

Killeen, Texas 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

www.votinglaw.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)**

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

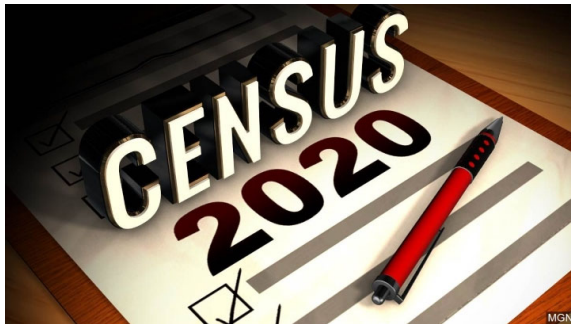
<u>District</u>	<u>Ideal district</u>	<u>District total pop.</u>	<u>Difference</u>	<u>Deviation</u>
A	10,000	11,000	1000	+ 10.0 percent
B	10,000	10,750	750	+ 7.5 percent
C	10,000	10,250	250	+ 2.5 percent
D	10,000	8,000	- 2000	- 20.0 percent
Totals:	40,000	40,000	net= 0	net= 0 percent

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

Example Deviation Calculation

PL94-171 File

- “Census block” level
 - Total population
 - VAP
(voting age population)
 - Race
 - Hispanic origin



What Population Do You Use?

Total Population

- To determine one person - one vote

VAP

(Voting Age Population)

- 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

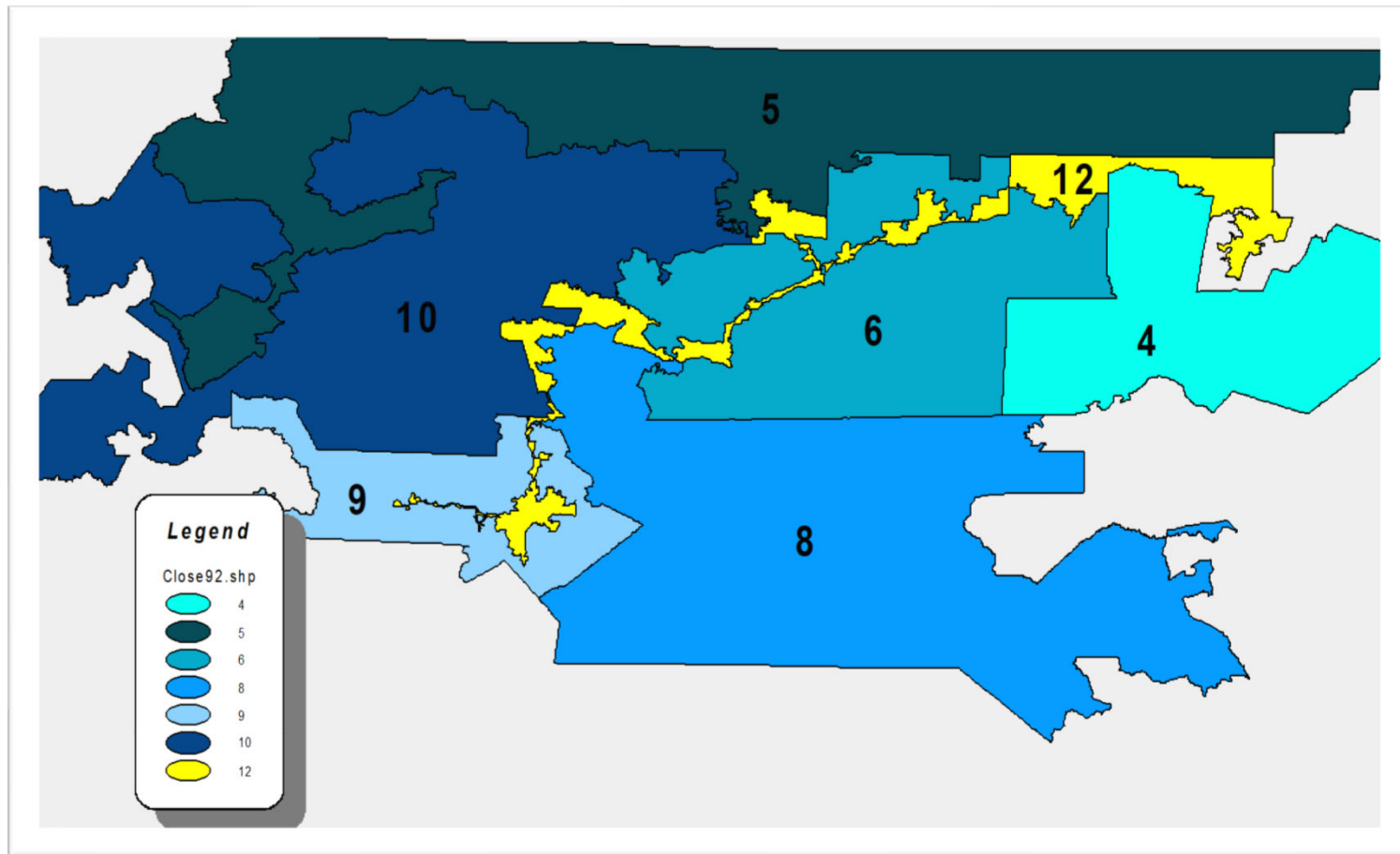
(Shaw v. Reno)

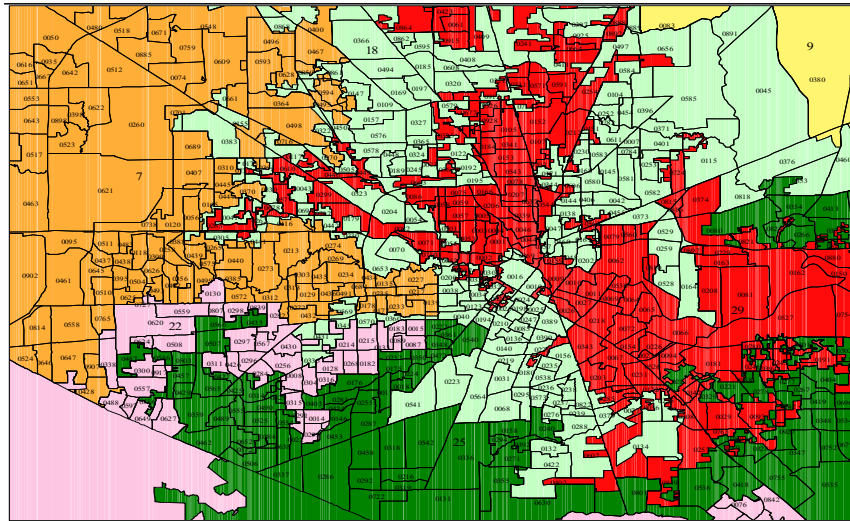
Limits race-based decision making, including redistricting

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

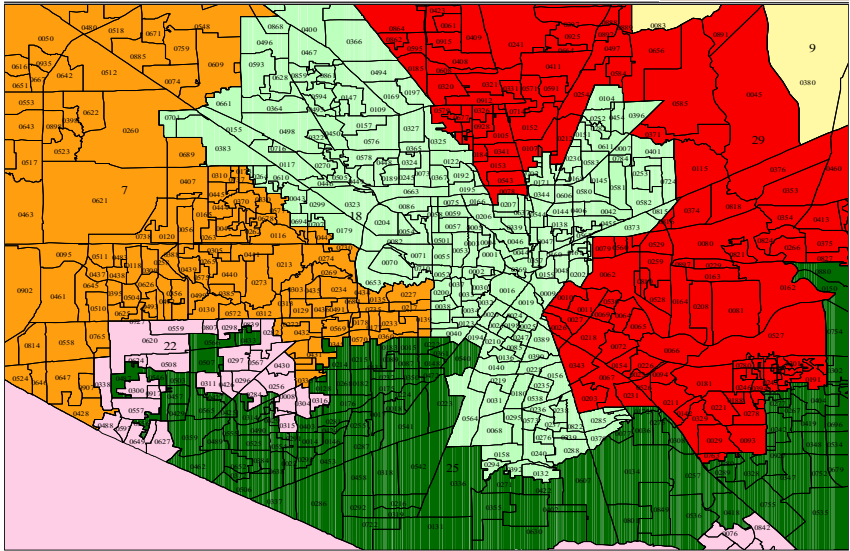




Bush v. Vera

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



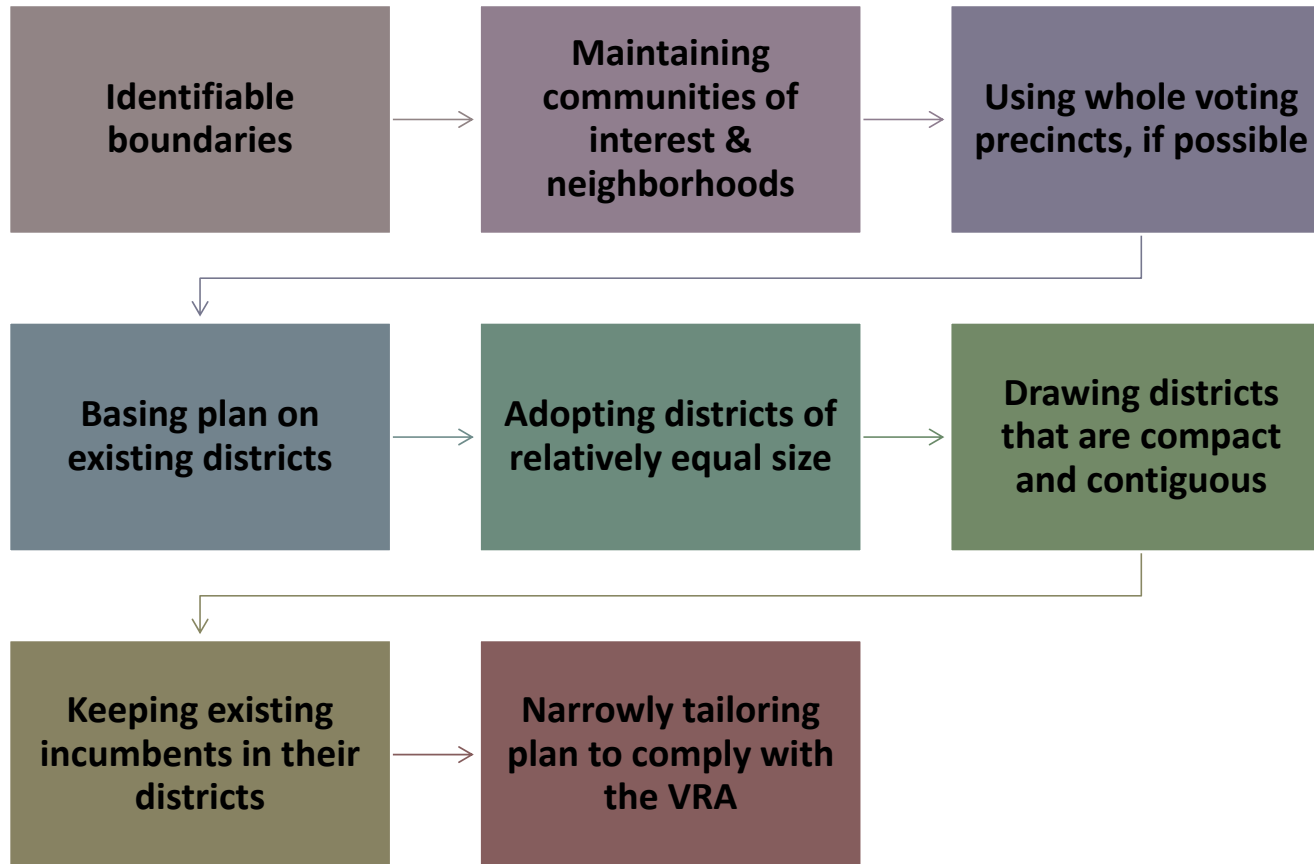
The benchmark is the standard against which retrogression is measured.



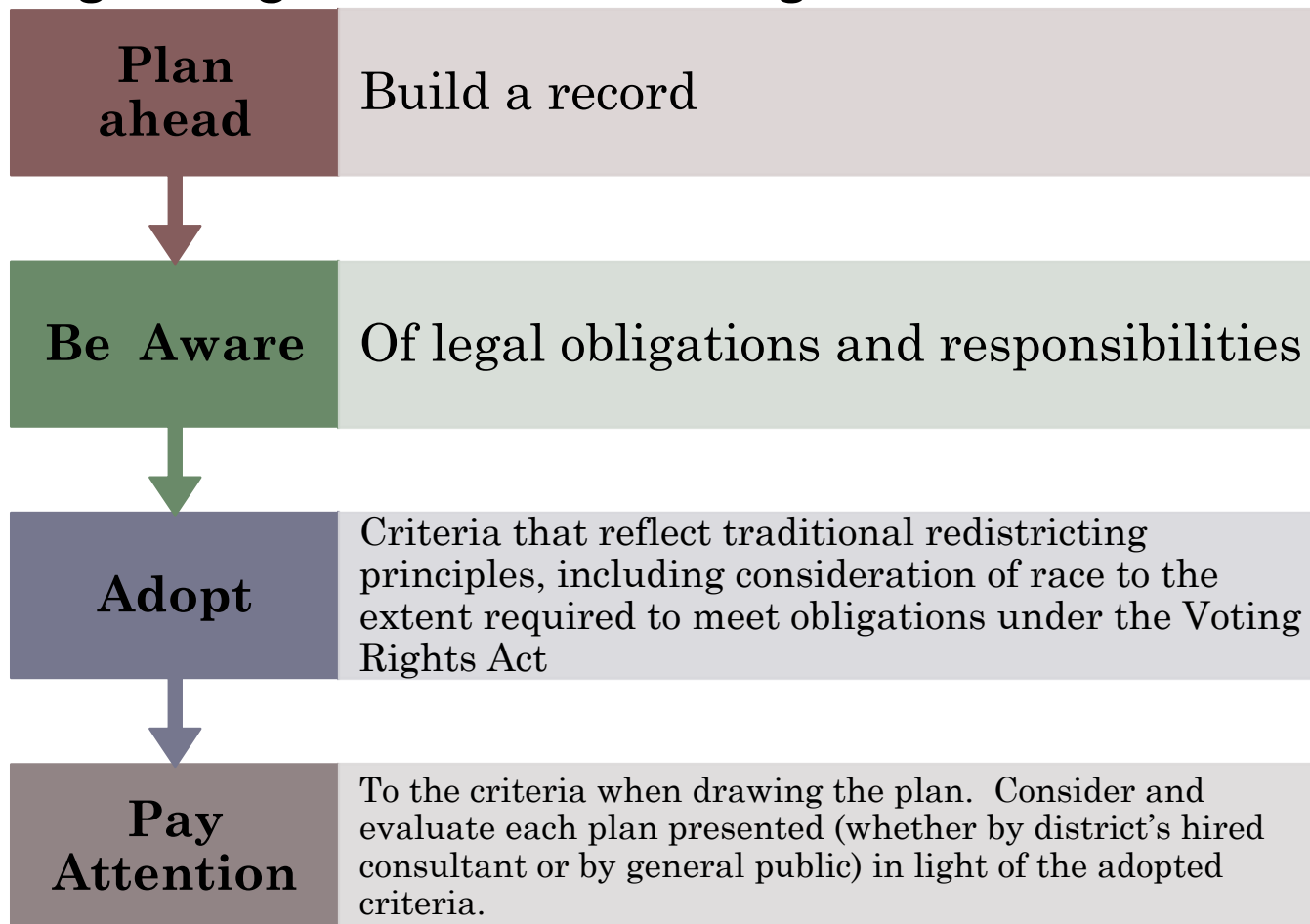
The benchmark is 2020 Census data superimposed on the last legally enforceable plan (typically, current city council districts with all annexations included)

.

Adopt Criteria



Steps To Balancing Conflicting Legal Obligations In Redistricting



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 Commissioners Court before plan adoption



Avoid truly bizarre districts

Plan Development Elements



Initial Assessment

Adopt plan criteria, guidelines

Develop illustrative plan(s)

Public comment / hearing

Analyze comments

Adopt final plan

Implementation

Reconfigure election precincts

Proposed Redistricting Time Line

10/5 at 5:00 pm
Present Initial Assessment

11/10 at 5:00 pm
First Drawing Workshop

12/1 at 5:00 pm
Second Drawing Workshop

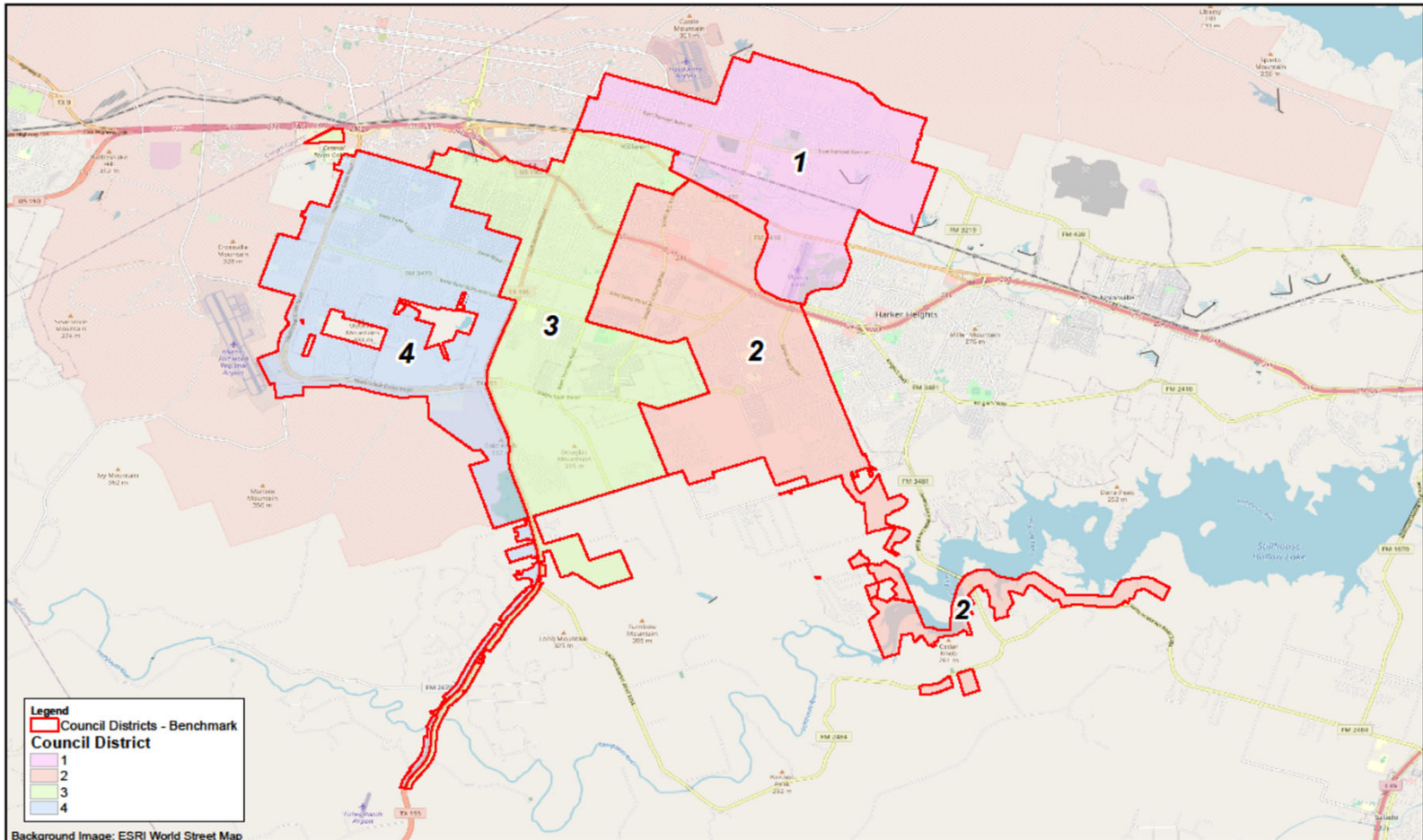
January 2022 – Final Adoption



Killeen, Texas

2011 Benchmark with 2020 Census Data

Current Council Districts

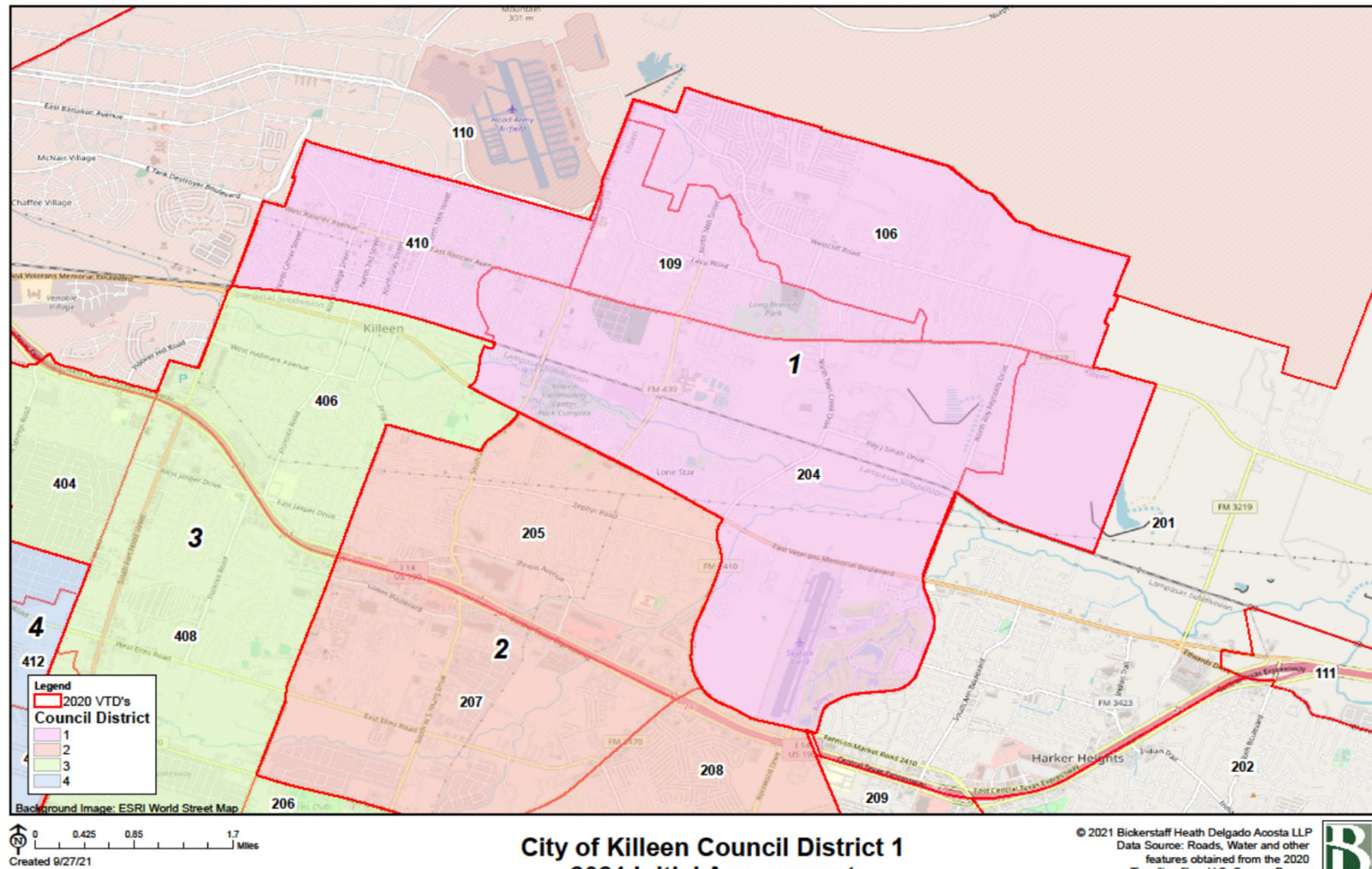


City of Killeen Council Districts
2021 Initial Assessment

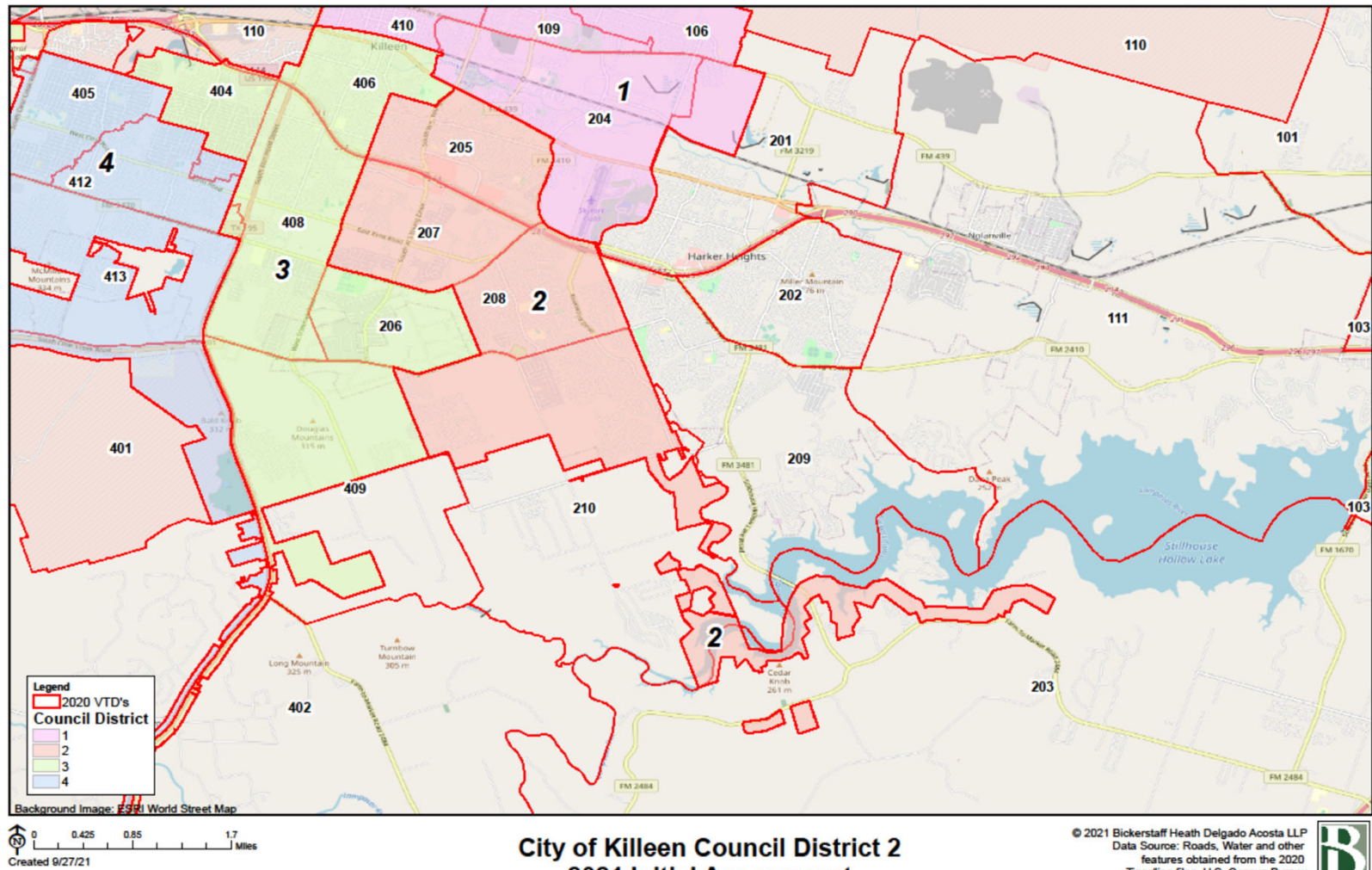
© 2021 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other
features obtained from the 2020
Tigerline files, U.S. Census Bureau



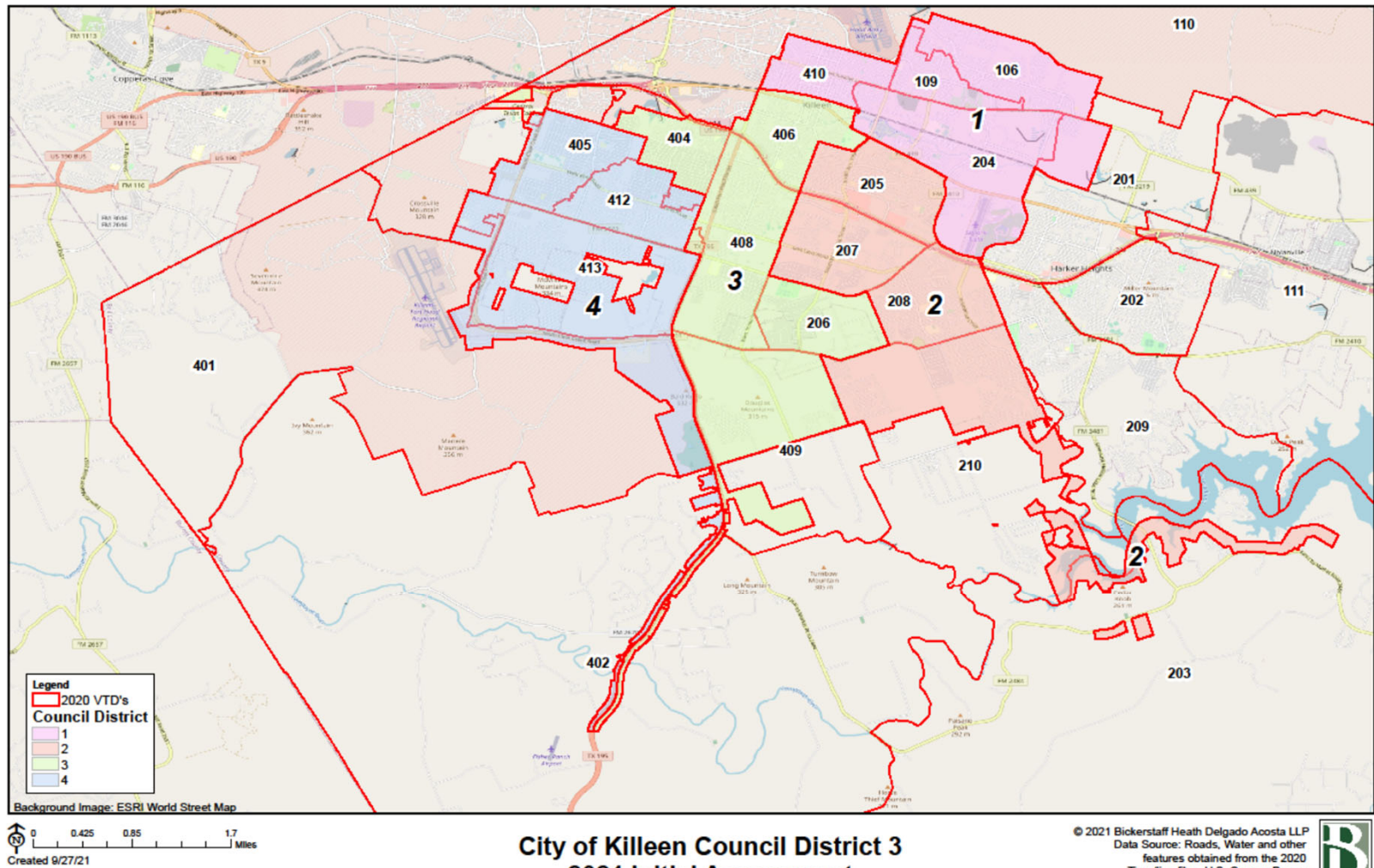
Current Council Districts



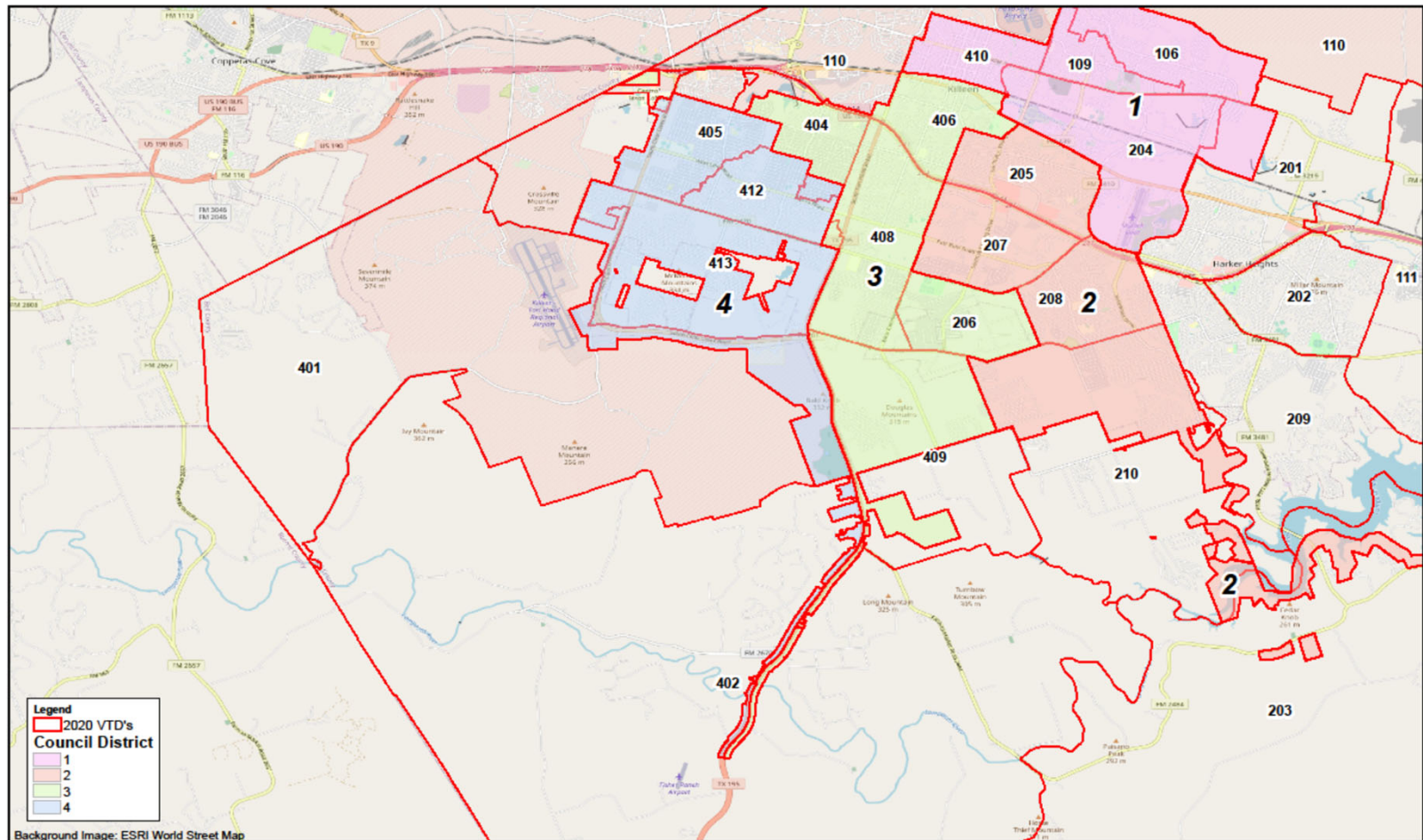
Current Council Districts



Current Council Districts



Current Council Districts



0 0.425 0.85 1.7 Miles
Created 9/27/21

City of Killeen Council District 4
2021 Initial Assessment

© 2021 Bickerstaff Heath Delgado Acosta LLP
Data Source: Roads, Water and other
features obtained from the 2020
Tigerline files, U.S. Census Bureau



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

City of Killeen Council Districts - 2021 Initial Assessment



Demographics Report - Summary 2020 Census Total Population

Plan Last Edited on: 9/27/2021 9:04:53 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	32,321	38,259	-15.52%	28.77%	25.61%	33.99%	2.72%	8.91%
2	39,871	38,259	4.21%	25.93%	25.35%	34.70%	4.19%	9.83%
3	37,121	38,259	-2.98%	26.97%	25.48%	33.81%	4.12%	9.62%
4	43,724	38,259	14.28%	26.88%	20.83%	38.22%	3.86%	10.22%

Ideal Size: 38,259

Total Population: 153,037

Overall Deviation: 29.80%

Some percentages may be subject to rounding errors.

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

City of Killeen Council Districts - 2021 Initial Assessment



Demographics Report - Summary 2020 Census Voting Age Population

Plan Last Edited on: 9/27/2021 9:04:53 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	23,935		26.21%	29.36%	33.27%	3.40%	7.77%
2	28,675		23.72%	28.22%	34.75%	5.05%	8.27%
3	26,712		24.61%	29.00%	33.35%	4.84%	8.21%
4	29,328		24.86%	23.81%	38.24%	4.55%	8.55%

* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

City of Killeen

Overall Deviation For Current Council Districts

Using 2020 Census Data

City of Killeen Council Districts - 2021 Initial Assessment



Demographics Report - Detailed 2020 Census Total Population

Plan Last Edited on: 9/27/2021 9:04:53 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	Other % of Total Pop.	Two or More Races	Two or More Races % Tot Pop
1	32,321	38,259	-15.52%	9,299	28.77%	8,277	25.61%	10,986	33.99%	878	2.72%	120	0.37%	456	1.41%	232	0.72%	2,073	6.41%
2	39,871	38,259	4.21%	10,338	25.93%	10,109	25.35%	13,837	34.70%	1,670	4.19%	113	0.28%	607	1.52%	275	0.69%	2,923	7.33%
3	37,121	38,259	-2.98%	10,013	26.97%	9,460	25.48%	12,551	33.81%	1,528	4.12%	171	0.46%	569	1.53%	302	0.81%	2,529	6.81%
4	43,724	38,259	14.28%	11,752	26.88%	9,108	20.83%	16,712	38.22%	1,689	3.86%	173	0.40%	901	2.06%	323	0.74%	3,073	7.03%

Ideal Size: 38,259

Total Population: 153,037

Overall Deviation: 29.80%

Some percentages may be subject to rounding errors.

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

City of Killeen Council Districts - 2021 Initial Assessment



Demographics Report - Detailed 2020 Census Voting Age Population

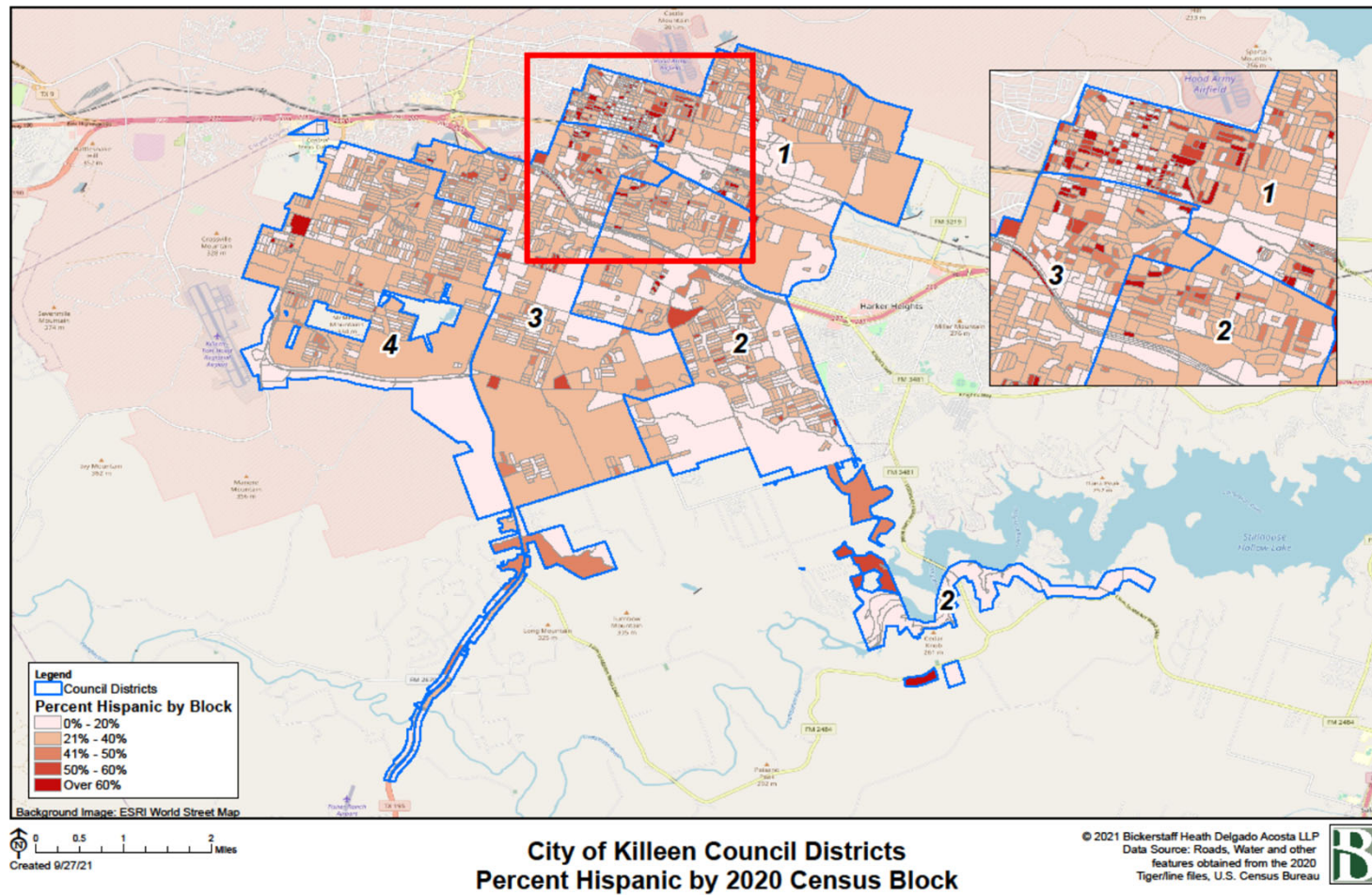
Plan Last Edited on: 9/27/2021 9:04:53 AM

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	23,935	6,273	26.21%	7,027	29.36%	7,962	33.27%	813	3.40%	95	0.40%	342	1.43%	142	0.59%	1,281	5.35%
2	28,675	6,801	23.72%	8,091	28.22%	9,965	34.75%	1,447	5.05%	95	0.33%	426	1.49%	174	0.61%	1,677	5.85%
3	26,712	6,573	24.61%	7,747	29.00%	8,908	33.35%	1,293	4.84%	142	0.53%	413	1.55%	225	0.84%	1,413	5.29%
4	29,328	7,290	24.86%	6,984	23.81%	11,214	38.24%	1,335	4.55%	115	0.39%	595	2.03%	188	0.64%	1,609	5.49%

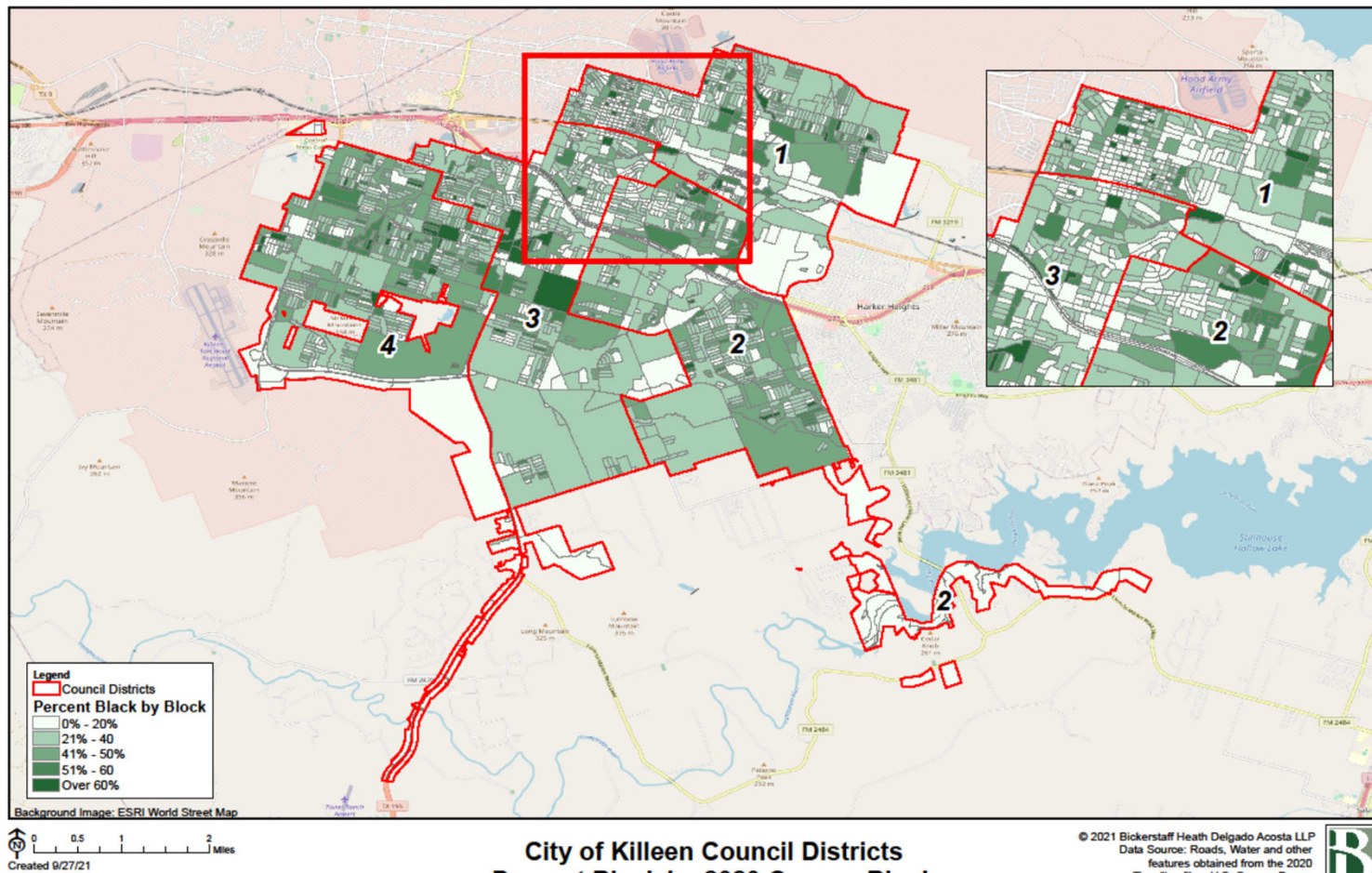
* VAP - Voting Age Population

Some percentages may be subject to rounding errors.

Hispanic Thematic Map



Black Thematic Map



Killeen, Texas 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

www.votinglaw.com