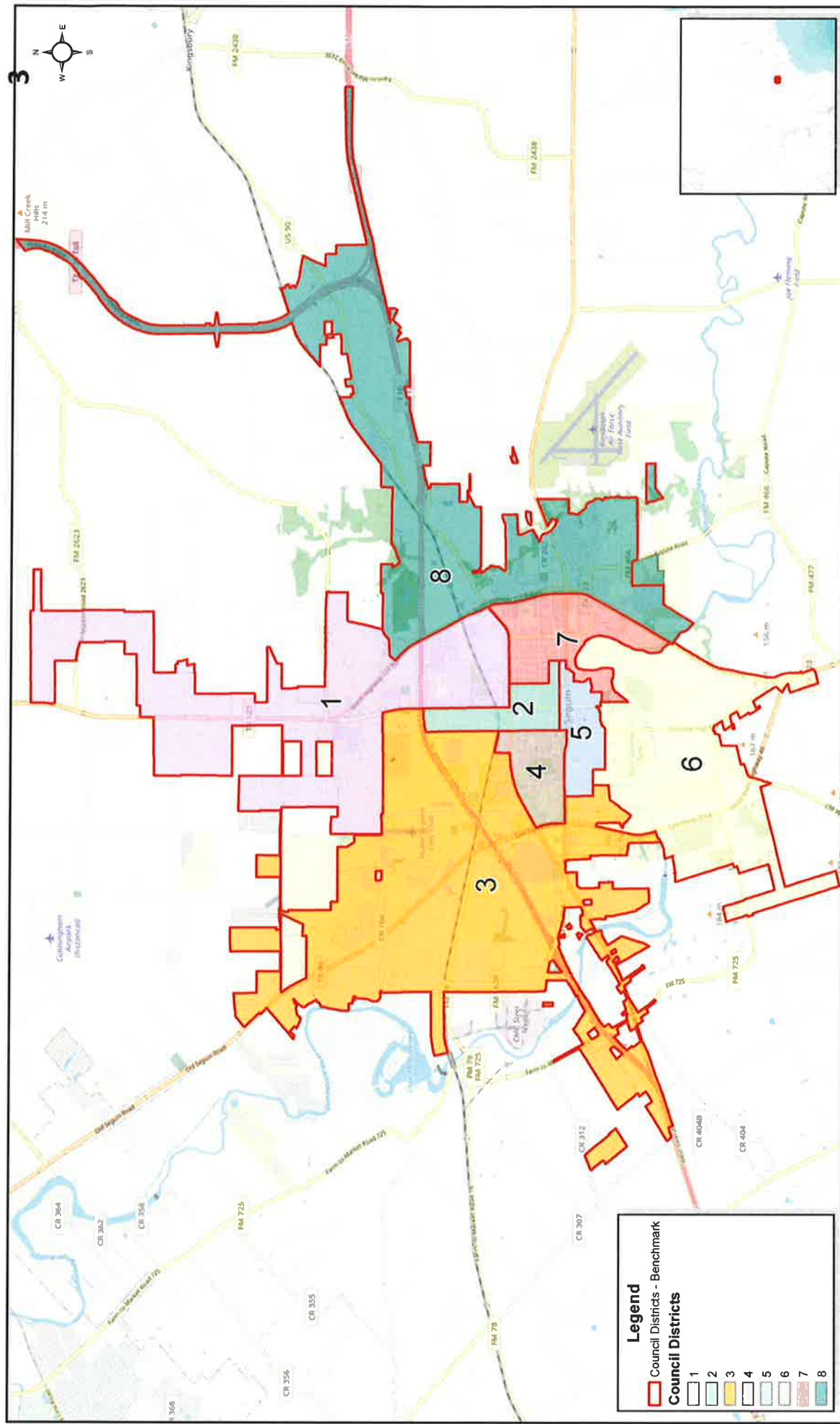


EXHIBIT A:
INITIAL ASSESSMENT MAPS

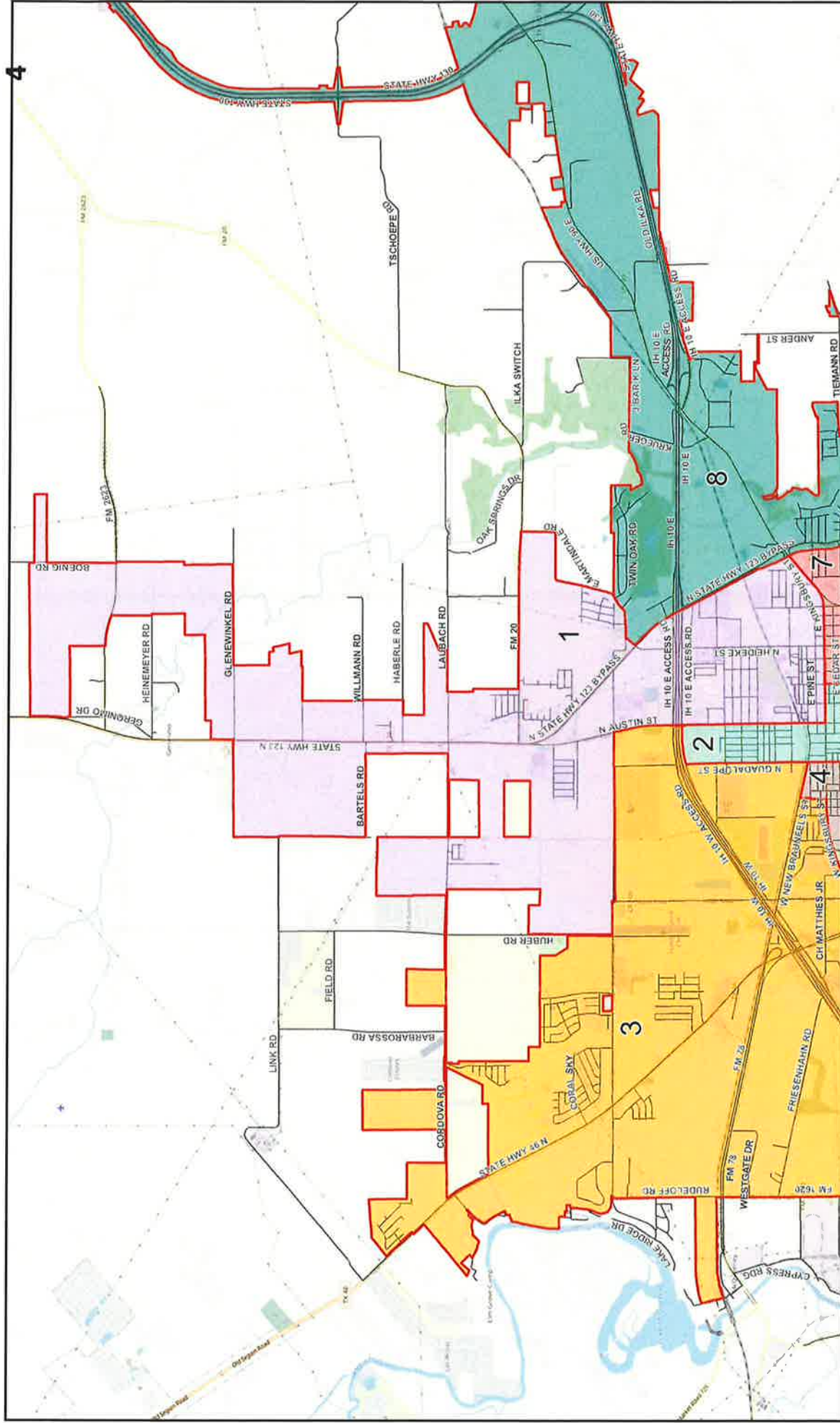


© 2022 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other
features obtained from the 2020
Tigerline files, U.S. Census Bureau

City of Seguin Council Districts 2022 Initial Assessment



Created: 2/14/2022



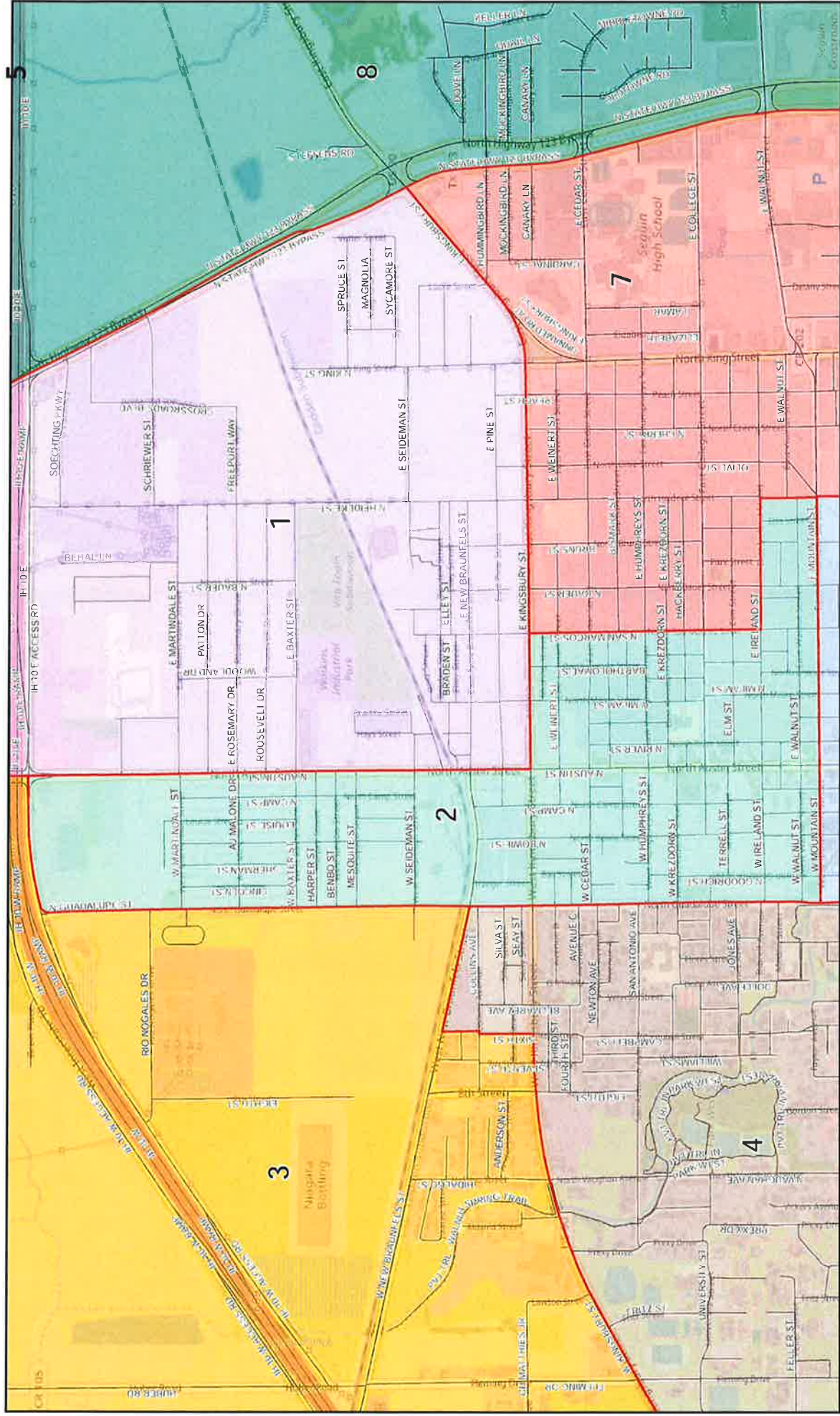
City of Seguin Council District 1 2022 Initial Assessment

© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Roads, Water and other
 features obtained from the 2020
 Tigerline files, U.S. Census Bureau

Legend

Council Districts - Benchmark
 Council Districts

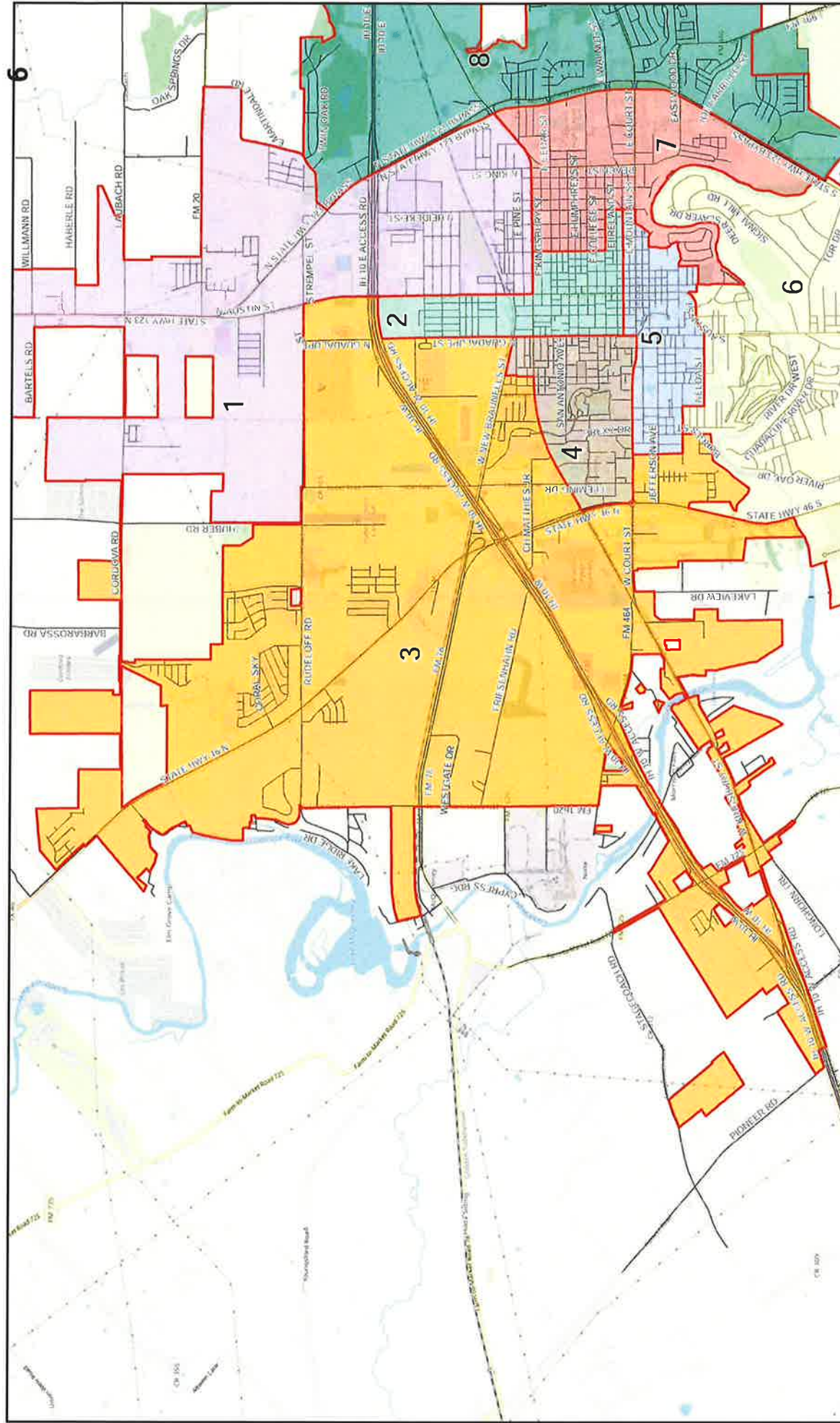
0 0.375 0.75 1.5 Miles
 Created: 2/14/2022



City of Seguin Council District 2 2022 Initial Assessment

© 2022 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other
features obtained from the 2020
Tigerline files, U.S. Census Bureau





© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Roads, Water and other
 features obtained from the 2020
 Tigerline files, U.S. Census Bureau

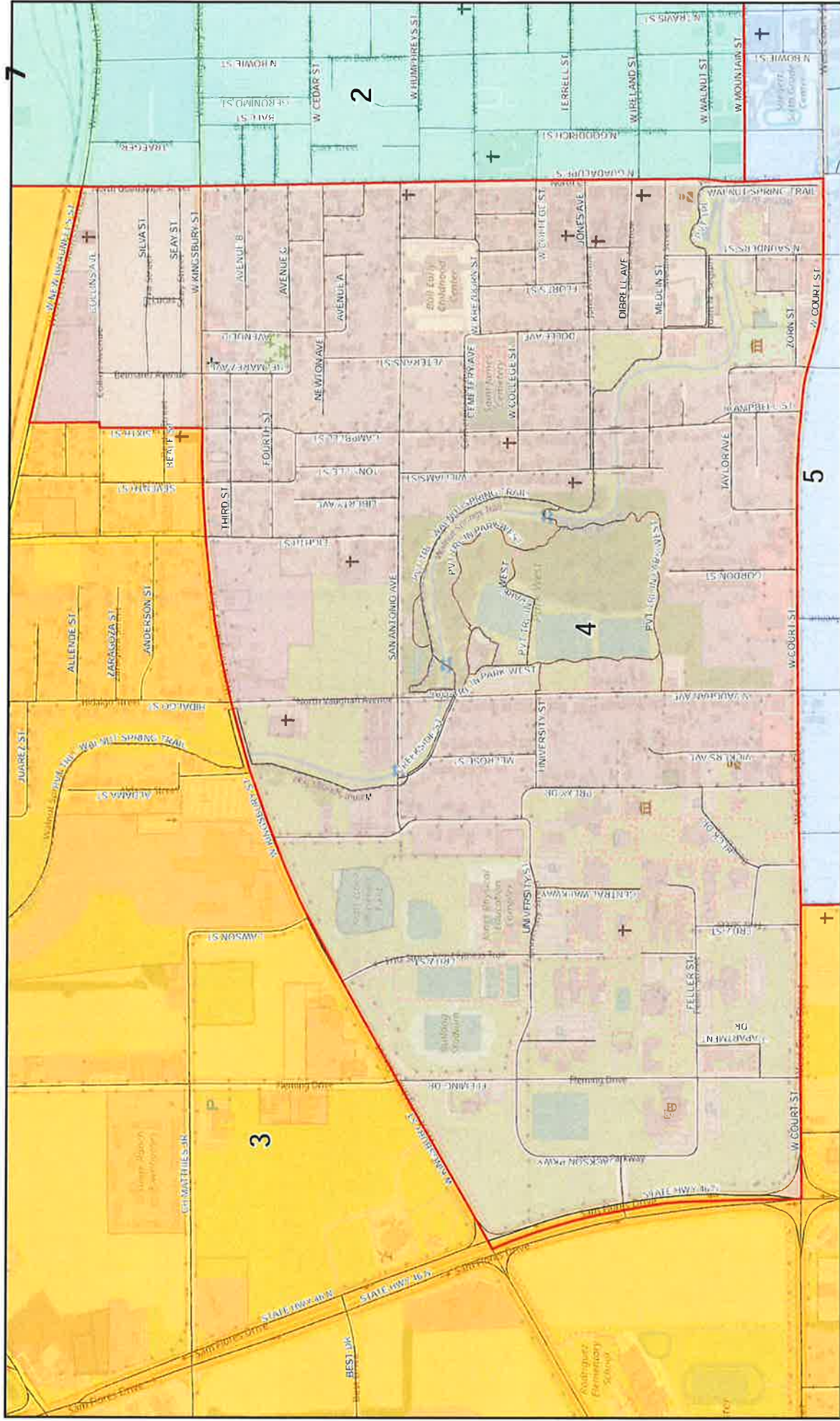
City of Seguin Council District 3 2022 Initial Assessment

Legend

- Council Districts - Benchmark
- Council Districts

0 0.35 0.7 1.4 Miles

Created: 2/14/2022



© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Roads, Water and other
 features obtained from the 2020
 Tigerline files, U.S. Census Bureau

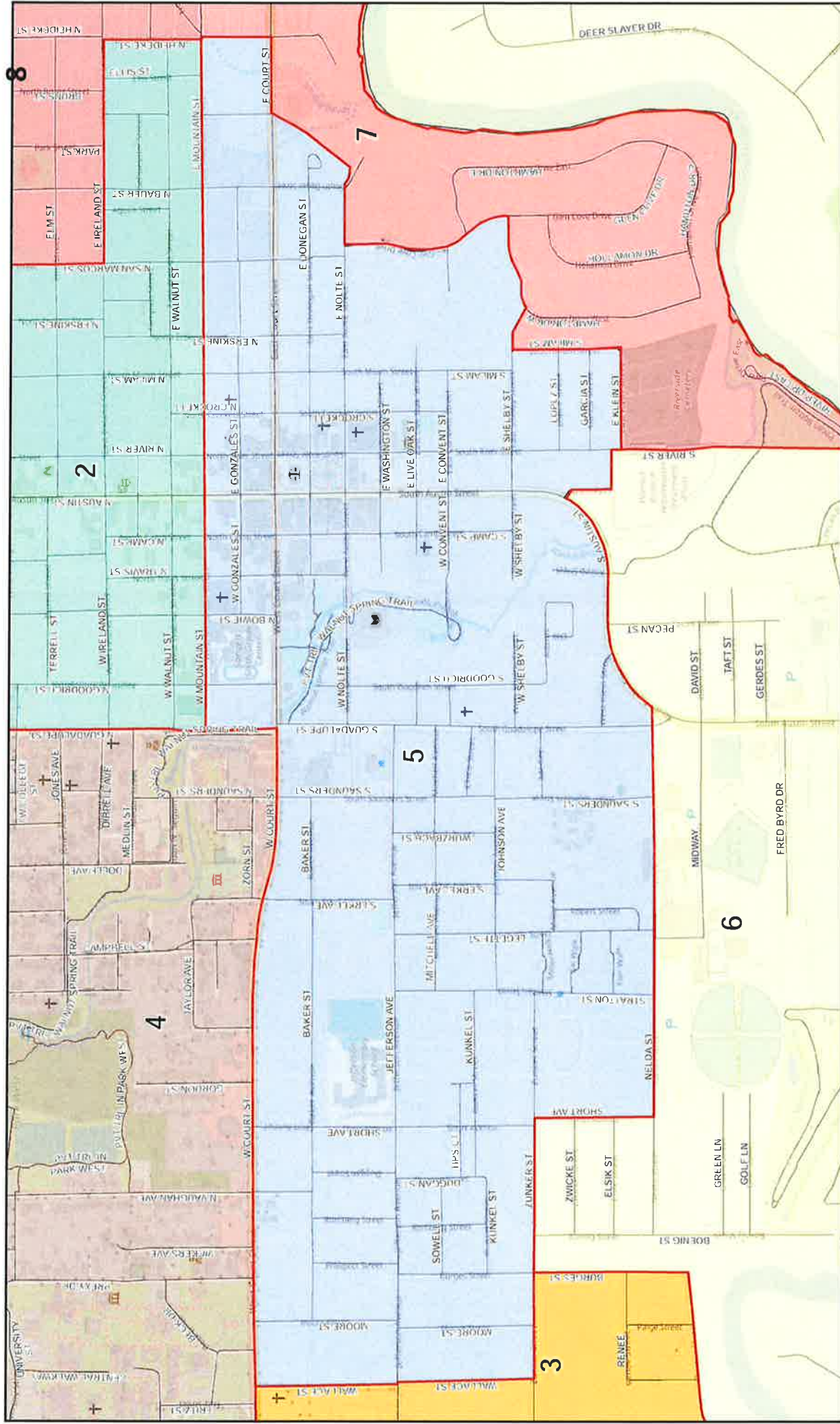
City of Seguin Council District 4 2022 Initial Assessment

Legend

- Council Districts - Benchmark
- Council Districts

0 0.05 0.1 0.2 Miles

Created: 2/14/2022



© 2022 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other
features obtained from the 2020
Tigerline files, U.S. Census Bureau

City of Seguin Council District 5 2022 Initial Assessment

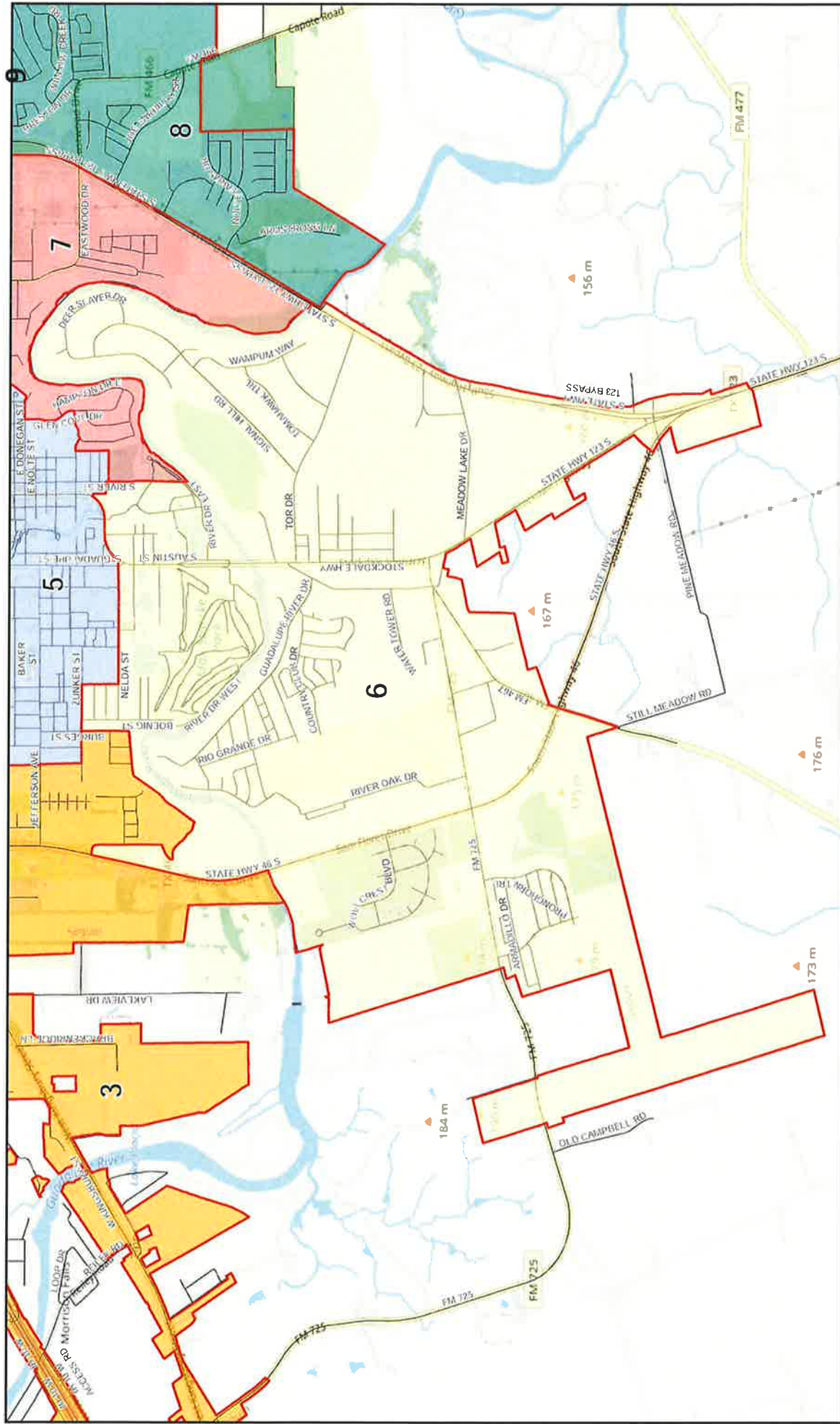
Legend

- Council Districts - Benchmark
- Council Districts

0 0.05 0.1 0.2 Miles

Created 2/14/2022

N
W E S



© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Roads, Water and other
 features obtained from the 2020
 Tigerline files, U.S. Census Bureau

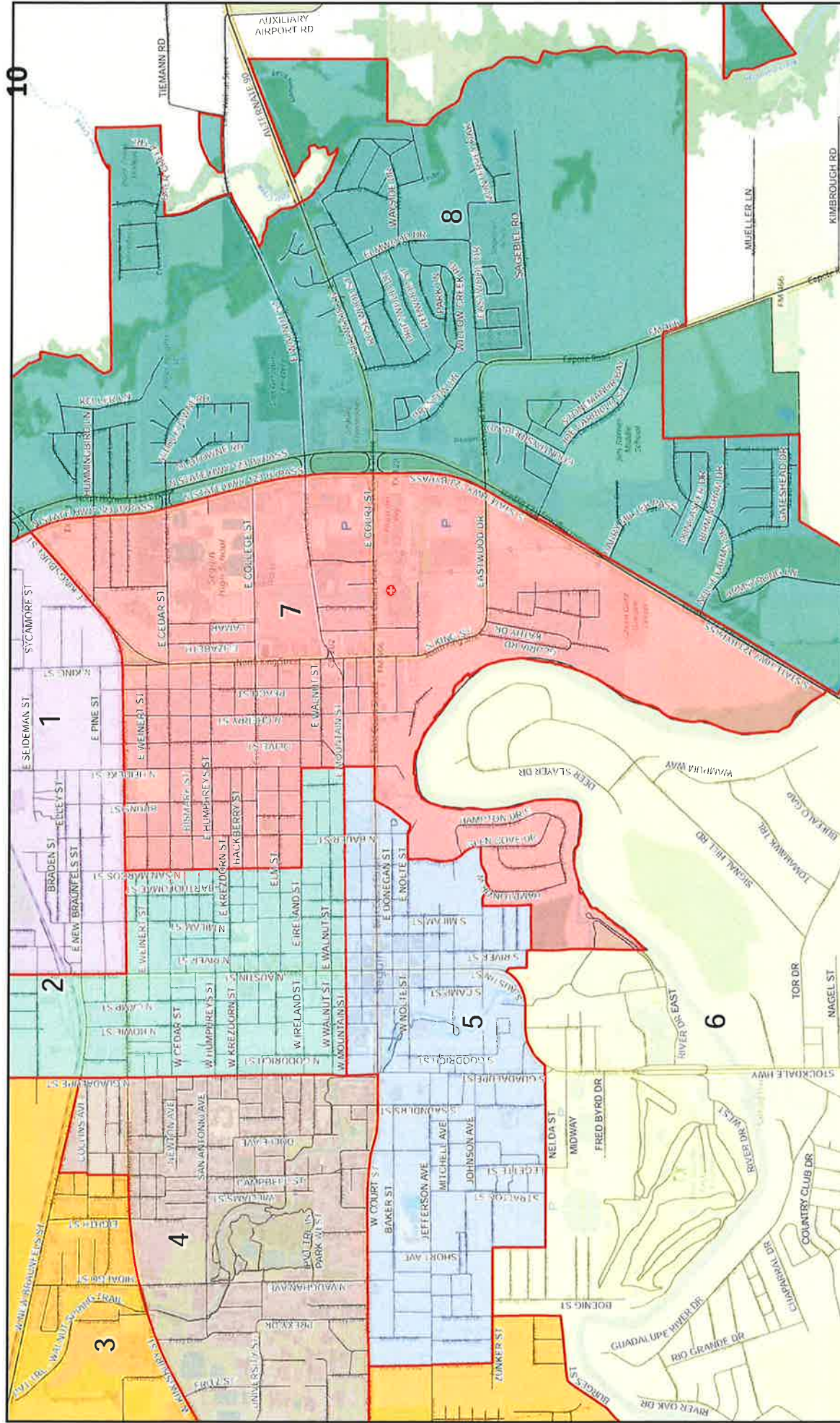
City of Seguin Council District 6 2022 Initial Assessment

Legend

- Council Districts - Benchmark
- Council Districts

0 0.2 0.4 0.8 Miles

Created: 2/14/2022



© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Roads, Water and other
 features obtained from the 2020
 Tigerline files, U.S. Census Bureau

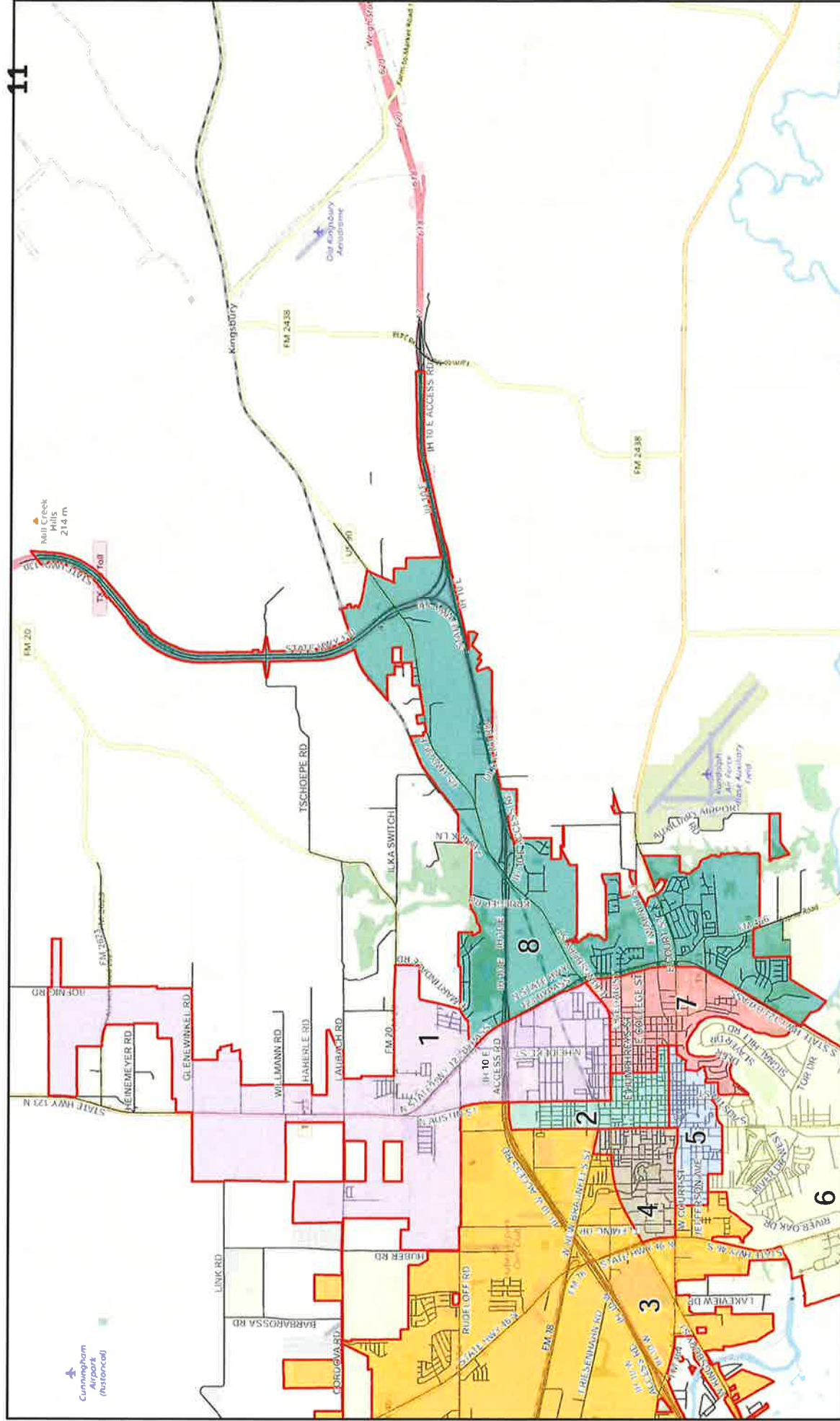
City of Seguin Council District 7 2022 Initial Assessment

Legend

- Council Districts - Benchmark
- Council Districts



Created: 2/14/2022



© 2022 Bickerstaff Heath Delgado Acosta LLP
 Data Source: Roads, Water and other
 features obtained from the 2020
 Tigerline files, U.S. Census Bureau

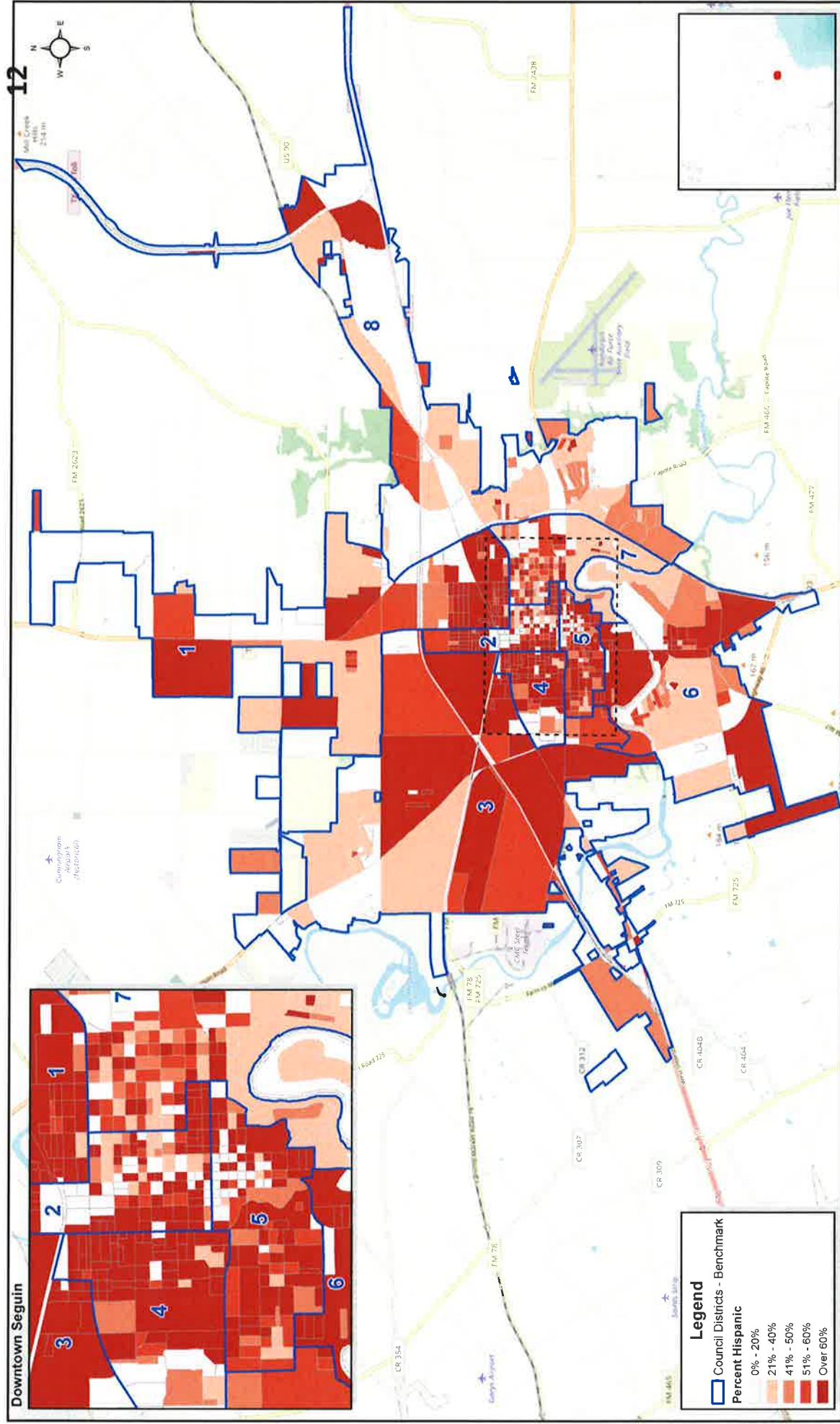
City of Seguin Council District 8 2022 Initial Assessment

Legend

- Council Districts - Benchmark
- Council Districts

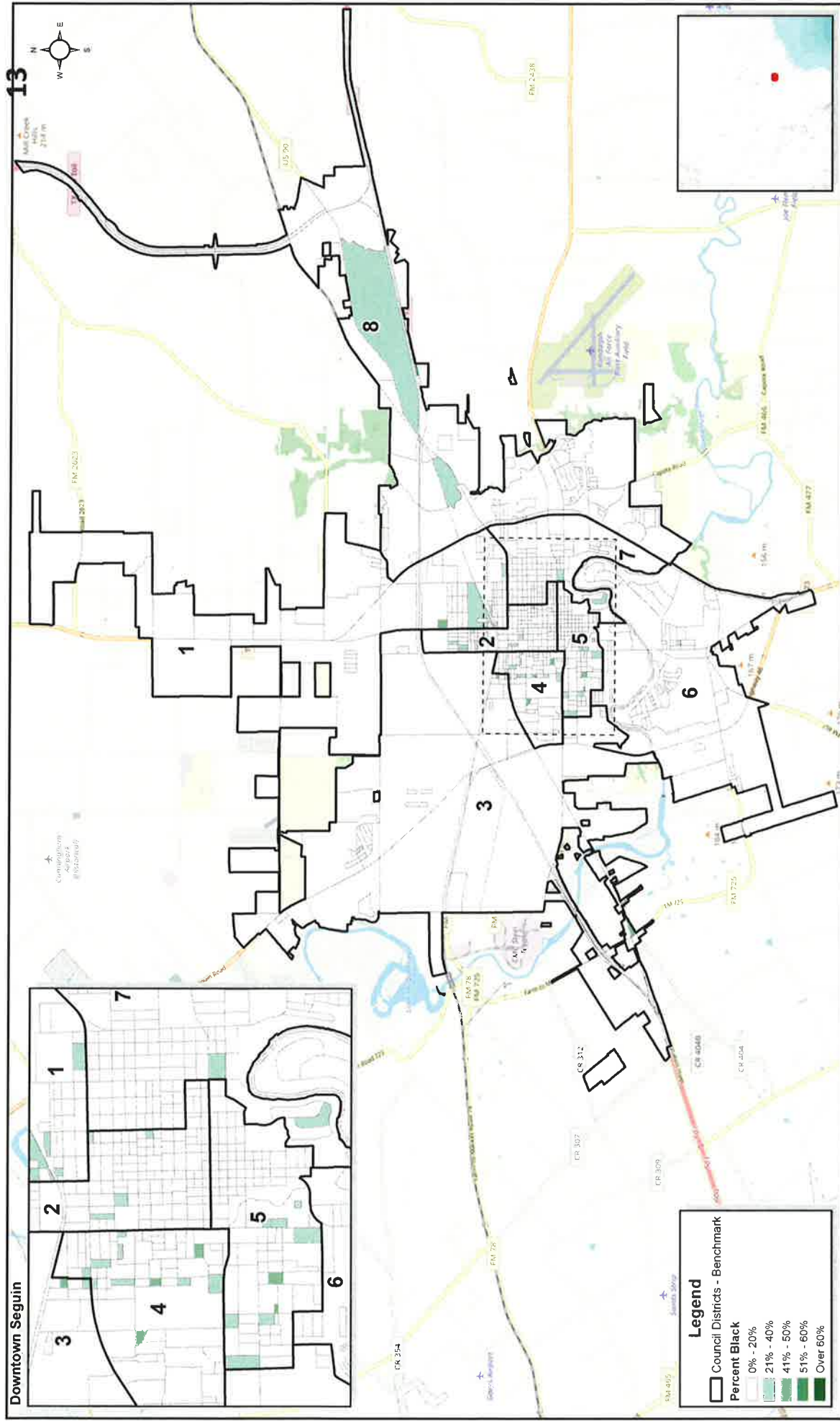
0 0.5 1 2 Miles

Created: 2/14/2022



City of Seguin Council Districts Percent Hispanic by 2020 Census Block Data





© 2022 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other features obtained from the 2020 Tiger/line files, U.S. Census Bureau

City of Seguin Council Districts Percent Black by 2020 Census Block Data

0 0.5 1 2 Miles
Created: 2/14/2022

EXHIBIT B:
INITIAL ASSESSMENT DATA TABLES

City of Seguin Council Districts - 2022 Initial Assessment



Demographics Report - Summary 2020 Census Total Population

Plan Last Edited on: 2/14/2022 9:16:16 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	3,343	3,712	-9.95%	68.05%	21.51%	6.04%	1.11%	3.23%
2	3,067	3,712	-17.38%	68.99%	22.40%	6.42%	0.10%	2.09%
3	5,547	3,712	49.42%	44.46%	44.58%	6.38%	1.46%	3.06%
4	2,816	3,712	-24.14%	70.03%	18.79%	8.45%	0.21%	2.52%
5	2,833	3,712	-23.69%	65.51%	24.57%	7.52%	0.32%	2.08%
6	3,235	3,712	-12.86%	48.78%	43.59%	4.82%	0.53%	2.29%
7	3,658	3,712	-1.46%	47.43%	43.22%	5.69%	1.31%	2.35%
8	5,199	3,712	40.05%	36.58%	54.05%	3.46%	1.92%	3.90%
TOTAL:	29,698			53.54%	36.72%	5.89%	1.01%	2.81%

Ideal Size: $29698 / 8 = 3712$

Total Population: 29,698

Overall Deviation: 73.57%

Some percentages may be subject to rounding errors.

City of Seguin Council Districts - 2022 Initial Assessment



Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 2/14/2022 9:16:16 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 Total Pop.	Other	Two or More Races	Two or More Races % Tot Pop
1	3,343	3,712	-9.95%	2,275	68.05%	719	21.51%	202	6.04%	37	1.11%	4	0.12%	5	0.15%	9	90	2.69%
2	3,067	3,712	-17.38%	2,116	68.99%	687	22.40%	197	6.42%	3	0.10%	5	0.16%	1	0.03%	6	52	1.70%
3	5,547	3,712	49.42%	2,466	44.46%	2,473	44.58%	354	6.38%	81	1.46%	6	0.11%	3	0.05%	23	138	2.49%
4	2,816	3,712	-24.14%	1,972	70.03%	529	18.79%	238	8.45%	6	0.21%	8	0.28%	4	0.14%	21	38	1.35%
5	2,833	3,712	-23.69%	1,856	65.51%	696	24.57%	213	7.52%	9	0.32%	6	0.21%	3	0.11%	7	43	1.52%
6	3,235	3,712	-12.86%	1,578	48.78%	1,410	43.59%	156	4.82%	17	0.53%	4	0.12%	0	0.00%	7	63	1.95%
7	3,658	3,712	-1.46%	1,735	47.43%	1,581	43.22%	208	5.69%	48	1.31%	14	0.38%	2	0.05%	7	63	1.72%
8	5,199	3,712	40.05%	1,902	36.58%	2,810	54.05%	180	3.46%	100	1.92%	1	0.02%	8	0.15%	17	177	3.40%
TOTAL:	29,698			15,900	53.54%	10,905	36.72%	1,748	5.89%	301	1.01%	48	0.16%	26	0.09%	97	664	2.24%

Ideal Size: 29698 / 8 = 3712

Total Population: 29,698

Overall Deviation: 73.57%

Some percentages may be subject to rounding errors.

City of Seguin Council Districts - 2022 Initial Assessment



Demographics Report - Summary 2020 Census Voting Age Population

Plan Last Edited on: 2/14/2022 9:16:16 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	2,368		66.05%	24.24%	6.04%	1.39%	2.28%
2	2,223		65.68%	24.83%	7.51%	0.09%	1.89%
3	4,128		40.96%	47.70%	7.03%	1.45%	2.81%
4	2,260		66.68%	21.19%	9.38%	0.22%	2.52%
5	2,052		61.84%	28.22%	7.89%	0.34%	1.71%
6	2,521		44.03%	48.31%	4.92%	0.67%	2.06%
7	2,962		43.86%	46.66%	5.87%	1.38%	2.23%
8	4,091		32.88%	58.03%	3.40%	1.96%	3.72%
TOTAL:	22,605		49.75%	40.38%	6.24%	1.08%	2.54%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

City of Seguin Council Districts - 2022 Initial Assessment
Demographics Report - Detailed 2020 Census Voting Age Population
 Plan Last Edited on: 2/14/2022 9:16:16 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	2,368	1,564	66.05%	574	24.24%	143	6.04%	33	1.39%	3	0.13%	0	0.00%	8	0.34%	43	1.82%
2	2,223	1,460	65.68%	552	24.83%	167	7.51%	2	0.09%	5	0.22%	1	0.04%	4	0.18%	32	1.44%
3	4,128	1,691	40.96%	1,969	47.70%	290	7.03%	60	1.45%	3	0.07%	2	0.05%	18	0.44%	93	2.25%
4	2,260	1,507	66.68%	479	21.19%	212	9.38%	5	0.22%	3	0.13%	4	0.18%	20	0.88%	30	1.33%
5	2,052	1,269	61.84%	579	28.22%	162	7.89%	7	0.34%	4	0.19%	3	0.15%	4	0.19%	24	1.17%
6	2,521	1,110	44.03%	1,218	48.31%	124	4.92%	17	0.67%	0	0.00%	0	0.00%	5	0.20%	47	1.86%
7	2,962	1,299	43.86%	1,382	46.66%	174	5.87%	41	1.38%	14	0.47%	0	0.00%	3	0.10%	49	1.65%
8	4,091	1,345	32.88%	2,374	58.03%	139	3.40%	80	1.96%	1	0.02%	3	0.07%	9	0.22%	139	3.40%
TOTAL:	22,605	11,245	49.75%	9,127	40.38%	1,411	6.24%	245	1.08%	33	0.15%	13	0.06%	71	0.31%	457	2.02%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

EXHIBIT C:

INITIAL ASSESSMENT LEGAL PRINCIPLES

LEGAL PRINCIPLES GOVERNING THE REDISTRICTING PROCESS

There are three basic legal principles that govern the redistricting process: (i) the “one person-one vote” (equal population) principle; (ii) the non-discrimination standard of Section 2 of the Voting Rights Act; and (iii) the *Shaw v. Reno* limitations on the use of race as a factor in redistricting. In addition, although it will not apply to the 2021 redistricting, Section 5 of the Voting Rights Act, which applied a “retrogression” standard to minority group populations in specific districts, may be helpful as a tool to analyze potential Section 2 issues regarding a proposed new plan.

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 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. 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. The 10 percent standard is a rebuttable presumption of compliance with the one person-one vote requirement.

A governing body is therefore required to determine whether the populations of its single-member districts (including school board trustee districts) 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.

Generally, redistricting will use the Census Bureau’s recently released population data for the 2020 Census in drawing new redistricting plans – the so-called “PL 94-171” data. In any legal challenge to a new plan, it is this data that likely would be applied. Although several types of population data are provided in the PL 94-171 files, redistricting typically is based upon total population.

Official Census data should be used unless the governmental entity can show that better data exists. The court cases that have dealt with the 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 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 many counties this may not be feasible.

Census racial and ethnic categories

For the 2020 Census, the Census Bureau recognized over 100 combinations of racial and 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 only eight racial and ethnic categories that were consolidated from the larger set. The entire population of the entity is represented in these charts. These eight categories are the ones most likely to be important in the redistricting process.

The 2020 Census listed six racial categories. Individuals were able to choose a single race or any combination of races that might apply. Additionally, the Census asks persons to designate whether they are or are not Hispanic. When the Hispanic status response is overlaid on the different possible racial responses, there are over 100 possible different combinations. The Census tabulates each one separately.

If this information is to be usable, it must be combined into a smaller number of categories (of course, having the same overall population total). For purposes of determining Voting Rights Act section 2 discrimination issues, discussed below, DOJ indicated in a guidance document issued on September 1, 2021, that it would use the following rules for determining Hispanic and race population numbers from the 2020 Census data:

- persons who selected “Hispanic” are categorized as Hispanic, no matter what race or races they have designated; all others will be classified as non-Hispanic of one or more races; *e.g.*, Hispanic-White and Hispanic-African-American are both classified as Hispanic;
- persons who did not select “Hispanic” and who designated a single race will be classified as members of that race; *e.g.*, White, African-American, Asian, etc.;
- persons who did not select “Hispanic” and who designated themselves as belonging to a single minority race and as White will be classified as members of the minority race; *e.g.*, Asian+White will be classified as Asian; and
- persons who did not select “Hispanic” and who designated themselves as belonging to more than one minority race will be classified as “other multiple race,” *e.g.*, White+Asian+Hawaiian or African-American+Asian. This category is expected to be small.

We will also consider data called “voting age population” (or “VAP”) data. It is similarly classified in eight 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, 52 U.S.C. §10301, 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. Similarly, “fracturing” or “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. Failure to adhere to such Section 2 standards could invite a challenge in court by a protected minority group or even by the Department of Justice.

In previous redistricting cycles, “preclearance” was required under Section 5 of the Voting Rights Act before a new plan (or any other change of any kind to voting standards, practices or procedures) could be implemented. Section 5 will not apply in the 2021

redistricting cycle, but as we discuss below, the Section 5 “retrogression” standard can be a useful tool to identify potential Section 2 issues with a proposed new plan.

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 numerically 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 draw a new majority minority district. 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 in “fracturing” or “cracking” the minority population for purposes or having effects that are unlawful under Section 2. The thematic maps included in Attachment B depict the locations of Hispanic and African-American (and if applicable, Asian) population concentrations by census block; they are useful in addressing this issue. Voting age population (VAP) data is useful in measuring potential electoral strength of minority groups in individual districts.

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

The modern era of redistricting began in the 1960’s when the Supreme Court determined that districting plans were subject to judicial review and that they must conform to one-person, one-vote principles. This was followed in short order by the passage of the Voting Rights Act in 1965, which along with the Fourteenth Amendment, required jurisdictions to ensure that districts were not racially discriminatory. Accordingly, to avoid liability in voting rights suits, governments were highly conscious of race when drawing districts and fashioned districts to reflect racial and ethnic housing patterns.

In 1993, the United States Supreme Court decided *Shaw v. Reno*, a case that contained a district that was so extremely irregular on its face that race was the predominant consideration in its creation to the exclusion of traditional districting principles and without sufficiently compelling justification. The Court held that the district was a racial gerrymander that violated the Equal Protection Clause of the Fourteenth Amendment.

The *Shaw* opinion subjects governmental bodies undertaking the redistricting process to a delicate balancing act. The governmental body must consider race when drawing districts if it is to comply with the requirements of the Voting Rights Act; however, if race is the

predominant consideration in the process, the governmental body may be subject to a racial gerrymandering claim.

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. Compliance with the anti-discrimination requirements of section 2 of the Voting Rights Act is a compelling state interest.

The following principles have emerged 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.

While race will almost always be a consideration, 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.

Section 5 of the Voting Rights Act – Preclearance and Retrogression

Preclearance will not be required

In prior redistricting cycles, Section 5 of the Voting Rights Act, 52 U.S.C. § 10304, required all “covered jurisdictions” identified in the applicable Department of Justice (DOJ) regulations to “preclear” any changes to voting standards, practices, or procedures before they

may become legally effective. Texas was a “covered jurisdiction,” so all local governments in the state, as well as the State itself, were required to preclear any voting change, including their redistricting plans. This included changes to any single-member district lines (including school board trustee district lines). Section 5 applied not only to changes in single-member district lines, but also to changes in election precincts and in the location of polling places. For counties, Section 5 applied not only to commissioners’ precincts, but also to JP and constable precincts, even though these latter are not subject to the one person-one vote requirement (since these are not “representative,” *i.e.*, “legislative” officials).

In the 2013 case *Shelby County v. Holder*, 133 S. Ct. 2612 (2013), the U.S. Supreme Court invalidated Section 4 of the Voting Rights Act until Congress corrected some deficiencies. This is the section that, in effect, defines which states and local jurisdictions are subject to Section 5 preclearance requirements. Congress has not made the required corrections, so Section 5 will not apply to any jurisdiction this redistricting cycle. Nonetheless, the legal standard applied to preclearance under Section 5, “retrogression”, can be useful to identify potential Section 2 discrimination issues in a proposed new districting plan.

Retrogression standard

In past redistricting cycles, Section 5 review involved considering whether a proposed new districting plan had a retrogressive effect. The issue is whether the net effect of the proposed new plan would be to reduce minority voters’ ability to elect their preferred candidates when the plan is compared to the prior benchmark plan. In other words, does the new districting plan result in a reduction of the minority group’s ability to elect?

To determine if retrogression exists, it is necessary to compare a proposed plan against a benchmark, typically the *prior* district boundary plan, but considered using the *new* 2020 Census population and demographic data.

Voting age population data (“VAP”) – the Census count of persons eighteen years of age or older at the time the Census was taken (*i.e.*, as of April 1, 2020). It is a measure of the number of people old enough to vote if they are otherwise eligible to do so. Since the retrogression inquiry focuses on whether a minority group’s overall voting strength has been reduced, and VAP is a more direct measure of voting strength than total population, VAP should be considered in the retrogression analysis, not just total population.

In combination with a balanced consideration of the other applicable redistricting criteria, the entity’s governing body will need to consider the effects of any changes to the benchmark measures that its proposed plan produces. Because of changes in population and the need to comply with one person-one vote principles, sometimes it may be impossible to avoid drawing a retrogressive plan. But if a proposed new plan is retrogressive, careful consideration should be given before adopting it.

Since retrogression was the test by which redistricting plans were measured under Section 5 of the Act and that section is no longer operative, retrogression is no longer the standard. Nevertheless, a jurisdiction that draws a plan that is retrogressive may increase the

chance that it will be sued under Section 2. Thus, it may be beneficial to avoid retrogression where possible even though the plan will not be required to be submitted to the Department of Justice for Section 5 review under that test.

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 and *Shaw v. Reno*.

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 districts and not just a selected one or several. This is important because, although it may be possible to draw a particular district in a particular way if it is considered only by itself, that configuration may have unacceptable consequences on other districts and make it difficult or impossible for an overall plan to comply with the applicable legal standards; and (2) any plan submitted for consideration must follow the adopted redistricting criteria.

EXHIBIT D:
INITIAL ASSESSMENT 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 need to be developed.

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. Also known as “fracturing.”

Fracturing – See “cracking.”

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 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, 2011, 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.

Retrogression – The Section 5 standard (not applicable in this redistricting cycle) that considered whether a proposed new districting plan made it less likely a protected minority group could elect candidates of the group's choice.

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.

Section 5 of the Voting Rights Act – The part of the federal Voting Rights Act that required certain states and localities (called “covered jurisdictions”) to preclear all election law changes with the U.S. Department of Justice (“DOJ”) or the federal district court for the District of Columbia before those laws may take effect. Not applicable this redistricting cycle.

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 follows it establishes 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.

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.

EXHIBIT E:

**INITIAL ASSESSMENT HYPOTHETICAL
MAXIMUM 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 (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:

<u>District</u>	<u>Ideal district</u>	<u>District total pop.</u>	<u>Difference</u>	<u>Deviation</u>
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.