

**2020 Redistricting Advisory Committee
Report and Recommendation to Mayor and Council**

Pursuant to Tucson Charter Chapter XVI, §§ 8 and 8.1, and Tucson Code § 10A-45, the 2020 Redistricting Advisory Committee ("Committee") presents its report and recommendation to the Mayor and Council of the City of Tucson.

I. The Committee's Proceedings

At its first meeting on September 3, 2020, the Committee elected Jonathan Rothschild as its Chairperson and Charlene Mendoza as its Vice Chair. The Committee met on September 3, September 14, October 5, October 12, and October 19, 2020. One public hearing was held during its meeting on October 12, 2020 ("Public Hearing").

As required by Tucson Code § 10A-44(b)(1), the Committee carefully reviewed, considered, and discussed the following:

- A. Relevant data pertaining to the redistricting process, including 2010 U.S. Census population and demographic totals and 2014 precinct boundaries adopted by Pima County as of November 13, 2013
- B. Public Comment received for the October 12, 2020 Public Hearing
- C. Transcribed meeting minutes, requested supplemental information and preliminary redistricting options
- D. The various legal and policy considerations presented by the City Attorney's Office and City Clerk's Office.

II. Options Considered by the Committee

The City's current Maximum Population Deviation (MPD) is 11.88%. Staff presented two preliminary options for the Committee's consideration, both of which would bring the MPD below the recommended 10% deviation:

Option 1 would move Precinct 098 from Ward 5 to Ward 6

Option 2 would move Precinct 082 from Ward 5 to Ward 6

At its September 14, 2020 meeting, the Committee considered Options 1 and 2, and requested additional population and demographic information to determine whether other options should be considered.

Vice Chair Mendoza submitted two additional options for consideration, both of which would bring the MPD below the recommended 10% deviation:

Option 1 would move:

Precincts 037 and 153 from Ward 1 to Ward 3

Precincts 072 and 089 from Ward 3 to Ward 6

Precincts 160 and 244 from Ward 5 to Ward 1

Option 2 would move:

Precinct 037 from Ward 1 to Ward 3

Precinct 089 from Ward 3 to Ward 6

Precinct 160 from Ward 5 to Ward 1

At its October 5, 2020 meeting, the Committee discussed the four preliminary options, and decided to move forward with Option A and Option B and scheduled a Public Hearing to receive input.

At its October 12, 2020 meeting, the Committee held a Public Hearing on the two options, and voted to send both options to Mayor and Council for consideration.

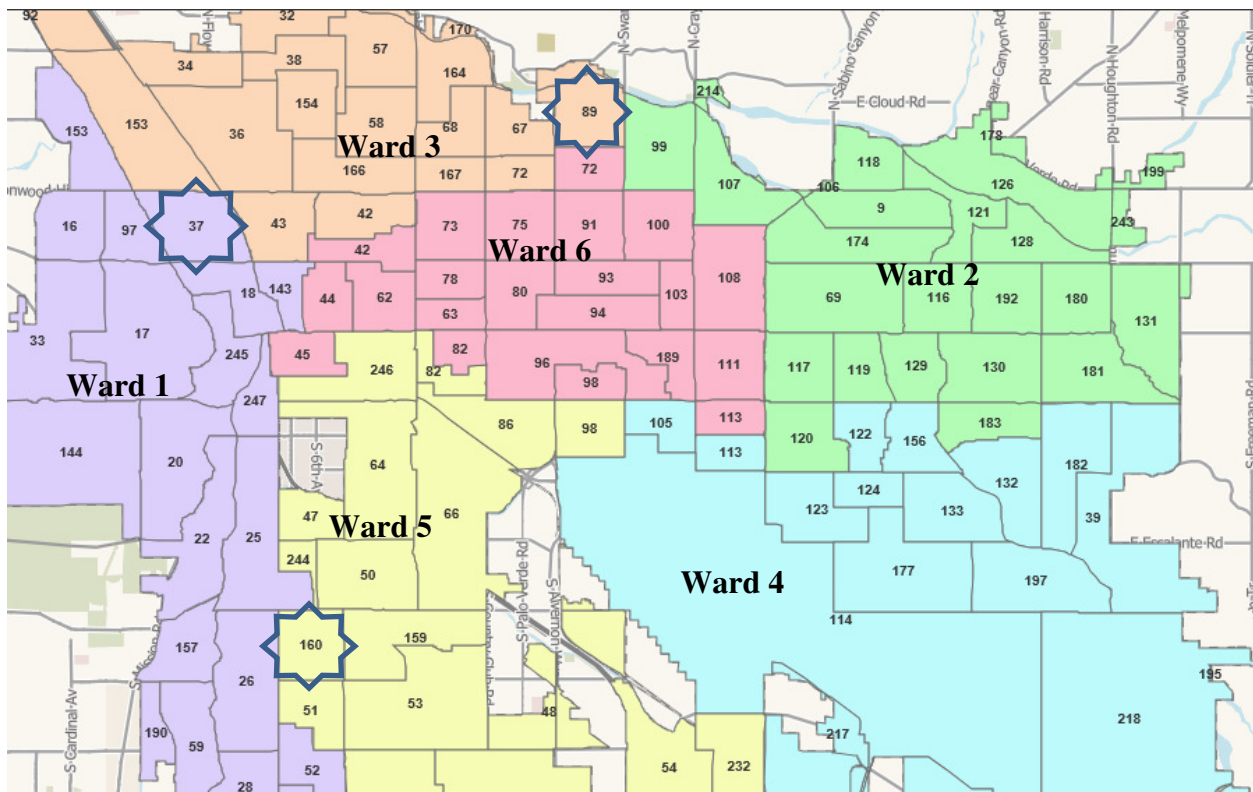
III. Final Recommendation to Mayor and Council

Option A moves:

Precinct 037 from Ward 1 to Ward 3

Precinct 089 from Ward 3 to Ward 6

Precinct 160 from Ward 5 to Ward 1



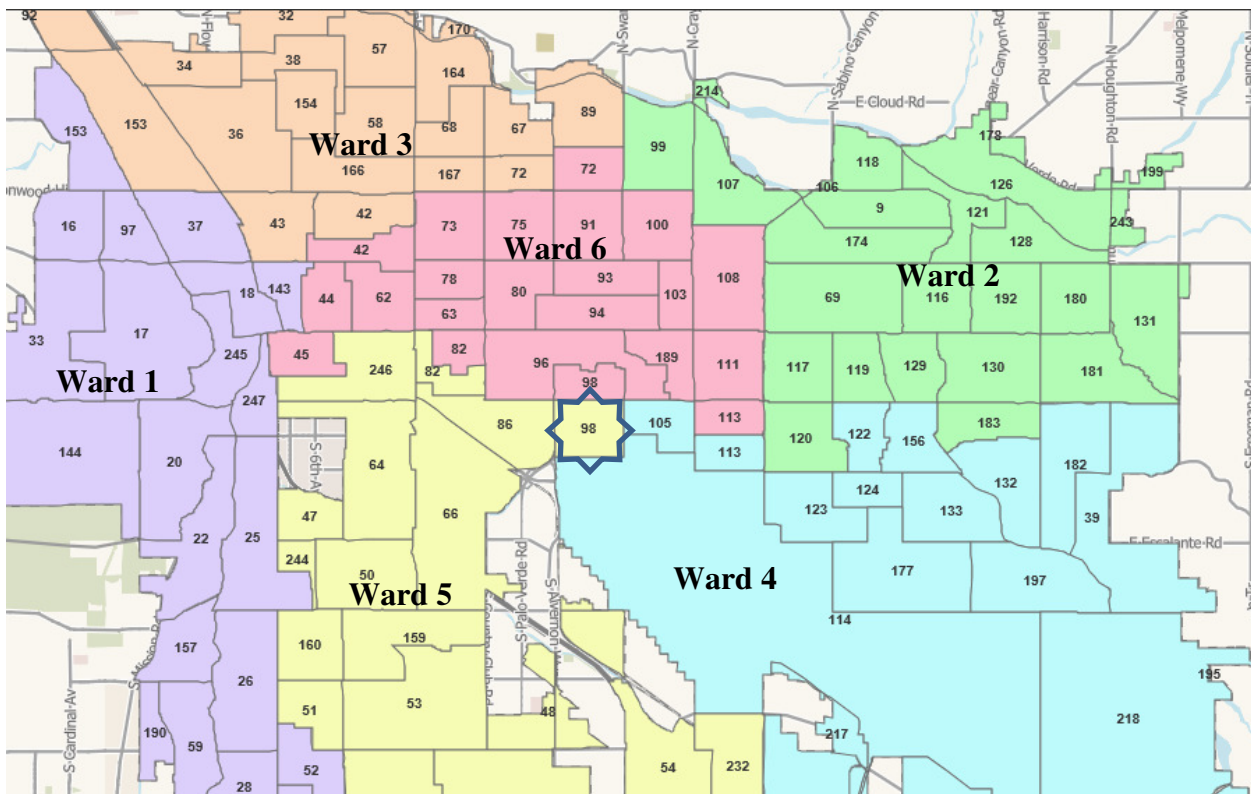
Option A

Move Precinct 37 from Ward 1 to Ward 3
 Move Precinct 89 from Ward 3 to Ward 6
 Move Precinct 160 from Ward 5 to Ward 1

| Ward | Total Population | New Population | Target Population | Deviation | Hispanic Population | New Hispanic Population | New Percent | 2020 Percent | 2016 Percent | New Minority Population | Total Minority Percent 2020 | Total Minority Percent 2016 |
|--------------|------------------|----------------|-------------------|-----------|---------------------|-------------------------|-------------|--------------|--------------|-------------------------|-----------------------------|-----------------------------|
| 1 | 92135 | 93323 | 92977 | 0.37% | 68515 | 70160 | 75.18 | 74.36% | 70.88% | 85,10% | 84.41% | 79.07% |
| 2 | 91624 | 91624 | 92977 | -1.46% | 21098 | 21098 | 23.03 | 23.03% | 18.87% | 33.47% | 33.47% | 29.22% |
| 3 | 94553 | 92975 | 92977 | 0.00% | 38967 | 40124 | 43.16 | 41.21% | 36.26% | 57.38% | 55.20% | 49.04% |
| 4 | 95738 | 95738 | 92977 | 2.97% | 29679 | 29679 | 31.00 | 31.00% | 26.30% | 44.17% | 44.17% | 38.93% |
| 5 | 97426 | 93128 | 92977 | 0.16% | 72491 | 68529 | 73.59 | 74.41% | 72.25% | 85.68% | 85.97% | 81.92% |
| 6 | 86386 | 91074 | 92977 | -2.05% | 24690 | 25850 | 28.38 | 28.58% | 23.82% | 40.23% | 41.07% | 37.45% |
| Total | 557862 | | | | | | | | | | | |
| MPD | 5.02% | | | | | | | | | | | |

Option B moves:

Precinct 098 from Ward 5 to Ward 6.



Option B
Move Precinct 098 from Ward 5 to Ward 6

| Ward | Total Population | New Population | Target Population | Deviation | Hispanic Population | New Hispanic Population | New Percent | 2020 Percent | 2016 Percent | New Minority Population | Total Minority Percent 2020 | Total Minority Percent 2016 |
|--------------|------------------|----------------|-------------------|-----------|---------------------|-------------------------|-------------|--------------|--------------|-------------------------|-----------------------------|-----------------------------|
| 1 | 92135 | 92135 | 92977 | -0.91% | 68515 | 68515 | 74.36 | 74.36% | 70.88% | 84.41% | 84.41% | 79.07% |
| 2 | 91624 | 91624 | 92977 | -1.46% | 21098 | 21098 | 23.03 | 23.03% | 18.87% | 33.47% | 33.47% | 29.22% |
| 3 | 94553 | 94553 | 92977 | 1.70% | 38967 | 38967 | 41.21 | 41.21% | 36.26% | 55.20% | 55.20% | 49.04% |
| 4 | 95738 | 95738 | 92977 | 2.97% | 29679 | 29679 | 31.00 | 31.00% | 26.30% | 44.17% | 44.17% | 38.93% |
| 5 | 97426 | 92466 | 92977 | -0.55% | 72491 | 69549 | 75.22 | 74.41% | 72.25% | 87.40% | 85.97% | 81.92% |
| 6 | 86386 | 91346 | 92977 | -1.75% | 24690 | 27632 | 30.25 | 28.58% | 23.82% | 42.07% | 41.07% | 37.45% |
| Total | 557862 | | | | | | | | | | | |
| MPD | 4.72% | | | | | | | | | | | |

IV. Reasons for the Committee’s Final Recommendation

The committee voted to send both options to the council for consideration. Both options are meritorious in different ways and meet the Tucson code, legal requirements, and policy guidelines. The table below illustrates the pluses and deltas for each option under consideration.

| OPTION A | | OPTION B | |
|---|--|--|--|
| Pluses | Deltas | Pluses | Deltas |
| MPD 5.02% | | MPD 4.72% | |
| Does not disrupt the boundaries of any neighborhood associations. | | Does not disrupt the boundaries of any neighborhood associations. | |
| Does not dilute the voting strength of the Hispanic or any other minority population as a whole | | Does not dilute the voting strength of the Hispanic or any other minority population as a whole | |
| Redistributes population over more wards, bringing the Hispanic Population in Ward 3 to the same % as overall community from 41.21 to 43.16 | Moves more residents (12,096), effecting voters in four wards instead of two | Moves fewer people (4,960), effecting voters in two wards | Doesn’t redistribute the population across as many wards, does not bring the Hispanic Population in Ward 3 to the same % as overall community. |
| | Does not combine split precincts | Combines split precinct (98) | |
| Increases Hispanic Population in Ward 1 from 74.36% to 75.18% Increases Total Minority Population in Ward 1 from 84.41% to 85.10% | | | |
| Increases Hispanic Population in Ward 3 from 41.21% to 43.16% Increases Total Minority Population in Ward 3 from 55.20% to 57.38% | | | |
| Decreases Hispanic Population in Ward 5 from 74.41% to 73.59% Decreases Total Minority Population in Ward 5 from 85.97 to 85.68% | | Increases Hispanic Population in Ward 5 from 74.41% to 75.22% Increases Total Minority Population in Ward 5 from 85.97% to 87.40% | |

| | |
|---|---|
| Decreases Hispanic Population in Ward 6 from 28.58% to 28.38% | Increases Hispanic Population in Ward 6 from 28.58% to 30.25% |
| Decreases Total Minority Population in Ward 6 from 41.07% to 40.23% | Increases Total Minority Population in Ward 6 from 41.07% to 42.07% |
| NOTE: Tucson's population is 557,862. The Hispanic population is 255,440 or 45.79% of the overall population | |

V. Conclusion

The Committee thanks the Mayor and Council for the opportunity to advise them regarding redistricting and hopes its recommendation and statement of reasons will assist with a decision regarding redistricting in 2020.

| | |
|------------------------------|--------------------|
| <u>Members:</u> | <u>Appointors:</u> |
| Jonathan Rothschild, Chair | Ward 6 |
| Charlene Mendoza, Vice Chair | Mayor |
| Michael O'Connell | Ward 1 |
| Marion Chubon | Ward 2 |
| Glenn Perkins | Ward 3 |
| Kelly Anne Canady | Ward 4 |
| D. Grady Scott | Ward 5 |

Attachments:

1. City Charter, Chapter XVI, §§ 8 and 8.1
2. Tucson Code, Chapter 10A, Article V.
3. Legal Requirements and Policy Guidelines

EXCERPT FROM TUCSON CITY CHARTER

CHAPTER XVI – ELECTIONS

GENERAL ELECTION

...

Sec. 8. City to be divided into wards; redistricting.

The city shall be divided into six (6) wards, each ward containing, as nearly as possible, the same total population. Beginning with the year 2000, and quadrennially thereafter, and, in addition, during the second year following the year of any decennial United States census, the mayor and council may, if necessary to equalize the total population contained in the said wards, one with another, redistrict the said city as to the said wards, and said redistricting shall be done between the first day of October and the thirty-first day of December of said years.

(Ord. No. 8947, § 1, 9-2-97)

Editors Note: Added as a result of a Charter Amendment Special Election held November 4, 1997. This amendment became effective on December 9, 1997.

Sec. 8.1. Redistricting advisory committee.

In any year in which redistricting of the city's wards is permitted under this Charter, or whenever redistricting is otherwise mandated by law, the mayor and council shall establish a Redistricting Advisory Committee, which shall make written recommendations regarding the redistricting of wards. The formation, term and activities of the Committee shall be regulated by ordinance.

No redistricting of the city's wards shall occur prior to the consideration by the mayor and council of the Redistricting Advisory Committee's written recommendations.

No redistricting plan shall be drawn for the purpose of favoring or disfavoring any political party or person, nor for the purpose of diluting the voting strength of any racial or ethnic minority group. To the extent reasonably practicable, wards shall be equal in population and shall be contiguous and compact.

(Ord. No. 8118, eff. 9-7-93)

TUCSON CITY CODE

ARTICLE V. REDISTRICTING ADVISORY COMMITTEE

Sec. 10A-41. Potential redistricting year.

As used in this article, "potential redistricting year" means a year in which the redistricting of wards is permitted under the Charter, or whenever redistricting is otherwise mandated by law.

(Ord. No. 11354, § 1, 5-3-16)

Sec. 10A-42. Redistricting Advisory Committee established.

In each potential redistricting year, the mayor and council shall by resolution naming its members, establish a Redistricting Advisory Committee (the "Committee").

(Ord. No. 11354, § 1, 5-3-16)

Sec. 10A-43. Membership composition; qualifications and terms.

(a) *Appointment.* The Committee shall consist of one (1) voting member appointed by the mayor and one (1) voting member appointed by each councilmember.

(b) *Qualifications.* All members of the Committee shall be qualified city electors, and none shall hold any elective public office, either by election or by appointment, at any time during their membership on the Committee.

(c) *Precinct committeeperson allowed.* For purposes of this article, the office of precinct committeeperson shall not be considered an elective public office.

(d) *Terms.* The provisions of Tucson Code Chapter 10A, Article XIII shall govern the Committee, except as otherwise provided in this article.

(e) *Exemption.* The Committee shall be exempt from the provisions of Tucson Code Section [10A-134\(c\)](#).

(f) *Expiration of terms.* The terms of the Committee and its members shall automatically expire on December 31st of the potential redistricting year in which the Committee is appointed; except that the mayor and council may by resolution extend the Committee's term in the event that they deem such extension beneficial to the city.

(g) *Disqualification from election to office.* Committee members shall be disqualified from election to the office of councilmember for a period of four (4) years from December 31st of the potential redistricting year in which the Committee is appointed.

(Ord. No. 11354, § 1, 5-3-16)

Sec. 10A-44. City clerk attendance, committee duties and functions.

(a) *City clerk to attend meetings.* The city clerk or the city clerk's designee(s), shall attend all Committee meetings, and shall provide the Committee with relevant and necessary information.

(b) *Duties and functions of the Committee.* The duties and functions of the Committee shall be as follows:

(1) To review all relevant data, including but not limited to U.S. Census data, and recommended in writing to the mayor and council whether redistricting is necessary in the potential redistricting year in which the committee is appointed. The review shall consider the following factors.

(A) Maintain a Maximum Population Deviation (MPD) across the city's six (6) wards no greater than 10%.

(B) Maintain established and recognizable ward boundaries with a minimum of disruption.

(C) Sustain the compactness and contiguity of the wards as they presently exist.

(D) Maintain ethnic balance so as to not dilute the Hispanic vote.

(E) Where possible, realign precincts having populations represented by more than one ward.

(2) If it finds, pursuant to subsection (1) above, that redistricting is necessary, then to review all relevant data, hold at least one (1) public hearing, and such other public hearings as it deems necessary, gather information and opinions from the public, and thereafter make recommendations in writing to the mayor and council concerning the manner in which redistricting should occur in order to best comply with the Charter.

(3) To make such other recommendation(s) relating to redistricting as deemed necessary or desirable.

(Ord. No. 11354, § 1, 5-3-16)

 **Sec. 10A-45. Committee recommendation submitted.**

The Committee's written recommendation(s) shall be submitted to the mayor and council no later than October 1st of the potential redistricting year in which the Committee is appointed.

(Ord. No. 11354, § 1, 5-3-16)

Editor's note – For the 2020 Redistricting Advisory Committee, the provisions of this section are superseded by Ord. No. 11785, adopted Sept. 22, 2020.

 **Secs. 10A-46 – 10A-50. Reserved.**

Legal Requirements & Policy Guidelines 2020 Redistricting Advisory Committee

One Person, One Vote – Federal Constitutional Requirement

The "one person, one vote" requirement of the United States Constitution requires that members of an elected body be drawn from districts (Wards) of substantially equal population.

The fundamental goal of any City redistricting plan is to create total populations within each of the City's six wards that are as equal as possible. The United States Supreme Court's decisions measure the federal constitutional validity of redistricting plans through the concept of Maximum Population Deviation (MPD). The MPD measures the total percentage spread between the City's most underrepresented and the most overrepresented wards.

MPD Calculation

A City redistricting plan's constitutional validity under "one person, one vote" is measured by its MPD. The goal is that an MPD should be less than 10% which the Supreme Court considers a minimal deviation and presumptively constitutionally valid.

1. The ideal ward population for each ward is calculated by dividing the total City of Tucson census population by six (total number of City's Wards).
2. The percentage deviation from the ideal population for each proposed ward is calculated by subtracting the ideal ward population from the proposed ward population, then dividing the population difference by the ideal ward population and then multiplying the result times 100:

$$\frac{(\text{Proposed} - \text{Ideal})}{\text{Ideal}} \times 100 = \text{Percentage Deviation}$$

3. After calculating each wards' percentage deviation:
 - a. Find the maximum negative percentage deviation (representing the City's most **over**represented ward) and reverse its sign to give its absolute value, a positive number.
 - b. Find the maximum positive deviation (representing the City's most **under**represented ward).
4. To calculate the City redistricting plan's MPD, add the two positive numbers from Paragraphs 3(a) (absolute value of maximum negative deviation) and 3(b) (maximum positive deviation). This sum is the particular City redistricting plan's MPD.

City Charter Requirements & Policy Objectives

City Charter Requirements

Any City redistricting plan must comply with the Tucson Charter. In 1993, the City's voters amended Ch. XVI, § 8.1 to state:

No redistricting plan shall be drawn for the purpose of favoring or disfavoring any political party or person, nor for the purpose of diluting the voting strength of any racial or ethnic minority group. To the extent reasonably practicable, wards shall be equal in population and shall be contiguous and compact.

Federal law permits the City to decide whether to include convicted felons in, or exclude them from, the City's redistricting population base. The Arizona Constitution provides that persons convicted of a felony are not "qualified to vote at any election unless restored to civil rights." Because this exclusion from voting applies to all felons, it does not violate the federal constitution.

Since Arizona lawfully excludes convicted felons from voting, federal law leaves it to the City to choose whether to include them in, or exclude them from, the City's redistricting population base. This decision "involves choices about the nature of representation" with which the United States Supreme Court will not interfere unless the decision is based on a constitutionally impermissible classification.

Tucson Charter, Ch. XVI, § 8 expressly requires the City to redistrict based on total population. The populations of jails and prisons in the City form part of the City's total census population. Therefore the City must include those jail and prison populations in all calculations used to decide how to redistrict.

City Policy Objectives

Within the required federal constitutional and charter framework, the City also strives to accommodate its own traditional and ongoing policy objectives concerning redistricting. These objectives are:

1. Maintain established and recognizable ward boundaries with a minimum of disruption;
2. Sustain the compactness of the wards as they previously exist;
3. Maintain ethnic balance so as to not dilute the Hispanic vote; and
4. Reduce voter confusion by realignment of precincts having populations represented by more than one ward.