



MEMORANDUM

Date of Workshop: September 19, 2011

To: Mayor Andrews, Newberg City Councilors

From: Barton Brierley

RE: Reapportioning Council Districts following 2010 Census

Section 28 b. of the Newberg Charter states:

The city shall be divided into six geographical areas representing as near as practical, the same number of electors. When this Charter section is adopted, the current six city district boundaries shall be the six district boundaries. The districts shall be reapportioned thereafter whenever the United States Census is taken and within a reasonable time after the data is available, or when the city so orders. Whenever the districts are reapportioned, the city councilor in office shall not lose their qualification for office by reason of the boundary change for the remainder of their term, unless otherwise disqualified. In addition to the other qualifications, the city councilor must have and maintain their residence in the district from which they were nominated during the term of their office, except as provided for in reapportionment.

It is important to note that the only official purpose for the districting is to determine where city councilors must reside. Councilors are elected by a citywide vote.

Since the 2010 Census data is now available, the City needs to reapportion the six Council districts using that data. Staff recommends the following process to handle this reapportionment:

First, the City Council will give general direction on the process and criteria for reapportioning.

Second, staff will prepare and present several maps to the Council at a Council business meeting. The maps will show potential new district boundaries. The Council will give feedback on the maps and suggest modifications as appropriate.

Third, staff will bring one or more of the maps as directed to the City Council for a formal hearing and decision.

Staff proposes the following general criteria for creating the Council districts:

1. Definition of "Elector." The Charter requires that each district contain "as near as practical, the same number of electors." The charter requires the City to reapportion after each census. The best

information on “electors” given in the census is the number of person 18 years or older. Staff proposes that this data on 18+ year olds be used to estimate the number of electors in each district. Note that not all 18+ year olds are registered or eligible to vote, but the census information is the practical information to use.

2. **Deviation allowed.** It is not practical, nor even necessarily accurate to have each district have exactly the same number of electors per the census. Redistricting guidelines allow a 10 percent deviation between the population of the largest and smallest district. Staff proposes that the Council follow this guideline in reapportioning districts.

3. **General boundary guidelines.** While no map can meet all the criteria below, staff suggests that the following be considered when creating the boundaries:

(1) Each district, as nearly as practicable, shall:

- (a) Be contiguous and compact;
- (b) Follow readily recognizable geographic boundaries, such as major roads, rail lines, or creeks.
- (c) Follow existing political boundaries. Note that the city is currently only in one state and federal election district, so the only political boundary is the existing council districts.
- (d) Include recognizable neighborhoods in the same district, and not divide communities of common interest; and
- (e) Be connected by transportation links.
- (f) Allow for growth so that districts will retain roughly equal numbers of electors until the next census.

(2) No district shall be drawn for the purpose of favoring any political party, incumbent councilor or other person.

(3) No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

The Council also might consider the effect of GFU on the districting. The campus has a large number of students and thus a large number of potential electors. However, historically few on campus students have sought office, partly because of the itinerant nature of being an on-campus student. By including the campus all in one district, the city might have a smaller pool of electors interested in running for Council seats in that district than in other districts.

If these guidelines are acceptable, staff will prepare maps for the Council’s review on October 17.

Attachments:

- 1. Secretary of State Guidelines on Redistricting
- 2. League of Oregon Cities Guidelines on Redistricting



OFFICE OF THE SECRETARY OF STATE

ELECTIONS DIVISION

DIRECTIVE OF THE SECRETARY OF STATE	SUBJECT: Redistricting	DIRECTIVE ISSUED AT THE REQUEST OF: Secretary of State	DATE: June 1, 2011	RULE NO.: 2011-2
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The Secretary of State in carrying out the duties of the office shall issue detailed directives necessary to maintain uniformity in the application, operation and interpretation of Oregon election laws. (ORS 246.110 and 246.120). The information provided here is an official directive of the Secretary of State. ORS 246.120 specifies that a county clerk must comply with an applicable directive. ORS 246.410 specifies that a local government or special government body as defined in ORS 174.116 and 174.117 that fixes electoral district boundaries must comply with an applicable directive.

In an effort to promote uniform and consistent application of traditional districting principles established by the Oregon Constitution, Oregon statute and court precedent in the drawing and redrawing of electoral districts and precincts, the Secretary of State issues this directive to each county clerk and any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes or modifies electoral district boundaries based on census population figures. More uniform and consistent application of traditional districting principles will assist the efficient and cost-effective administration of elections, reduce the probability of administrative errors and promote easily understandable boundaries for voters, analysts and election officials.

Local governments, special government bodies and county clerks governed by this directive shall consider the following when drawing district or precinct boundaries:

Each district or precinct, as nearly as practicable, shall:

- Be contiguous;
- Utilize existing geographic or political boundaries;
- Not divide communities of common interest; and
- Be connected by transportation links.
- For Districts, be of equal population;

No district shall be drawn for the purpose of favoring any political party, incumbent elected official or other person.

No district shall be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

Any local government, as defined in ORS 174.116, or special government body, as defined in ORS 174.117, that fixes or modifies electoral district boundaries based on census population figures and county clerks governed by this directive shall, to the greatest extent practicable, coordinate with and consider newly drawn legislative and congressional district boundaries as well as the boundaries of neighboring jurisdictions when drawing districts. The Secretary of State recommends close consultation with relevant County Clerks in drawing new district boundaries for advice on meeting the election administration goals of this directive.

When drawing or altering precinct boundaries, County Clerks shall, as nearly as practicable, contain precincts wholly within one state House district and Congressional district, and should seek to minimize the change to current precincts. County Clerks should also, to the extent possible, consider forecasted population trends to reduce the necessity for new precincts prior to the next decennial census. When creating new precincts or altering existing precinct boundaries, County Clerks shall notify the State Elections Division.

Redistricting After the Census

Guidelines Cities Need to Follow.

The federal census affects cities in many ways. For cities that elect local officials by district instead of in at-large elections, the completion of the federal census generally sets off a requirement to redraw local district lines. This process, known as redistricting, is governed by federal, state and local laws many of which are briefly explained below.

Equal Population

The reason why the federal census generally requires cities to redistrict is that the newly completed census figures will usually demonstrate that existing districts are no longer equal in population. Federal constitutional protections require local electoral districts to be roughly equal in population. This requirement, often described as the one-person, one-vote rule, precludes the diluting of one person's vote because of living in a district with a population that is vastly greater than the population of another district. Generally, courts will find that a district complies with the one-person one-vote requirement if the deviation between the population of the largest and smallest district does not exceed 10 percent.

If they have not done so already, cities should analyze existing districts with the new census figures now to determine whether the existing districts continue to comply with the equal population requirement. A city that has existing districts that no longer comply with this requirement must redraw the district lines before the next election in which officials will be elected from those districts. Often, a local charter provision or ordinance will set a date specific by when new lines must be drawn.

Voting Rights Act

The federal Voting Rights Act protects the voting power of racial and language minorities. A violation of the Act occurs if "based on the totality of the circumstances" it is shown that there is a dilution of the voting power of racial or language minorities. In the context of redistricting, dilution of the voting power of a racial or language minority can occur when district lines are drawn in a manner that either fractures the minority group into several districts or packs the minority group into a few districts. Fracturing occurs when members of a minority group are spread among as many districts as possible, keeping them a minority in every district, rather than permitting them to concentrate their strength to elect representatives in one or some districts. Packing occurs when district lines are drawn so that the members of a minority group are concentrated into as few districts as possible.

Racial Gerrymandering

Although the Voting Rights Act requires that the voting power of minorities not be diluted, the Equal Protection Clause of the 14th Amendment to the U.S. Constitution generally precludes consideration of race as a predominant factor in redrawing district lines. Racial gerrymandering occurs when race, rather than traditional districting principles, is the predominant factor considered in drawing a district. As such, cities must strike a balance between considering racial minorities to comply with the Voting Rights

Act while making sure not to make these considerations the predominant factor in redrawing district lines in violation of the Equal Protection Clause.

Traditional Districting Principles

Cities also need to take into consideration traditional districting principles when drawing district lines. Traditional districting principles generally include: compactness; contiguity; preservation of political subdivisions and geographical regions; preservation of cores of prior districts; protection of incumbents from contests with each other; and preservation of communities of interest.

Secretary of State's Directive

ORS 246.410 requires cities that fix or modify electoral district boundaries based on census population figures to follow redistricting directives promulgated by the Secretary of State. The Secretary of State recently completed the directive required by ORS 246.610, which provided similar standards to those discussed above. Specifically, the directive requires that each electoral district, as nearly as practicable, shall:

- Be contiguous;
- Utilize existing geographic or political boundaries;
- Not divide communities of common interest;
- Be connected by transportation links;
- Be of equal population;
- Not be drawn for the purpose of favoring any political party, incumbent elected official or other person; and
- Not be drawn for the purpose of diluting the voting strength of any language or ethnic minority group.

In addition, the directive requires cities, to the greatest extent practicable, coordinate with and consider newly drawn legislative and congressional district boundaries as well as the boundaries of neighboring jurisdictions when drawing districts. The Secretary of State recommends close consultation with relevant County Clerks in drawing new district boundaries for advice on meeting the election administration goals of the directive.

Local Charter or Ordinance Provisions

Cities also need to consult their local charters and municipal codes to determine if there are any additional local requirements that govern the redistricting process.

Notification

As recommended by the Secretary of State, cities that are redrawing their district lines should work closely with their County Clerk. In addition, once a city has completed redrawing its district lines, the city must notify the County Clerk of the changes so that the Clerk can take appropriate steps to conduct the next election.

Editor's Note: Because of the complexities and nuances of the law in this area, this article is necessarily general and is not intended to provide legal advice. This article should not serve as a substitute for competent legal counsel. Please consult with your city attorney to ensure that that you fully comply with these laws.

City Council District Map

City of Newberg, Oregon



Candidate Positions to be Elected

Tuesday, November 2, 2010, Municipal General Election

- Mayor — at large
 City Council Position — District 4
 City Council Position — District 5
 City Council Position — District 6

ANY QUESTIONS? PLEASE CONTACT:

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PLEASE



City of Newberg, Oregon

