

Hamilton County Commissioner's Court
Special Session
Thursday, April 28, 2011
10:00 A.M.

Hamilton County Commissioner's Court met in Special Session on Thursday, April 28, 2011 at 10:00 A.M. with the following members present: County Judge Randy Mills, Commissioners Jim Boatwright, Mark Tafel, Jon Bonner and Dickie Clary.

The meeting was called to order and Judge Mills turned the meeting over to Bradley Young, Attorney from the firm of Bickerstaff, Heath, Delgado, Acosta, LLP representing Hamilton County regarding redistricting and presenting the initial assessment regarding the need to redistrict the county commissioner precincts based on recently issued 2010 Census data. (Recorded in Commissioners Court Papers Book 39 Page 157)

Hamilton County is out of balance within the commissioner's precincts and will need to do some realignment of those precinct lines. Redistricting is a constitutional requirement. In Hamilton County you are required to be within ten percent of the greatest and least population and the deviation in our precincts is about fourteen percent so the need to redistrict lies within. If you are over the ten percent rule you have good reason for someone to file suit.

When you are redistricting it is best not to break up census blocks. The population used is total population which includes children under 18. To determine one person-one vote compliance issue the voting age population is also taken into consideration which measures voting rights issues. Redistricting plans must be pre-cleared by the Department of Justice (DOJ) or a three-judge district court in the District of Columbia but it is a lot cheaper to send your plan to the Department of Justice than to send lawyers to the District of Columbia; therefore most people send their plan to the Department of Justice. Texas is one of the states that is required to submit the plan to the Department of Justice.

What the DOJ is looking for is retrogression which considers if the minorities are worse off under the new system than they were under the old system. The fact that Hamilton County has a low percentage minority population will not present as much concern as a county with a high minority population. Hamilton County is going to be focused on getting those precincts within balance; that you meet that one person-one vote standard.

Section Five Pre-clearance purpose is to show the proposed redistricting plan "neither has the purpose nor will it have the effect of denying or abridging the right to vote". You have to look at both the purpose and the effect of your plan.

What the Department of Justice is going to measure is the benchmark plan 2001 and because we made the change in 2009 to include the courthouse annex our benchmark plan will be that of the 2009. Because there is no population in that change it is not really going to matter.

The justice precincts are not representative districts and the one person- one vote standard does not apply here, but because of boundary changes it requires the DOJ pre-clearance. There will be required content and that is what this firm will help Hamilton County develop and make legal suggestions. Members of the public will be asked to participate; a public hearing will be conducted.

Section Two prohibits election practices that discriminate on the basis of race or language minority status. The two issues associated with Section Two is cracking and packing. *Cracking* is dividing a geographically compact group of minority voters to fragment their voting power. *Packing* is the opposite end of that spectrum concentrating minority voters in a single precinct when dividing them which would permit the group to elect their candidates of choice in more than one precinct.

Another consideration is the 14th Amendment (Shaw versus Reno) which asked the question, “Was the race the predominant consideration in drawing the plan?” Then it is reviewed to determine if the plan was a tailored means of addressing a compelling governmental interest?

If the county can show the department the criteria by which they adopted the plan it is going to be easier to get the plan pre-cleared. The following list is the redistricting principles:

- Adopt precincts of relatively equal population (one person-one vote standard)
- Use geographically identifiable boundaries (city roads and streets)
- Maintain communities of interest and neighborhoods
- Use whole voting precincts; don’t split census blocks (census block is the smallest unit the census reports census for)
- Base plan on existing precincts
- Draw precincts that are compact and contiguous
- Keep incumbents in their precincts
- Narrowly tailor plan to comply with the Voting Rights Act (Retroggression –Shaw vs. Reno)

The basic elements of the redistricting process:

- Initial Assessment
- Adopt plan criteria and guidelines
- Develop illustrative plans
- Public hearing and comments (What the public comments were for DOJ)
- Analyze comments

- Adopt final plan
- Pre-clearance submission
- Questions from the Department of Justice
- Pre-clearance
- Implementation

The court will adopt the criteria and the guidelines and we will proceed with the courts decisions. For the court's information the DOJ needs sixty (60) days to consider the plan for pre-clearance. We will need to get everything done in 2011 because we will need this plan in place early in 2012 for the primaries. We will need to make changes to the election precincts but cannot do that until we determine the commissioner's precincts lines; then make the election precincts conform accordingly to the new commissioner precincts.

The court then looked at the benchmarks for Hamilton County. The census showed that Hamilton County had a population of 8,517 which is divided by four for the one person-one vote standard and you get 2,129 people. That is the number you are looking for per commissioner precinct. The way you determine the maximum deviation is you take the precinct with the lowest deviation which is Precinct One with -6.11% under and the precinct with the highest deviation which is Precinct Two with 7.94% over; add those together and you get 14.05 which is over the 10% deviation allowance.

The court decided that they meet as a group, instead of individually regarding their precinct's redistricting. After the presentation concluded the court moved to the items requiring action.

A motion was made by Bonner and seconded by Boatwright to approve the Hamilton County Order Adopting Criteria for Use in Redistricting 2011 Process. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 39 Page 152)

A motion was made by Bonner and seconded by Clary to approve the Guidelines for Persons Submitting Specific Redistricting Proposals and Providing Comments. The motion carried unanimously. (Recorded in Commissioner's Court Papers Book 39 Page 155)

The court closed the Regular Session and went into Executive Session for Mr. Young to advise the court on legal issues regarding redistricting. After the court's discussion the court closed the Executive Session and reconvened the Regular Session.

A motion was made by Clary and seconded by Bonner to adjourn. The motion carried unanimously.

County Judge

Attest: _____
County Clerk