

AN INTRODUCTION TO REAPPORTIONMENT & REDISTRICTING

**COMMITTEE TO CONDUCT AN INVESTIGATION INTO MATTERS RELATING TO
REAPPORTIONMENT AND REDISTRICTING IN NEVADA**

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OCTOBER 27, 2021

REAPPORTIONMENT & REDISTRICTING – LEGISLATURE’S RESPONSIBILITY

Every ten years, following the Federal Census, the Nevada State Legislature is responsible for reapportioning and redistricting the districts for:

- The U.S. House of Representatives;
- The Nevada State Senate;
- The Nevada State Assembly; and
- The Nevada System of Higher Education Board of Regents.

REAPPORTIONMENT VS. REDISTRICTING

WHAT IS THE DIFFERENCE?

The terms “reapportionment” and “redistricting” are often used interchangeably.

“Apportionment,” in the purest sense, is the division of a given number of elected members among established political subdivisions in accordance with an existing plan or formula.

- U.S. House of Representatives seats (435) are apportioned or reassigned among the states.
- Allocation or reassignment of *existing* legislative districts to another part of the State.

REAPPORTIONMENT VS. REDISTRICTING

WHAT IS THE DIFFERENCE?

“Redistricting” is the division of existing districts into new districts with different boundaries.

- Thus, states with more than one member of the House of Representatives “redistrict” their “apportionment” of representatives into new districts to achieve equal population.
- “Redistricting” pertains to redrawing lines for election districts.

In short, reapportionment is the process of determining how many districts a jurisdiction will receive, and redistricting refers to the process of how new districts are drawn within a particular jurisdiction.

The Legislature can exercise both powers, but it most commonly redistricts.

REAPPORTIONMENT & REDISTRICTING – *NEVADA CONSTITUTION*

The primary requirement for reapportionment and redistricting in Nevada appears in Article 4, Section 5, of the *Nevada Constitution*

- After each decennial census, the Legislature shall fix by law the number of senators and members of the assembly and apportion them among legislative districts established by statute, according to the number of inhabitants in those districts.

REAPPORTIONMENT & REDISTRICTING – HOW DISTRICTS ARE DESCRIBED IN NEVADA LAW

TRADITIONAL NEVADA METHOD: LISTS OF CENSUS AREAS

Sec. 19. NRS 218B.675 is hereby amended to read as follows:
218B.675 Assembly District 16 consists of, in Clark County:

~~1. Census tracts 001714, 002706, 002707, 002708, 002709, 002811, 002823, 002824 and 002825.~~

~~2. Census voting districts 1059, 1060, 7032, 7061, 7062, 7066, 7069, 7071, 7089, 7091 and 7092.~~

~~3. In census tract 001713, blocks 1000, 1001, 1010, 1011, 1013, 1014, 1015 and 2000.~~

~~4. In census tract 001717, blocks 1014, 1015 and 1016.~~

~~5. In census tract 002702, blocks 1014 and 3010.~~

~~6. In census tract 002809, blocks 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4010, 4011, 4012, 4028, 4029, 4030, 4031, 4032, 4033, 4034, 4035, 4036, 4037, 4038, 4039 and 4040.~~

~~7. In census tract 002814, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1012, 2000, 2001, 2002, 2003, 2004, 2005 and 2006.~~

~~8. In census tract 002830, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038 and 1039.~~

1. Census tracts 001717, 002811, 002814, 002838, 002845 and 002848.

2. In census tract 001711, blocks 2004, 2005, 2006, 2007, 2008 and 2009.

3. In census tract 001712:

(a) Block group 2.

(b) Blocks 1000, 1007, 1009, 1010, 1011 and 1012.

4. In census tract 002504:

(a) Block group 3.

(b) Blocks 2000, 2001, 2003, 2007 and 2008.

5. In census tract 002706, block group 2.

6. In census tract 002707:

(a) Block groups 1 and 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3008, 3009, 3010, 3011 and 3012.

7. In census tract 002708, block group 2.

8. In census tract 002823, block group 2.

9. In census tract 002824, blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010 and 1011.

10. In census tract 002830:

(a) Block group 2.

(b) Blocks 3000, 3001, 3002, 3003, 3004, 3005, 3006, 3007 and 3023.

11. In census tract 002837:

(a) Block groups 3 and 5.

(b) Blocks 2000, 2001, 2006, 2007, 2008, 2009, 2010, 2018, 4000, 4001, 4002, 4003, 4004, 4005, 4006, 4007, 4008, 4009, 4011 and 4012.

12. In census tract 002843, blocks 1025, 1026, 1027, 1028, 1029, 2002, 2003, 2006, 2007, 2008, 2009, 2010, 2011, 2012, 2013, 2015, 2016, 2017, 2020, 2021, 2022, 2023, 2024 and 2025.

13. In census tract 002844, block group 1.

14. In census tract 002846:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1012, 1017, 1018, 1019, 1020, 1021 and 1022.

15. In census tract 002847:

(a) Block group 2.

(b) Blocks 1000, 1001, 1002, 1003, 1004, 1005, 1006, 1007, 1008, 1009, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, 1034, 1035, 1056, 1058, 1059, 1060, 1061, 1062, 1063, 1064, 1065, 1066, 1067, 1068, 1069, 1082, 1083, 1084, 1094, 1095, 1096, 1097, 1098, 1099, 1100, 1101, 1102, 1103 and 1104.

16. In census tract 005311, blocks 2008, 2012 and 2013.

17. In census tract 005316, block 1005.

18. In census tract 005319, blocks 1004, 1005, 1006, 1007, 1008, 1009, 1010, 1011, 1019, 1020, 1021, 2002, 2003, 2004, 2005, 2006 and 2007.

19. In census tract 005322, blocks 1000, 1001 and 1002.

20. In census tract 006800, blocks 4063, 4064, 4071, 4072, 4073, 4074, 4075, 4076, 4077, 4078, 4079, 4083 and 4084.

MINNESOTA METHOD: ADOPTION OF GIS SHAPEFILE

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2010, section 2.031, subdivision 1, is amended to read:

1.8 Subdivision 1. **Legislative districts.** (a) The representatives in the senate and house
1.9 of representatives are apportioned throughout the state in 67 senate districts and 134 house
1.10 of representatives districts. Each senate district is entitled to elect one senator and each
1.11 house of representatives district is entitled to elect one representative.

1.12 (b) Legislative redistricting plan L1101-1, on file with the Geographic Information
1.13 Services Office of the Legislative Coordinating Commission and published on its Web site
1.14 on May 6, 2011, is adopted and describes the legislative districts within this state. Each
1.15 senate district is composed of the two house districts, A and B, of the same number.

REAPPORTIONMENT & REDISTRICTING – OTHER RELEVANT CONSTITUTIONAL PROVISIONS

Two additional provisions in the *Nevada Constitution* provide for representation based on population:

- Article 1, Section 13, states that “representation shall be apportioned according to population.”
- Article 15, Section 13, provides that the census “. . . shall serve as the basis of representation in both houses of the Legislature.”

Size of the Legislature (*Nevada Constitution*, Article 15, Section 6 and Article 4, Section 5):

- The aggregate number of members of both branches of the Legislature must never exceed 75.
- The number of Senators shall not be less than one-third nor more than one-half of the number of Assembly members.

REAPPORTIONMENT & REDISTRICTING – A BRIEF HISTORY

- Statehood to the 1960s.
- Mid-1960s.
- 1971 reapportionment and redistricting.
- 1981 reapportionment and redistricting.
- 1991 reapportionment and redistricting.
- 2001 reapportionment and redistricting.

REAPPORTIONMENT & REDISTRICTING – A BRIEF HISTORY

- 2011 reapportionment and redistricting (bills vetoed; court-appointed Special Masters)
- The size of the Legislature remained at 63.
- Representation was again shifted to southern Nevada due to population growth.
 - Senate – one seat shifted to Clark County and one seat included portions of rural Nevada and Clark County.
 - Assembly – three seats shifted from northern and rural Nevada to Clark County.
- Another significant change was the addition of a new Congressional seat for Nevada (a total of four).

CHALLENGES FOR REAPPORTIONMENT AND REDISTRICTING IN 2011 (SIMILAR CHALLENGES FOR THE 2021 CYCLE)

- Tremendous overall population growth
- Conversely, population decreases in some counties posed some challenges
- Increased influence of communities of interest (ethnic groups, urban, rural, etc.)
- Impact of term limits on institutional knowledge and on the reallocation of legislative districts
- Size of Legislature
- Potential creation of multiple “ballot styles” due to overlapping, non-coterminous district boundaries
- Compressed time frame amid other important legislative matters

STATISTICS ON CURRENT LEGISLATIVE DISTRICTS

LEGISLATIVE DISTRICTS

- Each member of the Assembly represents about 64,299 Nevada residents.
 - Largest Positive Deviation is: 332 persons (0.52 percent)
 - Largest Negative Deviation is: -526 persons (-0.82 percent)
 - Overall Range of Deviation is: 858 persons (1.33 percent)
 - **2021 IDEAL POPULATION FOR ASSEMBLY DISTRICTS – 73,919**
- Each member of the Senate represents about 128,598 Nevada residents.
 - Largest Positive Deviation is: 301 persons (0.23 percent)
 - Largest Negative Deviation is: -734 persons (-0.57 percent)
 - Overall Range of Deviation is: 1,035 persons (0.80 percent)
 - **2021 IDEAL POPULATION FOR SENATE DISTRICTS – 147,839**

STATISTICS ON CURRENT LEGISLATIVE DISTRICTS

LEGISLATIVE DISTRICTS -- CURRENT

- All Assembly districts are nested within Senate districts (two Assembly districts in each Senate district)
- No more multi-member Senate districts (Senate districts were renumbered 1 through 21)
- The Senate has 15 districts wholly within Clark County; 4 districts in the Washoe County/Carson City area (1 of which includes 5 counties in western Nevada); and 2 rural districts.
- The Assembly includes 30 districts representing Clark County, 6 districts entirely within Washoe County, and 6 districts in rural Washoe County and the remaining rural counties.
- Minority populations increased notably in a number of legislative districts.

STATISTICS ON CURRENT CONGRESSIONAL DISTRICTS

HOUSE OF REPRESENTATIVES

- Four Congressional seats with the fourth seat created in 2011.
 - Established four distinct geographical districts as follows:
 - Northern Nevada (#2), central Nevada and northern Clark County (#4), Las Vegas Valley urban core (#1), and southern Clark County (#3).
- NOTE: At the time of creation, Congressional District nos. 1, 2, and 3 contained 675,138 Nevada residents and Congressional District 4 contained 675,137 Nevada residents.
- The urban core district includes a Hispanic or Latino population of almost 43 percent.
 - Except for Clark, Lyon is the only county that is divided in the congressional plan (between districts # 2 and 4).
 - **2021 IDEAL POPULATION FOR CONGRESSIONAL DISTRICTS – 776,154**

STATISTICS ON CURRENT DISTRICTS – NSHE

NSHE BOARD OF REGENTS & STATE BOARD OF EDUCATION

NSHE Board of Regents

- 13 member board (increased from 11 members in 2001), with each member representing approximately 207,735 Nevada residents.
- **2021 IDEAL POPULATION FOR BOARD OF REGENTS DISTRICTS – 238,816**

State Board of Education

- In 2011, the Legislature approved Senate Bill 197, which changed the selection process for members of the State Board of Education. Four board members are elected by the voters in each congressional district and seven members are appointed.

REAPPORTIONMENT & REDISTRICTING – *UNITED STATES CONSTITUTION* AND KEY COURT CASES

HOUSE OF REPRESENTATIVES

- Article 1, Section 2, of the *United States Constitution* provides that congressional representatives shall be apportioned among the several states according to their respective numbers.
- Section 2 of the 14th amendment to the *United States Constitution* also provides for equal representation (Equal Protection Clause), which serves as the basis for the equal population requirements for state legislative districts.
- *Baker v. Carr* (1962); *Wesberry v. Sanders* (1964); *Reynolds v. Sims* (1964)

ANTICIPATED LEGAL DISCUSSIONS

- “One person, one vote” principle and the Voting Rights Act of 1965;
- Deviation of Legislative Districts from the “ideal” population;
- “Minority districts” and the avoidance of “packing” or “cracking”;
- Choice of and adherence to “traditional redistricting principles”;
- Permissibility of partisan gerrymandering under the *United States Constitution* and the *Nevada Constitution*; and
- Emerging trends in redistricting challenges, such as the use of social scientists to evaluate “communities of interest” and perform statistical analyses of redistricting plan quality and validity.

ANTICIPATED LEGAL DISCUSSIONS (CONT.)

Since 1993, several policies or goals have been judicially recognized as “traditional districting principles”:

1. Compactness;
2. Contiguity;
3. Preservation of counties and other political subdivisions;
4. Preservation of communities of interest;
5. Preservation of cores of prior districts;
6. Protection of incumbents; and
7. Compliance with Section 2 of the Voting Rights Act of 1965.

Other emerging criteria could also be considered by the Legislature, including district competitiveness, prohibiting the use of partisan data, and prohibiting the favoring or disfavoring of incumbents, candidates, or political parties.

PLEASE FEEL FREE TO CONTACT US – KEY LEGISLATIVE COUNSEL BUREAU STAFF INVOLVED WITH REDISTRICTING

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Questions?



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