



TO: Knoxville City Council

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DATE: August 27, 2021

RE: Redistricting Information and Resources

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The purpose of reapportionment/redistricting is to ensure substantially equal populations in a city's voting districts or wards. As outlined by the Tennessee Comptroller of the Treasury's Office in "A Guide to Local Government Redistricting in Tennessee," which we have attached to this memorandum, the Tennessee Constitution and some state statutes mandate that counties redistrict following the release of census data every ten years. For the City of Knoxville, however, article VII, section 704 of the city's charter requires that the city redistrict within 120 days of the publication of the national census of the state:

704. - Redistricting.

Districts shall be reapportioned every ten (10) years based upon the most recent federal census. The council shall have prepared a redistricting ordinance providing for districts which are relatively compact, contiguous, representative of social and community interests, and as equal in population as reasonably practicable. The ordinance shall be adopted within one hundred twenty (120) days of the publication of the national census of the State of Tennessee.

The [Knoxville Municipal Charter](#), article IV, section 402 (emphasis added) provides in pertinent part:

District councilmembers must reside in their districts for one (1) year prior to taking office and shall continue to live therein during the period of service. Provided, that in the event a district councilmember's residence ceases to be within that said district because of redistricting as provided herein, the councilmember shall continue to serve for the numbered district for the remainder of the term.

While pages 4, 5, and 6 of "A Guide to Local Government Redistricting in Tennessee" do not apply to Tennessee cities, we recommend that you review the remaining pages of the Comptroller's guide, which addresses other legal concerns, redistricting requirements, and other recommendations for the redistricting process.

We understand that City of Knoxville planning staff will be preparing the census data for your review of the existing districts. Using the planning departments data and the information provided herein, the council must determine whether the districts shall remain the same or develop a process and guidelines for establishing new district boundaries.

More resources from the Comptroller's Office can be found on the [state's website](#), including sample redistricting resolutions, some of which should be modified for the City of Knoxville into ordinances.

We look forward to providing a short presentation on redistricting at your September 16<sup>th</sup> work session.



A GUIDE TO  
LOCAL GOVERNMENT  
REDISTRICTING IN TENNESSEE



*May 2021*

**Jason E. Mumpower**  
*Comptroller of the Treasury*



**DIVISION OF  
PROPERTY ASSESSMENTS**

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# INTRODUCTION

Both federal and state law mandate reapportionment and redistricting. In the most technical sense, reapportionment refers to the allocation of political seats among government units and is most commonly used in reference to the distribution of congressional seats among the fifty states. Redistricting refers to the delineation of boundaries for political units, such as state legislative and county commission districts.

Pursuant to Tennessee Code Annotated § 5-1-111(a), county legislative bodies are required to redistrict their county by January 1, 2022. In order to complete this task, local officials must be equipped with the knowledge of the relevant legal, technical, and procedural aspects of redistricting.

The purpose of this guide is to assist local government officials with their redistricting responsibilities. It contains three chapters plus a glossary and a redistricting quick reference. The first chapter details the state and federal statutes and caselaw that govern redistricting at the local government level. Since litigation occasionally follows redistricting, this chapter is especially important as it relates to equal population (pp. 7-9) and minority representation (pp. 9-10). The second chapter highlights redistricting data requirements and provides a technical overview of redistricting. This chapter includes an example of an existing county commission district and precinct maps with associated population statistics. The third chapter provides basic suggestions for local officials to develop new district plans and relates the process to the legal and technical concepts in the first two chapters.

County school boards and highway commissions are also subjected to the federal requirement of “one person, one vote”. Historically, these districts coincide or share the same boundaries as the county commission districts.

In addition to county government, municipalities in Tennessee are subject to the equal population principle of “one person, one vote”. In many cases, city charters provide specific details of how local officials are elected.

**Appendix 1: Glossary** defines many of the terms used in the redistricting process and may be consulted during the reading of any of the chapters.

**Appendix 2: Local Redistricting Quick Reference** provides an at-a-glance overview of what a local official needs to know about local redistricting.

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*Disclaimer:*

*Before starting the redistricting process, local officials should be familiar with any changes to state and federal statutes and caselaw that may have gone into effect after publication of this document. The law is constantly changing, and timely legal advice based on current law is essential to avoiding liability. This publication is for general information purposes only. It does not constitute legal advice and may not apply to your specific situation. For all questions of law, we recommend consulting with your legal counsel.*

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# CHAPTER 1: LOCAL REDISTRICTING AND THE LAW

For the year 2021, Tennessee will use geographic information systems (GIS) technology to accomplish redistricting at the local government level. While GIS is a powerful mapping tool, it does not do all the work. Local officials must have a firm understanding of the state and federal redistricting statutes, caselaw, and Tennessee attorney general opinions. Also, local officials should be familiar with the redistricting concepts of equal population and minority representation when drawing district lines. Understanding these concepts and applying them effectively is the ultimate key to a successful redistricting effort.

## A. Tennessee Constitution and Statutes

The 1978 Constitutional Convention amended the Tennessee Constitution, Article VII, Section 1, changing the reapportionment and redistricting requirements for county governments:

**The [county] legislative body shall be composed of representatives from districts in the county as drawn by the county legislative body pursuant to statutes enacted by the General Assembly. Districts shall be reapportioned at least every ten years based upon the most recent federal census. The legislative body shall not exceed twenty-five members, and no more than three representatives shall be elected from a district.**

Under this section, the state constitution provides general parameters for county apportionment/redistricting. The constitution establishes the maximum number of representatives within a county at twenty-five and allows for up to three representatives within a single district. The county legislative body must complete the task of reapportionment at least once every ten years.

Tennessee Code Annotated § 5-5-102 establishes the minimum number of members on a county legislative body at nine and restates the constitutional maximum of twenty-five. Metropolitan governments are not bound by this requirement. In these counties, the metropolitan government charter establishes the size of the legislative body.

Tennessee Code Annotated § 5-1-111(a) through (h) provides more specific guidelines and standards on how a county legislative body should conduct reapportionment and redistricting at the local level. County legislative bodies should use this statute as a foundation in the process of drawing district lines.

**(a) Prior to January 1, 1982, and at least every ten (10) years thereafter, county legislative bodies of the different counties shall meet and, a majority of the members being present and concurring, shall change the boundaries of districts or redistrict a county entirely if necessary to apportion the county legislative body so that the members represent substantially equal populations.**

This subsection identifies key points of which county officials must be aware. **First, the deadline to complete local redistricting is January 1, 2022.** Based on the Census Bureau's data delivery schedule and the time required to develop new district plans, county officials must be prepared and plan accordingly.

**Second, this subsection identifies a goal in redistricting - substantially equal population.** Throughout the period between redistricting, population shifts within a county may result in population imbalances among the existing county districts. Using the most recent census data, the county legislative body can adjust or redraw county district boundaries to equalize population among districts. This concept, known as “one person, one vote,” was born out of several U.S. Supreme Court decisions in the 1960s, and is discussed in Chapter 1, Section B of this guide.

**(b) The county legislative body may increase or decrease the number of districts when the reapportionments are made.**

This subsection allows the county legislative body flexibility in determining the appropriate number of districts within a county. Based on significant population changes or other factors, the county may decide to increase or decrease the number of districts and size of the commission accordingly. The county legislative body should make this decision prior to drawing new district boundaries.

**(c) A county legislative body may reapportion at any time if the county legislative body deems such action necessary to maintain substantially equal representation based on population.**

This subsection authorizes the county legislative body to reapportion at any time but limits this authority exclusively to maintaining substantially equal representation in the districts. For example, the Tennessee Attorney General has opined that a county legislative body cannot reapportion a district that is otherwise substantially equal in representation in order to place the residence of an elected official in the proper district retroactively.<sup>1</sup> In addition, the attorney general has opined that state law does not authorize a county commission to reapportion its commissioner districts prior to the next decennial census so as to make them more compact where the existing districts are **already** substantially equal in population.

This means that once the county legislative body approves a new district plan based on 2020 census totals, it does not have the authority to change it or create a new one unless the body determines it must do so in order to maintain substantially equal representation based on population. The county legislative body is authorized to reapportion more than once every ten years only if the body determines that the current district plan does not meet substantially equal representation standards.

**(d) The county legislative body must use the latest federal census data whenever a reapportionment is made.**

While courts in the past have accepted other population bases, this subsection restates the constitutional requirement that the county legislative body use the latest federal census data when reapportioning.

The 2020 census continues the practice that began in 1790, which had the purpose of apportioning the congressional representatives among the “several states according to their respective numbers...counting the whole of persons in each State.”<sup>2</sup> State legislatures use census data to draw the congressional district lines and the state legislative district lines. County legislative bodies must use the same population data to develop new district plans at the county official level.

Chapter 2 provides more detail regarding census data and its use in redistricting.

**(e) Districts shall be reasonably compact and contiguous and shall not overlap.**

The concepts of drawing districts that are compact and contiguous are not new and can be defined in a larger context of “traditional redistricting principles.” In fact, these principles are required in developing state legislative and congressional districts.<sup>3</sup> In a case involving congressional redistricting, the U.S. Supreme Court held, “reapportionment is one area in which appearances do matter.”

<sup>1</sup> Tennessee Attorney General Opinion No. 12-79.

<sup>2</sup> U.S. Const. Art.1, §2 and US. Const. amend. XIV, §2.

<sup>3</sup> *Redistricting Law 2020*, National Conference of State Legislatures, 2019, pp.75-82.

Compactness is most easily understood in terms of a district's shape. Violation of this principle results in districts with "irregular shapes," better known as gerrymandering. County legislative bodies should utilize statistical methods and algorithms as well as geographic and population considerations to measure compactness.

Although the redistricting principle of "reasonably compact" may be somewhat subjective in nature, contiguity is more easily understood. Simply put, a district must be one homogeneous piece of land, not split into two discrete areas. In addition to districts being contiguous, they should not overlap or share the same land area.

**(f)(1) Except as provided in subdivision (f)(2), in the establishment of boundaries for districts, no precinct shall be split. (2) Upon written certification by the coordinator of elections, a county election commission may establish a precinct that encompasses two (2) or more districts in any county that has twenty (20) or more county legislative districts. In making this determination the coordinator of elections shall consider, among other things, the type of voting equipment used in the county, as well as racial makeup of the districts and the cost savings to the county.**

This subsection requires county legislative bodies to be aware of voting precincts in the redistricting process. Tennessee Code Annotated §§ 2-3-101 through 106 govern the location and relocation of precinct polling places with the intent to make voting accessible and simple. The law authorizes county election commissions to designate the polling places where elections are held. The maximum size of a precinct should be 6,000 registered voters. Where voting machines are used, there should be, as nearly as practicable, no more than 1,000 registered voters per voting machine. **The law requires the county election commission to file written descriptions or maps of sufficient detail of precinct boundaries in the office of the clerk of the county and at the state level, with the Comptroller of the Treasury and the office of the Coordinator of Elections.** The precinct maps are also required to be available for public inspection.

**(g) Upon application of any citizen of the county affected, the chancery court of such county shall have original jurisdiction to review the county legislative body's apportionment and shall have jurisdiction to make such orders and decrees amending the apportionment to comply with this section, or if the county legislative body fails to make apportionment, shall make a decree ordering an apportionment.**

Any citizen of the county may apply to the chancery court within that county to review the county legislative body's apportionment. The court can issue a decree ordering an apportionment to comply with the law's requirements. A citizen may also apply for a review if the county legislative body has failed to apportion itself.

**(h) When a reapportionment is made, residents of a correctional institution who cannot by law register in the county as voters may be excluded from any consideration of representation.**

Enacted by the Tennessee General Assembly in 2016, this subsection gives county legislative bodies the discretion to exclude residents of a correctional institution located in the county, who cannot by law register in the county as a voter, from consideration of representation in the reapportionment process.

It is important that county legislative bodies and redistricting committees follow these statutes as carefully as possible. With easy access to the 2020 census data via the internet, the proliferation of personal computers, and software development, more persons and special interest groups will be able to draw district lines that may challenge those drawn by county legislative bodies. Chapter 3 provides additional suggestions for county officials that may reduce potential redistricting litigation.



It is also important to note that county legislative bodies and redistricting committees **should collect and maintain minutes and records for all redistricting meetings. These bodies should give proper public notice every time they meet. All records generated from these meetings are considered public records and should be available for public inspection.**

## B. Equal Population

The U.S. Supreme Court ruling in *Avery v. Midland County*<sup>4</sup> set the precedent that local officials should use the equal population standard when drawing new district boundaries. In order to use this standard, it is important to be familiar with the relevant caselaw history leading up to this decision.

### One Person, One Vote

In the first half of the twentieth century, various courts, including the U.S. Supreme Court, questioned whether reapportionment, basically a political process, was a justiciable issue.<sup>5</sup> This changed in 1962, when the Court ruled in *Baker v. Carr* that the apportionment system in Tennessee violated the 14th Amendment guarantee to equal protection under the law. The majority opinion, written by Justice William J. Brennan, Jr., held that the Court had subject matter jurisdiction under the 14th Amendment equal protection clause. Justice Brennan stated, “that a justiciable cause of action had been stated upon which appellants would be entitled to appropriate relief”<sup>6</sup> and that the Tennessee apportionment statutes could be challenged.

After recognizing questions about legislative districting as a justiciable cause in *Carr*, the Supreme Court established the principle of “one person, one vote” in *Gray v. Sanders*. The Court ruled, “once the geographical unit for which a representative is to be chosen is designated, all who participate in the election are to have an equal vote—whatever their race, whatever their sex, whatever their occupation, whatever their income, and wherever their home may be in that geographic unit. This is required by the Equal Protection Clause of the Fourteenth Amendment.”<sup>7</sup>

After the *Gray* ruling, the Supreme Court applied the “one person, one vote” principle for congressional districts in *Wesberry v. Sanders*. The Court ruled that districts in the United States House of Representatives must be approximately equal in population on the basis that “as nearly as practicable one man’s vote in a congressional election is to be worth as much as another’s.”

Lastly, in *Avery v. Midland County*, the Supreme Court extended the “one person, one vote” principle to county and city governments, just as it had to congressional and state legislative districts. The Court found that “the Constitution permits no substantial variation from equal population in drawing districts for units of local government having general governmental powers.”

### Measuring Population Equality

In order to determine whether district plans are “substantially equal in population,” the county legislative body should rely on a sound statistical method to measure this principle. The county legislative body should consider the following terms and concepts when measuring population equality:

**Ideal population** – (or optimum population) represents the target population total for each district within a county. This is calculated by dividing the total county population by the number of districts.

For example, the 2020 census reveals that XYZ County has a total of 100,000 people with 10 commissioners, one for each district. The ideal population calculation for each district is:

$$100,000 / 10 = 10,000 \text{ people per commission district}$$

<sup>4</sup> *Avery v. Midland County, Texas*, 390 U.S. 474 (1968).

<sup>5</sup> *The Apportionment Cases*, Richard C. Cortner, The University of Tennessee Press: Knoxville, 1970. Chapter 1, “Courts, Politics and Reapportionment”, pp. 3-27.

<sup>6</sup> *Baker v. Carr*, 396 U.S. 186, 237 (1962).

<sup>7</sup> *Gray v. Sanders*, 372 U.S. 368, 379 (1963).

When dealing with multi-member districts where representation varies among the districts, an additional step is required. In this example, XYZ County has a total of 100,000 people with 12 commissioners among 10 districts. District 1 has three commissioners and the remaining nine districts have only one commissioner.

First, the ideal population per commissioner is calculated by dividing the total county population by the total number of members:

$$100,000 / 12 = 8,333 \text{ people per commissioner}$$

Next, each district's ideal population is calculated multiplying this total with the number of members in the district:

$$\text{District 1 Ideal Population: } 8,333 \times 3 = 24,999$$

or

$$\text{District 2-10 Ideal Population: } 8,333 \times 1 = 8,333$$

While the ideal population is a target that those redistricting should aim for, it is almost impossible to exactly hit this mark. When the ideal population is not reached, a **deviation** is calculated for individual districts.

**Deviation** – represents the difference between the ideal population and a district's actual population, and can be expressed in two ways, absolute and relative.

Absolute deviation is the positive or negative population total from the ideal population. For example, if a district has an actual population of 10,500 and an ideal population of 10,000, the absolute deviation is calculated:

$$10,500 - 10,000 = 500$$

Relative deviation is calculated by dividing the absolute deviation by the ideal population and is expressed in terms of a percentage. Using the same population totals, relative deviation is calculated:

$$500 / 10,000 = .05 \text{ or } 5\%$$

For practical purposes, relative (percent) deviation is the generally accepted statistic used in redistricting.

**Overall Range** – once the relative deviation is calculated for each individual district, the overall range is determined. This statistic is calculated by determining the difference between districts with the highest and lowest relative deviation. For example, if the highest and lowest deviations are +5% and -4% respectively, the overall range is 9%.

Overall range is most commonly used in evaluating whether a district plan meets the “one person, one vote” equal population standard. Pages 15-16 show an example of these statistics and a county district map.

Although state and federal statutes provide specific guidelines for redistricting, Congress and the Tennessee General Assembly have not gone so far as to pass a law that defines an acceptable overall range. In reference to state legislative districts, the Supreme Court has also avoided requiring “mathematical exactness” but rather insisted only on an “honest and good faith effort to construct districts . . . as nearly of equal population as is practicable.”<sup>8</sup>

<sup>8</sup> *Reynolds v. Sims*, 377 U.S. 533, 577 (1964).

## The Ten-Percent Standard

Despite the Supreme Court's reluctance to set an exact *de minimis* deviation for congressional redistricting, it has articulated that deviations less than ten percent in state legislative redistricting presumptively comply with the "one person, one vote" rule and those deviations that exceed ten percent are presumptively impermissible.<sup>9</sup> Although this standard was formulated based on state legislative cases, it is generally accepted that the standard applies to local government redistricting. Despite the *de minimis* standard, and the Court's recognition of a local governing body's need for greater flexibility in redistricting in *Abate v. Mundt*,<sup>10</sup> a redistricting plan with an overall range below ten percent may still be deemed to be unconstitutional if the county legislative body does not make an honest good faith effort to set up districts on an equal population basis.

In summary, local officials should keep the ten-percent standard in mind when developing district plans but should not consider the standard a safe harbor in light of the constitutional mandate that they make an honest good faith effort to construct districts based on the "one person, one vote" standard. Additionally, if a district must exceed the ten-percent standard, local officials should be prepared to justify the excess with consistently applied, nondiscriminatory redistricting policies.

## C. Minority Representation

In addition to the "one person, one vote" or equal population standard, county legislative bodies must consider minority representation when developing new district plans. Over the past fifty years, parameters have developed that provide local officials with guidelines when considering the need to draw majority-minority districts. Specifically, the federal Voting Rights Act of 1965 and cases involving racial gerrymandering provide a framework when trying to balance this delicate issue.

### Voting Rights Act

The original purpose of the Voting Rights Act of 1965 was to protect minority voters against discriminatory voting tests and to equalize electoral opportunity. Congress amended the Act in 1982. Section 2 of the Act most directly affects redistricting efforts.

Section 2 of the Act provides that any voting practice that results in discrimination on the basis of race, color, or membership in a language minority is unlawful and applies to any jurisdiction and any state. It enables a person filing suit to prove a violation of Section 2 if, as a result of the challenged practice or structure, plaintiffs did not have an equal opportunity to participate in the political process and to elect representatives of their choice.

The 1982 amendment to Section 2 specifies that courts must look at the "totality of circumstances" in determining whether a voting rights violation of Section 2 has occurred. Factors to be considered include, but are not limited to, bloc voting, a history of discrimination, depressed levels of minority employment, income, and few minorities elected to office.<sup>11</sup> The 1982 amendment also explicitly provides it does not create a right of proportional representation, i.e., a right to have members of a protected class elected in numbers equal to their proportion in the population. The ultimate question to be answered under a Section 2 challenge is whether the protected class has been denied an equal opportunity to participate and elect candidates of its choice.

In *Thornburg v. Gingles*, the Supreme Court developed a three-part test that a protected class must meet in order to establish a vote dilution claim under Section 2 of the Voting Rights Act. The test requires that a protected class prove that (1) it is sufficiently numerous and geographically compact to constitute a majority in a single-member district; (2) it is politically cohesive, in that its members tend to vote similarly; and (3) in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate.<sup>12</sup>

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<sup>9</sup> *Chapman v. Meier*, 420 U.S. 1, 22 (1975); *Evenwel v. Abbott*, 136 S.Ct. 1120, 1124 (2016).

<sup>10</sup> *Abate v. Mundt*, 403 U.S. 182 (1971).

<sup>11</sup> Voting Rights Act Extension Cleared for President Reagan, *Congressional Quarterly Weekly Report*, Vol. 40, No. 26, June 26, 1982.

<sup>12</sup> *Thornburg v. Gingles*, 478 U.S. 30, 49-51 (1986).

The results test of Section 2 is also applicable to vote dilution involving local government at-large or multimember districts. Under an at-large plan, the majority can vote as a bloc, choosing all officeholders and denying the minority an effective opportunity to elect candidates of its choice. Although the *Avery* and *Abate* decisions permit a local jurisdiction more flexibility in redistricting, it must comply with the Voting Rights Act. Any movement from single-member to multimember districts or at-large districts should be done with care due to the possible vote dilution impact.

## Racial Gerrymandering

Racial gerrymandering involves the use of race to manipulate district boundaries to benefit or hinder a specific group or class. While the Constitution and the Voting Rights Act protect minorities against discrimination and attempts to equalize electoral opportunity, the Supreme Court has recognized that redistricting bodies may consider race, along with other demographic data, in developing a redistricting plan. Although redistricting bodies may consider race when developing a redistricting plan, it cannot be the predominant reason for creating districts, unless the districts are “narrowly tailored” to achieve a “compelling state interest.”<sup>13</sup>

There are a variety of factors the courts consider in determining whether a district is considered a racial gerrymander. One of the most important characteristics in this process is district shape. In *Shaw v. Reno*, the Supreme Court considered the shape of the 12<sup>th</sup> Congressional District in North Carolina. The district was approximately 160 miles long and wound its way across the state in an attempt to include predominantly black neighborhoods. The Court addressed this irregular shape by stating that, “reapportionment is one area in which appearances do matter.” The court held that an extremely irregular shaped district can be viewed as an effort to segregate races for purposes of voting without regard to traditional redistricting principles and without sufficiently compelling justification.<sup>14</sup>

Viewing a district’s shape on a map is obviously the most visible way to evaluate a racial gerrymander, but it does not necessarily reveal the intent for creating such a district. Statements and other correspondence from redistricting bodies and staff can also determine whether race was used as the predominant factor when drawing district boundaries.

To minimize the chance of a court ruling that a redistricting body racially gerrymandered a district(s), the body should apply and document the use of traditional districting principles throughout the redistricting process. As stated in the *Shaw* case, the body should take into consideration compactness, contiguity, respect for political subdivisions, respect for communities of interest, and protection of incumbents. While *Shaw* limits the use, or abuse, of race in redistricting, it recognizes that race should not be excluded all together. Rather, race should have equal standing with traditional districting principles when redistricting bodies develop district plans.

In summary, redistricting bodies must be aware of minority representation issues. They should not only respect the Constitution and the Voting Rights Act, which protect against discrimination and dilution of minority voting strength, but also avoid racial gerrymandering by factoring race in conjunction with traditional redistricting principles.

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<sup>13</sup> See, *Shaw v. Reno*, 509 U.S. 630 (1993).

<sup>14</sup> *Ala. Legis. Black Caucus v. Alabama*, 575 U.S. 254 (2015).



## CHAPTER 2: REDISTRICTING DATA REQUIREMENTS

While court decisions, state and federal law, and other redistricting guidelines provide a legal and conceptual framework for redistricting, local officials will need specific data to develop new district plans. The Census Bureau provides states and local governments with two types of redistricting data: **maps and population figures**. The Census Bureau also identifies the Comptroller's Office as one of the official recipients of this information. **This Office will distribute census data and other map-related information to county officials charged with redistricting through one organization, the County Technical Assistance Service (CTAS)**. Chapter 3 discusses the role of these organizations in greater detail.

### A. 2020 U.S. Census Data

Tennessee law mandates the use of census data (maps and population totals) and refers to its use in local redistricting and in the establishment of voting precincts. Tennessee Code Annotated § 5-1-111(d) states that, “[t]he county legislative body must use the latest federal census data whenever a reapportionment is made.” Map references are found in this section and in Tennessee Code Annotated § 2-3-102, where precincts and districts must follow census block boundaries.

#### Census Maps (TIGER)

To support a variety of mapping functions within the Census Bureau, a digital map product has emerged that will be critical for redistricting officials. This digital database, known as Topologically Integrated Geographic Encoding and Referencing (TIGER), was initially developed for the 1990 census, which marked the first time that the Census Bureau had a “computerized map” for the entire United States. Other programs or projects within the Census Bureau rely on specific map products, but local redistricting in Tennessee will rely on TIGER and maps produced from this database.

TIGER consists of a number of files containing geographic information that can be viewed on a computer using GIS software. The geographic data is divided into either areas or lines. Linear data is defined as roads, railroads, utilities, hydrography (streams and rivers), landmarks, and other non-visible features. Area features are more significant to the redistricting process.

Area features are structured within a hierarchy of geographic units and are divided into political and statistical subdivisions. The following units will be used in the local redistricting process.

#### Political Areas

1. **County** – Defines the geographic extent of redistricting and reapportioning commission seats.
2. **Voting Tabulation District (VTD) or Precinct** – A portion of a county that uniquely identifies where citizens cast their vote in elections. In 2018-2019, during Phase II of the Census Bureau's Redistricting Data Program, the Comptroller's Office submitted digital versions of all county precinct maps. The Census Bureau used these precinct maps to tabulate 2020 population totals. **Due to city annexations and changes in block boundaries, however, some of these maps do not reflect actual precinct boundaries.** Precincts with modified boundaries are identified as pseudo precincts.

### 3. Place

- a. **Incorporated place** – governmental unit incorporated under state law as a city, town, village, or borough having legally prescribed limits, powers, and functions.
- b. **Census designated place** – An area designated by the Census Bureau comprising a densely settled concentration of population that is not incorporated but which resembles an incorporated place.

### Statistical Areas

1. **Block** – An area bounded on all sides by visible features such as streets, roads, streams, and railroad tracks (see page 13). In size, they resemble city blocks but can be quite large in rural areas. In 2015-2017, during Phase I of the Census Redistricting Data Program, county officials were able to help define new block boundaries that more closely resemble precinct boundaries and will provide redistricting officials with more choices when drawing new districts.

*\*Note: Only geographic areas used in the redistricting process are defined here. Other political and statistical area features found in TIGER and other census map products (e.g., tracts, block groups, census county divisions, etc.) are detailed on the Census Bureau's website, <http://www.census.gov>*

The 2020 TIGER area and line features are significantly improved from the 2010 census. The Census Bureau leveraged highly detailed GIS data from the Tennessee Base Mapping Program to create TIGER for Tennessee. This data's high spatial fidelity, in combination with TIGER's ability to link geographic features to census population figures, will allow local redistricting to take place with confidence and accuracy.

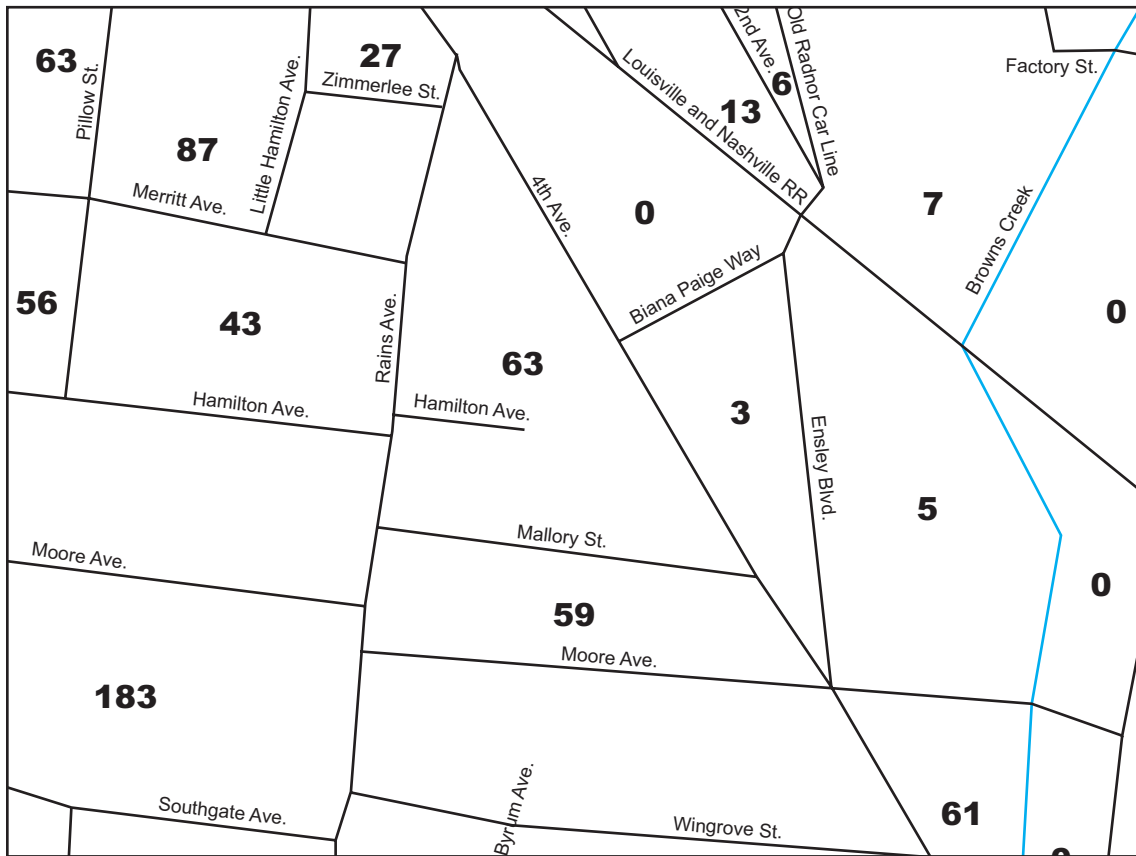
### Population Data (U.S. P.L. 94-171)

The 2020 Census will provide population data for a variety of political and statistical geographic areas. The redistricting effort will utilize population data at the block, VTD (precinct), and county levels as it did during the 1990, 2000, and 2010 rounds of redistricting.

On April 30, 2021, the President received the first figures from the 2020 census. The total population of the United States and the population of each state are used to apportion the seats in Congress. Throughout 2021, the Census Bureau will release additional population totals, including block, VTD, and county population data required for redistricting. Population data for these three levels of geography will include total population, voting age population, and population by race.

1. **Block level** – This is the smallest geographic area for which the Census Bureau collects and tabulates population data and is the foundation for constructing or modifying county commission districts (see example on page 13).
2. **VTD or precinct level** – This feature resembles or approximates county voting precincts. Population data collected and tabulated at this level is also applied to local redistricting.
3. **County** – Population tabulated at this level is used to help define measures of equal population, such as ideal population, deviation, and overall range.

## Example of Census Blocks with Labeled Population



While Tennessee law indicates that the 2020 census population figures are the official data set used for redistricting, U.S. Public Law 94-171 also requires the Census Bureau to report these population totals to all organizations charged with redistricting. These population totals include racial categories (such as White, African American or Black, American Indian or Alaska Native, Asian, Native Hawaiian and Other Pacific Islander, or Other Race). The 2020 Census also continues the option for respondents to choose more than one race. Hispanic is an ethnicity and not a race. People who identify as Hispanic, Latino, or Spanish may be any race.

### B. Existing County Maps

While census maps and 2020 population totals are essential data sources for local redistricting, existing county commission district and precinct maps can provide a starting point for local officials. The Comptroller's Office is the steward of these maps and has worked with county officials throughout the decade to keep these current and well-maintained. District boundaries have remained constant in most counties, but precinct lines may have changed in others. Population increases, shifts, and voting trends may result in precinct consolidation, creation, and boundary modification. As previously mentioned, city annexations present the biggest challenge for election administrators to keep precinct lines on census block boundaries.

## County Commission District Maps

The Census Bureau will tabulate 2020 population data for VTDs, or precincts, as well as for existing commission districts. The Comptroller's Office will produce maps and data of the new 2020 census blocks and the existing commission districts and precincts, showing population totals for each. These district totals are an excellent starting point to begin the redistricting process. An example of a district map is found on page 15. Districts are color-coded from the highest to lowest relative (percent) deviation, while the statistical table shows overall population ranges. These statistics are used to determine if the existing districts are within the ten-percent standard and will identify districts that may need significant boundary adjustments.

The general practice is for county officials to start redistricting with the existing districts as a foundation. However, based on an increase or decrease in the number of commissioners and/or districts, and the increase/decrease or shift in population, local officials may elect to start with a clean slate and disregard existing districts. More details are provided in Chapter 3.

## Voting Precinct Maps

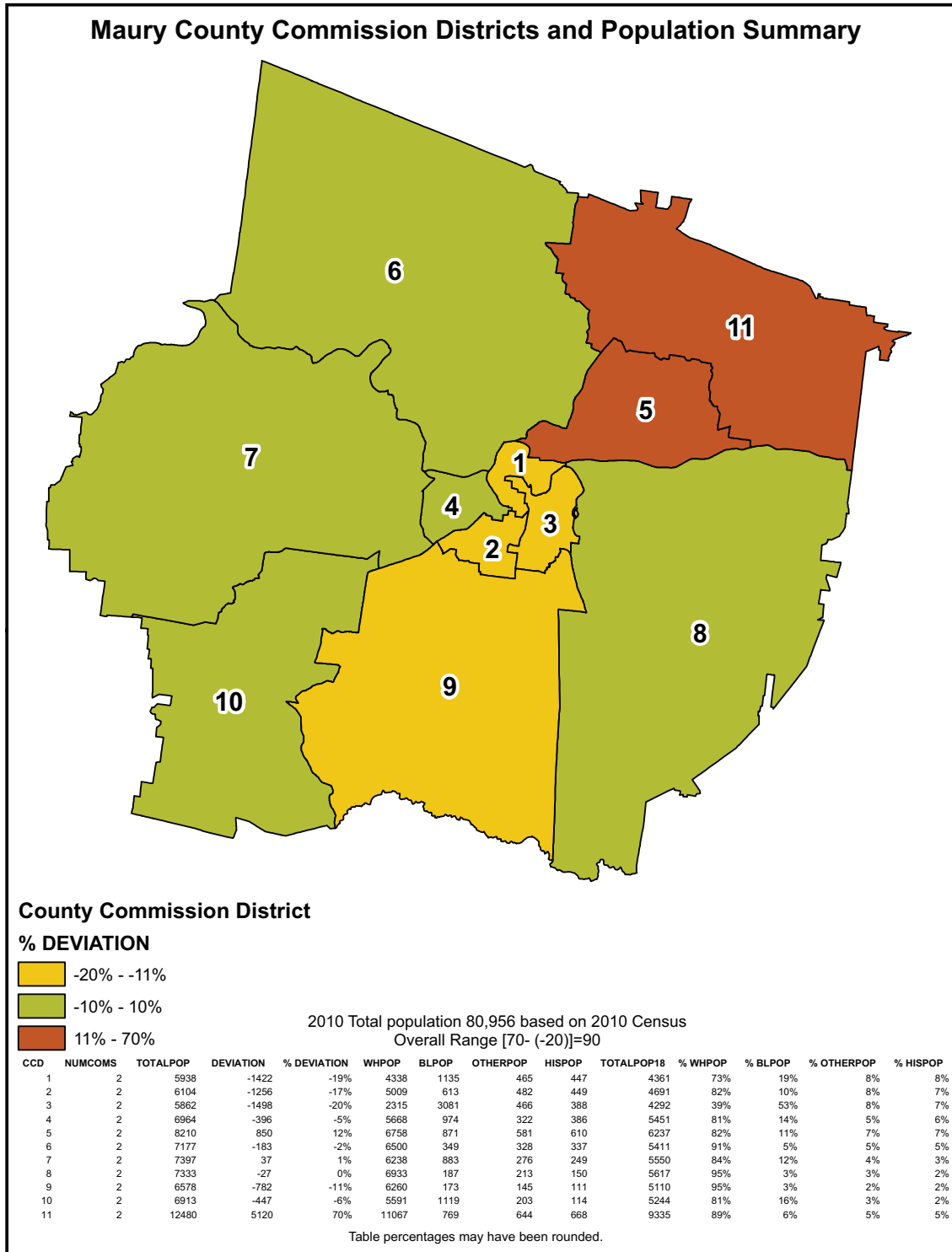
Another option for county officials is to use voting precincts as the foundation for creating county commission districts. **Rather than using existing districts or new 2020 census blocks as a starting point, local officials may choose to create districts by aggregating voting precincts or VTDs.** While these VTDs may not precisely define true voting precincts as administered by election officials, due to block boundary changes and city annexations, population summaries by precinct are available, and the Comptroller's Office can provide maps that define these areas. An example of a county precinct map is provided on page 16.

Through the use of geographic information system (GIS) software, county maps detailing 2020 census blocks with existing districts and precincts will be available from the Comptroller's Office. Flexibility exists to produce maps of varying size, scale, and geographic features (city boundaries, census blocks, roads, districts, precincts, etc.) for each county. These map and data products will meet local redistricting requirements.

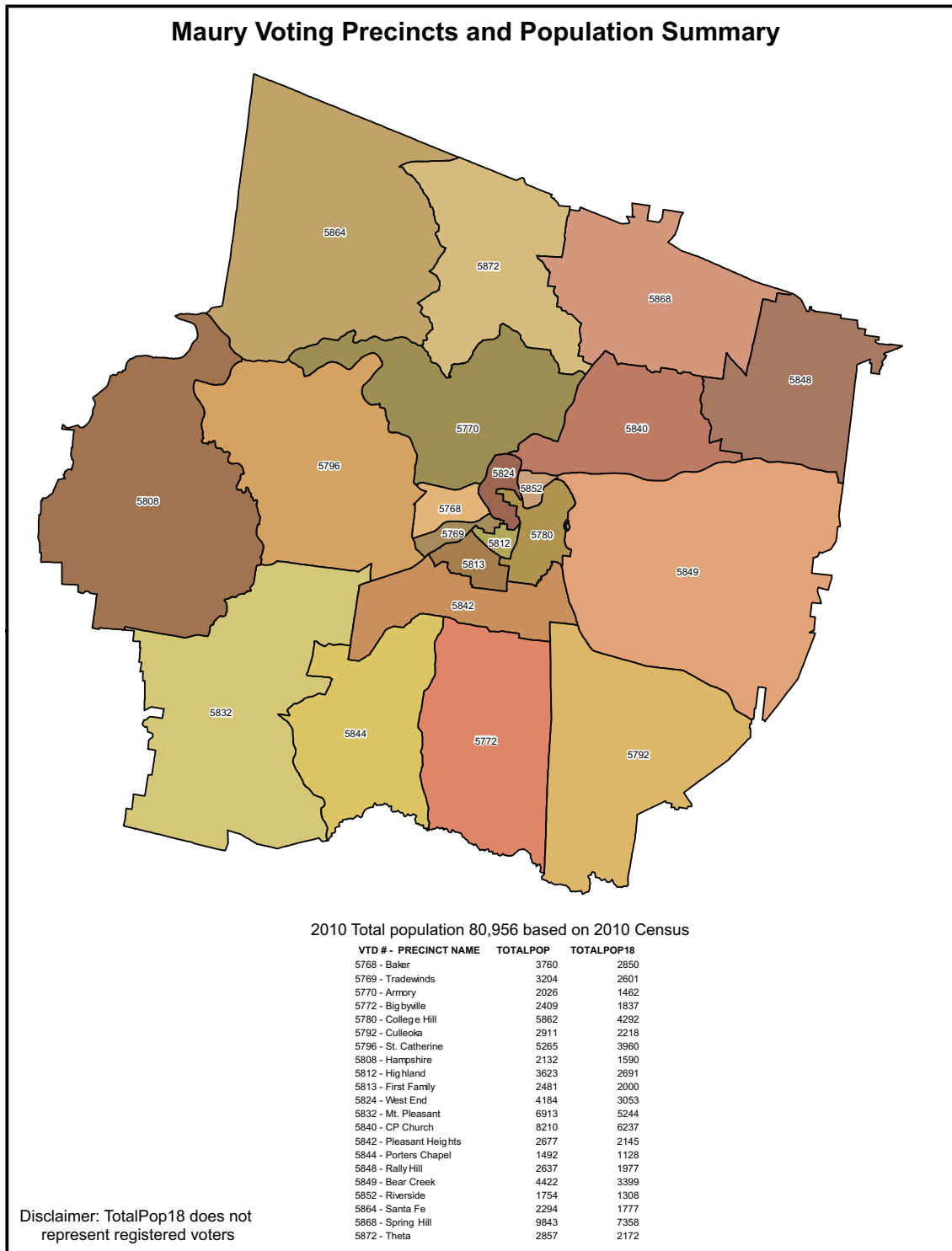
**Although it is not required, it is highly recommended that the county commission include the county administrator of elections in the redistricting process.**



## Example of County Commission Districts and Population Summary



## Example of Voting Precincts and Population Summary



## CHAPTER 3: A GUIDE TO LOCAL REDISTRICTING

The legal and data requirements of redistricting, which is covered in the first two chapters, can be summarized procedurally by simply aggregating census blocks to create commission districts. However, reaching that point requires appropriate planning and organization within each county and among various state agencies involved with local redistricting. The following chapter identifies a series of recommended steps to complete this task.

### Step 1. Appoint a redistricting committee to draw plans.

County legislative bodies must decide who will be responsible for drawing the district lines. The whole legislative body itself can work in this capacity, but it may be more appropriate to select a redistricting committee. There are no specific regulations for the composition of the redistricting committee, and it does not have to be limited to members of the county commission. **Due to the impact of redistricting on voting precincts, it is highly recommended that the committee include the county administrator of elections.**

Alternatively, the entire legislative body could be involved in the drawing of plans. However, smaller groups may be able to work better on suggested plans that are then presented to, and voted on by, the entire legislative body.

One member should serve as chair of the redistricting committee. This person will be the main point of contact and **will be responsible for communicating with state officials from the Comptroller's Office and the County Technical Advisory Service (CTAS).**

### Step 2. Acquire or collect redistricting data.

As indicated in Chapter 2, the Census Bureau is the primary data provider for local redistricting. The Comptroller's Office will receive census maps (TIGER files) and population data for each county in Tennessee. This information will then be distributed to redistricting committees or county commissions through CTAS, existing county staff, or from the Comptroller's Office.

Using 2020 census data with existing districts and precincts, the Comptroller's Office can produce a variety of maps. Standard map products include:

1. Current districts showing 2020 census blocks and population per block
2. Current precincts with 2020 census blocks and population per block
3. Current districts and precincts with 2020 census blocks and population per block
4. Census blocks with population per block

All maps will include roads, rivers/creeks, railroads, power lines, and city boundaries.

The map legend will indicate the population totals for districts and precincts. **Due to changes in 2020 block boundaries and city annexations, precinct and district population may not reflect actual totals.**

Conventional use of paper maps is no longer the preferred method used in redistricting. Improvements in hardware and software have made it possible for local officials to develop district plans using Geographic Information Systems (GIS) and digital maps. These tools allow local officials to calculate population totals automatically as they assign census blocks to the various districts. With the support of CTAS, existing county staff, and the Comptroller's Office, local officials can utilize this technology to develop district plans more efficiently and timely.

### **Step 3. Evaluate current districts with the 2020 population to determine what changes, if any, must be made.**

**First: Decide if the number of districts and commissioners will remain the same.** If the committee or county commission decides to change the number of districts and/or size of the commission (reapportion, see glossary), skip to Step 4.

**Second: Examine the population of each commission district as presently drawn.** Use the map provided by the Comptroller of the Treasury to examine 2020 population totals for each district.

*\*Remember: Some district boundaries will be adjusted due to changes in census block boundaries from 2010 to 2020. New population totals for existing districts reflect these adjustments.*

**Third: Determine if the current district plan adheres to the “Ten-Percent Standard.”** Based on the population totals and percent deviations per district, determine if the overall range (see Chapter 1 and pp 7-8) is acceptable. Also, identify which districts have exceedingly high or low deviations. The redistricting effort will probably begin in these areas.

**Fourth: Examine any existing majority-minority districts.** First, determine if majority-minority districts exist in the old district plan. If they do, the redistricting body should determine whether the district(s) is narrowly tailored to achieve a compelling state interest. Based on significant population changes, adding new or modifying old minority districts may or may not be justified.

### **Step 4. If necessary, draw one or more new district plans.**

After receiving maps with population data, and evaluating the existing districts, the actual redistricting work will begin. CTAS and the Comptroller's Office can provide counties with technical assistance during this step.

**First: Determine if the committee wants to adopt guidelines under which the district lines will be drawn.** The redistricting committee should keep complete records and minutes of meetings and district plans. Tennessee's Open Meetings Act requires that the committee take and maintain complete minutes and provide adequate public notice of committee meetings. Guidelines can provide how the committee documents its consideration of traditional districting principles, such as keeping districts compact and contiguous, adhering to the ten-percent standard, and the need to consider majority-minority districts. Documentation is also critical when, on the rare occasion, district plans exceed an overall range of ten percent. Based on disproportionate population distribution between urban and rural areas and county physiography problems (e.g., ridge and valley in East Tennessee), it may be difficult to create plans that have an overall range of less than ten percent. **Keeping detailed and accurate records of why and how the committee developed a district plan may prove beneficial if challenged in court. All records, minutes, and district plans are subject to the Tennessee Public Records Act.**

**Second: Determine if the committee intends to draw more than one plan to present to the entire legislative body.** There may be minimal changes to current districts if population increases, decreases, or shifts are insignificant. In other words, existing districts with 2020 population totals may already have an overall range of less than ten percent. This does not prevent the committee from creating alternative or new district plans. New districts can be drawn to separate urban from rural areas, or to keep homogeneity within a district. Other factors that may be considered include incumbents' residences, preserving communities of interest, and other factors important within the county.

**Third: Determine the method for drawing new districts.** There are three basic choices on how to start redistricting:

- 1. Use census blocks with current districts.** When the number of districts and commissioners remains the same, the committee can use existing districts as a starting point. The committee can balance the population by simply swapping census blocks between districts.
- 2. Use census blocks only.** If the number of districts and/or commissioners increases or decreases, it may be more appropriate to disregard the existing districts and begin a new plan from scratch, using census blocks as the foundation. In this scenario, the committee will assign every census block in the county a new district. Once this is completed, balancing the population, or fine-tuning the district plan, is accomplished the same way as the first option above.
- 3. Use precinct boundaries.** In addition to census blocks, the committee can use voting precincts or VTDs as the means of drawing new districts. The committee can aggregate individual or multiple precincts to create new commission districts. **Attempting to preserve existing precincts is an idea that redistricting committees should consider but may not be able to achieve.** If the committee redistricts based on precincts, election officials will still have work to do. In some cases, based on city annexations and census block changes, precinct boundaries have been adjusted. So, even if the committee decides to keep the existing districts or redistrict based on existing precincts, some county residents may be moved to an adjacent precinct and new polling place.

**Fourth: Consider other variables when drawing new plans.** Technically speaking, redistricting is assigning census blocks and/or precincts to county commission districts. The sum of census blocks within a district will generate a population total for each district. While this appears to be a straightforward process, the committee should consider other factors when drawing new districts.

**City or incorporated boundaries** – During the 2010s round of local redistricting, many plans were drawn to create commission districts that coincided with city boundaries. As a result, city residents were able to elect county commissioners that represented and protected their political interests. While there are benefits to this practice, potential problems can arise when city boundaries, coincident with commission districts, move due to annexations or deannexations.

Although election officials often choose to move precinct boundaries with annexations, this should not affect commission districts. In other words, **annexations should not result in moving county commission district boundaries and should not result in registered voters being moved into a new county commission district.** When this occurs, voters may cast ballots for individuals who are not in their district.

Redistricting committees should be aware of this situation and can help minimize this problem from happening. This may be accomplished with the following two suggestions:

1. Include a few unincorporated census blocks in these “city” districts so that the new commission districts do not exactly coincide with city boundaries. Then, as annexations occur, commission districts may not be affected.
2. Instead of creating one commission district for an entire city, divide the city into two or more commission districts in such a way that annexations will not affect commission districts.

Although it is difficult, if not impossible, to predict when and where annexations will occur after finalizing the district and precinct plan, redistricting officials should take this into consideration when drawing new districts.

Inevitably, some new commission districts will coincide with city boundaries. When annexations occur in these areas, election officials must be prepared to preserve existing commission districts.

## Step 5. Complete the final district plan.

When the committee agrees on a final district plan, the committee should review it with the following legal guidelines in mind:

**Equal Population.** State and federal law requires districts to represent substantially equal populations. Although not a complete safe harbor, the ten-percent standard provides parameters for what constitutes equal population in local government redistricting. **District plans should attempt to have an overall range of less than ten-percent deviation supported by legitimate considerations for the deviation.**

**Minority Representation.** The final plan should include a balance between the Voting Rights Act, which protects against discrimination and dilution of minority voting strength, and racial gerrymandering by using race consistent with the traditional redistricting principles.

**Making districts both compact and contiguous.** Tennessee Code Annotated § 5-1-111(e) details the requirements of these two traditional redistricting principles. New commission districts should be one undivided parcel of land that is not irregular in shape.

## Step 6. Adopt the final plan by resolution.

After the legislative body reaches consensus on a final district plan, the county legislative body should adopt it by resolution. **The resolution should contain either descriptions or a map of sufficient detail of each district and copies should be submitted to the Comptroller of the Treasury. The county legislative body should transmit the resolution, descriptions, and/or map(s) to the county election commission to begin the re-precincting process (Step 7).**

## Step 7. Complete the final precinct map.

Based on district changes, the election commission may have to adjust precinct boundaries and/or create new precincts to coincide with new commission district boundaries. If the election commission decides to alter a precinct boundary, Tennessee Code Annotated § 2-3-102(b)(1) requires the boundary that is altered to coincide with a census block as designated by the Census Bureau in the latest federal decennial census. In addition, Tennessee Code Annotated § 2-3-102(b)(2) requires that, after December 1, 2018, all precinct boundaries within the jurisdiction of the county election commission that do not coincide with a census block as designated by the Census Bureau in the latest federal decennial census must be altered so the precinct boundaries do coincide with a census block as designated in the latest federal decennial census.

Tennessee Code Annotated § 2-3-102(c) requires **a county election commission that alters the boundary of any voting precinct to send a map, or GIS file, which clearly delineates the new boundaries of the voting district to the Comptroller of the Treasury.** In addition, Tennessee Code Annotated § 2-3-106 requires the boundaries of each precinct to be described either by metes and bounds or by a map of sufficient detail to delineate the boundaries of the precinct. The county election commission should file and record copies of the maps in the county clerk's office and in the Office of the State Coordinator of Elections and shall make the maps available for public inspection.

## **Step 8. Certify the final district and precinct plans.**

The Comptroller's Office will prepare three copies of final district and precinct maps requiring district certification signatures from any two of the following county officials: the county mayor/county executive, the chair of the county commission, a member of the county commission, or the county clerk. Likewise, precinct certification signatures are required from any two of the following county officials: the administrator of elections, a member of the county election commission, or the county clerk.

After the maps are signed, one copy should be sent to the Comptroller of the Treasury and one copy should be sent to the State Election Coordinator. The third copy is retained for local use.

**\*Final Note: Before starting the redistricting process, local officials should review state laws for any changes or new requirements. The Comptroller's Office also suggests that you seek legal advice when matters of law are in question.**



## APPENDIX 1: GLOSSARY

**Apportionment or Reapportionment** - Often confused with or used interchangeably with redistricting, these terms refer to the allocation of political seats among districts and are most often used in reference to the allocation of seats for the U.S. House of Representatives among the states. At the local level, this refers to changing the size of the commission or redistributing commission seats among districts. Commonly referred to as “drawing the district lines.”

**Bloc Voting** - A combination of persons or groups with a common interest or purpose who vote as a bloc or unified group.

**Block (Census Block)** - An area bounded on all sides by visible features, such as streets, roads, streams, and railroad tracks, or by other limited non-visible boundaries, such as city, town or county limits, and extensions of streets. A block is the smallest statistical area for which the Census Bureau collects and tabulates population data.

**Block Number** - A four-digit number identifying a census block. This allows the Census Bureau to create additional blocks, providing more flexibility when drawing new districts. Block numbers are unique within block groups and tracts.

**Census Tract** - A small, relatively permanent division of metropolitan statistical areas and selected non-metropolitan counties that are delineated for the purpose of presenting census data. When census tracts are established, they are designed to be relatively homogeneous, with respect to population characteristics, economic status, and living conditions, and to contain between 2,500 and 8,000 inhabitants. Census tract boundaries are established cooperatively by local census statistical areas committees and the Census Bureau in accordance with Bureau-defined guidelines that impose limitations on population size and specify the need for visible and stable boundaries. Census tracts do not cross county boundaries.

**Census Tract Number** - A four-digit number between 0001 and 9999, possibly with a two-digit suffix (e.g., 9999.01), used to identify a census tract uniquely within a county and usually with a metropolitan area. Leading zeroes are not shown on census maps.

**Constable** - Constables are sworn and bonded peace officers with full powers of arrest under Tennessee Code Annotated Title 8, chapter 10. They are charged with keeping the peace and with enforcement of the laws of the state, county, and its cities. While their powers as peace officers are valid statewide, their activities are generally limited to the county where they are elected.

**Corporate Limit** - The legally defined boundary of an incorporated place. This boundary is subject to change through the process of locally initiated annexation, deannexation, detachment, and/or disincorporation.

**Deviation** - See relative deviation.

**Gerrymandering** - A practice that attempts to establish a political advantage for a particular party or group by manipulating geographic boundaries to create partisan, incumbent-protected districts. Gerrymandering may be used to achieve desired electoral results for a particular party or may be used to help or hinder a particular demographic, such as a political, racial, linguistic, religious, or class group.



**GIS (Geographic Information System)** - Computer mapping system used by the State of Tennessee to create and maintain districts and precincts. GIS establishes a link between U.S. P.L. 94-171 (population) data and the TIGER (map) data for easier and faster calculations in the redistricting process and allows for map customization and analysis.

**Ideal District Population** - In single-member district plans, the ideal district population is equal to the total population divided by the total number of districts. In multimember districts, the ideal population is instead expressed as the ideal population per representative.

**Incorporated Place** - A political unit, incorporated as a city or town, having legally prescribed limits, powers, and functions. Also known as “incorporated municipality.”

**Majority-Minority Districts** - Districts where an ethnic or language minority group(s) has the largest percentage of the total population in that district.

**Map** - A printed or digital visual representation of an area; a symbolic depiction showing elements of that space, such as regions, objects, and themes.

**Multimember Districts** - Districts where citizens vote for and are represented by more than one member or commissioner. County commissions in Tennessee may have up to three members per district.

**One Person, One Vote** - An often-cited phrase written by former U.S. Supreme Court Justice William O. Douglas in the 1963 *Grey v. Sanders* decision in which the Court held that unit voting (at-large) systems are unconstitutional per se. (“The conception of political equality from the Declaration of Independence, to Lincoln’s Gettysburg Address, to the Fifteenth, Seventeenth, and Nineteenth Amendments can mean only one thing—one [person], one vote.”)

**Overall Range** - A simple statistical measure of variability. Overall range measures the difference between the highest and lowest values in a distribution. For example, if a county had five districts, the highest with a relative deviation of 5.4% and the lowest with a relative deviation of -3.8%, the overall range would be 9.2%.

**Packing** - This term is used when a minority group is concentrated into one or more districts so that the group constitutes an overwhelming majority in those districts, thereby diluting the minority group’s voting power.

**Political Subdivisions** - Are local governments created by the states to help fulfill their obligations. Political subdivisions include counties, cities, towns, villages, and special districts, such as school districts, water districts, park districts, and airport districts.

**Precinct (see also Voting Tabulation District (VTD))** - A subdivision of a county commission district that contains a polling place where registered voters cast ballots in elections. **County commission districts cannot split precincts.**

**Reapportionment** - See apportionment.

**Redistricting** - This term refers to the redrawing of political boundaries, such as county commission or city council districts, to achieve equal population among the various districts.

**Relative Deviation** - A percentage indicating the difference in the ideal population from a district’s actual population.

**Reprecincting** - Precincts should be redrawn as necessary so as to nest within county commission districts and not split senate districts (if applicable), be reasonably compact, be a single piece (contiguous), and to better serve the county voters.

**Results Test** - In 1982, Congress amended Section 2 of the Voting Rights Act to provide that any voting practice that “results” in discrimination on the basis of race, color, or membership in a language minority is unlawful. Before the 1982 amendment, plaintiffs were required to prove discriminatory intent rather than effect.

**Single-Member Districts** - These are districts represented by one person.

**TIGER (Topologically Integrated Geographic Encoding and Referencing)** - Digital map created by the Census Bureau containing selected geographic and cartographic information used to support its mapping requirements. It is the base map that is used for redistricting in the State of Tennessee.

**Undercount** - The estimated number of people who are not counted by the census.

**U.S. P.L. 94-171** - Law passed by Congress in 1975 requiring the Census Bureau to furnish state governments’ population data by April 1 of the year following the census count for use in redistricting. The law requires that the bureau allow the states to define the boundaries of the areas for which the population data is collected.

**Vote Dilution** - Intentional or unintentional acts, through election laws or practices, that diminish the voting strength of an identifiable group.

**Voting Rights Act** - Originally passed by Congress in 1965, the Act was designed to protect the right to vote as guaranteed by the 15th Amendment and to enforce the 14th Amendment and Article 1, Section 4 of the Constitution. Since 1965, Congress has amended it in 1970, 1975, and 1982. Section 2 of the Voting Rights Act directly affects redistricting efforts. Section 2, which applies to all jurisdictions, prohibits imposing any voting practice that results in the denial of the right to vote. It mandates that all citizens must have an equal opportunity “to participate in the political process and to elect representatives of their choice.”

**Voting Tabulation District (VTD)** - A term used by the Census Bureau to define local voting districts, or precincts, in Tennessee.

**Ward** - An elective district of a city council or town board created for the purpose of providing more direct representation.



## APPENDIX 2: LOCAL REDISTRICTING QUICK REFERENCE

### **What is redistricting?**

The delineation of county commission (county legislative body) district lines.

### **What is reapportionment?**

The distribution of the county legislative body so that its members represent substantially equal populations.

### **When was the last time counties were required to redistrict/reapportion?**

2011.

### **How often does redistricting occur?**

Every ten years, following the publication of the new U.S. Census population summary tables that result from the decennial census.

### **When does redistricting need to be completed?**

January 1, 2022.

### **Will legislative redistricting be complete before counties begin?**

Probably not. In any event, the county legislative body must comply with the January 1, 2022 deadline.

### **What is the maximum number of county commission districts per county?**

Twenty-five.

### **What is the minimum number of county commission districts per county?**

Three. Special rules apply to Hamilton and Knox Counties; they must each have nine districts minimum.

### **What is the maximum number of commissioners per county?**

Twenty-five.

### **What is the minimum number of commissioners per county?**

Nine.

### **What is the maximum number of commissioners per district?**

Three.

### **What is the minimum number of commissioners per district?**

One.

### **Can a county have one commissioner in some districts and multiple commissioners in other districts?**

Yes, as long as the county's total of twenty-five commissioners is not exceeded and any one district does not have more than three commissioners.

### **Can one commissioner represent more than one district?**

No. Every commissioner must reside in the district to which he or she is elected.

### **What data is used in the local redistricting process?**

The most recent decennial census data.

### **Who will do redistricting?**

Tennessee law requires each county's legislative body to do its own redistricting via committee.

### **Who should be on the redistricting committee?**

County commissioners, the county administrator of elections, and anyone else whose assistance is desired. Legal counsel is also advisable.

### **Will the state assist counties with redistricting?**

Yes. The Tennessee Comptroller of the Treasury and the University of Tennessee Institute for Public Service - County Technical Assistance Service are available to help counties with redistricting. Additionally, you may choose to use county resources and staff to accomplish redistricting. Software and data will be provided at no cost to local governments.

### **How are districts drawn?**

All districts must be based on 2020 census blocks.

### **Do voter precincts have to be redrawn as well?**

Precincts should be redrawn as necessary to nest within districts, to be reasonably compact, and to be of a single piece (contiguous).

### **Who redraws voter precincts?**

The county election commission.

### **Can a voter precinct split a county commission district?**

No, unless the county has twenty or more county legislative body districts, and the county coordinator of election provides written certification of approval.

### **Can a precinct split a state house district?**

Yes.

### **Can a precinct split a state senate district?**

No. Tennessee Code Annotated § 3-1-102(g) prohibits it.

### **When is a county's redistricting plan complete?**

A final district plan will be adopted by resolution of the county legislative body. The resolution must contain descriptions of each district or a map of sufficient detail. The county will send the resolution along with the revised voter precincts to the Comptroller's Office, which will prepare three maps of the county's final districts and precincts and send them back to the county for district certification signatures and precinct certification signatures. The county will then send one signed copy of the map to the Comptroller of the Treasury, another signed copy to the State Coordinator of Elections, and will retain the remaining copy.

### **Are local redistricting meetings subject to the open meetings/public records acts?**

Yes. Meeting minutes and records should be collected and maintained for all redistricting meetings. Adequate public notice should be given every time the redistricting committee meets. All records generated from these meetings are public records.

### **How can you tell if a redistricting plan would have discriminatory results?**

In the 1986 case of *Thornburg v. Gingles*, the U.S. Supreme Court set forth three preconditions a minority group must prove in order to establish a violation.

1. That a minority group is sufficiently large and geographically compact to constitute a majority in a single member district;
2. That it is politically cohesive, meaning it usually votes for the same candidates; and
3. That, in the absence of special circumstances, bloc voting by the white majority usually defeats the minority's preferred candidate.

### **Do you have to hold a public hearing after the redistricting committee has approved a plan before the plan can be sent to the full county legislative body?**

It depends. Yes, if the county has a provision in its charter or private act that requires a public hearing, otherwise, no.

### **How do we handle prisons in our county?**

The General Assembly amended Tennessee Code Annotated § 5-1-111 in 2016 to allow exclusion of residents in a correctional institution who cannot by law register in the county as voters from any consideration of representation relative to local redistricting. The local county legislative body needs to pass a resolution and send it to the Comptroller's Office to make the necessary adjustments.

### **Who is responsible for assigning school board and constable districts?**

In general, the county legislative body is responsible for defining school board and/or constable districts. The county legislative body should review the county's charter or private acts for any changes in responsibility.

### **Do rivers and bodies of water effect a district's contiguity?**

Not necessarily. The use of contiguity by water is sufficient in establishing a district, but the federal courts have held a body of water may not break up contiguity unless a part of a district is isolated from the rest by the territory of another district.

### **My city limits lines are wrong. What can be done?**

Unfortunately, the census blocks were created to construct containers and reflect what was submitted to the Census Bureau from your local officials. Election administrators must have a ballot face for those who are able to vote in city elections even if the census shows them outside of the city limits.

### **Can we redistrict in between the decennial census?**

A county legislative body may reapportion at any time if the county legislative body deems such action necessary to maintain substantially equal representation based on population. This authorizes the county legislative body to reapportion at any time but limits this authority exclusively to maintaining substantially equal representation in the districts.

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