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Census Figures Help Cities Redistrict (2011)

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April 29, 2011

CENSUS FIGURES HELP CITIES REDISTRICT
Gary Jaeckel, Municipal Management Consultant

Federal and state constitutions and laws mandate redistricting at various government levels. Over the years, state and U.S. courts have refined and interpreted these requirements. The legal rulings may subject many Tennessee municipalities to redistricting. In the state of Tennessee, T.C.A. § 5-1-111(a); “provides that “prior to January 1, 1982, and at least every ten (10) years thereafter, county legislative bodies of the different counties shall meet and, ... shall change the boundaries of districts or redistrict a county entirely if necessary ... so that the members represent substantially equal populations.”¹

Creating voting districts or changing existing voting district lines (redistricting) should ensure substantially equal populations in a city’s voting districts or wards. This process usually takes place after each 10-year federal census, a likely opportunity occurs when counties are in the process of redistricting County Commission seats, which must be done by January 2012 according to T.C.A. § 5-1-111. Municipalities and other political entities can use the federal population and statistical data created through the decennial census to develop voting districts.

Obviously, cities should redistrict if they elect or nominate any governing body member from districts, or wards, and the city’s private act or

home rule charter requires redistricting after each census. Even if your city’s charter doesn’t require it, you should redistrict if your city elects or nominates any governing body member from currently established districts. A city who is redistricting based upon the new census data would be wise to do so before its next election. An election held after new census data has been released, but before redistricting can take place based upon the data, could inadvertently fail to provide local voters with constitutionally-mandated equal protection.

Although simple in concept, redistricting can be difficult in reality because of political and technical considerations. While Tennessee statutes do not require redistricting for municipalities, the process should resemble the methods used by the state’s General Assembly and county governments. Voting districts should be contiguous and substantially equal in population, and minority voting groups should have adequate representation on city boards and political bodies.

At-large and multi-member voting districts have been successfully challenged in the federal courts. While such voting plans are not unconstitutional per se, courts historically have carefully examined them for evidence of denying minority populations the opportunity to elect candidates of their choice.

¹A guide to local redistricting in Tennessee, Comptroller of the Treasury; 2001.

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Fortunately, there is help for municipalities that want to redistrict. The state comptroller’s Office of Local Government has computer equipment and software that accesses detailed Census Bureau data for creating maps and drawing district and voting precinct lines. The program helps the Tennessee General Assembly draw new state representative and senatorial districts. The census data will be available to the University of Tennessee (UT) County Technical Assistance Service (CTAS) and other state agencies that will help counties develop redistricting plans mandated by state statute. Cities will be able to enlist the assistance of their County Election Commission administrators to gain access to these maps and to verify that any changes to ward, or district, boundaries will meet the general requirement that districts be set up along Census Tracts as developed by the Federal Census maps and population statistics contained in those Census Tracts. According to Tennessee State Statutes, under T.C.A. § 2-12-201, Employment of Election Administrators and clerical assistants; Election administrators in every county have the

authority and obligation under (a), (13); to provide “Assistance in the planning and implementation of any plan of apportionment or reapportionment of any governmental entity involved in the electoral process.” So when, and if, a city determines that there is a need to re-define the local election districts, or wards, the city should contact their local County Elections Administrator to enlist the assistance of the election administrator as the city begins the process of redistricting the city.

The Comptroller’s Office — Office of Local Government has developed a basic “how-to” redistricting manual, *A Guide to Local Redistricting in Tennessee*, that covers redistricting law and census terminology. Although the manual was not written specifically for municipalities, cities will find much of the information useful.

For further information or assistance on redistricting, contact your MTAS municipal management consultant.

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