

**INITIAL ASSESSMENT
OF
STEPHENS COUNTY, TEXAS
FOR PURPOSES OF REDISTRICTING EVALUATION**

Prepared by

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TAB A: Initial Assessment

The Initial Assessment is a narrative analysis of the data contained in the PL94-171 files provided by the Census Bureau, together with an explanation of the impact such data may have upon the County in light of state and federal law.

TAB B: Statistical Definitions and Determination of Total Maximum Deviation

Definitions of the various ratios, formula and procedures utilized in the analysis of county population. These ratios, formula and procedures have been largely developed in case law in the field of redistricting, together with generally recognized methods of sociological study.

NOTE: Prison inmate populations are included in the census data. However, inmates detained under felony convictions are not eligible to vote under Texas law. As such, populations of inmates held within the state prison system, either in state owned and operated facilities, or under contract in county facilities, are typically not counted in the determination of Total Maximum Deviation, or for other "one-person-one-vote" determinations. For purposes of the Initial Assessment, raw data has been acquired from the County and/or the Department of Criminal Justice regarding prison populations, and from the U.S. Immigration and Customs Enforcement (ICE) for persons held pending immigration cases. In subsequent census data releases, group housing data may reveal more specific information, but at this time, we are deducting prison populations from county population totals in order to arrive at a true "one-person-one-vote" analysis, and to avoid potential imbalances in population that might result of inclusion of prison population in precinct totals. County jails holding persons convicted of both felony and misdemeanor offenses, juvenile facilities, or facilities holding individuals pending resolution of pending criminal or immigration charges are included within the population counts for the county, as reflected in the census data.

DEMOGRAPHIC ANALYSIS

The working file is a demographic analysis of each major County elective office elected from geographic precincts. These files analyze the population demographics of each precinct based elective office, i.e. the offices of County Commissioner, and Justice of the Peace/Constable precincts. Prior to the 1990 census, previously existing election precinct boundaries were often described by non-physical boundaries. Since the use of computerized census maps was first implemented in 1990, based upon topological maps which contain not only physical boundaries, such as roads, streets, streams and water bodies, but also such "non-physical boundaries" as easements, municipal boundaries or other surveyed lines, but not visible on the ground, it was necessary to merely "approximate" those boundaries that were not defined by a physical boundary such as a road, watercourse, or other physical boundary. These approximations were described as Voter Tabulation Districts, or VTDs. It should be

noted that the VTD was only approximation of the actual voting boundaries, since Public Law 94-171 requires that the VTD utilize census blocks as its component parts.

In 1990, most counties adopted election boundaries based on census blocks, but VTDs are still encountered. The boundaries utilized in this Initial Assessment are derived from the Texas Legislative Council, and have been, to the extent possible, confirmed as accurate by local officials. However, some counties continue to have election precinct boundaries defined in a manner that is incompatible with census block-based mapping. Therefore, in some cases, you may find a discrepancy between the actual boundary in use, and the census block-based mapping boundaries used in this report. All future election precincts should be based upon census blocks to avoid any discrepancy between the actual boundary in use and the official boundary description maintained by the Texas Legislative Council.

County demographic data is depicted in chart and graphic form for both total county population as well as voting age population. While "One-Person-One-Vote" balance between the four Commissioners Court Precincts is based upon the entire county population, the availability of voting age populations is also important in two respects.

First, each county should assess the size of existing election precincts. State law limits the size of election precincts of not less than 100 registered voters, and not more than 5,000 registered voters per election precinct. (See §42.006, Texas Election Code, V.T.S.C.A), with some exceptions based on the size of each county population.

Second, in counties inhabited by a significant minority population, the need to create one or more Commissioners Court Precincts that assure minority representation requires utilization of voting age information. While the actual political boundaries will be based upon total population, the viability of the resulting precinct in terms of the ability to elect requires analysis of voting age population.

TAB C: Maps

The following maps depict county populations by census block. It should be noted that in some census blocks, the total population may be very small, and the resulting color shading may therefore result in some misperception of actual population totals.

Correlation of the map depiction with the data contained in the PL94-171 is necessary to assure accuracy of any assumptions or projections for reapportionment purposes. All computer-generated matters contained in this report, including statistical ratios or formulas, are derived from information taken directly from the Public Law 94-171 files of the United States Census Bureau. Allison, Bass & Magee, LLP shall not be responsible for errors that may occur in the PL94-171 data.

Map 1: Depiction of Existing Commissioners
 Court Precincts-County wide

Voting or Election Districts-County Wide

Map 2: Justice/Constable Precincts

Map 2 depicts the Justice of the Peace/Constable Precincts, and the respective election precincts of each such Justice/Constable precinct. Reference should be made to Appendix B for demographic analysis of Justice/Constable precincts. It should be noted that the offices of Justice of the Peace and Constable are not considered as representative offices, and are therefore not legally required to comply with either "One-Person-One-Vote" balance or "representative" analysis under Section 2 of the Voting Rights Act. (42 U.S.C. 1973c) Counties are not required, therefore, to make any changes to existing justice or constable precincts by federal law. However, Article 5, Section 18 of the Texas Constitution sets population requirements for the number of justice precincts required. Each County should carefully examine the number of justice precincts required by law to determine if a reduction or expansion of existing justice/constable precincts is feasible. If changes are made to Justice/Constable precincts, either directly or as a result of modification of the election precincts that make up the Justice/Constable precinct, a voting rights analysis under the Voting Rights Act is required.

TAB A

INITIAL ASSESSMENT NARRATIVE

**INITIAL ASSESSMENT
OF
STEPHENS COUNTY, TEXAS
POLITICAL BOUNDARIES
FOR
PURPOSES OF REDISTRICTING**

By

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GENERAL OVERVIEW

Following the Supreme Court decision in *Avery v. Midland County*, 390 U.S. 474; 88 S. Ct. 1114, 20 L. Ed. 2d 45 (1968), Texas Commissioners Courts have been required to make a periodic assessment of their political boundaries to determine whether the boundaries retain "one-person-one-vote" balance. This requirement is now carried forward by statutory requirement in Article 42.001 of the Texas Election Code.

Therefore, following each federal census, each Texas County should conduct an assessment of existing political boundaries. As a very general rule of thumb, any statistical change of population between the 2010 and 2020 census more than 3%, plus or minus, will indicate a potential need for reapportionment. Only in rare circumstances will a county experiencing a population change in excess of 3% avoid the need for rather extensive reapportionment of the county Commissioners Court precinct lines. However, any assumption that a population change of less than 3% will not require reapportionment is ill advised. Populations will shift within a county over time. Every County, even those with a rather insignificant overall population change, should carefully examine actual population demographics relative to their existing political lines to determine the need for reapportionment.

It should be carefully noted that simple comparisons between the county population of 2010 and 2020, or even a more sophisticated analysis of urban and rural areas of the county might not reflect the true extent of population "change" each County has experienced over the last ten years. "Change" may not directly correlate to "different" or "new" population. For example, existing populations within a county move considerably within a ten-year span. The movement of a single family a rural area to an urban area within the same county will impact both categories, and where that move crosses political boundaries, may have a significant impact on the obligation of that County to redistrict.

Efforts to balance road mileage, or to achieve other entirely practical adjustments of county boundaries must be undertaken with great care to avoid unintended shifts of population which will either exceed the required numerical balance, or will offend the Voting Rights Act.

With this general overview, the following sections of this Initial Assessment will evaluate each layer of Stephens County's political boundaries and attempt to determine whether or not the Commissioners Court should undertake reapportionment. Our assessment will point out areas of potential conflict with state and federal law, and will also suggest areas that may be considered for purposes of cost effectiveness and voter/resident convenience.

INITIAL SUMMARY FINDINGS REGARDING NUMERICAL BALANCE:

Please review the information contained under Tab B carefully. Please pay particular attention to the following:

1. Please consider the Total Maximum Deviation in terms of population between the Actual Population of each Commissioners Court Precinct and the Ideal Population. Remember that the ideal population of each precinct is exactly one-quarter of the total county population.
2. Next, consider the Relative Deviation, expressed as a percentage, of the Actual Population of each precinct as compared to the Ideal Population of each precinct.
3. Redistricting will be necessary to comply with 'One-Person-One-Vote' standards if the Total Maximum Deviation between the largest precinct and the smallest precinct (in terms of population) exceeds 10%.
4. Therefore, carefully examine the Total Maximum Deviation calculation. If that number is more than 10%, Stephens County is legally obligated to make changes in its political boundaries to re-balance the population to more equal terms.
5. If the Total Maximum Deviation exceeds approximately 7%, you may want to consider redistricting in order to re-balance your boundaries, although you are not legally required to do so at this time.
6. If the eventual resulting Total Maximum Deviation is below 5%, you are generally safe from legal challenge on a "one-person-one-vote" basis for the next few years.

MINORITY VOTING RIGHTS

As a general rule, where the total minority percentage exceeds 25% of the total population, there is ample justification to create a commissioner's precinct that contains a potential voting majority of minority residents. In concentrations greater than 40%, consideration should be given to creating at least one commissioner's precinct with a potential voting majority of minority residents, with the possibility of any "excess population" being used to impact one or more other precincts. Where the total minority concentration exceeds 40%, the issue of "Packing" becomes a consideration, meaning that minority populations cannot be "packed" into a single precinct, but must be allowed to influence as many precincts as the total minority population warrants without efforts to fragment otherwise contiguous concentrations of minority population.

Please examine the demographic data contained under Tab B very carefully.

With the racial profile outlined under Tab B, minority representation must not be diluted, and where possible, a voting majority of minority residents should be created. In order to achieve the maximum minority representation within the demographic and geographic limitations in existence, it will be necessary to determine which election precincts, and which census blocks, contain the highest percentage of minority population and to take such reasonable measures as will insure the highest possible minority voice in county government. To achieve this goal, some attention must be paid to voting age minority residents. Again, please review the data contained under Tab B. In order to create a viable voting majority of ethnic, race or language minority voters, it is necessary to attain a voting age population within at least one Commissioners Court precinct of approximately 55% or better. In order to accomplish this high number of voting age population, a total population figure in excess of 60% is typically required.

Please examine Tab B to determine the minority population of each of the four Commissioners Court precincts. A determination of whether or not the minority populations in these precincts could be joined in a single precinct, or perhaps concentrated in an effort to maximize minority impact upon elections is difficult to assess without a more detailed evaluation of historical voting patterns, racial demographics, and the realities of political boundaries.

When taken with the numerical imbalances that must be addressed, it would appear that if at all possible, minority populations might be concentrated in at least one Commissioners Court precinct to the degree possible to achieve an acceptable potential minority concentration. Typically, the Commissioners Precinct with the largest minority concentration prior to redrawing lines is the best candidate for any alternative plan, but other possible constructions of precinct lines might well result in a favorable racial profile.

Fragmenting minority population concentrations must be avoided. Any modification of political boundaries to accomplish compliance with the requirements of the Voting Rights Act must be carefully considered.

ASSESSMENT OF JUSTICE OF PEACE AND CONSTABLE PRECINCTS

Please see Map 2 for a description of existing Justice of the Peace and Constable Precincts in Stephens County.

Article 5, Section 18 of the Texas Constitutional provides that each county of the State having a population of 50,000 or more shall be divided into not less than four and not more than eight precincts. Counties having a population of less than 18,000 shall be composed of a single justice/constable precinct, unless the Commissioners Court determines that not more than four such justice/constable precincts are needed. Counties having a population of less than 150,000, but which contain a city having a population of 18,000 or more inhabitants, shall provide for not less than two justices of the peace to service the city(s) having 18,000 or more inhabitants.

In each precinct so created, there shall be elected a Justice of the Peace and a Constable, each of whom shall hold office for four years.

Within the context of these Constitutional provisions, it is recommended that Stephens County reconsider the actual need for justice/constable precincts, and consider whether that need suggests change in the present configuration of justice/constable precincts. Article 292.001 Local Government Code and Article 27.051, Government Code address the location of Justice of the Peace courts. In counties having a population of less than 50,000, the County Commissioners Court may locate the justice courts either in the precinct served that justice court, or may centralize the courts in the County courthouse. In counties having a population greater than 50,000, the justice courts must be physically located in the precinct they serve.

ASSESSMENT OF ELECTION PRECINCTS

Election Precincts are the building blocks for all other political boundaries. Therefore, our assessment begins with this primary political unit. According to Article 42.006, Texas Election Code, V.A.C.S., each election precinct must contain not fewer than 50 registered voters and not more than 5000 registered voters. (Exceptions apply depending upon county population). For the Initial Assessment, no attempt has been made to acquire actual registered voter information. In this preliminary assessment, a formulistic approach will be used. For purposes of the Initial Assessment, we make some assumptions that allow us to estimate the highest probable number of registered voters that might reside within an election precinct. Using the voting age population demographic information contained in Appendix B, we assume that the percentage of actual registered voters would never exceed 70% of the total "eligible" voters over the age of 18 years. This assumption will generally hold true, but in some isolated cases, the actual number of registered voters may exceed 70% of total eligible voters.

Reducing the number of election precincts, where appropriate, lowers the overall costs of elections, but this reduction must be coupled with other factors, such as automated vote counting, in order to ensure that election returns can be quickly and accurately tabulated in the resulting larger election precincts. With automated vote counting systems, smaller polling place staff can accommodate larger numbers of voters, and achieve overall reductions in the costs of elections.

Current election precincts are generally acceptable. However, as the boundaries of the Commissioners Court precincts are altered to accommodate "one-person-one-vote" and Voting Rights Act changes, there will be incidental modification to your existing election precincts in most areas. In addition, you may wish to make other changes in existing election precincts to accommodate state law requirements regarding the number of voters permitted in election precinct, or to address other issues of local concern. As the process continues, we will discuss these issues with you for your guidance.

CONSOLIDATION FACTORS

A limiting factor in wholesale consolidation of county election precincts will be the restraints imposed by Art. 42.005, Texas Election Code, V.A.C.S., which restricts county election precincts to that territory which does not contain more than one commissioner's precinct, justice precinct, congressional district, state representative district, state senatorial district, or a State Board of Education District. It is also recommended that residents of a municipality be in separate election precincts from rural voters, for purposes of conducting city elections.

In any plan for county election precincts within a city having single member election districts, city ward lines must be followed to prevent a violation of state law. Therefore, all cities within the county should be encouraged to participate and cooperate in the reapportionment process.

Although state law does not require the county election precincts to conform to independent school district election precincts, if Stephens County serves as the election's administrator for other jurisdiction's elections, it only makes prudent sense to consult with each political entity to make sure your county election precincts are compatible with city or school single-member districts.

GENERAL HOUSEKEEPING

Some attention should be given to "straightening" political boundaries into more uniform shape. In some cases, certain election precincts may be altered to use a more commonly understood or recognized physical boundary in lieu of a poorly identified or recognized boundary. Public Law 94-171, which directed the Census Bureau to develop a uniform mapping and demographic profiling approach for use by small personal computers, required that all voter tabulation districts (VTDs) follow census block boundaries. In many cases, county voting districts had been previously drawn in a manner that did not follow a census block boundary. This required the State of Texas, acting in conjunction with the State Data Center and the Texas Legislative Council, to move the actual voting district boundary to coincide with a nearby census block boundary for tabulation purposes only. The resulting VTD was no longer "actual," but an approximation referred to as a "pseudo-voting district."

Every reasonable effort has been made to conform the pseudo voting district to actual VTD boundaries. However, due to the nature of the available data base, and the requirements of Public Law 94-171, there may be occasions in which the pseudo voting districts, or the resulting lines between commissioner's court precincts, are different from those that actually exist. Again, the use of the pseudo voting district was for tabulation purposes only, and any apparent difference between actual and apparent political lines should be considered as minimal. However, since all later census counts were undertaken upon the census blocks, there could be a valid argument that a necessity to alter current election district boundaries to match the census block format exists. Under these circumstances, new political lines will be required to avoid conflict with census block lines that do not match current political area definitions. While matching census blocks to actual political lines would not, in and of itself, generally support a decision to reapportion under the circumstances that exist in Stephens County, there is a justifiable combination of factors that would support a reapportionment decision. These factors would include:

1. Redrawing election precincts to increase voter convenience.
2. Consolidation of election precincts where practicable.
3. Resizing election precincts to achieve greater efficiency.

4. Harmonizing actual political lines with pseudo voting districts based upon census blocks.
5. Redrawing all lines to achieve “one-person-one-vote” deviations of the smallest possible percentage.

CONCLUSION

While the primary task of reapportionment will concentrate on the issue of numerical balance and minority representation in the formation of commissioners’ court precincts, other valuable improvements could also be achieved in the political well-being of Stephens County by redrawing existing lines. The method and manner by which these less direct goals are accomplished is a responsibility imposed upon the Commissioners Court beyond those expressly required by the Voting Rights Act or the Constitution, but which may have just as much value to the general public. Cost efficiency and voter convenience in elections that might be achieved by a serious evaluation of election precincts, and the elimination of unnecessary confusion by cooperation with other governmental entities are only two of the benefits that might be achieved by reapportionment beyond the legal duties required by law.

Another issue that should be considered is the actual need for Justice of the Peace/Constable Precincts. While local demand for Justice/Constable services may well justify the current number of justice courts, the cost of maintenance and administration of these particular governmental offices should be carefully evaluated. However, state law may limit a county’s ability to reduce the number of Justice/Constable precincts.

Finally, the county should consider a wholesale renumbering of its election precincts in order to simplify future elections. Consolidation should be considered where possible, subject to limitations imposed by state law and were possible by agreement with any Independent School Districts in the County.

Redistricting should be viewed as an opportunity for streamlining county organization, and a chance to address as many issues as possible to achieve greater participation and involvement in county government. This is the time to plan for future growth, anticipate costs of government operations, and to involve the public in the process of county government. We look forward to working with you in this exacting but rewarding process.

ALLISON, BASS & MAGEE, L.L.P.

TAB B

DETERMINATION OF TOTAL MAXIMUM DEVIATION And POPULATION DEMOGRAPHICS BY PRECINCT

COMMISSIONERS COURT PRECINCTS

	Actual Pop.	Ideal Pop.	Deviate	Relative Deviation
Precinct 1	2127	2275	-148	-6.52%
Precinct 2	2084	2275	-191	-8.41%
Precinct 3	2207	2275	-68	-3.00%
Precinct 4	2683	2275	408	17.92%
Total	9101	9101		
Total Maximum Deviation	26.33%			

Total Maximum Deviation above 10%
requires redistricting

Maximum Deviation less than 5% is
desireable if possible.

Ethnic/Racial Data-Total

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Precinct 1	1448	39	11	26	521	1	2	79	2127	23.37%
Precinct 2	1556	22	8	10	411	0	9	68	2084	22.90%
Precinct 3	1642	22	7	9	450	0	4	73	2207	24.25%
Precinct 4	1610	154	10	15	822	0	12	60	2683	29.48%
Total	6256	237	36	60	2204	1	27	280	9101	100.00%
% of County	68.74%	2.60%	0.40%	0.66%	24.22%	0.01%	0.30%	3.08%	100.00%	

Ethnic %

Precinct 1	68.08%	1.83%	0.52%	1.22%	24.49%	0.05%	0.09%	3.71%	100.00%
Precinct 2	74.66%	1.06%	0.38%	0.48%	19.72%	0.00%	0.43%	3.26%	100.00%
Precinct 3	74.40%	1.00%	0.32%	0.41%	20.39%	0.00%	0.18%	3.31%	100.00%
Precinct 4	60.01%	5.74%	0.37%	0.56%	30.64%	0.00%	0.45%	2.24%	100.00%

Voting Age Ethnic/Racial Data

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Precinct 1	1183	32	7	17	326	1	1	60	1627	22.83%
Precinct 2	1295	16	8	6	254	0	8	41	1628	22.84%
Precinct 3	1356	17	5	6	299	0	4	59	1746	24.50%
Precinct 4	1330	148	7	14	580	0	10	37	2126	29.83%
Total	5164	213	27	43	1459	1	23	197	7127	100%
% of County	72.46%	2.99%	0.38%	0.60%	20.47%	0.01%	0.32%	2.76%	100%	

Voting Age %

Precinct 1	72.71%	1.97%	0.43%	1.04%	20.04%	0.06%	0.06%	3.69%	100.00%
Precinct 2	79.55%	0.98%	0.49%	0.37%	15.60%	0.00%	0.49%	2.52%	100.00%
Precinct 3	77.66%	0.97%	0.29%	0.34%	17.12%	0.00%	0.23%	3.38%	100.00%
Precinct 4	62.56%	6.96%	0.33%	0.66%	27.28%	0.00%	0.47%	1.74%	100.00%

	Actual Pop.	Ideal Pop.	Deviate	Relative Deviation
Precinct 1	2127	2132	-5	-0.22%
Precinct 2	2084	2132	-48	-2.24%
Precinct 3	2207	2132	75	3.53%
Precinct 4	2109	2132	-23	-1.07%
Total	8527	8527		
Total Maximum Deviation	5.77%			

w prison pop	2020 total with prison pop	Change	% Change
8527	9101	574	6.7%

Total Maximum Deviation above 10%
requires redistricting

Maximum Deviation less than 5% is
desireable if possible.

Ethnic/Racial Data-Total

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Precinct 1	1448	39	11	26	521	1	2	79	2127	24.94%
Precinct 2	1556	22	8	10	411	0	9	68	2084	24.44%
Precinct 3	1642	22	7	9	450	0	4	73	2207	25.88%
Precinct 4	1328	21	10	15	663	0	12	60	2109	24.73%
Total	5974	104	36	60	2045	1	27	280	8527	100.00%
% of County	70.06%	1.22%	0.42%	0.70%	23.98%	0.01%	0.32%	3.28%	100.00%	

Ethnic %

Precinct 1	68.08%	1.83%	0.52%	1.22%	24.49%	0.05%	0.09%	3.71%	100.00%
Precinct 2	74.66%	1.06%	0.38%	0.48%	19.72%	0.00%	0.43%	3.26%	100.00%
Precinct 3	74.40%	1.00%	0.32%	0.41%	20.39%	0.00%	0.18%	3.31%	100.00%
Precinct 4	62.97%	1.00%	0.47%	0.71%	31.44%	0.00%	0.57%	2.84%	100.00%

Voting Age Ethnic/Racial Data

	Anglo	Black	Am. Ind.	Asian	Hispanic	Haw/Pac Is	Other	Multi	Totals	%
Precinct 1	1183	32	7	17	326	1	1	60	1627	24.82%
Precinct 2	1295	16	8	6	254	0	8	41	1628	24.84%
Precinct 3	1356	17	5	6	299	0	4	59	1746	26.64%
Precinct 4	1049	15	7	14	421	0	10	37	1553	23.70%
Total	4883	80	27	43	1300	1	23	197	6554	100%
% of County	74.50%	1.22%	0.41%	0.66%	19.84%	0.02%	0.35%	3.01%	100%	

Voting Age %

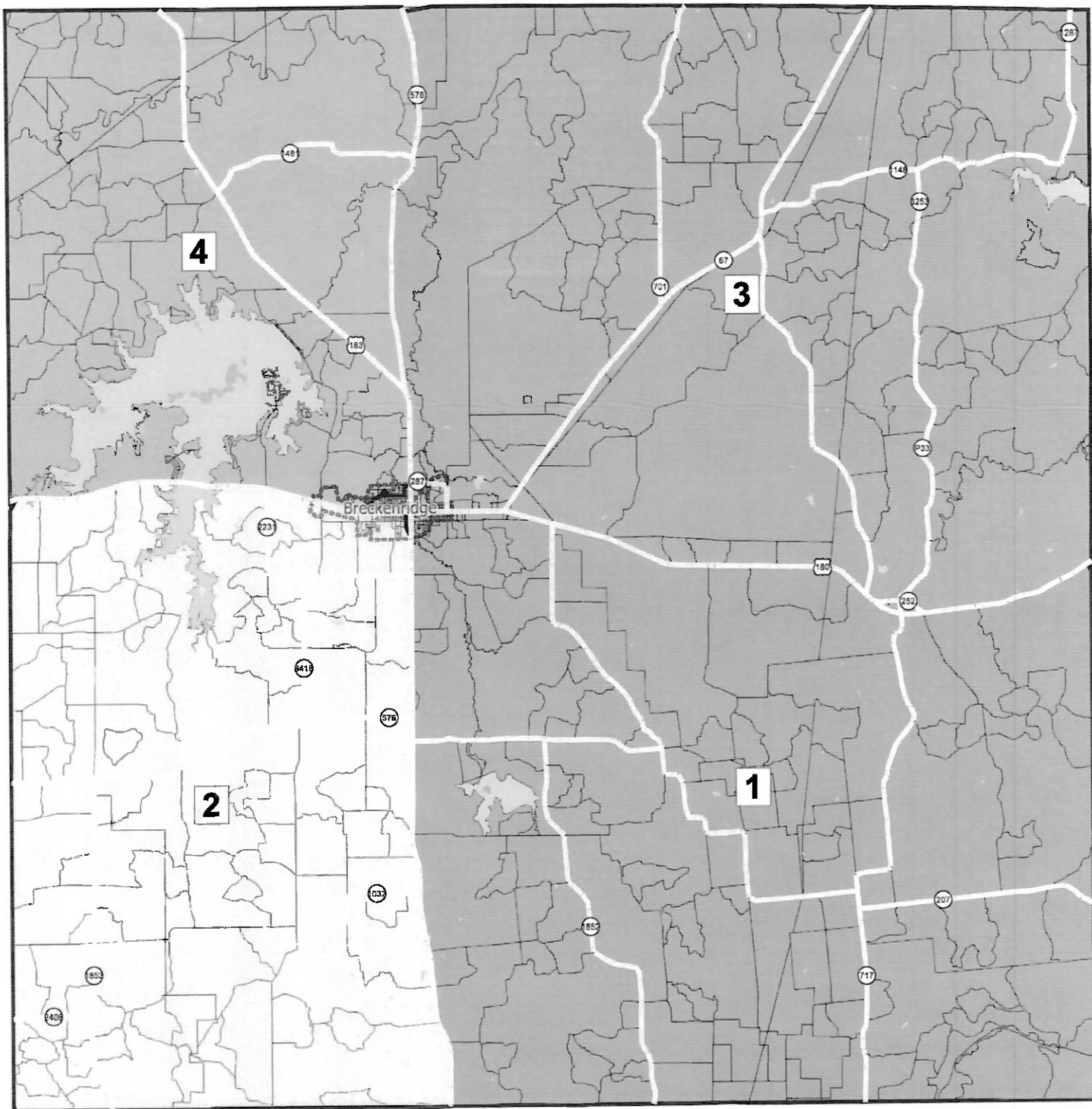
Precinct 1	72.71%	1.97%	0.43%	1.04%	20.04%	0.06%	0.06%	3.69%	100.00%
Precinct 2	79.55%	0.98%	0.49%	0.37%	15.60%	0.00%	0.49%	2.52%	100.00%
Precinct 3	77.66%	0.97%	0.29%	0.34%	17.12%	0.00%	0.23%	3.38%	100.00%
Precinct 4	67.55%	0.97%	0.45%	0.90%	27.11%	0.00%	0.64%	2.38%	100.00%

JUSTICE OF THE PEACE/CONSTABLE PRECINCTS

TAB C

STEPHENS COUNTY EXISTING POLITICAL BOUNDARIES IN MAP FORM

MAP 1
DEPICTION OF EXISTING
COMMISSIONERS COURT
PRECINCTS
And
VOTING/ELECTION PRECINCTS



©2021 CALIPER; ©2020 HERE

- Commissioner Precinct 1
- Commissioner Precinct 2
- Commissioner Precinct 3
- Commissioner Precinct 4

Stephens County

Initial Assessment

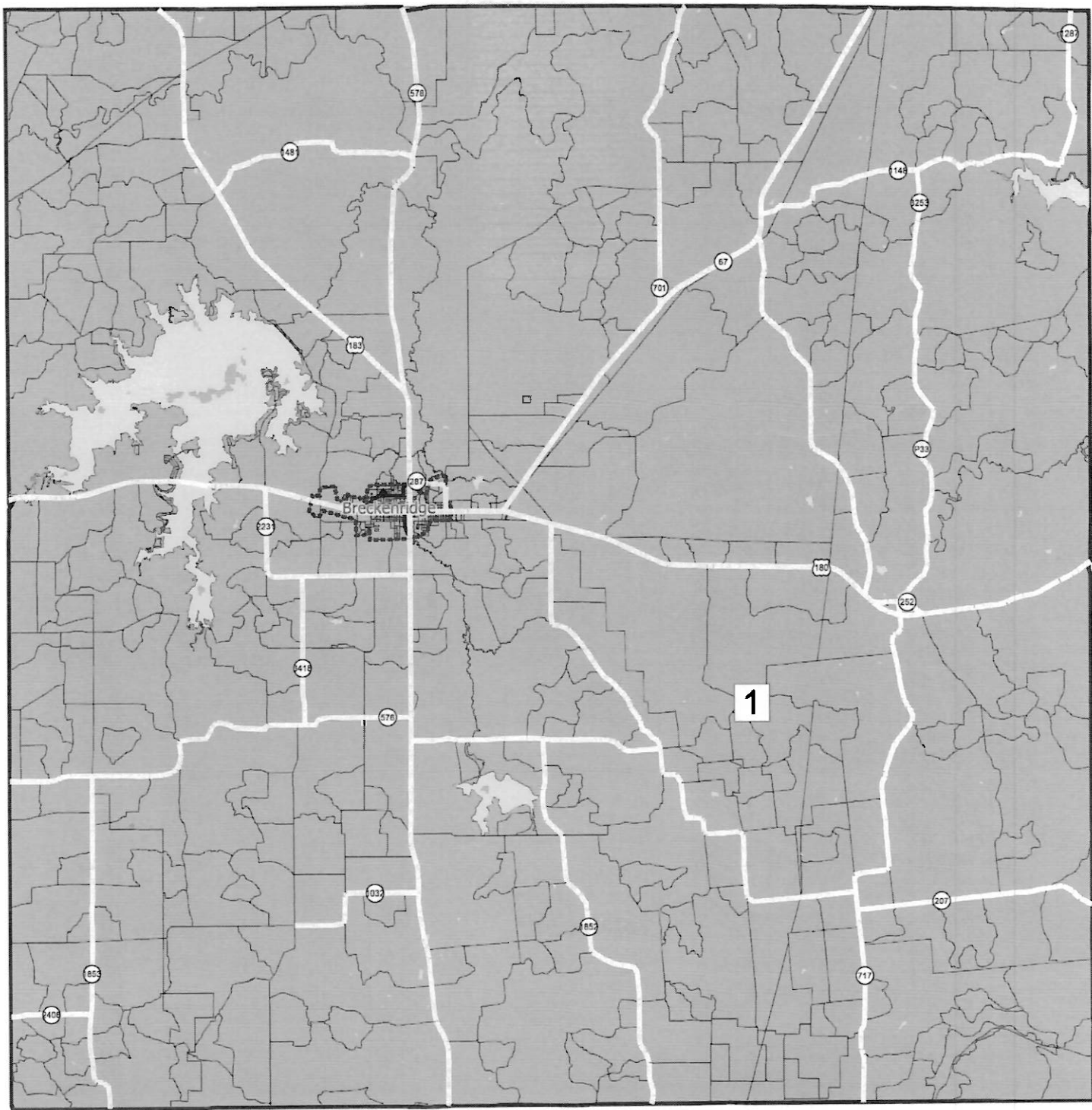
Commissioner Precincts



Allison, Bass & Magee, LLP
Data Source: 2020 Census

MAP 2

JUSTICE/CONSTABLE PRECINCTS



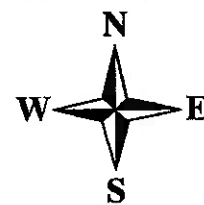
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 JP Precinct 1

Stephens County

Initial Assessment

JP Precincts



Allison, Bass & Magee, LLP
Data Source: 2020 Census