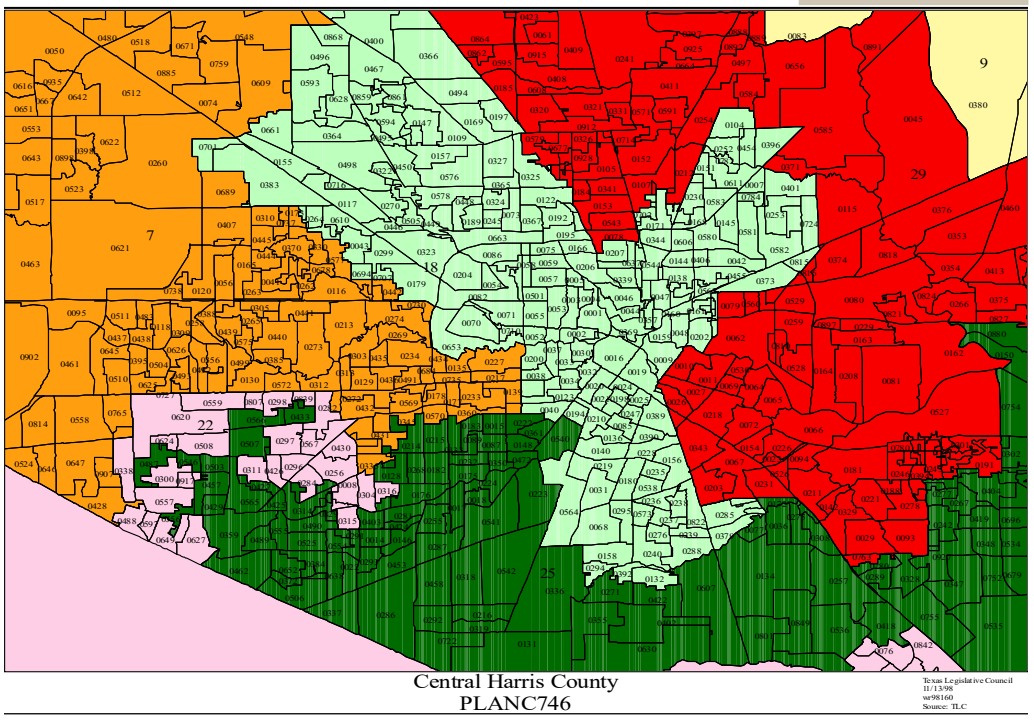


Bush v. Vera

BEFORE



AFTER



Redistricting Standards under Shaw-Reno Line of Cases

- Usually, race may not be the predominant factor to the subordination of traditional districting principles
- But it is OK to be aware of race and to consider race *to satisfy Section 2 and Section 5*
- To "narrowly tailor," use race no more than necessary
- Bizarrely-shaped districts not unconstitutional per se
  - Bizarre shape may be evidence that race predominated

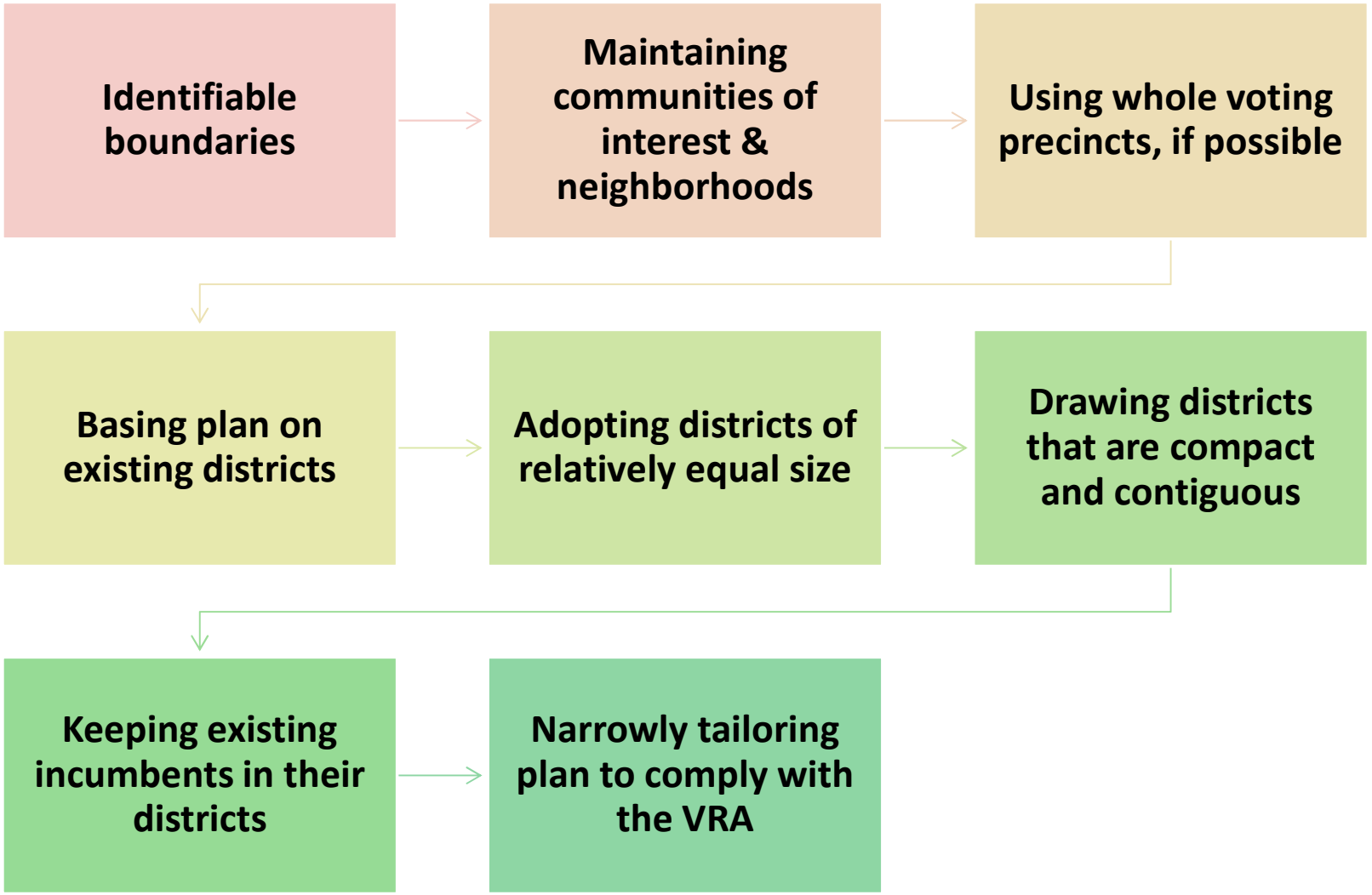
Section 5 of the Voting Rights Act

- Preclearance no longer required (*Shelby County v. Holder* (2013))
- Section 5 standard is "retrogression"
  - Are minorities worse off under the new system?
  - No discriminatory purpose or effect
- Still a useful diagnostic tool to identify potential Section 2 issues

Benchmark

- The benchmark is the standard against which retrogression is measured.
- The benchmark is 2020 Census data superimposed on the last legally enforceable plan (typically, 2011 lines).

Adopt Criteria



Steps To Balancing Conflicting Legal Obligations In Redistricting

Plan ahead	Build a record
Be Aware	Of legal obligations and responsibilities
Adopt	Criteria that reflect traditional redistricting principles, including consideration of race to the extent required to meet obligations under the Voting Rights Act
Pay Attention	To the criteria when drawing the plan. Consider and evaluate each plan presented (whether by district's hired consultant or by general public) in light of the adopted criteria.

Steps To Balancing Conflicting Legal Obligations In Redistricting

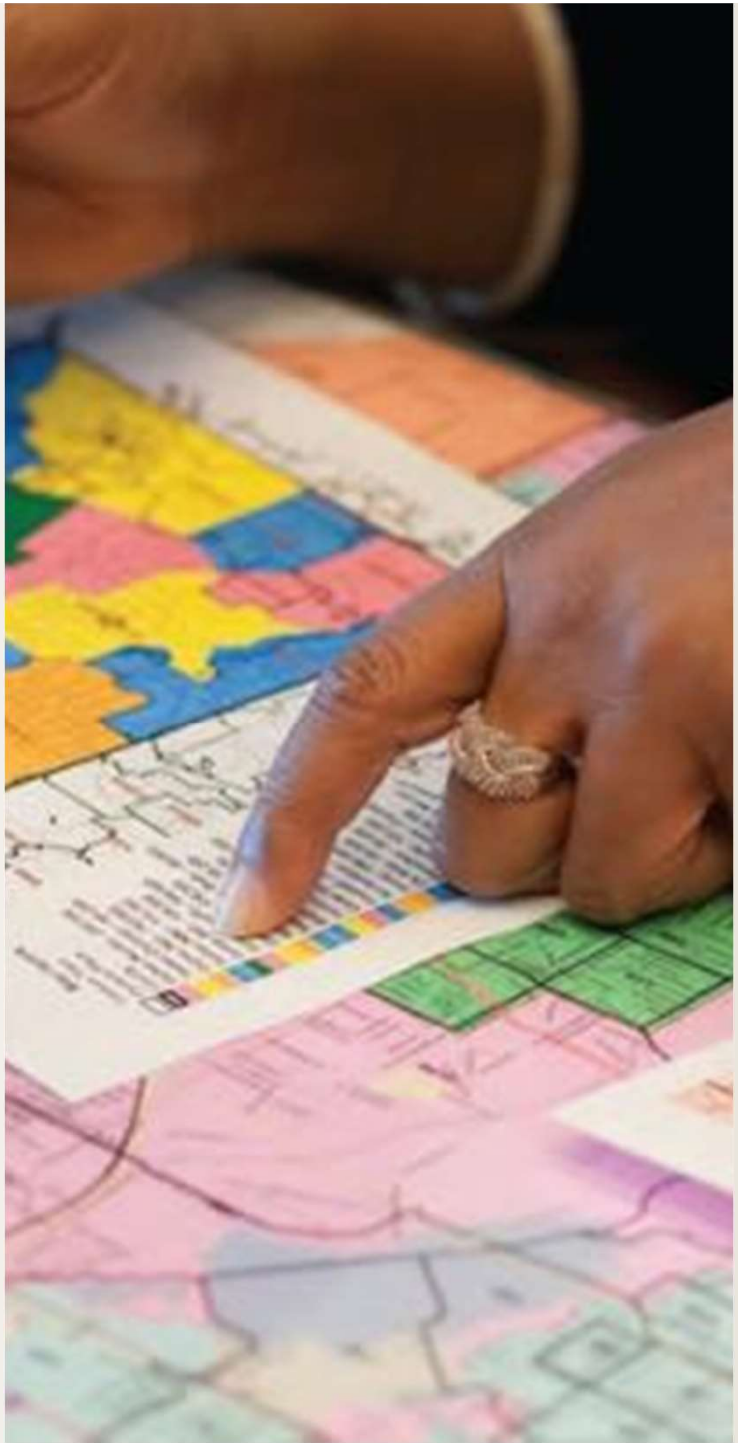
Analyze the final plan in terms of how well it conforms to the adopted criteria

Make sure the analysis is considered by the City Council before plan adoption

Avoid districts that are not compact

Plan Development Elements (Subject to Charter Amendment)

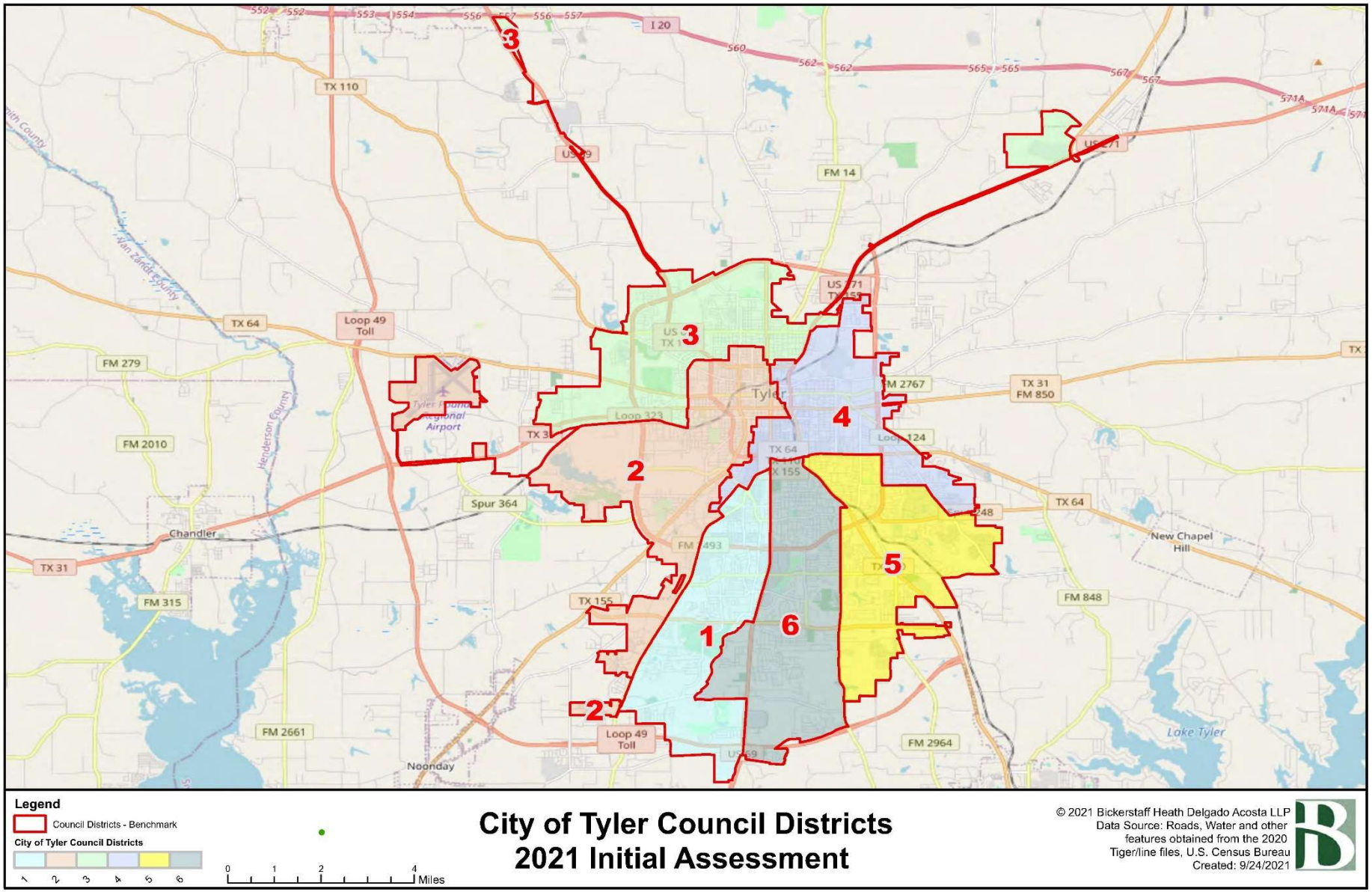
- Initial Assessment
- Adopt plan criteria, guidelines
- Develop illustrative plan(s)
- Public comment / hearing
- Analyze comments
- Adopt final plan
- Implementation



CITY OF TYLER

2011 Benchmark with 2020 Census Data

Current Districts



City of Tyler
Overall Deviation For Current Council Districts
Using 2020 Census Data

Plan Name: City of Tyler Council Districts - 2021 Initial Assessment

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Summary 2020 Census Total Population

Plan Last Edited on: 9/24/2021 10:21:31 AM

District	Persons	Ideal Size	Deviation	Hispanic % of Total Population	Non-Hispanic White % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	17,955	17,653	1.71%	9.85%	70.77%	11.02%	4.20%	4.16%
2	17,228	17,653	-2.41%	32.01%	26.71%	37.27%	1.65%	2.37%
3	16,223	17,653	-8.10%	41.75%	8.31%	47.01%	0.35%	2.54%
4	16,954	17,653	-3.96%	33.77%	44.34%	16.55%	1.46%	3.88%
5	19,243	17,653	9.01%	13.05%	58.67%	18.58%	4.70%	4.99%
6	18,314	17,653	3.75%	9.43%	72.43%	9.27%	4.03%	4.84%

Ideal Size: 17,653

Total Population: 105,917

Overall Deviation: 17%

Some percentages may be subject to rounding errors.

City of Tyler
Overall Deviation For Current Council Districts
Using 2020 Census Data

Plan Name: City of Tyler Council Districts - 2021 Initial Assessment

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Summary 2020 Census Voting Age Population

Plan Last Edited on: 9/24/2021 10:21:31 AM

District	Total VAP*		Hispanic % of Total VAP	Non-Hispanic Anglo % of Total VAP	Non-Hispanic Black % of Total VAP	Non-Hispanic Asian % of Total VAP	Non-Hispanic Other % of Total VAP
1	14,640		8.70%	73.47%	10.40%	3.89%	3.55%
2	13,177		27.18%	31.22%	37.69%	1.65%	2.25%
3	11,424		36.62%	10.22%	50.17%	0.44%	2.57%
4	13,318		29.36%	49.40%	16.05%	1.55%	3.67%
5	15,303		11.55%	62.16%	17.61%	4.52%	4.15%
6	14,415		8.26%	75.48%	8.49%	3.82%	3.96%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

City of Tyler
Overall Deviation For Current Council Districts
Using 2020 Census Data

Plan Name: City of Tyler Council Districts - 2021 Initial Assessment

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 9/24/2021 10:21:31 AM

District	Persons	Ideal Size	Deviation	Hispanic	Hispanic % of Total Population	ANGLO	Non-Hispanic Anglo % of Total Population	Black	Black % of Total Population	Asian	Asian % of Total Population	AM Indian Native	IND / NAT % TOT Pop.	Haw Pac. Isl.	HAW/ PAC % of Tota Pop.	Other	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	17,955	17,653	1.71%	1,768	9.85%	12,707	70.77%	1,979	11.02%	754	4.20%	50	0.28%	15	0.08%	48	0.27%	634	3.53%
2	17,228	17,653	-2.41%	5,515	32.01%	4,602	26.71%	6,421	37.27%	284	1.65%	45	0.26%	0	0.00%	40	0.23%	323	1.87%
3	16,223	17,653	-8.10%	6,773	41.75%	1,348	8.31%	7,627	47.01%	56	0.35%	23	0.14%	1	0.01%	50	0.31%	338	2.08%
4	16,954	17,653	-3.96%	5,726	33.77%	7,518	44.34%	2,806	16.55%	247	1.46%	27	0.16%	6	0.04%	62	0.37%	563	3.32%
5	19,243	17,653	9.01%	2,511	13.05%	11,290	58.67%	3,576	18.58%	905	4.70%	56	0.29%	5	0.03%	73	0.38%	827	4.30%
6	18,314	17,653	3.75%	1,727	9.43%	13,265	72.43%	1,698	9.27%	738	4.03%	53	0.29%	12	0.07%	79	0.43%	742	4.05%

Ideal Size: 17,653

Total Population: 105,917

Overall Deviation: 17%

Some percentages may be subject to rounding errors.

City of Tyler
Overall Deviation For Current Council Districts
Using 2020 Census Data

Plan Name: City of Tyler Council Districts - 2021 Initial Assessment

Bickerstaff Heath Delgado Acosta LLP

Demographics Report - Detailed 2020 Census Voting Age Population

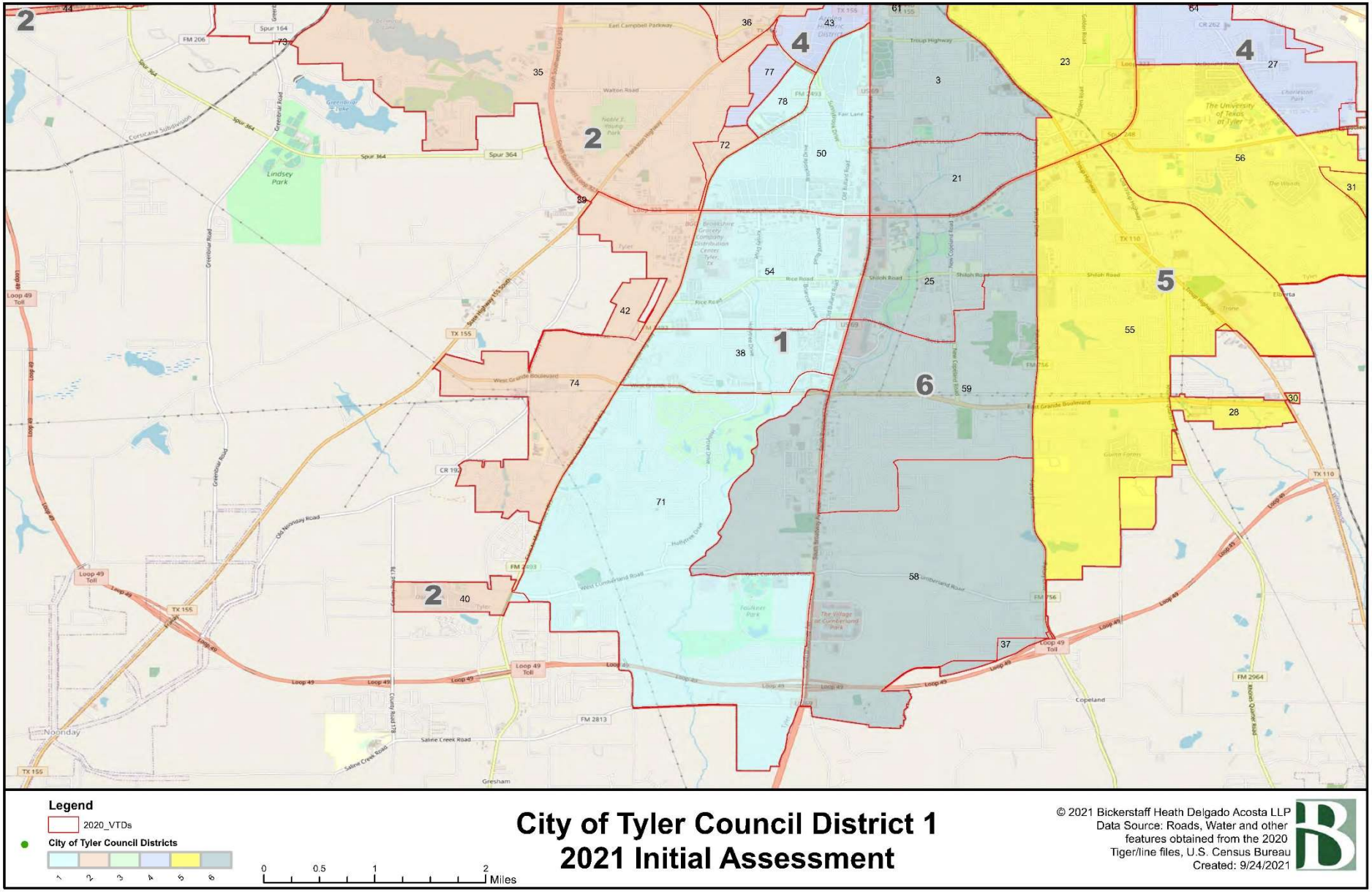
Plan Last Edited on: 9/24/2021 10:21:31 AM

District	Total VAP	Hispanic VAP	% Hispanic VAP	Anglo VAP	% Anglo VAP	Black VAP	% Black VAP	Asian VAP	% Asian VAP	AM IND NATIVE VAP	% AM IND NATIVE VAP	HAW/PAC VAP	% HAW/PAC VAP	Other VAP	% Other VAP	Two or More Races VAP	% Two or more VAP
1	14,640	1,274	8.70%	10,756	73.47%	1,523	10.40%	570	3.89%	41	0.28%	14	0.10%	33	0.23%	431	2.94%
2	13,177	3,582	27.18%	4,114	31.22%	4,967	37.69%	218	1.65%	39	0.30%	0	0.00%	29	0.22%	229	1.74%
3	11,424	4,184	36.62%	1,167	10.22%	5,731	50.17%	50	0.44%	23	0.20%	1	0.01%	33	0.29%	237	2.07%
4	13,318	3,910	29.36%	6,579	49.40%	2,137	16.05%	206	1.55%	23	0.17%	5	0.04%	43	0.32%	418	3.14%
5	15,303	1,768	11.55%	9,513	62.16%	2,695	17.61%	692	4.52%	43	0.28%	1	0.01%	43	0.28%	548	3.58%
6	14,415	1,190	8.26%	10,880	75.48%	1,224	8.49%	550	3.82%	34	0.24%	6	0.04%	64	0.44%	467	3.24%

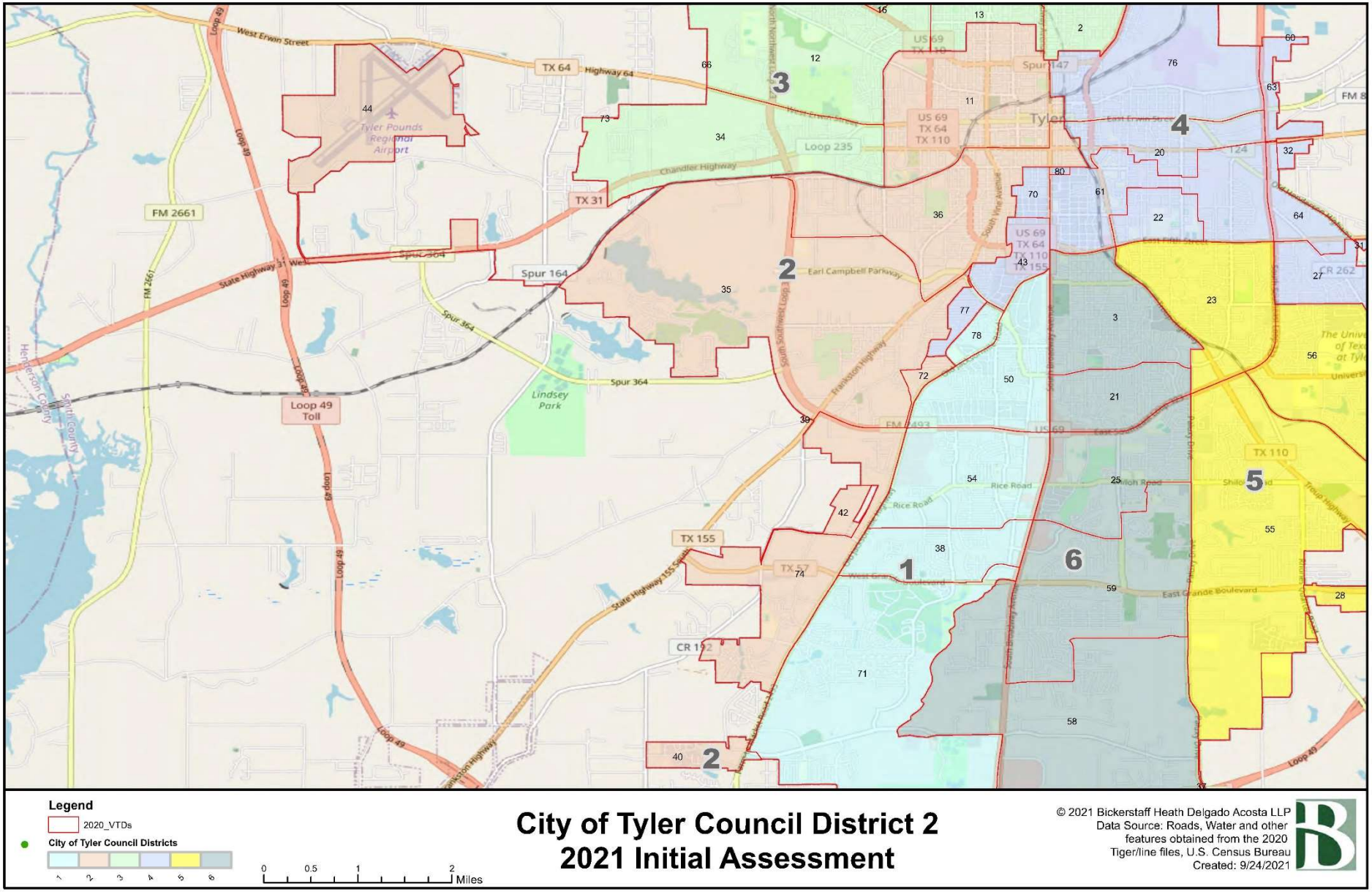
* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

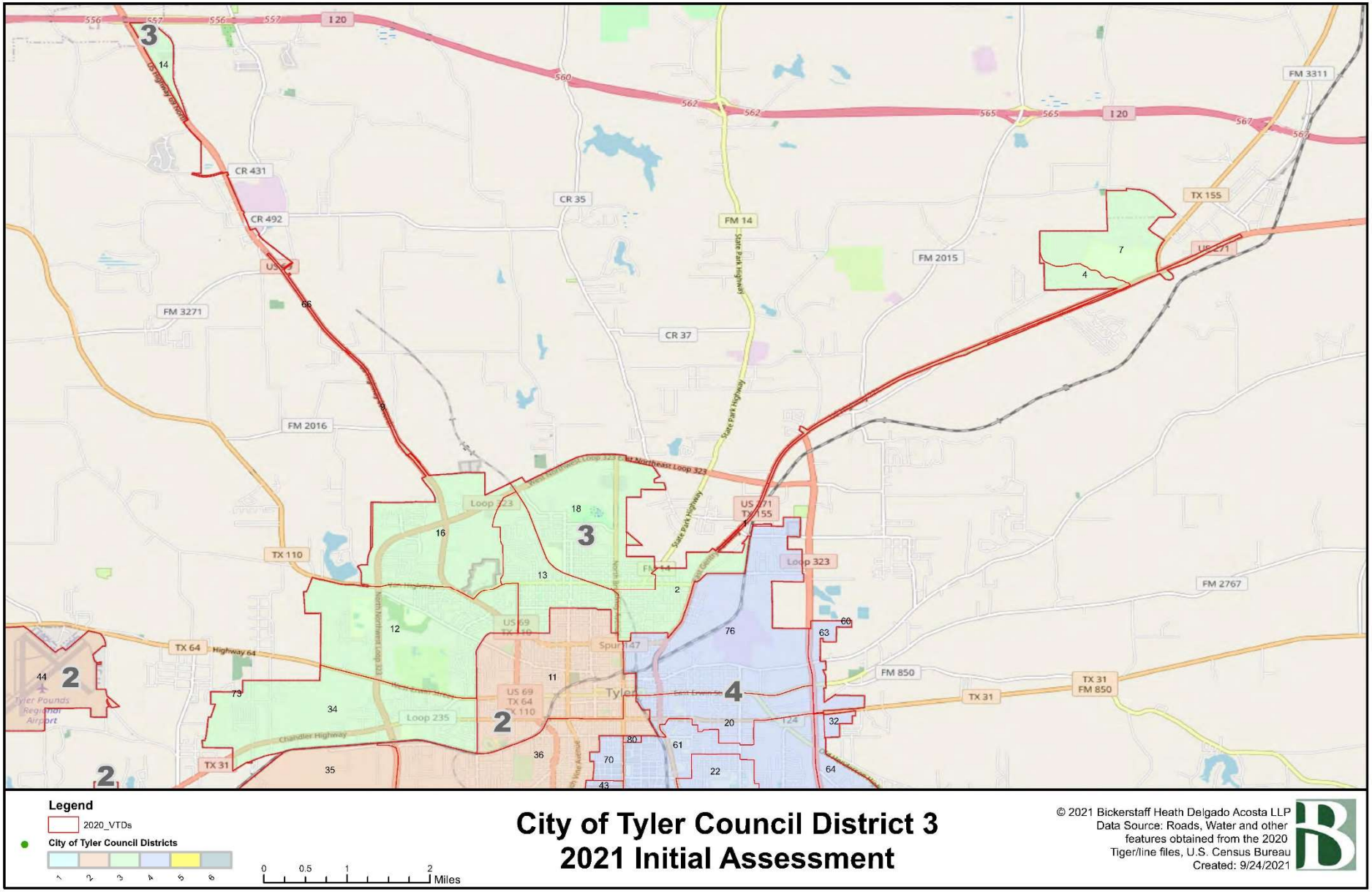
Individual District Maps

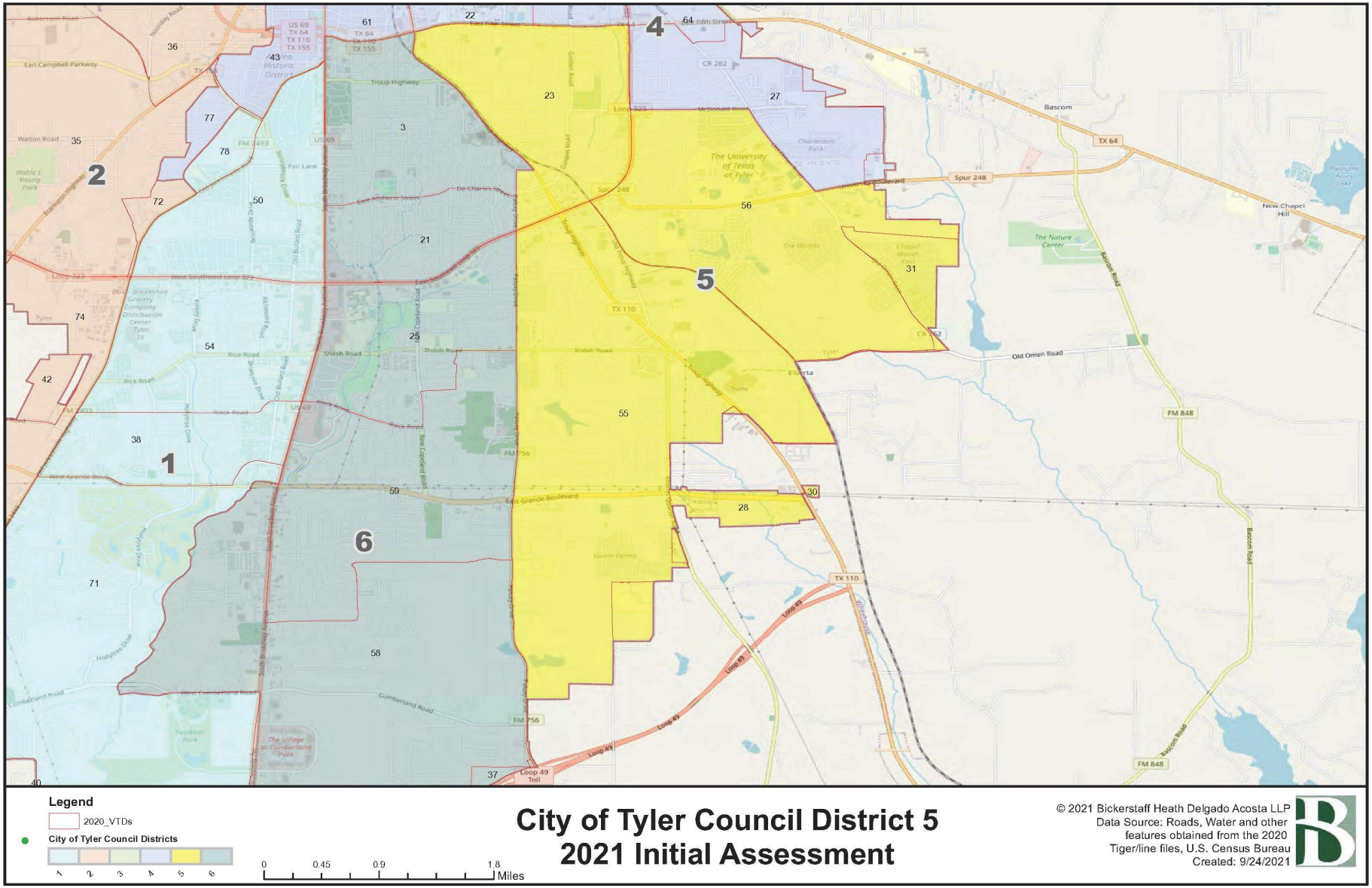


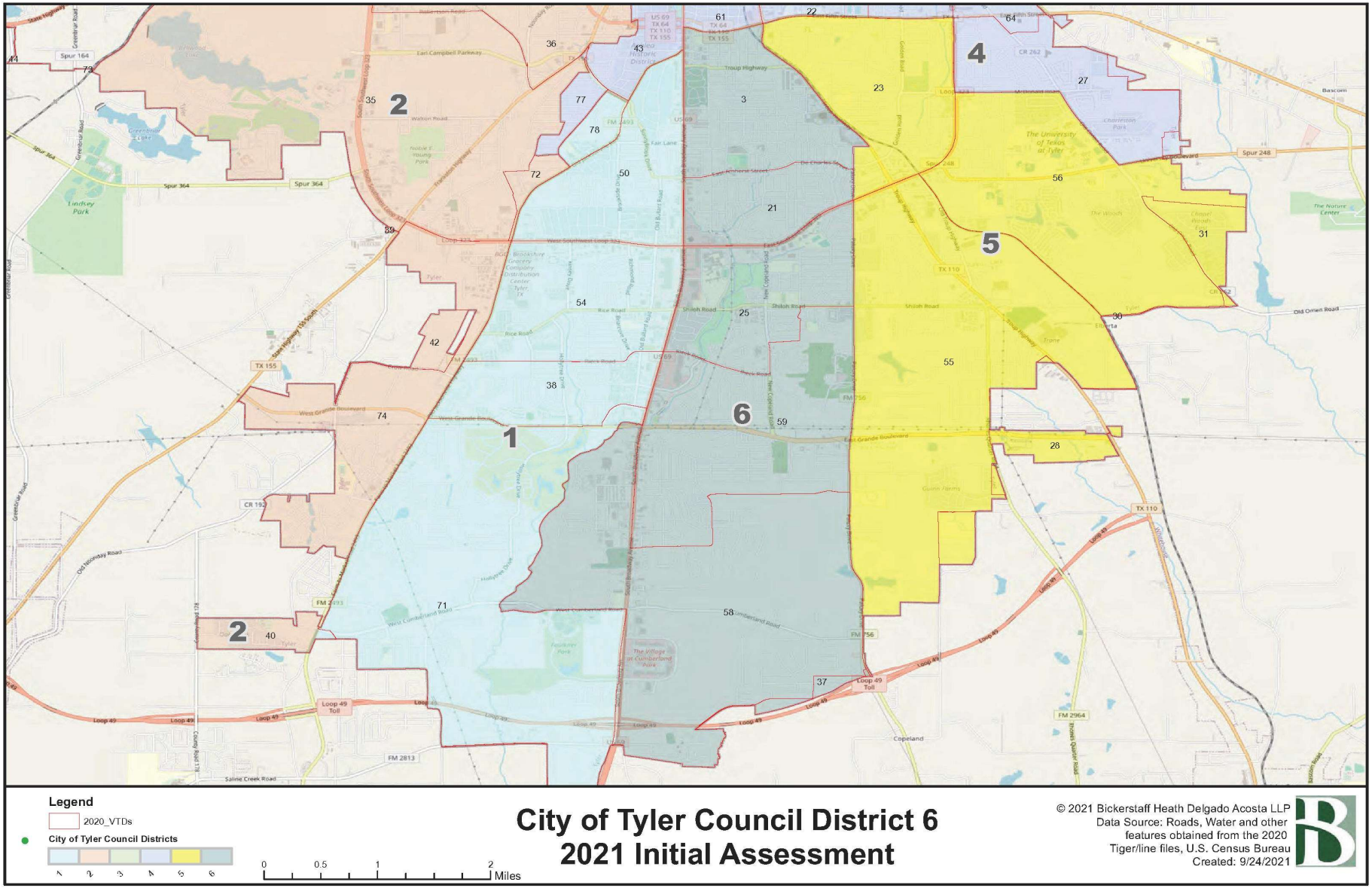
Individual District Maps



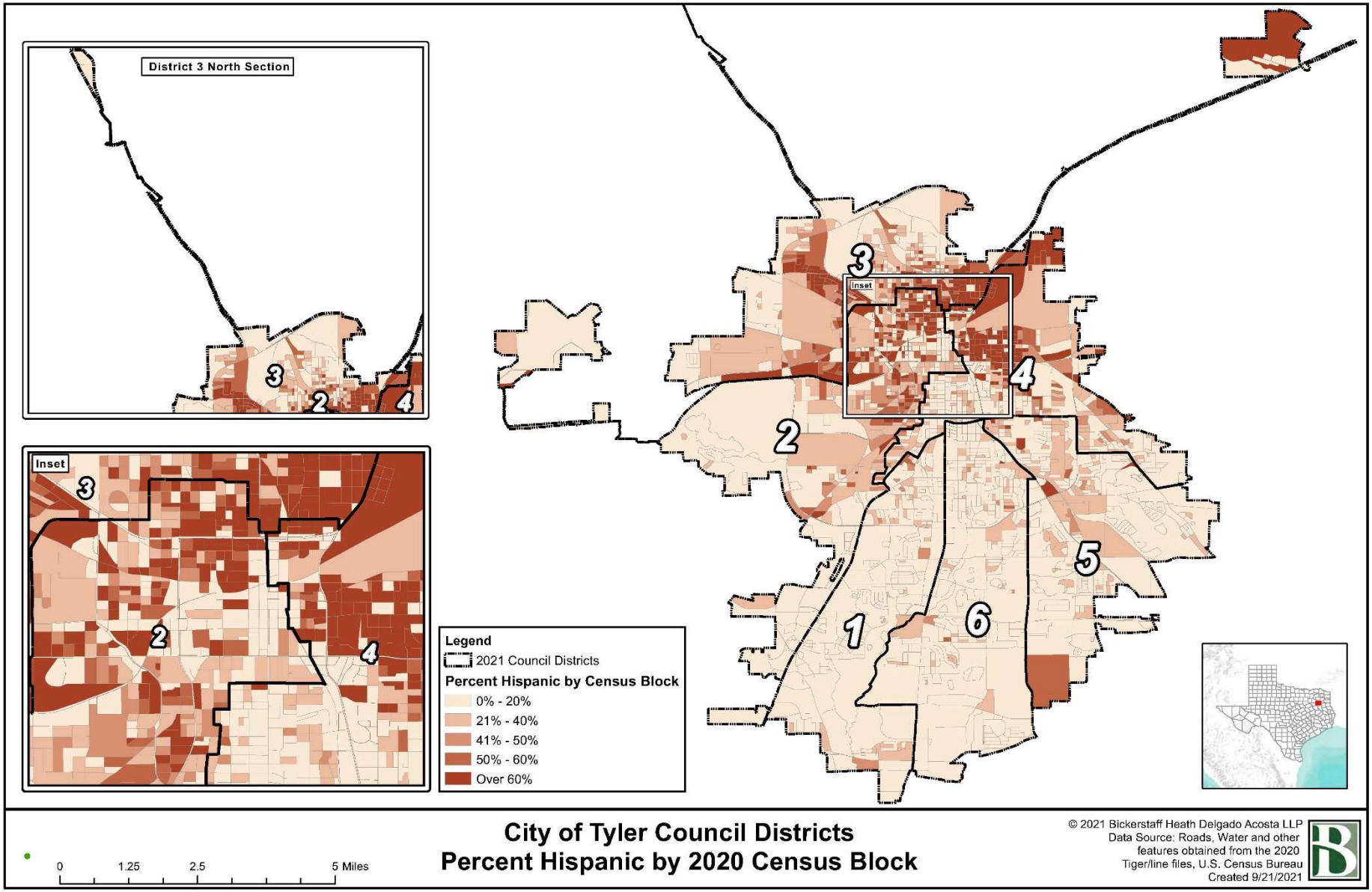
Individual District Maps



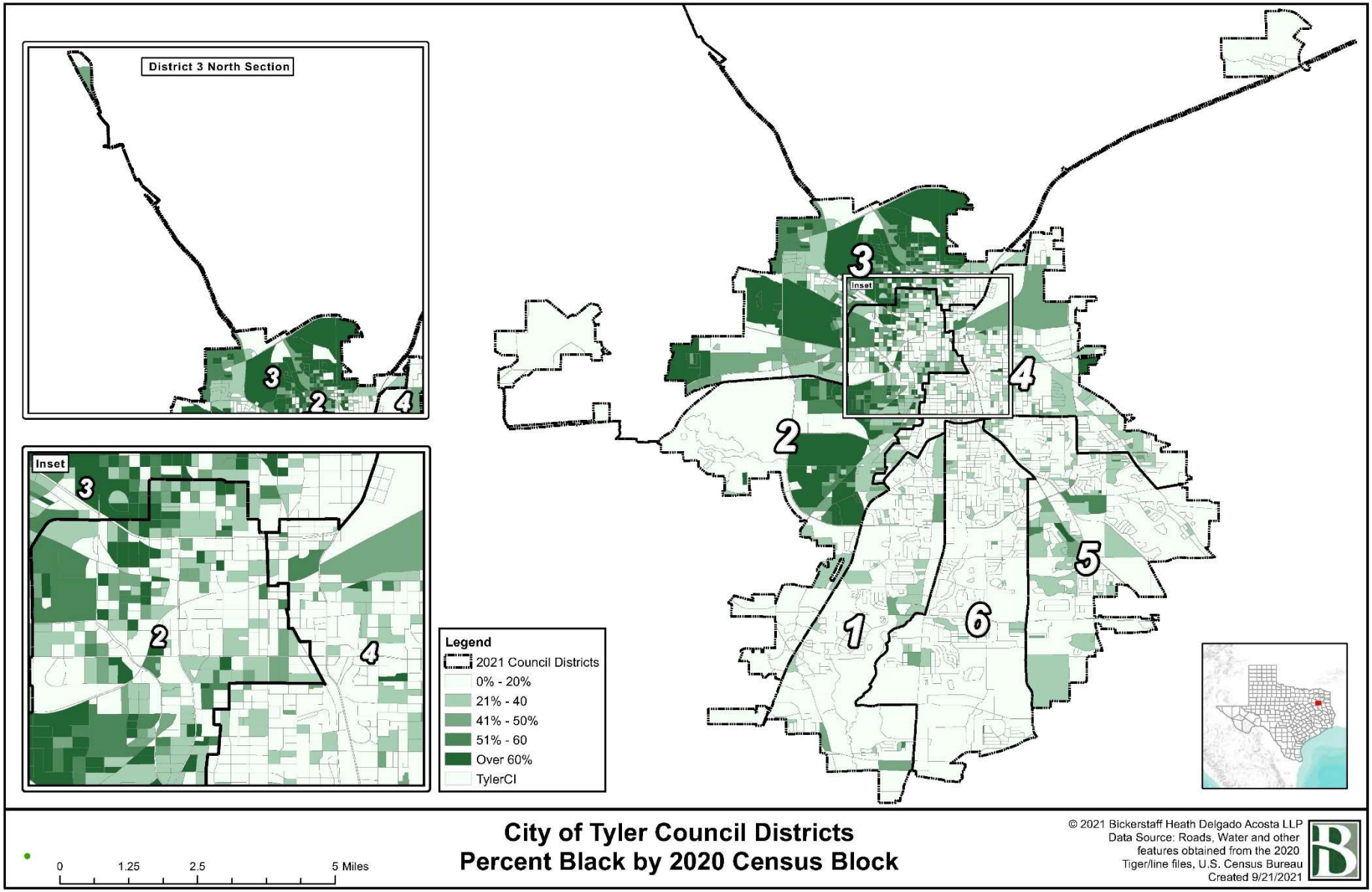

1
2
4
5
6
Legend
2020_VTDs
City of Tyler Council Districts
1 2 3 4 5 6
0 0.45 0.9 1.8
Miles
City of Tyler Council District 5
2021 Initial Assessment
© 2021 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau
Created: 9/24/2021


Legend
2020_VTDs
City of Tyler Council Districts
1 2 3 4 5 6
0 0.5 1 2 Miles
City of Tyler Council District 6
2021 Initial Assessment
© 2021 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau
Created: 9/24/2021

Thematic Maps



Thematic Maps



Proposed Redistricting Timeline

- 1 p.m. 10/12/21 – Present Initial Assessment
- 11 a.m. 10/27/21 – First Drawing Workshop
- 11 a.m. 11/10/21 – Second Drawing Workshop
- 9 a.m. 12/8/21 – Final Adoption

City of Tyler
2021 Redistricting

Initial Assessment

BICKERSTAFF HEATH DELGADO ACOSTA LLP

3711 S. MoPac Expressway
Building One, Suite 300
Austin, Texas 78746
(512) 472-8021

www.bickerstaff.com