REDISTRICTING AND REAPPORTIONMENT OVERVIEW

Board of Regents of the Nevada System of Higher Education

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March 4-5, 2021



REAPPORTIONMENT v. REDISTRICTING

- Apportionment is the division of a given number of elected members among established political subdivisions in accordance with an existing plan/formula.
- Redistricting is the drawing of new boundaries for existing districts.

WHY WE REDISTRICT

- Federal law: One person one vote principle In 1964, the United States Supreme Court ruled in Reynolds v. Sims that state legislative districts had to be equal in population.
- State law: Section 13 of Article 1 of the Nevada Constitution provides that representation shall be apportioned according to population.
- Population shifts require redistricting to bring districts into compliance with these principles.

TERMINOLOGY

- Ideal population the ideal district population is equal to the total state population divided by the total number of districts.
- Deviation is the degree or percentage by which a single district's population varies from the ideal population.
- Overall range or maximum population deviation is the difference in population of the largest district and the smallest district.

EQUAL POPULATION

Equal population requirement for the state legislative districts, and by analogy, the Board of Regents districts, results from the application of the Equal Protection Clause (14th Amendment) of the United States Constitution.

WHAT POPULATION DATA DO WE USE?

- United States Supreme Court approves use of the U.S. Census.
- Nevada Constitution and state law require use of the U.S. Census as the basis of representation.
- Legislature's Joint Rules addressing redistricting will likely require use of the U.S. Census as validated by LCB for all redistricting.

PRISON POPULATIONS

- AB 450 passed by the Nevada Legislature in 2019 requires the State Demographer to revise the U.S.
 Census population to count every inmate who was a resident of the state before incarceration in the census block, block group, and census tract of which the inmate was a resident before his or her incarceration.
- These revised census counts (as validated by LCB) must be used for the purposes of redistricting the Board of Regents.

WHAT IS EQUAL POPULATION?

Congressional Districts

- Population of congressional districts must be "as nearly equal as practicable."
- Any population deviation, no matter how small, could render plan unconstitutional.

Board of Regents Districts

- The overriding objective must be "substantial equality" of population among the various districts.
- Redistricting plan can withstand a constitutional challenge if it only has minor deviations (less than 10%) in population among districts.

RACIAL & ETHNIC DISCRIMINATION

- Discriminatory purpose and discriminatory results are necessary elements of a successful challenge under the 14th and 15th Amendments.
- 14th Amendment guarantees to all people equal protection and due process under the law.
- 15th Amendment prohibits the abridgement or denial of the right to vote on the basis of race or color.

RACIAL & ETHNIC DISCRIMINATION

- Section 2 of the Voting Rights Act prohibits a state from imposing any voting qualification, standard, practice or procedure that **results** in the denial or abridgement of any citizen's right to vote on account of race, color or status as a member of a language minority group.
- Racial gerrymandering occurs when race is the dominant and controlling rationale in drawing district lines, and the Legislature places racial considerations over traditional race-neutral districting principles.

THORNBURG v. GINGLES (1986)

United States Supreme Court established a three-part test to prove a violation of the Voting Rights Act.

- The minority group must be sufficiently large and geographically compact to constitute a majority (of the voting age population) in a single-member district.
- The minority group must be politically cohesive.
- The majority votes sufficiently as a bloc to enable it usually to defeat the minority group's preferred candidate.

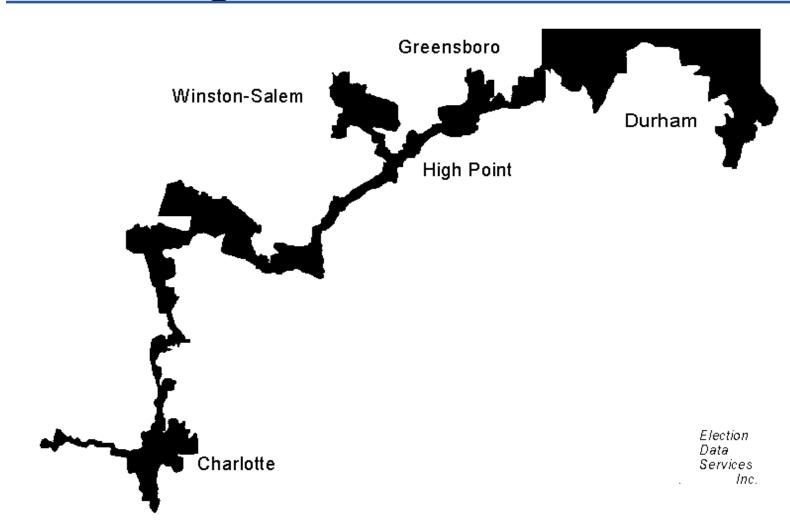
TRADITIONAL DISTRICTING PRINCIPLES

- Compactness
- Contiguity
- Preservation of (counties and other) political subdivisions
- Preservation of communities of interest
- Preservation of cores of prior districts
- Avoiding pairing incumbents

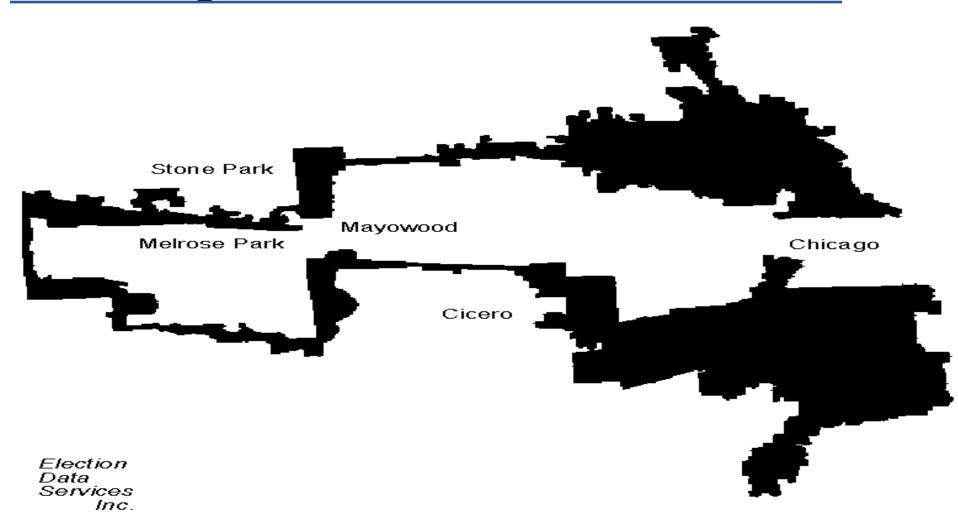
COMPACTNESS

- United States Supreme Court has used an "eyeball approach" to evaluate compactness.
- Reapportionment is one area in which appearances do matter.
- Drastic departures from compactness are a signal something is amiss.
- Racial gerrymandering cases often involve issues of districts failing to comply with the principle of compactness.

NORTH CAROLINA 12th Congressional District



ILLINOIS 4th Congressional District



THE ORIGIN OF "GERRYMANDER"



CURRENT (2021) JOINT RULES (ACR 1) OF THE NEVADA LEGISLATURE

- The redistricting committees will not consider a plan that it determines violates Section 2 of the Voting Rights Act or is racially packing or cracking.
- Public participation and input is encouraged in all aspects of reapportionment and redistricting.

ADDITIONAL JOINT RULES

(LIKELY TO BE ADOPTED)

- Equality of population in accordance with the standard for state legislative districts is the goal of redistricting for the Board of Regents.
- Plans not to exceed overall range of population deviation of 10%.
- No district to exceed plus or minus 5% from the ideal district population.
- Federal decennial census as validated by LCB must be the exclusive database for redistricting.
- All district boundaries created by a redistricting plan must follow the census geography.

DISTRICT BOUNDARIES: MUST FOLLOW CENSUS GEOGRAPHY

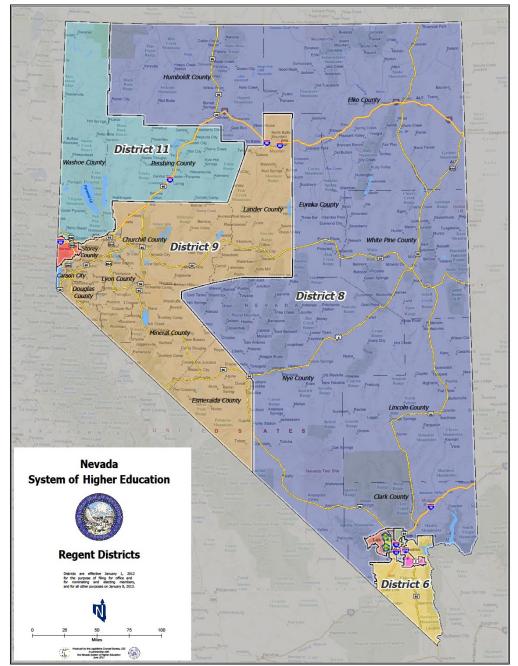
NRS 396.0415 District 1. District 1 consists of, in Clark County:

- 1. Census tracts 000201, 000302, 000401, 000900, 003430, 003431, 003500, 003607, 003609, 003610, 003612, 003613, 003615, 003616, 003617, 003619, 003620, 003621, 003622, 003623, 003624, 003625, 003626, 003627, 003629, 003630, 003631, 003632, 003633, 003634, 003635, 003636, 003637, 003638, 003639, 003640, 003641, 003642, 003643, 003644 and 003700.
- 2. In census tract 000101, block group 5.
- 3. In census tract 000203, blocks 1000 and 1001.
- 4. In census tract 000301:
 - (a) Block groups 1 and 3.

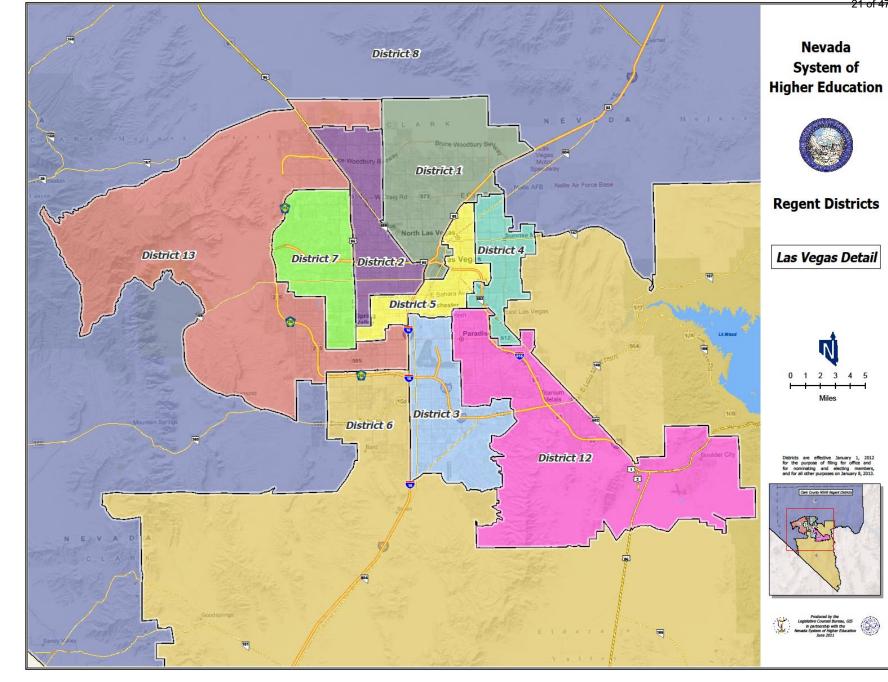
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Statewide Districts



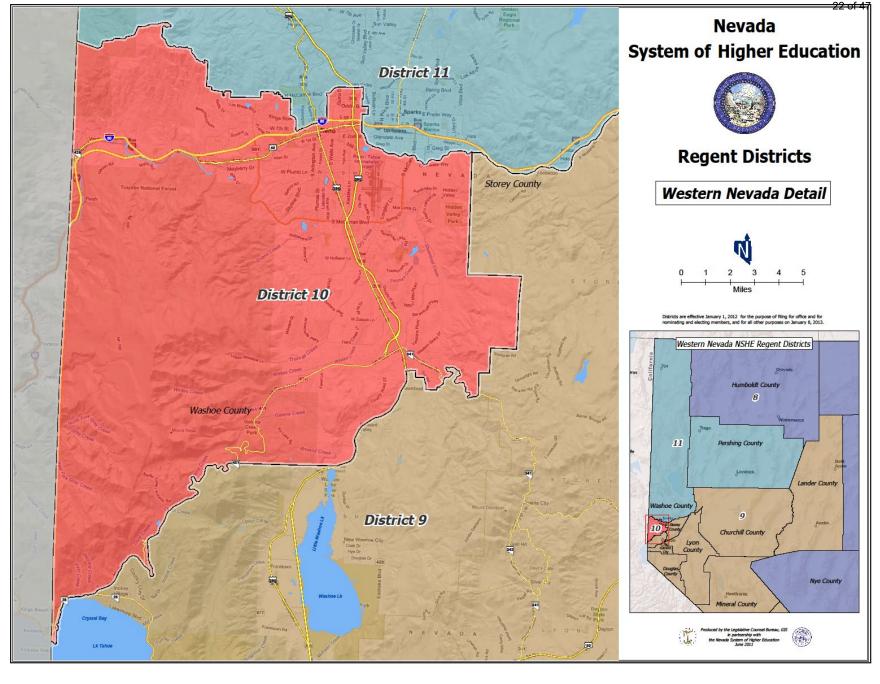


Clark County Districts





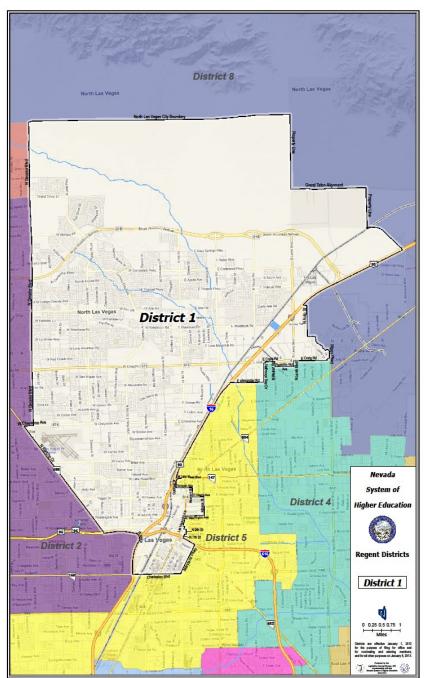
Western Nevada Districts





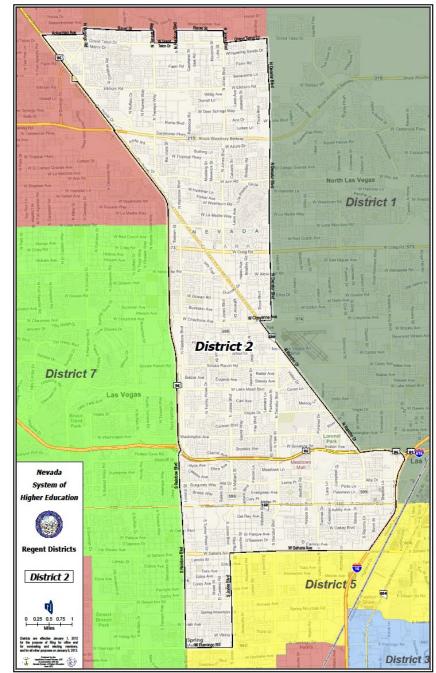
District 1 - Regent Perkins Clark County (part)





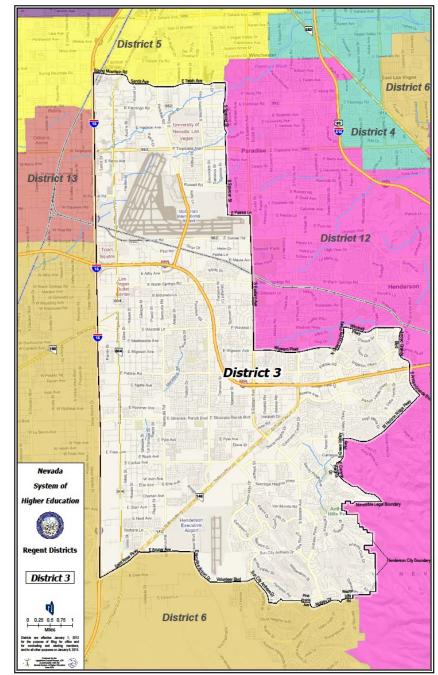
District 2 - Regent Tarkanian Clark County (part)





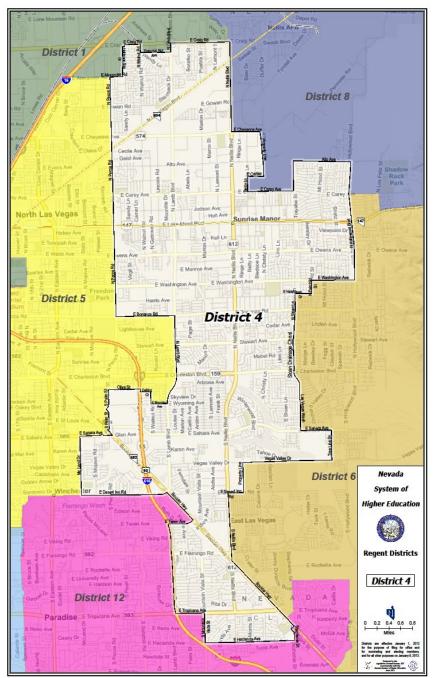
District 3 - Regent Brooks Clark County (part)



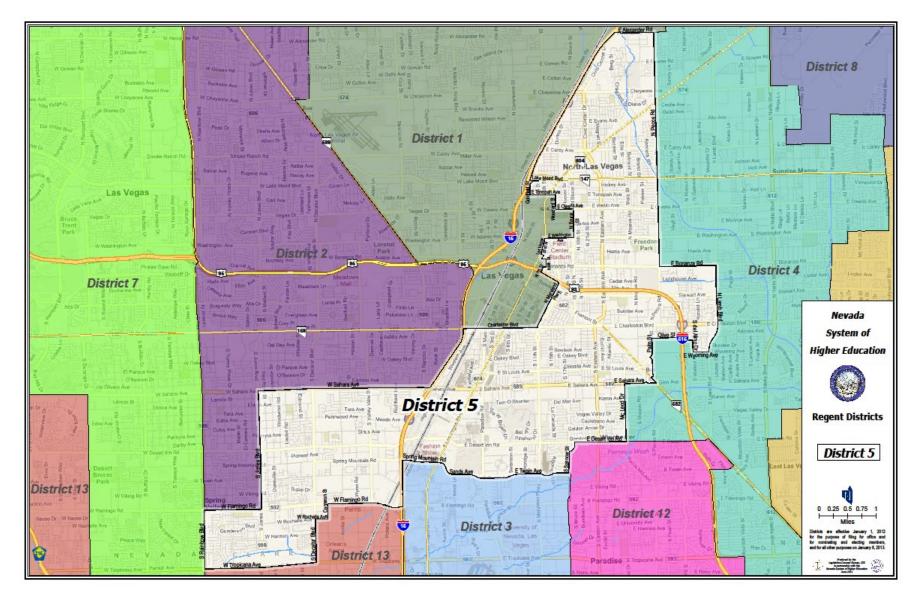


District 4 - Regent McMichael Clark County (part)





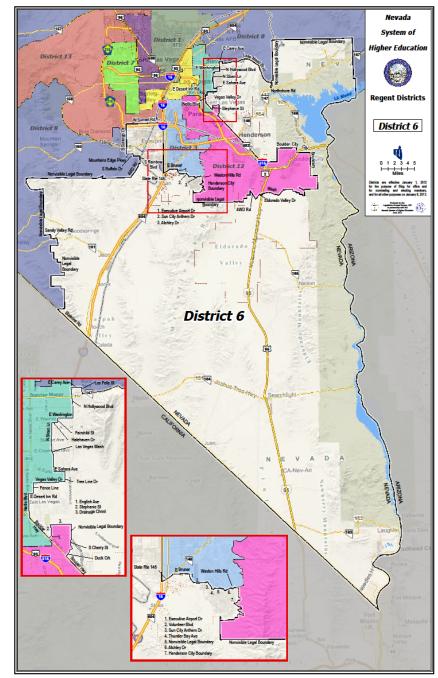
District 5 –
Regent Boylan
Clark County (part)





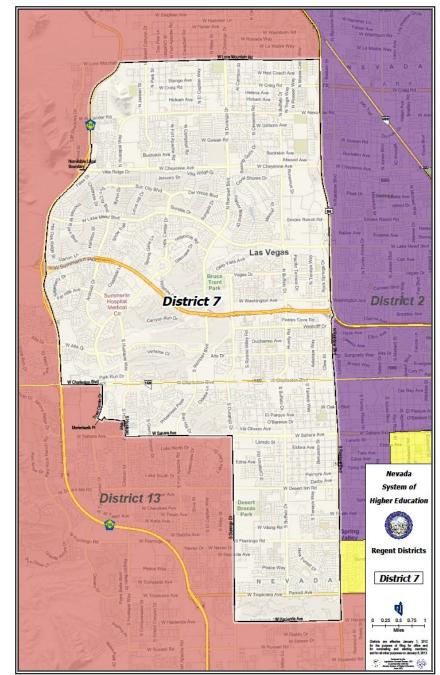
District 6 - Regent Carter Clark County (part)





District 7 - Regent Doubrava Clark County (part)

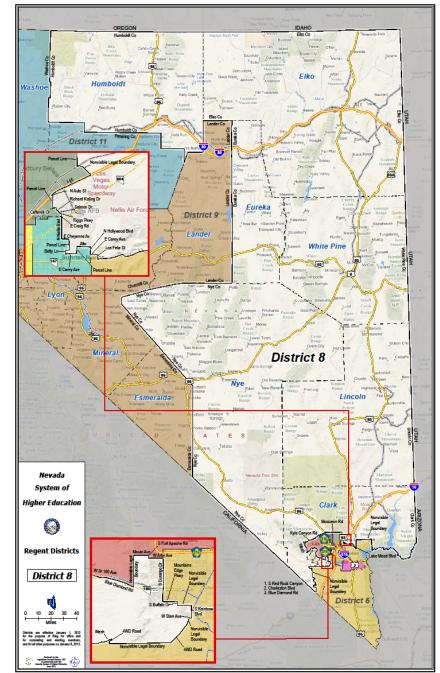




District 8 - Regent McAdoo

Clark (part), Elko, Eureka, Humboldt, Lincoln, Nye, White Pine Counties





District 9 - Regent Del Carlo

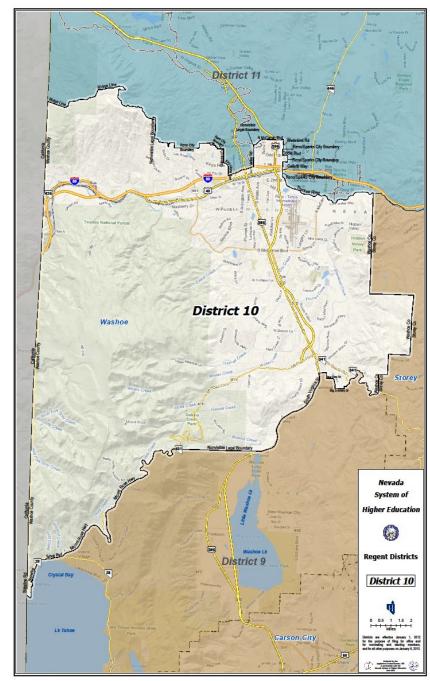
Carson City, Churchill, Douglas, Esmeralda, Lander, Lyon, Mineral, Storey, Washoe (part) Counties





District 10 - Regent Arrascada Washoe County (part)

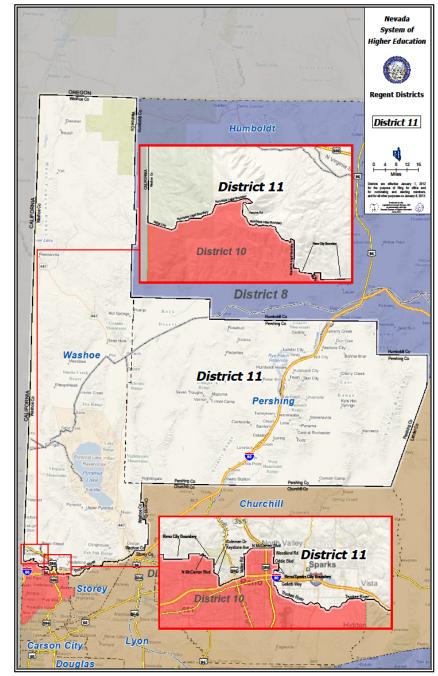




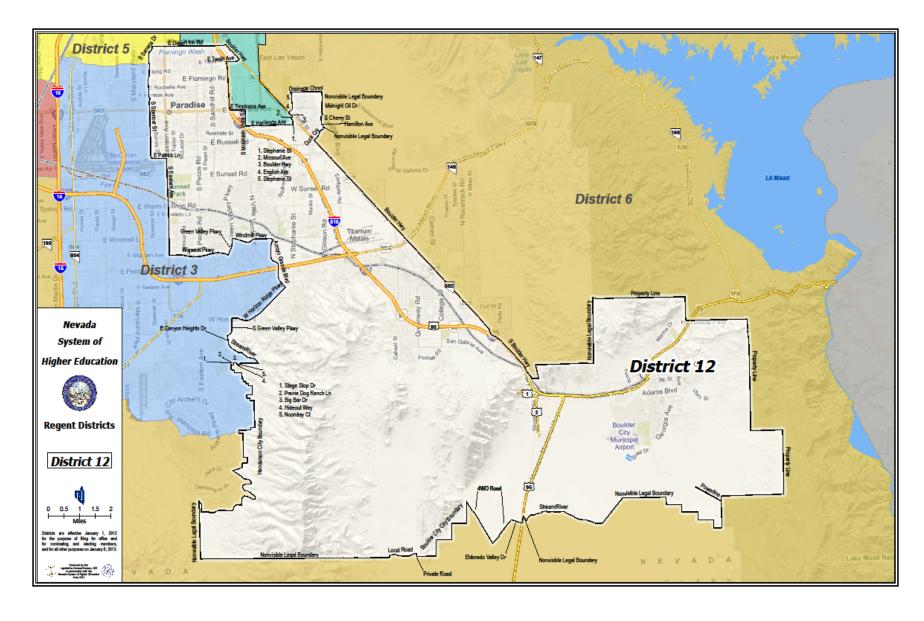
District 11 - Regent Geddes

Pershing, Washoe (part) Counties



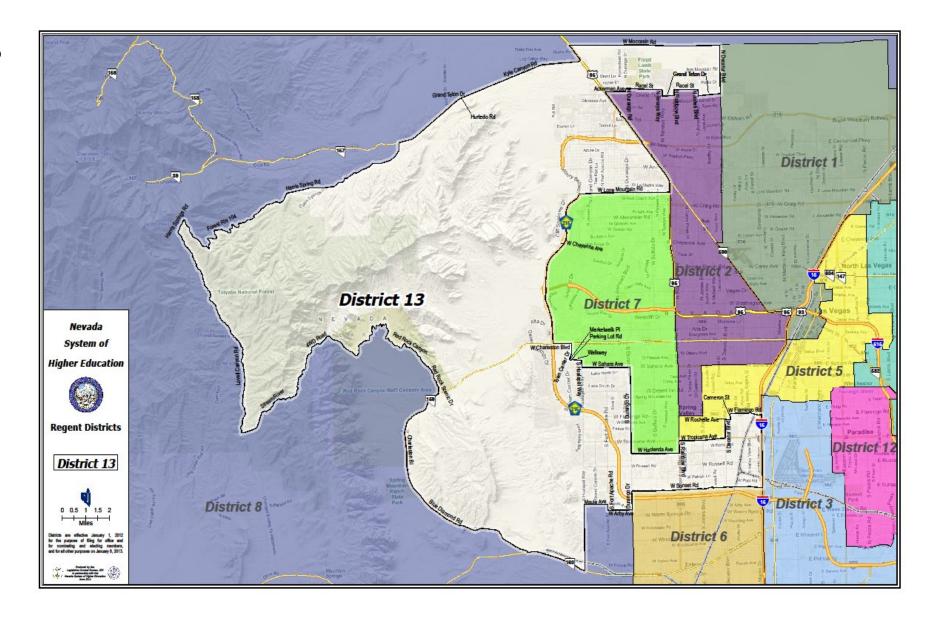


District 12 Regent Carvalho
Clark County (part)





District 13 Regent Moran
Clark County (part)





NEVADA SYSTEM OF HIGHER EDUCATION REGENT DISTRICTS STATE OF NEVADA POPULATION REPORT*

		Current Member			Percent	Actual
		Representing	2010	Ideal	Deviation	Deviation
District	Location	District	Population	Population	from Ideal	from Ideal
1	Clark (part)	Perkins	207,610	207,735	-0.06%	-125
2	Clark (part)	Tarkanian	207,784	207,735	0.02%	49
3	Clark (part)	Brooks	208,064	207,735	0.16%	329
4	Clark (part)	McMichael	207,762	207,735	0.01%	27
5	Clark (part)	Boylan	207,498	207,735	-0.11%	-237
6	Clark (part)	Carter	208,126	207,735	0.19%	391
7	Clark (part)	Doubrava	207,941	207,735	0.10%	206
	Churchill, Elko, Esmeralda, Eureka, Humboldt,					
8	Lander, Lincoln, Mineral, Nye, Pershing, White Pine	McAdoo	207,521	207,735	-0.10%	-214
9	Carson City, Douglas, Lyon, Storey, Washoe (part)	Del Carlo	207 202	207 725	-0.22%	-452
10	Washoe (part)	Arrascada	207,283 207,430	207,735 207,735		-305
11	Washoe (part)	Geddes	207,915	207,735		180
12	Clark (part)	Carvalho	207,865	207,735		130
13	Clark (part)	Moran	207,752	207,735	0.01%	17
Total			2,700,551			

Largest Positive Deviation is: 391 0.19%
Largest Negative Deviation is: -452 -0.22%
Overall Range of Deviation is: 843 0.41%

^{*}Note: The population database is derived from the 2010 Census Public Law 94-171 Redistricting Data as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau.

Updated: February 3, 2021

2010 Census Data

NEVADA SYSTEM OF HIGHER EDUCATION REGENT DISTRICTS STATE OF NEVADA RACIAL DATA REPORT

			White a	ilone	Black or African American, Including Black or African American With Another Race(s)		American Indian and Alaskan Native, Including American Indian and Alaskan Native With Another Race(s)		Asian, Including Asian With Another		Native Hawaiian and Pacific Islander, Including Native Hawaiian and Pacific Islander With Another Race(s)		Some Other Race alone		Two or More Races		Hispanic or Latino (of any race)*		
		Current Member	2010		Percent		Percent		Percent		Percent		Percent		Percent		Percent		Percent
District	Location	Representing District		Population		Population		Population		Population		Population		Population		Population	of Total	Population	of Total
1	Clark (part)	Perkins	207,610	96,347	46.41%	57,014	27.46%	3,362	1.62%	19,141	9.22%	3,691	1.78%	29,114	14.02%	12,164	5.86%	61,198	29.48%
2	Clark (part)	Tarkanian	207,784	131,005	63.05%	25,547	12.29%	3,535	1.70%	13,902	6.69%	2,484	1.20%	30,742	14.80%	10,589	5.10%	66,132	31.83%
3	Clark (part)	Brooks	208,064	136,905	65.80%	18,348	8.82%	3,005	1.44%	28,535	13.71%	3,986	1.92%	18,015	8.66%	11,410	5.48%	43,487	20.90%
4	Clark (part)	McMichael	207,762	101,342	48.78%	26,761	12.88%	3,462	1.67%	11,810	5.68%	2,303	1.11%	60,279	29.01%	10,325	4.97%	112,434	54.12%
5	Clark (part)	Boylan	207,498	99,101	47.76%	23,373	11.26%	3,408		14,877	7.17%	2,091	1.01%	62,024	29.89%	9,525	4.59%	120,414	
6	Clark (part)	Carter	208,126	131,191	63.03%	18,921	9.09%	3,114	1.50%	34,466	16.56%	2,862	1.38%	18,089	8.69%	10,995	5.28%	43,022	20.67%
7	Clark (part)	Doubrava	207,941	146,572	70.49%	20,091	9.66%	2,657	1.28%	24,805	11.93%	2,588	1.24%	11,722	5.64%	9,538	4.59%	33,552	16.14%
	Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln,																		
8	Mineral, Nye, Pershing, White Pine	McAdoo	207,521	158,528	76.39%			7,741				1,749		15,940				38,463	
9	Carson City, Douglas, Lyon, Storey, Washoe (part)	Del Carlo	207,283	175,601	84.72%	3,507	1.69%	8,524	4.11%	5,531	2.67%	983	0.47%	12,673	6.11%	6,824	3.29%	31,375	15.14%
10	Washoe (part)	Arrascada	207,430	160,480	77.37%			4,462	2.15%	15,019		2,038	0.98%	18,480		7,619		43,587	
11	Washoe (part)	Geddes	207,915	157,694	75.85%	7,136		6,602		12,486		2,118	1.02%	21,248		8,260		49,836	
12	Clark (part)	Carvalho	207,865	153,898	74.04%	15,039		3,335		17,089		2,957	1.42%	15,713		10,163		41,333	
13	Clark (part)	Moran	207,752	138,024	66.44%	22,528	10.84%	2,738	_	31,889	15.35%	2,998	1.44%	10,754		10,689	5.15%	31,668	
Total			2,700,551	1,786,688	66.16%	254,452	9.42%	55,945	2.07%	242,916	9.00%	32,848	1.22%	324,793	12.03%	126,075	4.67%	716,501	26.53%

[&]quot;Hispanic or Latino is reported by the Census Bureau as a language group, separately.

Note: The population database is derived from the 2010 Census Public Law 94-171 Redistricting Data as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau.

Radal population data is based on self-identification. Respondents have the option of selecting one or more races.

Estimated Population Changes 2010 through 2020 from Legislative Counsel Bureau Research Division

	2010	Proj	Projected 2020						
	Population	Projected Population*	Projected Change	Percentage Change					
State of Nevada	2,700,551	3,165,923	+465,372	+17.2%					
Counties:									
Carson City	55,274	56,541	+1,267	+2.3%					
Churchill County	24,877	26,118	+1,241	+5.0%					
Clark County	1,951,269	2,341,807	+390,538	+20.0%					
Douglas County	46,997	50,006	+3,009	+6.4%					
Elko County	48,818	55,242	+6,424	+13.2%					
Esmeralda County	783	966	+183	+23.4%					
Eureka County	1,987	1,959	-28	-1.4%					
Humboldt County	16,528	17,054	+526	+3.2%					
Lander County	5,775	5,996	+221	+3.8%					
Lincoln County	5,345	5,270	-75	-1.4%					
Lyon County	51,980	57,148	+5,168	+9.9%					
Mineral County	4,772	4,611	+161	-3.4%					
Nye County	43,946	49,201	+5,255	+12.0%					
Pershing County	6,753	6,851	+98	+1.5%					
Storey County	4,010	4,369	+359	+9.0%					
Washoe County	421,407	472,096	+50,689	+12.0%					
White Pine County	10,030	10,718	+688	+6.9%					

^{*}Above estimates and projections are from the LCB Research Division and Nevada State Demographer based on March 2019 data.

STATEWIDE DISTRIBUTION: REGENT DISTRICTS 2010 Population Census Data

- Clark County: 1,951,269 = 72.25% of the state's population.
 72.25% of 13 districts = 9.39
- Rest of the state: 749,282 = 27.75% of the state's population.
 27.75% of 13 districts = 3.61

STATEWIDE DISTRIBUTION: EXISTING REGENT DISTRICTS State Demographer's Projected 2020 Population

Clark County: 2,341,807 = 73.97% of the state's population.
 73.97% of 13 districts = 9.62

Rest of the state: 824,116 = 26.03% of the state's population.
 26.03% of 13 districts = 3.38.

NEVADA SYSTEM OF HIGHER EDUCATION (NSHE) REGENT DISTRICTS STATE OF NEVADA 2019 AMERICAN COMMUNITY SURVEY (ACS) ESTIMATES POPULATION REPORT*

District	Location	Current Member Representing District	2019 Population Estimate*	Ideal Population Estimate*	Actual Deviation from Ideal Estimate*	Percent Deviation from Ideal Estimate*
1	Clark (part)	Perkins	236,348	228,645	7,703	3.37%
2	Clark (part)	Tarkanian	224,353	228,645	-4,292	-1.88%
3	Clark (part)	Brooks	229,527	228,645	882	0.39%
4	Clark (part)	McMichael	204,512	228,645	-24,133	-10.55%
5	Clark (part)	Boylan	206,848	228,645	-21,797	-9.53%
6	Clark (part)	Carter	261,639	228,645	32,994	14.43%
7	Clark (part)	Doubrava	218,025	228,645	-10,620	-4.64%
8	Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander,Lincoln, Mineral, Nye, Pershing, White Pine	McAdoo	237,145	228,645	8,500	3.72%
9	Carson City, Douglas, Lyon, Storey, Washoe (part)	Del Carlo	208,955	228,645	-19,690	-8.61%
10	Washoe (part)	Arrascada	224,244	228,645	-4,401	-1.92%
11	Washoe (part)	Geddes	226,956	228,645	-1,689	-0.74%
12	Clark (part)	Carvalho	234,063	228,645	5,418	2.37%
13	Clark (part)	Moran	259,767	228,645	31,122	13.61%
Total			2,972,382			

^{*} Note: The population database is derived from the 2019 American Community Survey (ACS) 5-Year Estimates as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau.

The American Community Survey (ACS) does not provide demographic data at the NSHE Regent district level. To obtain 2018 ACS estimates for each NSHE Regent district, data was downloaded at the census block group level and aggregated by the district boundary. This is not a perfect method, as some block groups are not contained wholly within a district. For block groups that were split across NSHE Regent district boundaries, their data was apportioned among intersecting districts by the percentage of its geographic area contained in each district. One limitation to this method is that it assumes population types are evenly distributed throughout a block group, which may not necessarily be the case.

Updated: February 3, 2021

NEVADA SYSTEM OF HIGHER EDUCATION (NSHE) REGENT DISTRICTS STATE OF NEVADA 2019 AMERICAN COMMUNITY SURVEY (ACS) ESTIMATES RACIAL DATA REPORT

		White alone		Black or African American alone		American Indian and Alaskan Native alone		Asian alone		Native Hawaiian and Other Pacific Islander alone		ic Some Other Race		Two or More Races		Hispanic or Latino (of any race)*			
			2019																
		Current Member	Population		Percent		Percent		Percent		Percent		Percent		Percent		Percent		Percent
District	Location	Representing District	Estimate	Population	of Total	Population	of Total	Population	of Total	Population	of Total	Population	of Total	Population	of Total	Population	of Total	Population	of Total
1	Clark (part)	Perkins	236,348	118,377	50.09%	59,934	25.36%	1,954	0.83%	16,290	6.89%	2,207	0.93%	22,028	9.32%	13,361	5.65%	79,699	33.72%
2	Clark (part)	Tarkanian	224,353	138,659	61.80%	26,083	11.63%	2,387	1.06%	13,289	5.92%	2,196	0.98%	29,710	13.24%	10,734	4.78%	80,038	35.68%
3	Clark (part)	Brooks	229,527	143,721	62.62%	18,999	8.28%	1,777	0.77%	29,444	12.83%	1,818	0.79%	21,206	9.24%	11,191	4.88%	52,306	
4	Clark (part)	McMichael	204,512	107,233	52.43%	24,986	12.22%	2,294	1.12%	9,062	4.43%	1,487	0.73%	50,460	24.67%	8,223	4.02%	120,304	58.82%
5	Clark (part)	Boylan	206,848	102,237	49.43%	27,224	13.16%	3,091	1.49%	13,391	6.47%	1,092	0.53%	52,062	25.17%	6,997	3.38%	120,933	
6	Clark (part)	Carter	261,639	158,485	60.57%	24,174	9.24%	1,851	0.71%	40,396	15.44%	1,815	0.69%	20,098	7.68%	13,130	5.02%	58,366	22.31%
7	Clark (part)	Doubrava	218,025	145,432	66.70%	20,413	9.36%	1,441	0.66%	24,743	11.35%	1,502	0.69%	14,487	6.64%	8,818	4.04%	42,974	19.71%
1	Churchill, Elko, Esmeralda, Eureka, Humboldt, Lander, Lincoln,																		
8	Mineral, Nye, Pershing, White Pine	McAdoo	237,145	179,952	75.88%	11,295	4.76%	7,060	2.98%	16,443	6.93%	1,073	0.45%	12,249	5.17%	8,112	3.42%	47,812	20.16%
9	Carson City, Douglas, Lyon, Storey, Washoe (part)	Del Carlo	208,955	177,378	84.89%	3,025	1.45%	5,998	2.87%	4,030	1.93%	308	0.15%	11,364	5.44%	6,303	3.02%	36,688	17.56%
10	Washoe (part)	Arrascada	224,244	175,587	78.30%	4,859	2.17%	2,346	1.05%	13,854	6.18%	1,759	0.78%	16,277	7.26%	8,631	3.85%	48,169	21.48%
11	Washoe (part)	Geddes	226,956	173,342	76.38%	5,919	2.61%	5,089	2.24%	10,416	4.59%	1,221	0.54%	20,442	9.01%	9,620	4.24%	62,989	27.75%
12	Clark (part)	Carvalho	234,063	163,089	69.68%	16,910	7.22%	1,850	0.79%	17,067	7.29%	1,465	0.63%	21,954	9.38%	10,284	4.39%	55,712	23.80%
13	Clark (part)	Moran	259,767	166,215	63.99%	27,188	10.47%	894	0.34%	33,846	13.03%	2,082	0.80%	12,613	4.86%	15,092	5.81%	47,052	18.11%
Total			2,972,382	1,949,707	65.59%	271,009	9.12%	38,032	1.28%	242,271	8.15%	20,025	0.67%	304,950	10.26%	130,496	4.39%	853,042	28.70%

[&]quot;Hispanic or Latino is reported by the Census Bureau as a language group, separately.

Note: The population database is derived from the 2019 American Community Survey (ACS) 5-Year Estimates as provided by the U.S. Bureau of the Census and validated by the Legislative Counsel Bureau.

The American Community Survey (ACS) does not provide demographic data at the NSHE Regent district level. To obtain 2018 ACS estimates for each NSHE Regent district, data was downloaded at the census block group level and aggregated by the district boundary. This is not a perfect method, as some block groups are not contained wholly within a district. For block groups that were split across NSHE Regent district boundaries, their data was apportioned among intersecting districts by the percentage of its geographic area contained in each district. One limitation to this method is that it assumes population types are evenly distributed throughout a block group, which may not necessarily be the case.

Racial population data is based on self-identification. Respondents have the option of selecting one or more races. Updated: February 3, 2021

Redistricting Timeline

Participated in 2020 legislative Interim Committee meetings:

- **January 27, 2020:** Attended first meeting of the Committee to Conduct an Interim Study of the Requirements for Reapportionment and Redistricting.
- May 27, 2020: Attended second Interim Committee meeting and provided brief introduction and overview of existing Regent districts.
- August 27, 2020: Attended third Interim Committee meeting and coordinated with LCB to purchase necessary computer software license for redistricting.
- October 20, 2020: Attended last Interim Committee meetings where recommendations were adopted for submittal to the 2021 Legislature.

Redistricting Timeline (Continued)

- **February 1, 2021: 81st Legislative Session** began and Nevada Legislature adopted Joint Rules addressing the redistricting process and reserved rule numbers for additional Joint Rules to be adopted addressing the redistricting process.
- March 4-5, 2021: Provide detailed presentation at Board of Regents meeting on redistricting law and process; provide overview of 2019 population estimates and their impact on existing Board of Regents districts (these estimates will be the basis of presenting redistricting themes at a future Board of Regents meeting); invite public comment on the process.
- **April 30, 2021:** Statewide population totals were statutorily required to be reported to the President of the United States by the Census Bureau on December 31, 2020. However, citing Covid-19, hurricanes and wildfires, civil unrest and numerous legal challenges, the Census Bureau announced that there will be a delay in reporting the apportionment numbers. The Bureau will now deliver apportionment numbers by April 30, 2021.

Redistricting Timeline (Continued)

- March through September 2021: Obtain public and all interested parties' input on redistricting of the Board of Regents, develop redistricting themes based on the population estimates and public input; upon receipt of redistricting data from the U.S. Census Bureau, work with the Board to approve a redistricting proposal for recommendation to the Nevada Legislature. (Specific timeline will be finalized based on date redistricting level data is provided by the U.S. Census Bureau and in accordance with the Nevada Legislature's redistricting timelines.)
- September 2021 Redistricting Level Data Reported to the States: U.S. Census Bureau statutorily required to provide block level population data (redistricting level data) to the states no later than April 1, 2021. However, citing Covid-19, hurricanes and wildfires, civil unrest and numerous legal challenges, the Census Bureau announced that there will be a delay in reporting the redistricting level data. The Census Bureau has announced that the redistricting data will be delivered to all states on September 30, 2021.

Redistricting Timeline (Continued)

- 2021 Special Legislative Session to address redistricting: Because it is anticipated that the
 redistricting data will not be released until after the 2021 Regular Session has adjourned, it is
 anticipated that a Special Legislative Session to address redistricting will be convened some
 time after the Census Bureau reports the redistricting level data to the State of Nevada in
 August or September.
- 2021 Special Session: Present Board of Regents approved redistricting proposal to the Nevada Legislature for consideration. (Specific timeline will be finalized based on date redistricting level data is provided by the U.S. Census Bureau and in accordance with the Nevada Legislature's redistricting timelines.)

Questions?