

Special Called Meeting

Sabine County Commissioners' Court

Wednesday, March 7, 2001 1:00 P.M.

Members of the Court present:

Jack Leath	County Judge
Keith Clark	Commissioner Pct. #1
Lynn Smith	Commissioner Pct. #2
Doyle Dickerson	Commissioner Pct. #3
Gene Nethery	Commissioner Pct. #4
Janice McDaniel	County Clerk

Judge Leath called the meeting to order.

Agenda item #1-Redistricting Committee Meeting

Appointed members of the redistricting committee present are:

1. Thomas Hamilton Chairman
2. Jerry Cowgill
3. Lee Edward Hunt
4. Jim Whitton
5. Neil Beall

Bob Bass with Allison, Bass & Associates met with the Court and the Redistricting committee to discuss the steps in the process.

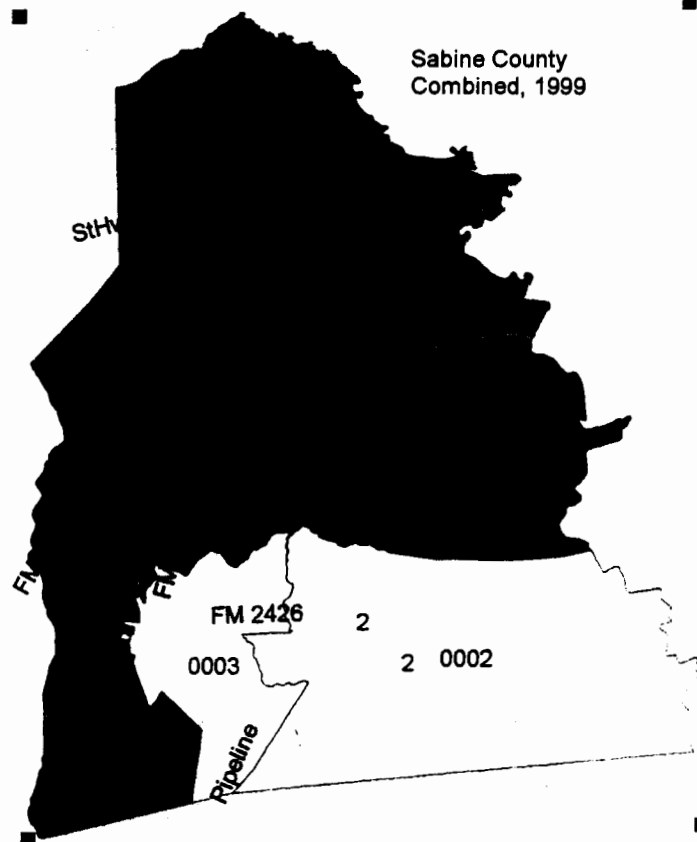
This was discussion only. No action was taken.

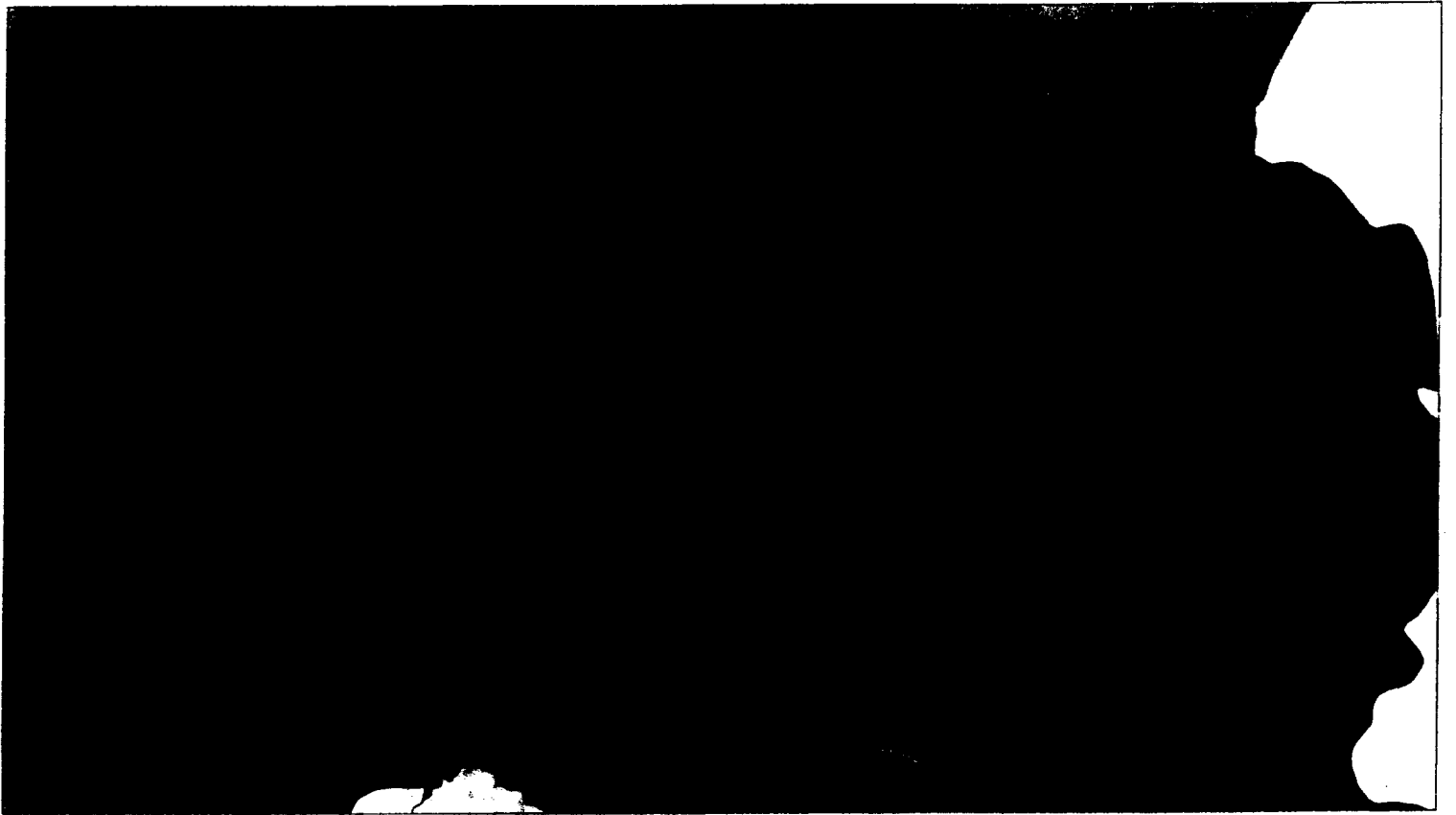
Commissioner Nethery moved to adjourn. Commissioner Dickerson seconded. Meeting adjourned.

<u>Jack Leath</u>	COUNTY JUDGE
<u>Keith Clark</u>	COMMISSIONER PCT. #1
<u>Lynn Smith</u>	COMMISSIONER PCT. #2
<u>Doyle Dickerson</u>	COMMISSIONER PCT. #3
<u>Gene Nethery</u>	COMMISSIONER PCT. #4

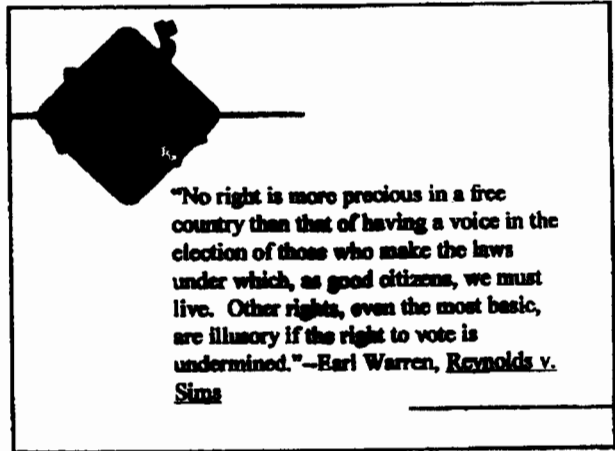
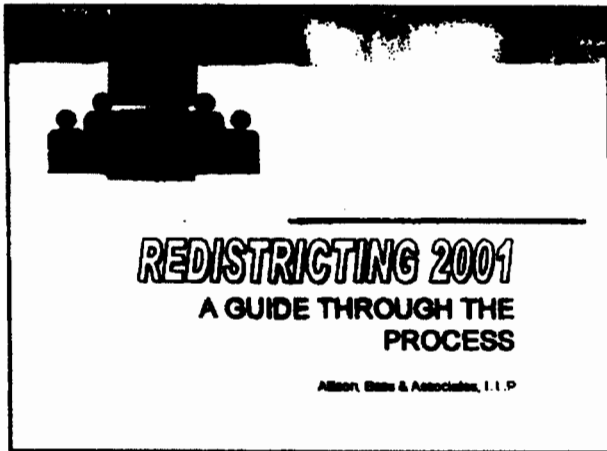
ATTEST:

<u>Janice McDaniel</u>	COUNTY CLERK
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'One Person-One Vote'

- The conception of political equality from the Declaration of Independence, to Lincoln's Gettysburg Address, to the Fifteenth, Seventeenth and Nineteenth Amendments could mean only one thing: One Person, One Vote.—Justice Douglas, *Gray v. Sanders* (1963)

Why Reapportion in 2001?

- The publication of the 2000 census around April 1, 2001, will require redistricting of representative districts as needed to equalize populations among districts
- State and many local governments will need to revise representative districts to avoid dilution of racial or language minority group voting strength


Who Must Reapportion?

- Statewide governing bodies:
 - Congressional, state house and senate, state board of education
- Local governing bodies:
 - County commissioners courts (CC, JP)
 - Single-member district school boards, city councils, special district boards
- EXCEPTION: no redistricting needed if districts or precincts have substantially equal populations under 2000 census

Voting Rights Act of 1965

- Section 2- A plaintiff may sue for discrimination under the Act.
- Section 5- Tendency of the plan to dilute or discriminate against minority voters.
- Department of Justice "preclearance."
- Judicial by-pass option.
- Preclearance required before implementation.

Avery v. Midland County (1968)

- Periodic reapportionment extended to Texas Commissioners Courts
 - Texas Statutes amended to comply (42.001 Tex. Election Code)
 - Balance between Precincts must be within a maximum deviation of 10% (based upon an ideal precinct)
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Typical Criteria for Reapportionment

- Compactness and contiguity
- Keeping cities, counties, precincts, etc. whole
- Respecting neighborhoods and other "communities of interest"
- Protecting incumbents
- Preserving core of existing district
- Balancing partisan composition of body-but gerrymandering to favor one party may violate the Equal Protection Clause of 14th Amendment

Additional Criteria

- Minority representation established in 1990 reapportionment should be maintained if possible without retrogression, unless benchmark established in 1990 would offend Shaw v. Reno doctrine.
- Avoid dilution/fragmentation.

Shaw v. Reno (1993)

- Race may not be a predominant factor in reapportionment
- If race is considered (as it must to some extent under Voting Rights) the plan must be narrowly tailored
- Maximized minority precincts no longer required
- Benchmarks established under prior law may be suspect
- 'Bizarre' districts will draw scrutiny

Mechanics of Reapportionment

- Divide total county population by 4.
- Arrive at "ideal" precinct size.
- Determine actual population in existing precincts.
- Compare to ideal and arrive at a gross and percentage deviation.
- If greater than 10%, top to bottom, must redistrict.

If Redistricting Required, then

- Avoid "retrogression" of minority rights.
- Do not "fragment" minority populations.
- Achieve "one-person-one-vote" balance.

STEPS INCIDENT TO REAPPORTIONMENT

- Prepare for release of census data
 - Assemble current maps of election precincts
 - Identify existing polling places
 - Locate incumbent residence
 - Assemble election history for prior 10 years
 - Evaluate accuracy of maps/boundary descriptions for existing precincts

Additional Steps

- Develop Criteria for Reapportionment
 - 1. Compact and Contiguous
 - 2. Well defined boundaries
 - 3. Preserve neighborhoods and communities of interest
 - 4. Comply with Voting Rights Act
 - 5. Facilitate governmental functions:
 - a. Election Administration
 - b. Road/Budget Balance
 - c. Delivery of Services

Election Precinct Requirements

- Commissioners Courts required to reapportion from "time to time" by 42.001 Tax. Elec. Code.
- Election Precincts may not contain territory from more than one:
 - Commissioner Pct.
 - Justice Ct. precinct.
 - Congressional Dist.
 - State Rep. District.
 - State Senate Dist.
 - City Ward.
 - State Board of Ed.

Additional Election Precinct Requirements


- Contain not less than 50-100 voters.
- Contain not more than 2000 voters in paper ballot counties.
- In Counties with election systems, election precincts may be as large as 8000 voters, depending on population of county.
- Election precinct changes due by 10/1/01.
- Notice of changes to parties, public, registrar.



Polling Places

- Reasonably convenient to voters in election precinct
- ADA compliant (access)
- Public buildings cannot charge for use if otherwise open on election date
- If no public building available, polling place should be reasonably open to the public, if possible
- As last resort, private structures can be used as a polling place

Role of Advisory Committee- Optional but recommended

- Enhances involvement of community leaders and interest groups.
 - Assures open government.
 - Meets Department of Justice Expectations.
 - Provides political "cover" for officials for unpopular redistricting issues.
 - Reduces pressure on Commissioners.
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Forming the Advisory Committee

- Each Commissioner Appoints 2 members.
- Judge Appoints 3 members.
- Membership should reflect regions of County, and minority representation should be similar to that of county population.
- Appoint interest group leadership.

Duties of Advisory Committee

- Review any proposed plans.
- Host public hearings on redistricting.
- Assist in formulation of one or more proposed plans.
- Recommend one or more plans for adoption.

Role of the Commissioners Court

- Sole Legal Authority for Redistricting of County election boundaries.
- Ultimate responsibility for adoption of a proposed redistricting plan.
- Must satisfy legal requirements imposed by Federal and State law.
- May utilize reasonable discretion.

Approximate Timeline

- Till April 1, 2001-prepare map files, assemble supporting documentation.
- April 1, 2001-release of census data.
- April 1-May 1-Prepare Initial Assessment of existing political boundaries, determine need for redistricting.
- May 1-July 1-Formulate redistricting plans.

Continued Timeline

- July -Conduct public hearings on one or more alternative plans.
- August-Adopt final proposed plan.
- September-Submit plan for preclearance to Department of Justice.
- November-December-Obtain preclearance.
- January-Implementation of Plan.

Implementation

- After final plan adopted, Voter Registrar will begin preparing poll lists, moving voters from former election precincts to any new election box/precinct.
- "Dual Track" for possible revision of plan.
- Publication of new political boundaries.
- Filing period for candidates in January.

Preclearance Process



- DOJ will review to insure that plan does not discriminate against race, language or ethnic voters.
- Initial 60 day review period.
- May approve, request more information.
- If more information requested, additional 60 day period from date of response.

Good Luck, and So We Begin

Do you have questions?
Feel free to call us.
Allison, Bass & Associates, LLP.
512/482-0701 Voice
512/480-0902 Fax

The State Of Texas
County Of Sabine

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE FILED AND
DULY RECORDED IN THE COMMISSIONER COURT MINUTES OF SABINE
COUNTY, TEXAS.

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JANICE MEDARTEL COUNTY CLERK
BY Nicole Cordey
Deputy



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