



Fulshear Texas
Fort Bend County's Premier Address

City of Fulshear

2016 Districting City Council Districts Initial Assessment

Presented By: **David Mendez**
Partner, Bickerstaff Heath Delgado Acosta LLP

Purpose of Presentation

- Provide background information
- Review population estimates for the City of Fulshear
- Explain the next steps for the project

Syllabus

NOTE: Where it is feasible, a syllabus (headnote) will be released, as is being done in connection with this case, at the time the opinion is issued. The syllabus constitutes no part of the opinion of the Court but has been prepared by the Reporter of Decisions for the convenience of the reader. See *United States v. Detroit Timber & Lumber Co.*, 200 U. S. 321, 337.

SUPREME COURT OF THE UNITED STATES

Syllabus

SHELBY COUNTY, ALABAMA v. HOLDER, ATTORNEY GENERAL, ET AL.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 12–96. Argued February 27, 2013—Decided June 25, 2013

The Voting Rights Act of 1965 was enacted to address entrenched racial discrimination in voting, “an insidious and pervasive evil which had been perpetuated in certain parts of our country through unremitting and ingenious defiance of the Constitution.” *South Carolina v. Katzenbach*, 383 U. S. 301, 309. Section 2 of the Act, which bans any “standard practice or procedure” that “results in a denial or

Redistricting Post-Shelby County

no change in voting procedures can take effect until approved by specified federal authorities in Washington, D. C. §1973c(a). Such approval is known as “preclearance.”

The coverage formula and preclearance requirement were initially set to expire after five years, but the Act has been reauthorized several times. In 2006, the Act was reauthorized for an additional 25 years, but the coverage formula was not changed. Coverage still turned on whether a jurisdiction had a voting test in the 1960s or 1970s, and had low voter registration or turnout at that time. Shortly after the 2006 reauthorization, a Texas utility district sought to bail out from the Act’s coverage and, in the alternative, challenged the Act’s constitutionality. This Court resolved the challenge on statutory grounds, but expressed serious doubts about the Act’s con-

Shelby County v. Holder

No. 12-96 (June 25, 2013)

- U.S. Supreme Court holds Voting Rights Act section 4(b) is unconstitutional
 - Section 4(b) is unconstitutional because it is based on outdated information
 - Section 4(b) defines who must comply with section 5 (“coverage”)
 - Section 5 is the preclearance process

Effect on Preclearance

- Section 5 – the part of the Act requiring preclearance – is left intact
- But without section 4, section 5 does not apply to any jurisdictions
- Thus preclearance is no longer required for changes within the scope of section 5, i.e., changes involving standards, practices and procedures affecting voting

Law of Redistricting

- Basic Legal Principles that apply:
 - One person – One vote
 - VRA Section 2
 - Restrictions on Race-Based Redistricting (Shaw v. Reno)
 - State Election Law

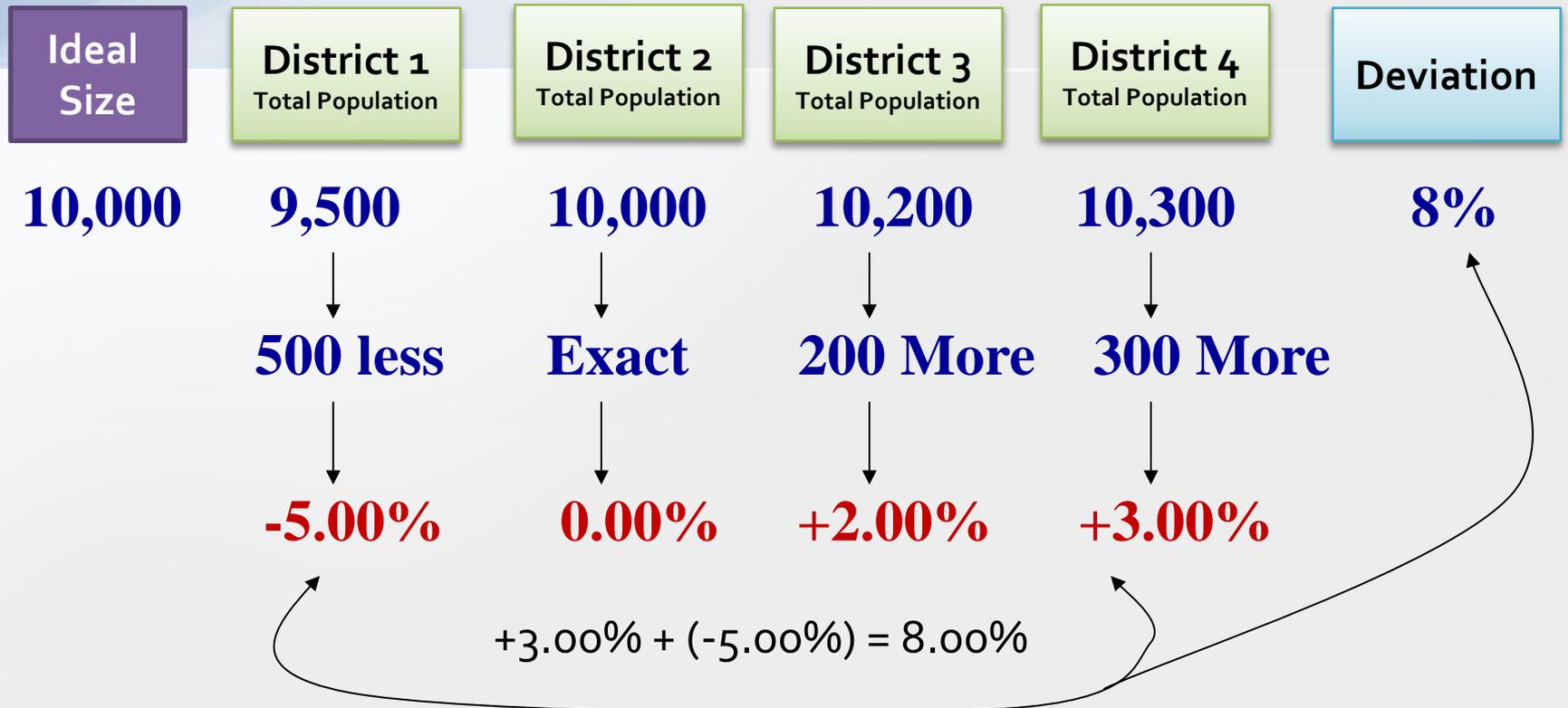
One Person – One Vote Requirement

- Constitutional principle applies to City Council's single member districts
- While not a safe harbor, generally districts will meet constitutional requirements if they have no more than a **10 percent** deviation.

Types of Population

- **Total Population**
 - Everyone
 - Census Data
- **Voting Age Population**
 - Everyone 18 or over
 - Census Data
- **Citizen Voting Age Population**
 - Everyone 18 or over who is a U.S. citizen
 - Derived from ACS
- **Spanish Surname Registered Voters (SSRV)**
 - Persons who are registered to vote and who have a Spanish surname.
 - Derived from Secretary of State

Calculating Deviation

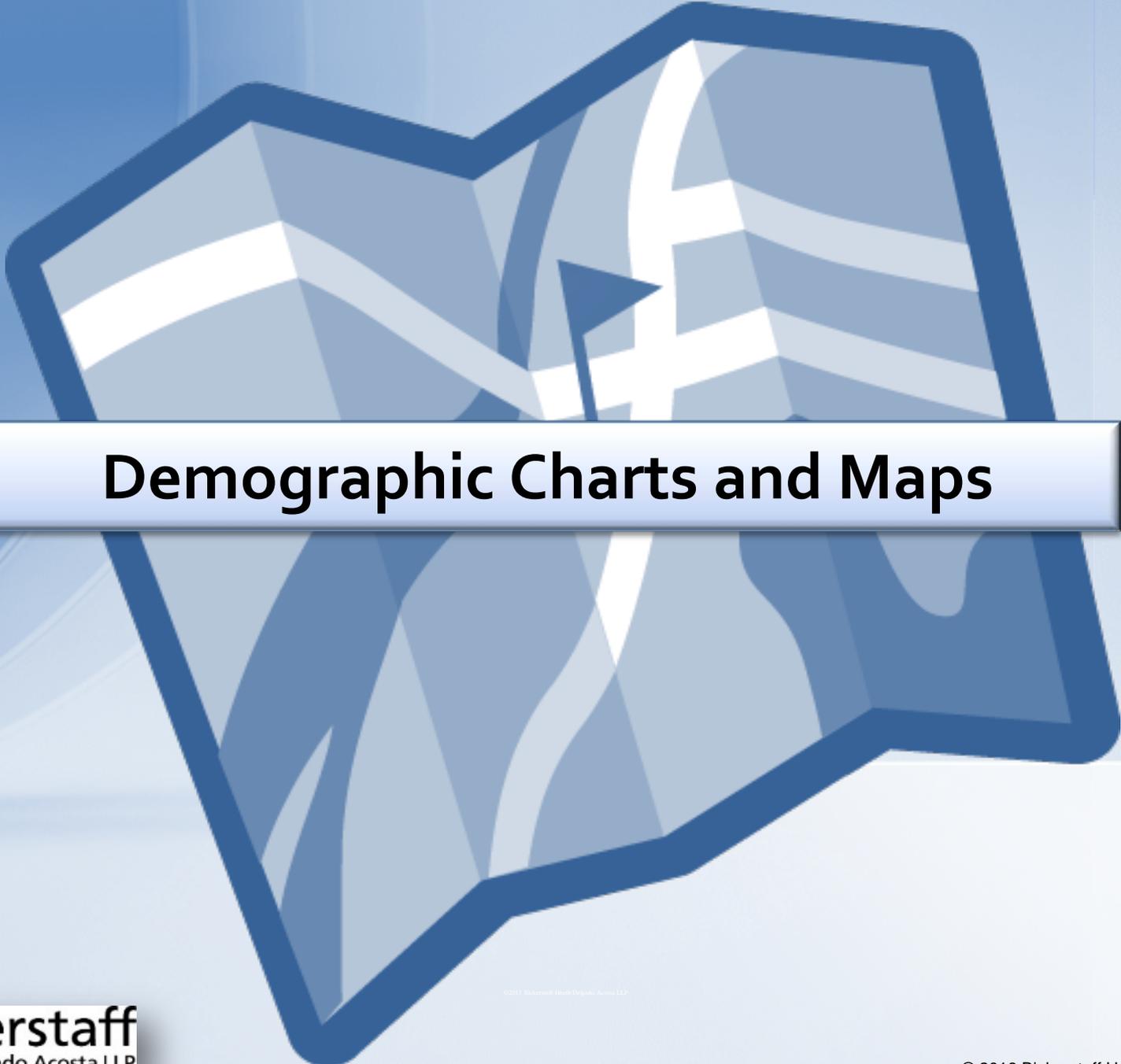


Highest **Positive** Percent + Highest **Negative** Percent = Maximum Deviation

$$\left[\frac{\text{Total Population} - \text{Ideal Size}}{\text{Ideal Size}} \right] * 100$$

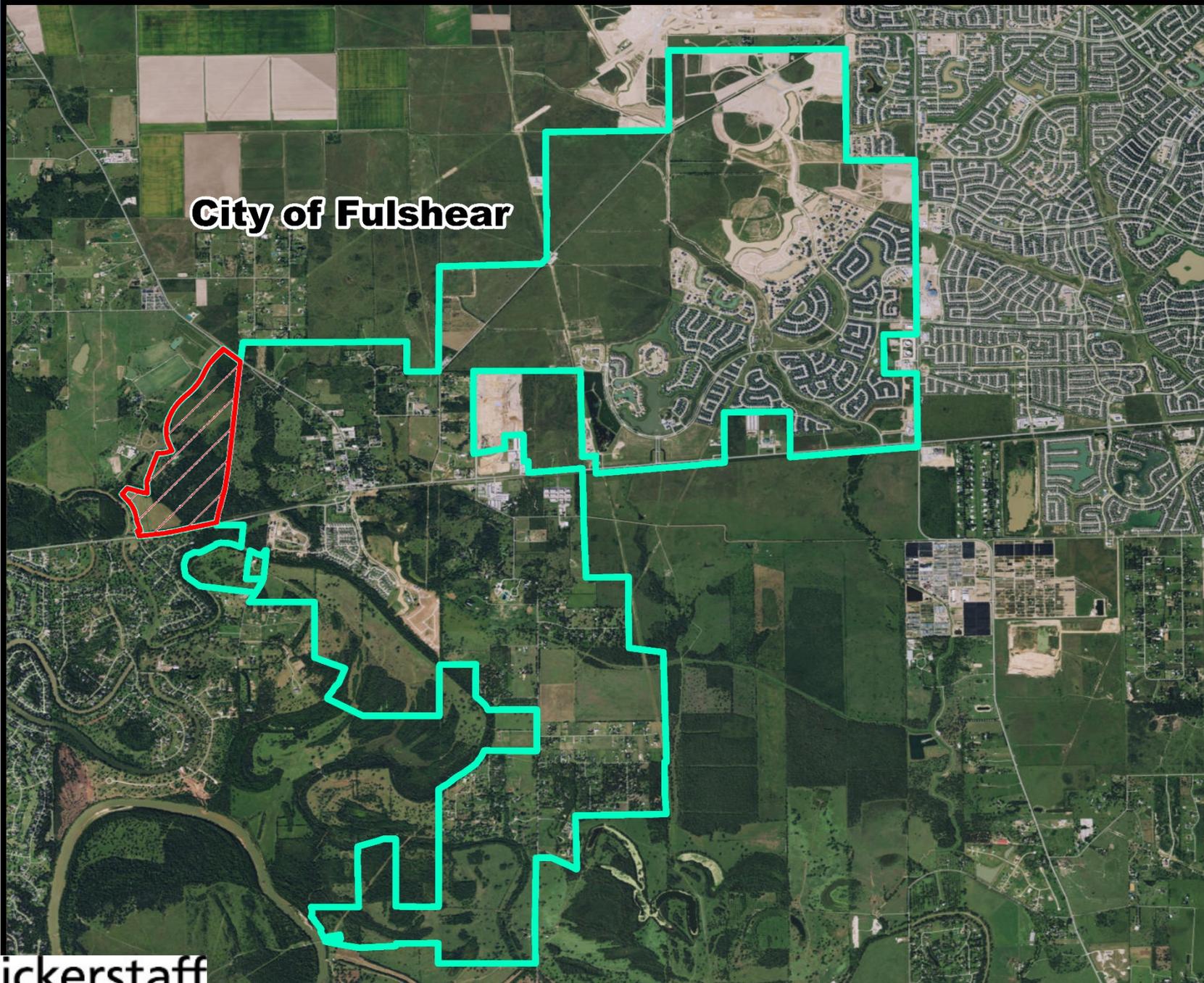
Requirements Under Voting Rights Act of 1965

- Section 2 Coverage – Applicable nationwide
 - creates cause of action for violation of electoral rights
- Section 2 standard is discrimination
- Under Section 2 a preclearance of a change is not necessary



Demographic Charts and Maps

City of Fulshear



City of Fulshear

Initial Assessment - Benchmark - Citywide

Summary 2010 Census Total and Voting Age Population

District	Persons	Hispanic % of Total Population	Non-Hispanic Anglo % of Total Population	Non-Hispanic Black % of Total Population	Non-Hispanic Asian % of Total Population	Non-Hispanic Other % of Total Population
1	1,197	17.29%	62.49%	15.20%	1.92%	3.01%
Totals	1,197	17.29%	62.49%	15.20%	1.92%	3.01%

Ideal Size = 1,197 / 1 = 239 per district.

Some percentages may be subject to rounding error.

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	858	15.97%	63.87%	16.43%	1.75%	2.10%
Totals	858	15.97%	63.87%	16.43%	1.75%	2.10%

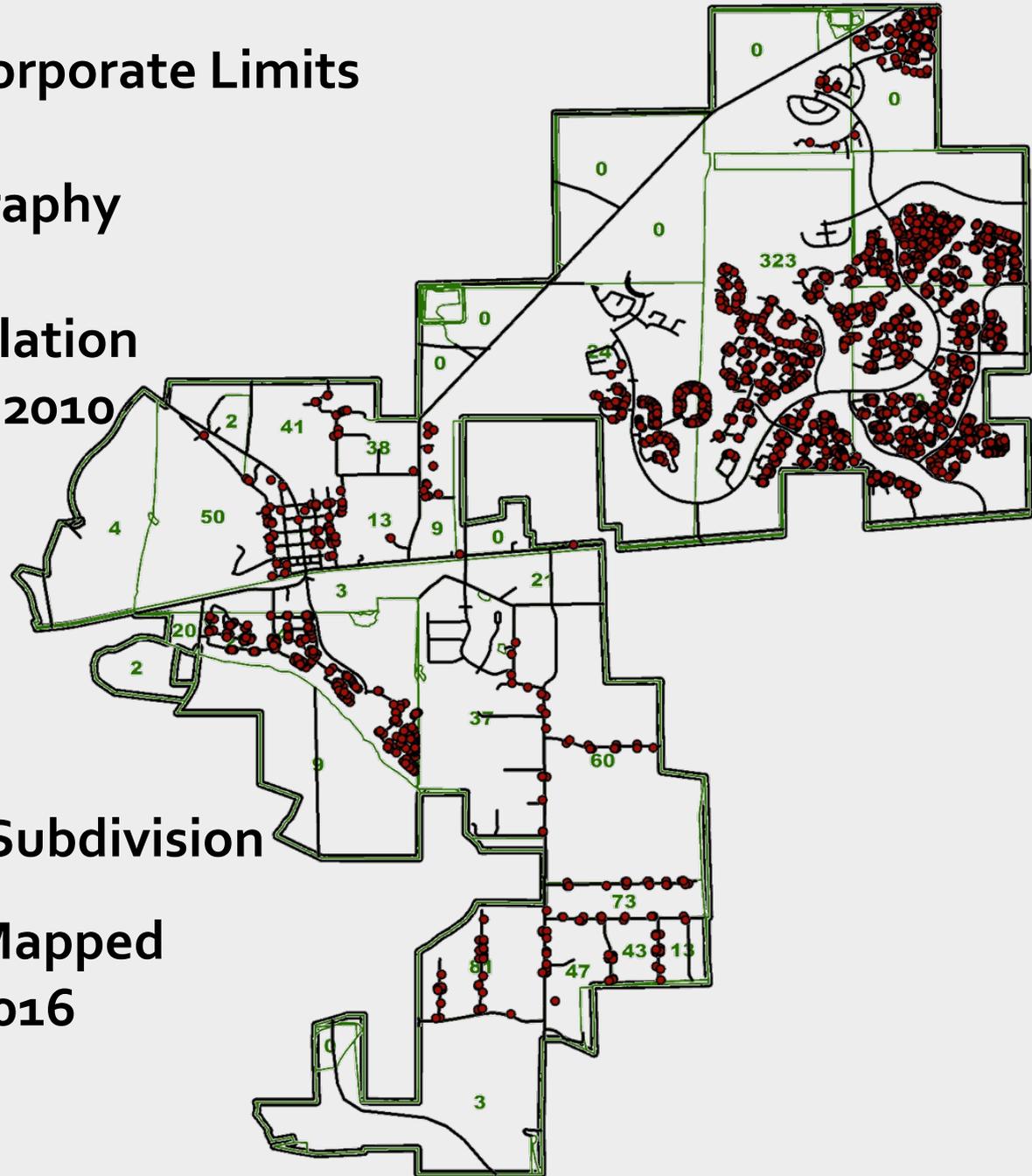
*Voting Age Population

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City of Fulshear Corporate Limits

2010 Census Geography

2010 Census Population
Enumerations in 2010



Cross Creek Ranch Subdivision

Utility Accounts Mapped
In August of 2016

Population Estimation Method Used

- Geocode Utility Data Points
 - To the Street Using Appraisal District and 9-1-1 Data
- Aggregate Utility Points to 2010 Census Geography
 - Compute the Number of Households Per Block
- Use an Average Persons Per Household from the City's Comprehensive Plan
 - 2.95 Persons Per Household
- Multiply the Number of Households per Block with Average Persons Per Household
 - Yields 2016 Estimated Population
- Aggregated blocks yield a citywide estimated population/calculate an Ideal Size

City of Fulshear

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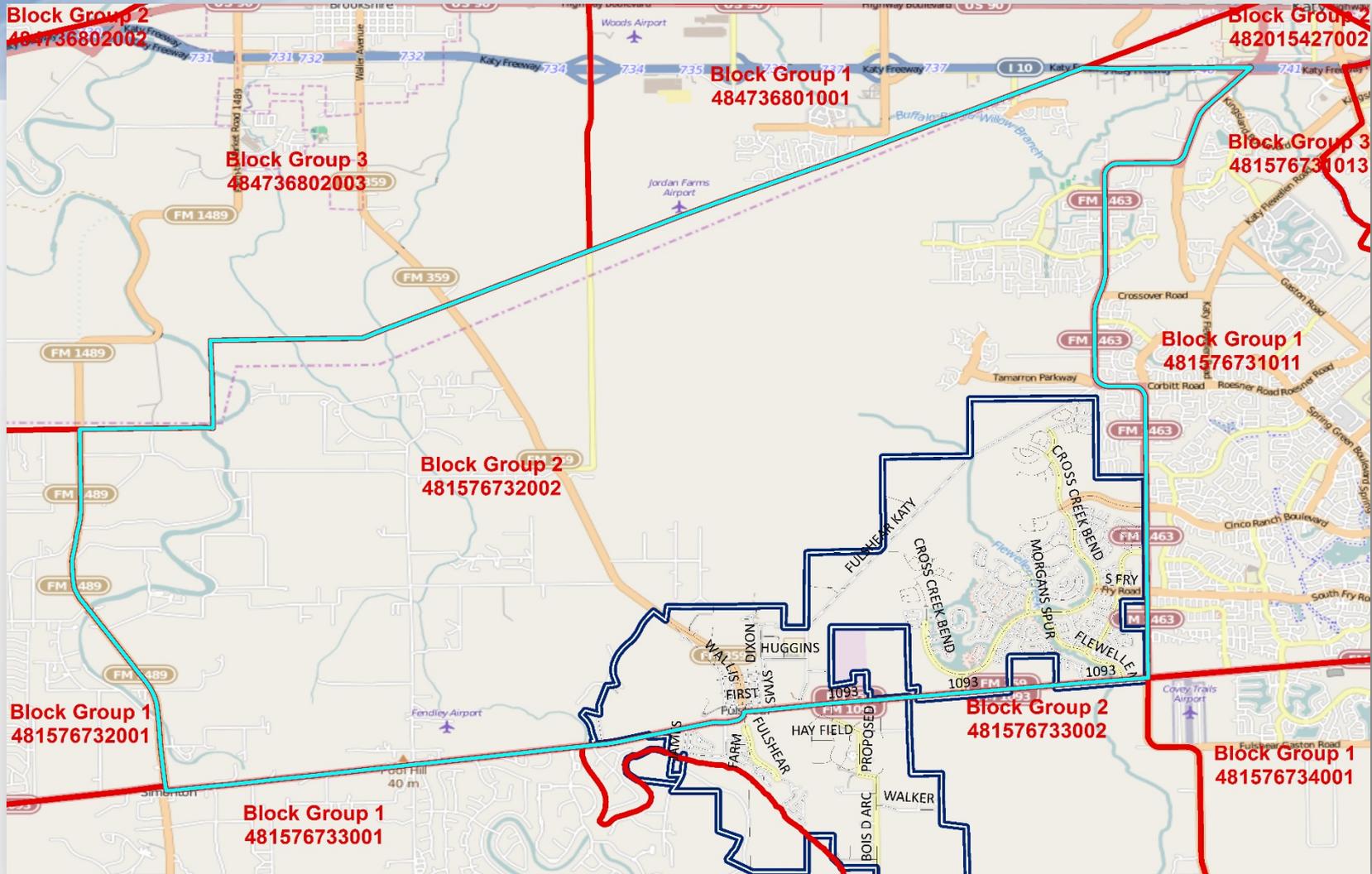
Utility Accounts	Average Persons Per Household	2016 Estimated Population
2,782	2.95	8,207

Ideal Size of Single Member Districts in Comparison: 2010 and 2016

2010			2016		
Total Population (Census)	Single Member Districts	Ideal Size	Estimated Population (Utility)	Single Member Districts	Ideal Size
1,197	5	239	8,207	5	1,642

Computing Demographics for Single Member Districts

- The 2010 Census data in certain areas of Cross Creek Ranch shows zero population
- To use our estimated population from utility accounts, using existing data from a larger area is appropriate to determine racial and ethnic characteristics
- Using block group data proportionally down to a block is an accepted method



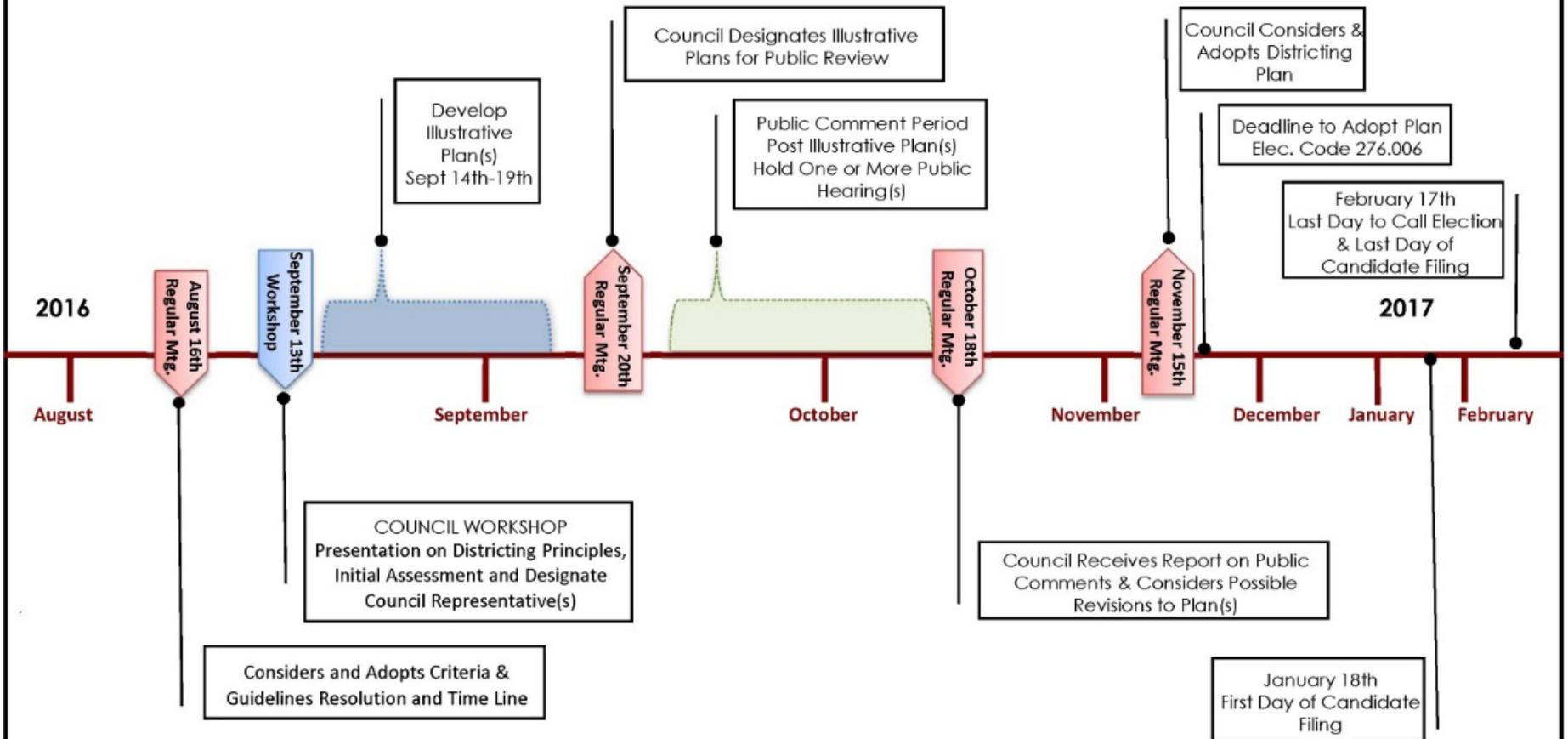
Block Group ID	Block Group Name	Total Population	Hispanic	Anglo	African American	All Other
481576732002	Block Group 2	4,801	688	3,414	419	280
Percentages:			14.33%	71.11%	8.73%	5.83%

- This table of block group demographic percentages will be applied to the blocks that show zero population for the 2010 Census.
- The percentages will be allocated based upon the proportion of the 2016 estimated population of each area.



Plan Development

City of Fulshear Time Line for 2016 Districting Process



Regular meeting dates based upon the third Tuesday of each month

Next Steps

- Meet with City Council Committee to develop an illustrative plan
(September 14th)
- Present illustrative plan to Council
(September 20th)
- Begin the public input process* (September 21st-October 18th)
- Finalize plan and adopt (November 15th)



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