

**INITIAL ASSESSMENT  
OF  
THE CITY OF WICHITA FALLS, 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 City 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 City 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 City 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 City 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 City 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. City 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 City, as reflected in the census data.

## DEMOGRAPHIC ANALYSIS

The working file is a demographic analysis of each major City elective office elected from geographic precincts. These files analyze the population demographics of each precinct based elective office, i.e. the offices of City Council member. 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 Cities 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 Cities 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.

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

First, each City 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 City population.

Second, in Cities inhabited by a significant minority population, the need to create one or more City Council Wards 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 City 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 City Council Wards-City wide

Map 2: Voting or Election Districts-City Wide

Map 2: Hispanic population

Map 3: Black population

Map 4: Other Non-Anglo Population  
(Asian, American Indian, Pacific Islander, Other or  
Multi-racial categories in excess of 3% aggregate.  
Few Texas Cities will have this level of “other”  
Non-Anglo population. If your City does not have more than 3%  
of “other non-Anglo population, there will be no Map 4)

## TAB A

### INITIAL ASSESSMENT NARRATIVE

**INITIAL ASSESSMENT  
OF  
THE CITY OF WICHITA FALLS, 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), all Texas governmental units electing its executive body from single member districts 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 City with single member district wards 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 City experiencing a population change in excess of 3% avoid the need for rather extensive reapportionment of the City Council Ward lines. However, any assumption that a population change of less than 3% will not require reapportionment is ill advised. Populations will shift within a City over time. Every City, 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 City population of 2010 and 2020, or even a more sophisticated analysis of urban and rural areas of the City might not reflect the true extent of population "change" each City has experienced over the last ten years. "Change" may not directly correlate to "different" or "new" population. For example, existing populations within a City move considerably within a ten-year span. The movement of a single family a rural area to an urban area within the same City will impact both categories, and where that move crosses political boundaries, may have a significant impact on the obligation of that City to redistrict.

Efforts to balance road mileage, or to achieve other entirely practical adjustments of City 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 the City of Wichita Falls's political boundaries and attempt to determine whether or not the City Council 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 City Council Ward and the Ideal Population. Remember that the ideal population of each Ward is exactly one-quarter of the total City population.
2. Next, consider the Relative Deviation, expressed as a percentage, of the Actual Population of each Ward as compared to the Ideal Population of each Ward.
3. Redistricting will be necessary to comply with 'One-Person-One-Vote' standards if the Total Maximum Deviation between the largest Ward and the smallest Ward (in terms of population) exceeds 10%.
4. Therefore, carefully examine the Total Maximum Deviation calculation. If that number is more than 10%, the City of Wichita Falls 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 City Council Ward that contains a potential voting majority of minority residents. In concentrations greater than 40%, consideration should be given to creating at least one Ward with a potential voting majority of minority residents, with the possibility of any "excess population" being used to impact one or more other Wards. Where the total minority concentration exceeds 40%, the issue of "Packing" becomes a consideration, meaning that minority populations cannot be "packed" into a single Ward, but must be allowed to influence as many Wards 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 Wards, 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 City 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 City Council Ward 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 City Council Wards. A determination of whether or not the minority populations in these Wards could be joined in a single Ward, 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 City Council Ward to the degree possible to achieve an acceptable potential minority concentration. Typically, the City Council Ward with the largest minority concentration prior to redrawing lines is the best candidate for any alternative plan, but other possible constructions of Ward 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 ELECTION PRECINCTS**

Election Precincts are the building blocks for all other political boundaries. The County is responsible for the creation of election precincts for use in primary and general elections, and are therefore convenient for use in city elections as well where possible. 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 City 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 City Council Wards 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 City election precincts will be the restraints imposed by Art. 42.005, Texas Election Code, V.A.C.S., which restricts City 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 City 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 City should be encouraged to participate and cooperate in the reapportionment process.

### **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, City 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 election precinct and Ward boundary, 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 the City of Wichita Falls, 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 City Council Wards, other valuable improvements could also be achieved in the political well-being of the City of Wichita Falls by redrawing existing lines. The method and manner by which these less direct goals are accomplished is a responsibility imposed upon the City Council 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.

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

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

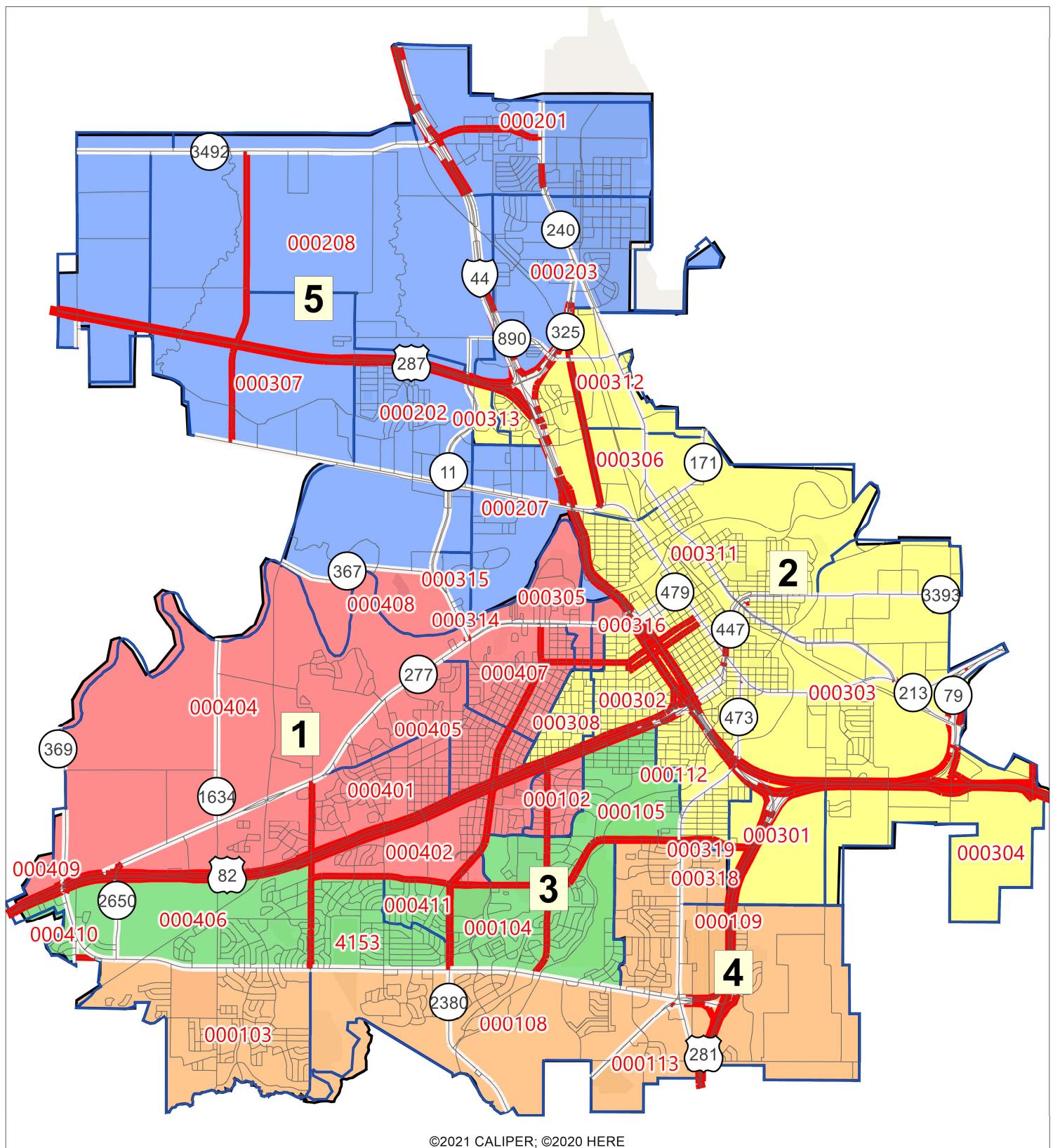
## TAB B

DETERMINATION OF  
TOTAL MAXIMUM DEVIATION  
And  
POPULATION DEMOGRAPHICS  
BY  
PRECINCT

## TAB C

# THE CITY OF WICHITA FALLS EXISTING POLITICAL BOUNDARIES IN MAP FORM

MAP 1  
DEPICTION OF EXISTING  
CITY COUNCIL  
PRECINCTS  
and  
VOTING/ELECTION PRECINCTS

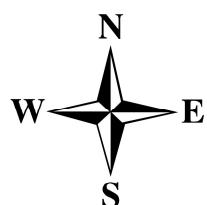
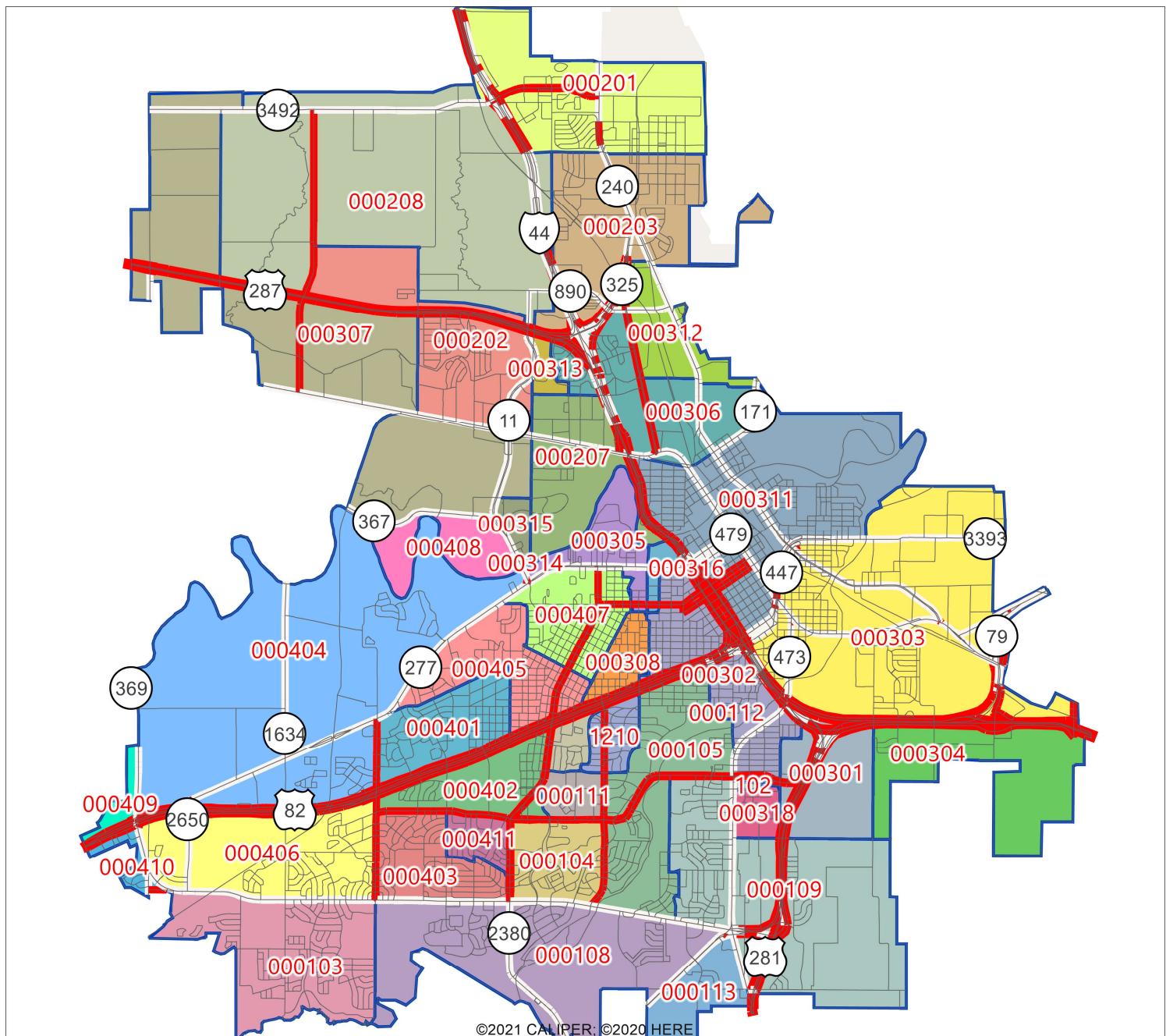


- District 1
- District 2
- District 3
- District 4
- District 5

## City of Wichita Falls Initial Assessment City Council Districts



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



## City of Wichita Falls

### Initial Assessment City Council Districts

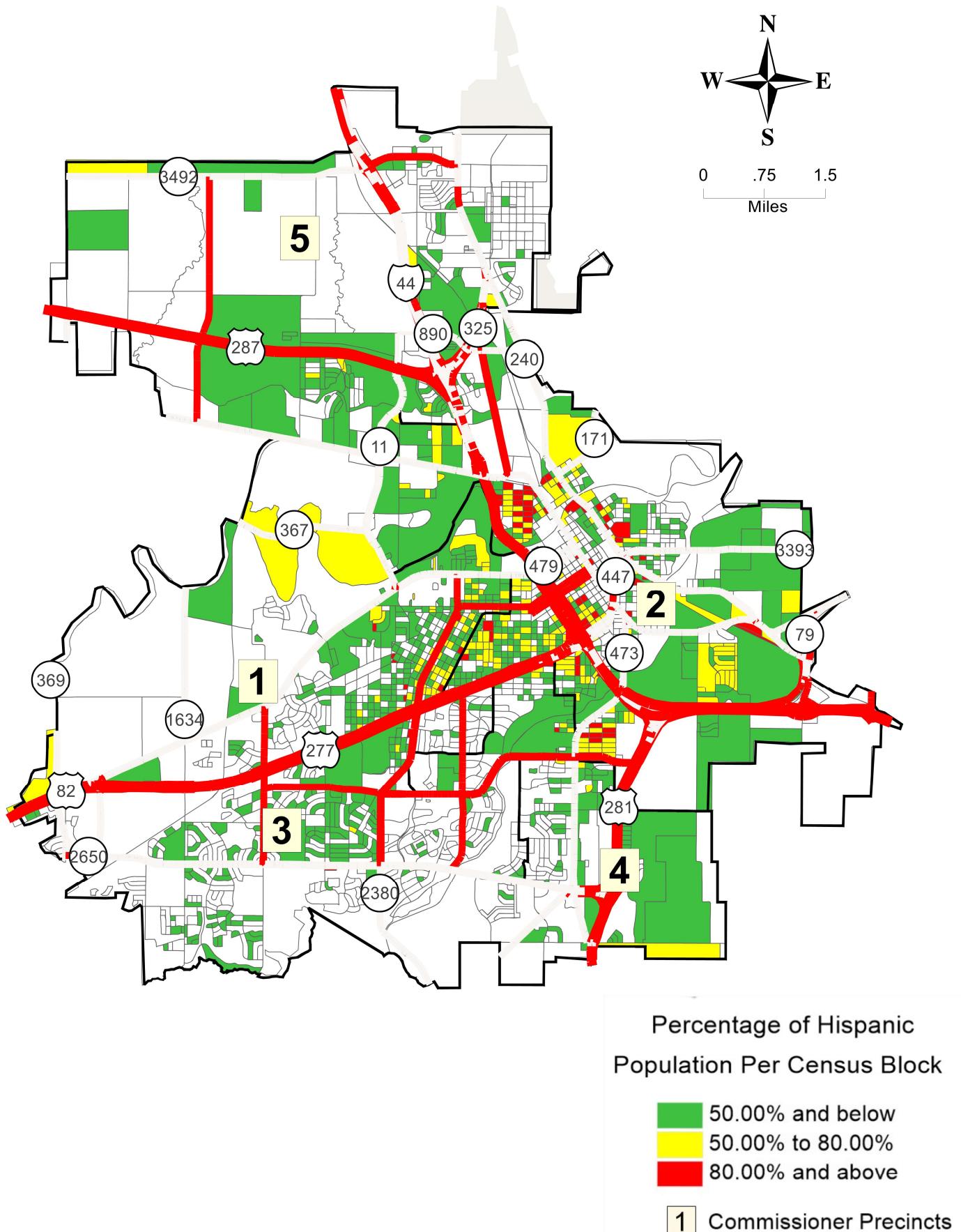
Allison, Bass & Magee, LLP  
Data Source: 2020 Census

# MAP 2

## HISPANIC POPULATION

# City of Wichita Falls

## Hispanic Population

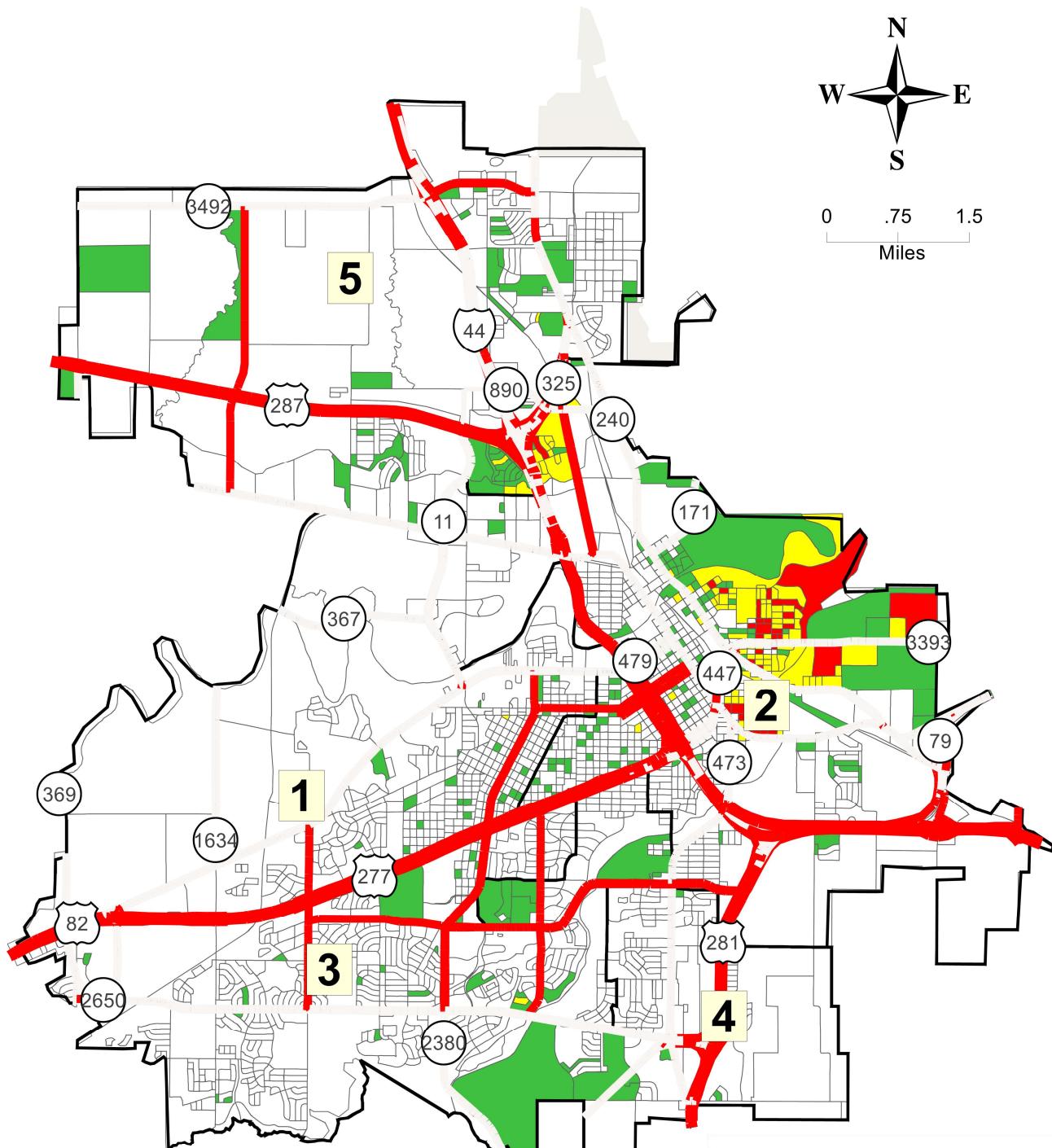


# MAP 3

## BLACK POPULATION

# City of Wichita Falls

## Black Population



Percentage of Black Population per Census Block

- 50.00% and below
- 50.00% to 80.00%
- 80.00% and above

**1** Commissioner Precinct

Allison, Bass & Magee LLP  
Date: 9/14/2021  
Data Source: Census 2020

## MAP 4

### OTHER MINORITY POPULATION

NOTE: If “Other” minority populations within the City of Wichita Falls do not equal or exceed five percent (5%), this portion of the population will not be depicted in map form.