

**CHGO** CURTIS, HEINZ,  
GARRETT & O'KEEFE P.C.

**REDISTRICTING**  
A DECENNIAL DISRUPTION

Missouri Municipal League Annual Conference  
Tuesday, September 28, 2021  
St. Louis Union Station

Kevin M. O'Keefe  
Curtis, Heinz, Garrett & O'Keefe, PC  
Clayton, Mo.  
(314) 725-8788  
kokeefe@chgolaw.com

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**It's Baaack!!!!**



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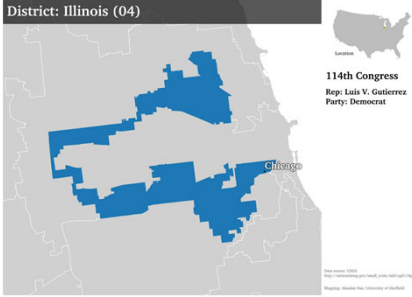
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**It's Baaack!!!!**

District: Illinois (04)



114th Congress  
Rep: Luis V. Guterrez  
Party: Democrat

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**Reapportionment  
vs  
Redistricting**

**Reapportionment** – The process of allocating congressional seats among the states based on the population of each state

**Redistricting** – The process of drawing new boundaries for districts used to elect members of a multi-member governmental body when changing the number of constituent districts or to equalize population among the districts

Not applicable to at-large bodies such as a village board of trustees.

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**“One man, one vote”.**

George Howell, British trade unionist, 1880

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**Constitutional Foundation**

- ... 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 geographical unit. This is required by the Equal Protection Clause of the Fourteenth Amendment.

Gray v. Sanders, 372 U.S. 368, 379, 83 S. Ct. 801, 808, 9 L. Ed. 2d 821 (1963)

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### State Legislative Districts

- Full and effective participation by all citizens in state government requires, therefore, that each citizen have an equally effective voice in the election of members of his state legislature.

Reynolds v. Sims, 377 U.S. 533, 565, 84 S. Ct. 1362, 1383, 12 L. Ed. 2d 506 (1964)

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### Local Government Districts

- We hold today only that the Constitution permits no substantial variation from equal population in drawing districts for units of local government having general governmental powers over the entire geographic area served by the body.

Avery v. Midland County, Tex., 390 U.S. 474, 484–85, 88 S. Ct. 1114, 1120, 20 L. Ed. 2d 45 (1968)

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### District Criteria

- *Sine qua non*: equality of population
  - Also essential: Contiguous
- Additional Valid Considerations:
- Compact
  - Retention of Existing Neighborhoods
  - Retention of Established Precincts
  - Retention of Historic Boundaries
  - Cohesion of Existing Communities of Shared Interest
  - Incumbency

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### Do Not Gerrymander

The word gerrymander (originally written Gerry-mander; a portmanteau of the name "Gerry" and "salamander") was used for the first time in the Boston Gazette ... on 26 March 1812. The word was created in reaction to a redrawing of Massachusetts state senate election districts under Governor Elbridge Gerry ... that redistricted Massachusetts for the benefit of the Democratic-Republican Party. When mapped, one of the contorted districts in the Boston area was said to resemble a mythological salamander. Appearing with the term, and helping spread and sustain its popularity, was a political cartoon depicting a strange animal with claws, wings and a dragon-like head that supposedly resembled the oddly shaped district. The cartoon was most likely drawn by Elkanah Tisdale.

*Gerrymandering*, Wikipedia, accessed July 21, 2021.

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### Do Not Gerrymander



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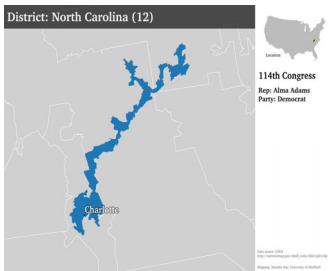
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### Good Looking District



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### Good Looking District

At some points the district is only as wide as one side of the highway, which led unsuccessful congressional candidate Mickey Michaux to quip, "I can drive down I-85 with both car doors open and hit every person in the district."

— *GERRYMANDERED MAP ISN'T VERY PRETTY, BUT WHO'S HURT BY IT?*, Chicago Tribune, July 14, 1983

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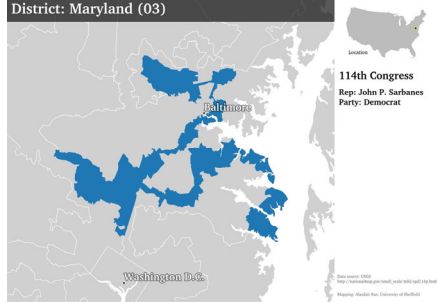
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### District: Maryland (03)



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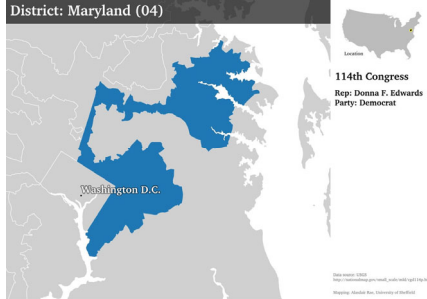
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### District: Maryland (04)



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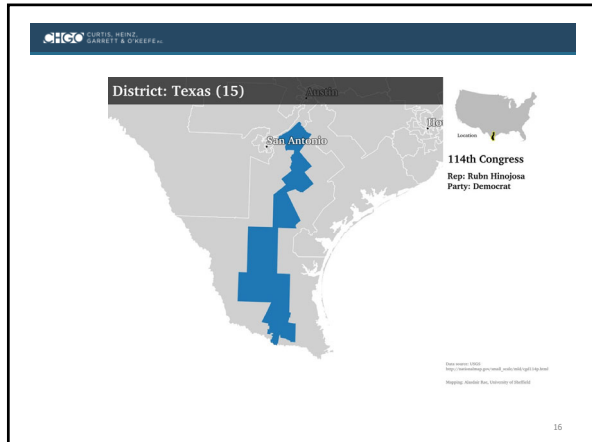
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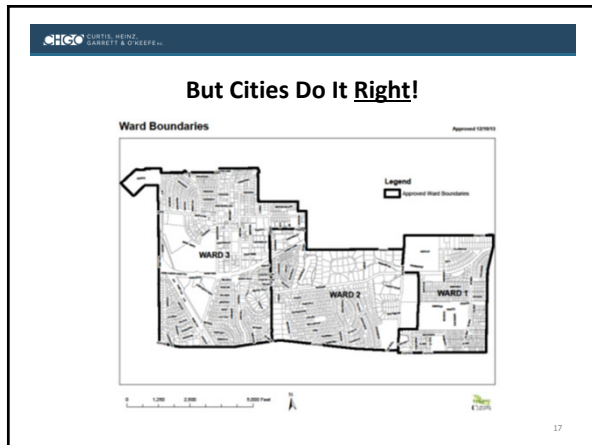
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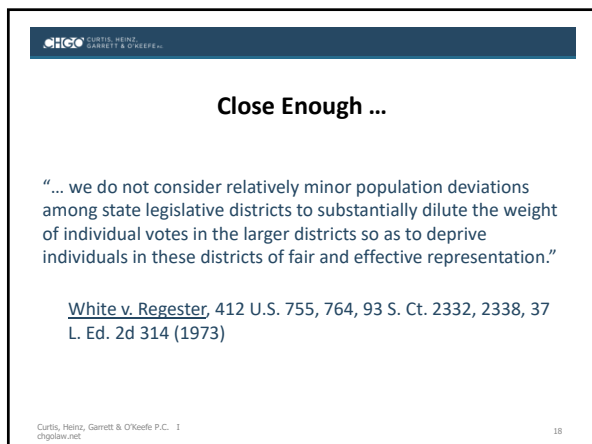
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### How Close Is Close Enough?

"The total variation between two districts was 9.9%, but the average deviation of all House districts from the ideal was 1.82%. Only 23 districts, all single-member, were overrepresented or underrepresented by more than 3%, and only three of those districts by more than 5%. We are unable to conclude from these deviations alone that appellees satisfied the threshold requirement of proving a prima facie case of invidious discrimination under the Equal Protection Clause."

White v. Regester, 412 U.S. 755, 764, 93 S. Ct. 2332, 2338-39, 37 L. Ed. 2d 314 (1973)

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### Maximum Total Deviation < 10%

- Total Population ÷ Number of Districts = Ideal District
- (Largest District – Ideal District) ÷ Ideal = Max % Over
- (Ideal District – Smallest District) ÷ Ideal = Max % Under
- Max % Over + Max % Under = Total Variation
- Total Variation ≤ 10%

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### Officials Represent People – Not Voters

Census data reflects people in a location on April 1

- Includes those incarcerated at a location
- Includes students living at a location
- Includes homeless people sleeping at a location
- Includes non-citizens at a location
- Includes children at a location

STICK TO THE GOLD STANDARD: CENSUS DATA

- Every deviation or cherry picking of data increases risk

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### Voting Rights Act of 1965

The Voting Rights Act of 1965 must be considered when drawing wards, districts or zones. The Act invalidates any "voting qualification or prerequisite to voting or standing, practice or procedure" that results in a denial or abridgement of the right to vote because of race or color.

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### Voting Rights Act of 1965

A violation is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the political subdivision are not equally open to participation by members of a class of protected citizens in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice.

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### Voting Rights Act of 1965

Three primary factors found in districts that are almost certainly improperly drawn because they unlawfully dilute the voting power of a minority group.

- (1) The racial group is sufficiently large and geographically compact to constitute a majority in a single-member district; and
- (2) the racial group is politically cohesive; and
- (3) the majority votes as a bloc to enable it to usually defeat a minority group's preferred candidate.

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### Cracking and Packing

- “Cracking” is the practice diluting the voting power of a specific segment of the population (political party affiliation, racial group, etc.) by breaking up the group into multiple districts
- “Packing” is the practice of concentrating a specific segment of the population into one district to reduce their voting power in other districts.

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### When to Redistrict



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### When to Redistrict

Section 115.127, RSMo. (HB 271, August 28, 2021)

5. If the opening date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the opening filing date shall be 8:00 a.m., the ~~[sixteenth]~~ **seventeenth** Tuesday prior to the election, ~~except that for any home rule city with more than four hundred thousand inhabitants and located in more than one county and any political subdivision or special district located in such city, the opening filing date shall be 8:00 a.m., the fifteenth Tuesday prior to the election.~~ If the closing date for filing a declaration of candidacy for any office in a political subdivision or special district is not required by law or charter, the closing filing date shall be 5:00 p.m., the ~~[eleventh]~~ **fourteenth** Tuesday prior to the election. The political subdivision or special district calling an election shall, before the ~~[sixteenth]~~ **seventeenth** Tuesday, ~~[or the fifteenth Tuesday for any home rule city with more than four hundred thousand inhabitants and located in more than one county or any political subdivision or special district located in such city.]~~ prior to any election at which offices are to be filled, notify the general public of the opening filing date, the office or offices to be filled, the proper place for filing and the closing filing date of the election. Such notification may be accomplished by legal notice published in at least one newspaper of general circulation in the political subdivision or special district.

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### HB 271, 2021

#### Revised April 2022 Municipal Election Calendar:

**Opening Date for Filing:** Tuesday, December 7, 2021  
(Previously: December 14)

**Closing Date for Filing:** Tuesday, December 28, 2021  
(Previously: January 18, 2022)

**Certification Remains 10<sup>th</sup> Tuesday Before Election:**  
Tuesday, January 25, 2022

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### How to Redistrict

**Third Class Cities:**

"... the council shall by ordinance divide the city into not less than four wards ... "

Sec. 77.030, RSMo.

**Fourth Class Cities:**

"The board of aldermen shall, by ordinance, divide the city into not less than two wards ... "

Sec. 79.060, RSMo.

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### Charter Cities

- **82.110. City may be redistricted, when.** — Whenever ... and as often as the population of any such city, or of any ward or wards thereof, has been or may be so increased or diminished as to render, in the opinion of the lawmaking authorities of such city, a revision or redistricting of the corporation into wards or a change in the boundary of any ward or wards necessary, the same may be done by ordinance.

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## Charter Cities

- 82.120. Redistricting ordinance to be published.** — Before such ordinance shall be passed, the same shall be published **for at least three weeks** in at least one daily newspaper published in such city, to be designated by the lawmaking authorities of such city, *but the failure to make such publication shall in no way affect the validity of such ordinance.*

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## Charter Cities

- 82.150. Wards to be of adjacent territory — numbering.** — All wards which may be established by ordinance as aforesaid shall be composed of **adjacent and compact territory**, and the several wards, at the time of redistricting, **shall contain as nearly an equal number of inhabitants as may be practicable.** The wards shall be numbered consecutively from one up to the highest number thus established.

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## Redistricting Tools

[www.redistrictingdatahub.org](http://www.redistrictingdatahub.org)

We have all the data you can use to draw or analyze Community of Interest or District maps. Our data is open to the public and ready to use!

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**Redistricting Tools**  
www.redistrictingdatahub.org

**Choose Your Own Mapping Tool**

Use this guide to find software and applications to use our data to draw Community of Interest and District maps for this redistricting cycle.

**Understand What Mapping Tool Best Fits Your Needs** | **Watch a Demonstration on How to Use the Feature Below**

There are a number of mapping tools available, but researching and comparing them all can take a lot of time. The redistricting data hub compares most of the tools out there and compiled this information into the "Choose Your Mapping Tool" feature which enables you to easily find the right tool based on your needs.

Head to the tool that best complements your needs. Most tools work on your Mac and allow for open collaboration on mapping. The "Choose Your Mapping Tool" will help you answer questions like these, in just a few steps:

- Our table has sortable columns that make it simple to identify and compare the features for each tool.
- You can click the table based on the columns. Features that are most important to you, until you've narrowed it down to the best match.

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**Redistricting Tools**  
www.redistrictingdatahub.org

**Mapping Tool Feature**

Use the table to compare and contrast various mapping tools. Click to see the full table.

Tool Name	Year	License	Cost	Open Source	Available for Desktop	Available for Mobile	Available for Web
Redistricting Data Hub	2018	Open Source	Free	Yes	Yes	Yes	Yes
Mapbox	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox Studio	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL JS	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL Native	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL iOS	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL Android	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL React Native	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL Xamarin	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL UWP	2018	Proprietary	Free	Yes	Yes	Yes	Yes

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**Redistricting Tools**  
www.redistrictingdatahub.org

Tool Name	Year	License	Cost	Open Source	Available for Desktop	Available for Mobile	Available for Web
Mapbox	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox Studio	2018	Proprietary	Free	Yes	Yes	Yes	Yes
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Mapbox GL Native	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL iOS	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL Android	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL React Native	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL Xamarin	2018	Proprietary	Free	Yes	Yes	Yes	Yes
Mapbox GL UWP	2018	Proprietary	Free	Yes	Yes	Yes	Yes

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## Redistricting Tools

[www.redistrictingdatahub.org](http://www.redistrictingdatahub.org)

The screenshot shows a web browser displaying the Redistricting Data Hub. The main content is a table with columns for 'Plan Name', 'Year', 'Status', and 'Download'. The table lists several redistricting plans, including 'Missouri Statewide Redistricting Plan' and 'Missouri Congressional Redistricting Plan'. The browser's address bar shows the URL 'www.redistrictingdatahub.org/choose-your-plan-mapping-tool'.

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chgo.com

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## Missouri Census Data Center

[www.mcdc.missouri.edu](http://www.mcdc.missouri.edu)

The screenshot shows the Missouri Census Data Center website. The header includes navigation links for 'Home', 'Data', 'Population', 'Geography', 'Help', 'News', and 'About MDC'. The main content area features a 'Featured Article' titled 'Population' with a photo of white flowers. To the right, there is a 'Quick Data' section with dropdown menus for 'Select a state' and 'Select a county (optional)', and a 'Get data' button. Below that is an 'MDC Data Applications' section with links for 'Population', 'American Community Survey', and 'Decennial Census'.

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chgo.com

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# QUESTIONS ?

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