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REDISTRICTING AND THE CITIES

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Redistricting is a process that ensures each voting district within a political entity will contain substantially equal populations. The process usually takes place after each Federal Census because the Census gives information that is essential to the process.

At various levels of government, redistricting is mandated by either U. S. or state constitutional provisions, or by state laws. There are no constitutional or statutory provisions in Tennessee that directly mandate redistricting by municipalities.

However, certain provisions of the U. S. Constitution, as interpreted by the Supreme Court, may require redistricting in some Tennessee municipalities.

If your city elects or nominates any member of your governing body from districts, and if your private act or home rule charter requires redistricting after each census, then you obviously must redistrict.

If your city elects or nominates any member of your governing body from districts, you should redistrict though no specific charter provision requires it. Even if your city does not elect or nominate any member of your governing body from districts, you may during

the decade of the 90's, choose to create districts or you may be forced by court action, to create districts. In either case, you will have to go through the redistricting process.

Although simple in concept, redistricting can be a difficult task because it involves political, as well as technical, considerations. In municipalities, there is an additional complicating factor because there are no constitutional or statutory guidelines that constitutes a reasonable and equitable redistricting. It becomes necessary to select various guidelines that apply to other levels of government and interpret the court decisions that may apply.

Another aspect of redistricting that was not initially a factor in the process, but that has become an important consideration, involves the Voting Rights Act of 1965 (Act).

In 1982, the Act was amended to guarantee that any voting practice resulting in discrimination based on race, color, or language is unlawful. Any voting practice or structure that allegedly prevents a minority group from having an equal opportunity to participate in the political process and to elect a representative of its choice can become the basis for a law suit against the political entity.

This means that in addition to the equal numbers in each voting district (as mandated by the one-person, one-vote concept), the redistricting process must be concerned with minority populations and how they are assigned to voting districts.

The Act has been used successfully to challenge at-large and multi-member district voting plans. While voting plans such as these are not unconstitutional per se, courts are examining them very carefully for evidence that they deny a minority population an effective opportunity to elect candidates of their choice.

With at-large elections being prevalent in Tennessee, MTAS anticipates that during the current decade some municipalities will be forced to become involved in establishing single-member voting districts.

Fortunately, for those municipalities who want to become involved in redistricting, assistance will be available. The State Comptroller's Office of Local Government has computer equipment available. The computer is capable of using the detailed Census Bureau data to draw district lines, voting precinct lines, and to create maps.

The Office is also preparing a basic "how-to" manual. This manual will contain an overview of redistricting law and census terminology. Although the manual is not being prepared specifically for municipalities, much of the information will be helpful to any municipality involved in the redistricting process.

The initial assistance efforts of the Office of Local Government will be directed toward counties. All 95 counties must redraw their commissioner district lines by January 1, 1992. After the county work is completed, the Office will be available, on a request basis, to assist municipalities. It is anticipated that MTAS will work with the Office of Local Government in accomplishing the necessary field work for those cities who request assistance.

Detailed population counts are scheduled to be released by the Census Bureau by April 1, 1991. If an adjustment for a possible undercount or overcount of certain population groups is undertaken (as is presently being considered), adjusted counts may not be available until July 15, 1991.

In view of this schedule, there is no pressure for any municipality to begin work immediately on redistricting. However, it is not too early to be giving some consideration to your possible participation in the process.

FOR FURTHER INFORMATION

To obtain additional information on the assistance that will be available from the Office of Local Government, contact LaVonne Griffin or Kim Potts at the James K. Polk Building, Suite 1600, 505 Deaderick Street, Nashville 37243-0276. To be placed on the mailing list to receive a copy of the redistricting manual, contact Gale Pitchford at the same address.

For further information on redistricting, contact your MTAS Municipal Management Consultant in Knoxville at 615/974-0411; Nashville at 615/256-8141; or Jackson at 901/423-3710.