

**Redistricting of the City of Akron Council  
and  
The Voting Rights Act (VRA)**

Presented to the  
**Akron City Council**

By  
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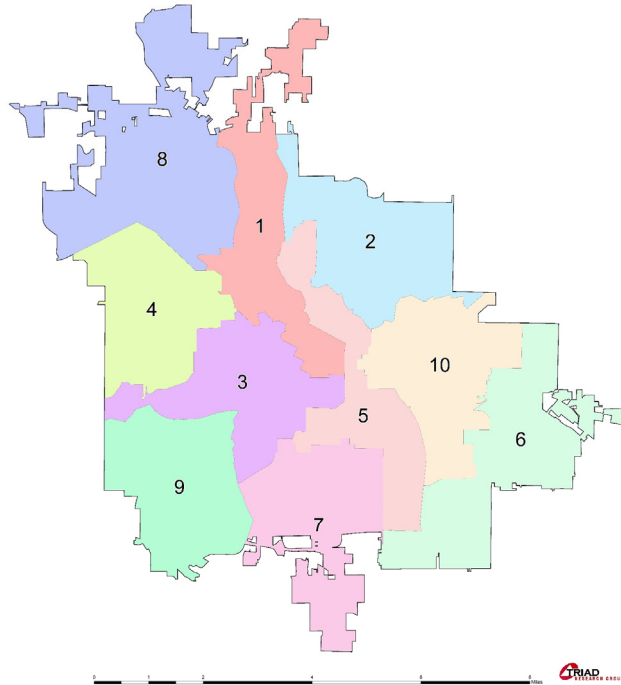
May 2, 2022

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**Akron's Current Wards and the Proposed Plan**

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## Current Wards



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## 2020 Population, Current Akron Wards

Ward	Population	White alone	Black or African American alone	Indian and Alaska Native alone	Asian alone	Hawaiian and Other Pacific Islander	Some Other Race alone	Population of two or more races	African American, any combination	Hispanic / Latino
1	18,222	12,780	3,663	38	515	4	272	950	4,079	606
2	21,777	9,795	3,865	76	6,237	9	581	1,214	4,461	1,006
3	17,697	4,669	11,238	62	333	6	337	1,052	11,945	605
4	18,415	5,473	11,577	26	149	3	187	1,000	12,179	476
5	18,194	5,785	9,342	83	871	7	604	1,502	10,319	1,063
6	19,454	16,077	1,750	33	283	8	152	1,151	2,207	335
7	19,522	11,511	5,247	55	823	21	275	1,590	6,179	609
8	19,655	14,151	3,728	32	395	4	193	1,152	4,193	502
9	18,399	12,536	4,112	54	99	3	164	1,431	4,852	400
10	19,134	11,463	5,299	55	388	15	293	1,621	6,141	594
<b>Total</b>	<b>190,469</b>	<b>104,240</b>	<b>59,821</b>	<b>514</b>	<b>10,093</b>	<b>80</b>	<b>3,058</b>	<b>12,663</b>	<b>66,555</b>	<b>6,196</b>
<b>Average</b>	<b>19,047</b>	<b>10,424</b>	<b>5,982</b>	<b>51</b>	<b>1,009</b>	<b>8</b>	<b>306</b>	<b>1,266</b>	<b>6,656</b>	<b>620</b>

**Do the number of persons in each ward conform to generally acceptable variations?**

**Addressed later - Do the racial/ethnicity distributions meet the law?**

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## Measures of Population Deviation

### Current Wards

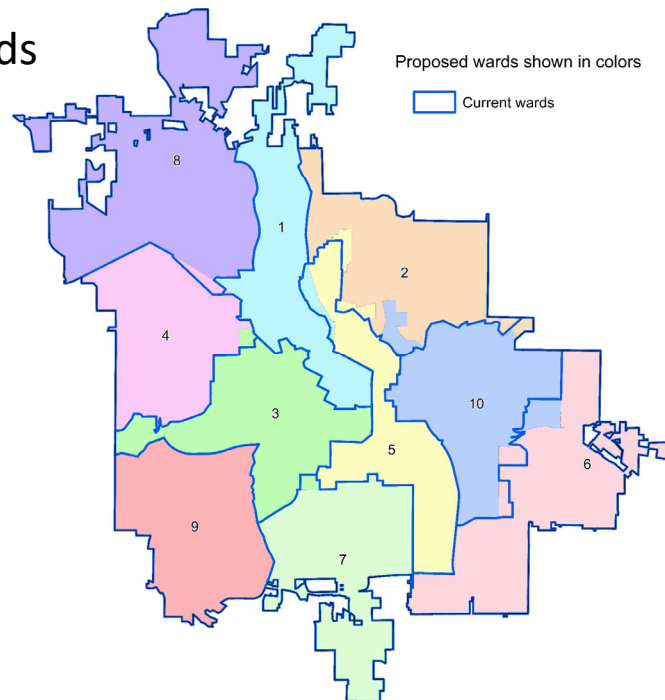
Ward	Population	Deviation	Percent Deviation
1	18,222	-825	-4.33%
2	21,777	2,730	14.33%
3	17,697	-1,350	-7.09%
4	18,415	-632	-3.32%
5	18,194	-853	-4.48%
6	19,454	407	2.14%
7	19,522	475	2.49%
8	19,655	608	3.19%
9	18,399	-648	-3.40%
10	19,134	87	0.46%
Total	190,469	0	0.00%
Average	19,047		

Average	19,047
5% range	
High	19,999
Low	18,095

Highest/Lowest Percent Deviation	23.1%
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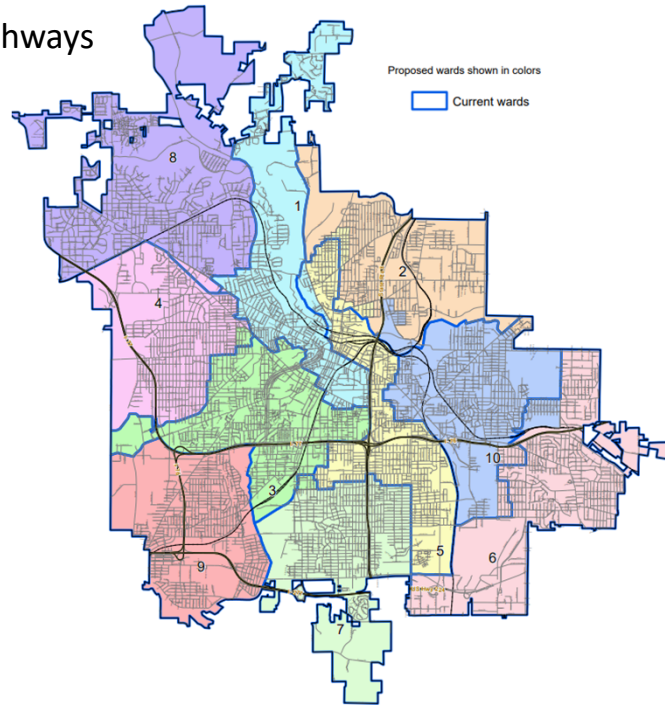
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## Proposed Wards



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## With streets and highways



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## 2020 Population, Proposed Wards for the City of Akron

Ward	Population	White alone	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some Other Race alone	Population of two or more races	Black or African American, any combination	Hispanic / Latino	Percent Deviation	Percent Deviation
1	18,409	12,765	294	38	522	4	297	966	4,241	635	-638	-3.35%
2	19,739	8,848	454	66	5,700	7	514	1,056	4,077	820	692	3.63%
3	18,355	4,819	1,401	63	338	6	351	1,104	12,422	636	-692	-3.63%
4	18,381	5,741	1,552	25	153	3	182	977	11,879	462	-666	-3.50%
5	19,826	6,508	2,433	91	1,274	9	646	1,631	10,703	1,200	779	4.09%
6	19,669	16,215	2,334	33	286	9	140	1,211	2,253	350	622	3.27%
7	19,360	11,469	3,010	55	818	21	266	1,579	6,078	594	313	1.64%
8	19,281	13,854	2,864	32	393	4	193	1,138	4,122	501	234	1.23%
9	18,399	12,536	3,537	54	99	3	164	1,431	4,852	400	-648	-3.40%
10	19,050	11,485	4,240	57	510	14	311	1,570	5,928	598	3	0.02%
<b>Total</b>	<b>190,469</b>	<b>104,240</b>	<b>22,119</b>	<b>514</b>	<b>10,093</b>	<b>80</b>	<b>3,064</b>	<b>12,663</b>	<b>66,555</b>	<b>6,196</b>	<b>0</b>	<b>0.00%</b>
<b>Average</b>	<b>19,047</b>	<b>10,424</b>	<b>2,212</b>	<b>51</b>	<b>1,009</b>	<b>8</b>	<b>306</b>	<b>1,266</b>	<b>6,656</b>	<b>620</b>		
<b>Percent</b>		54.7%	11.6%	0.3%	5.3%	0.0%	1.6%	6.6%	34.9%	3.3%		
<b>5% range</b>												
High		19,999										
Low		18,095										
Highest/Lowest Percent Deviation		7.4%										

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## Measures of Population Deviation

### Proposed Wards

Ward	Population	Percent	
		Deviation	Deviation
1	18,409	-638	-3.35%
2	19,739	692	3.63%
3	18,355	-692	-3.63%
4	18,381	-666	-3.50%
5	19,826	779	4.09%
6	19,669	622	3.27%
7	19,360	313	1.64%
8	19,281	234	1.23%
9	18,399	-648	-3.40%
10	19,050	3	0.02%
<b>Total</b>	<b>190,469</b>	<b>0</b>	<b>0.00%</b>
<b>Average</b>	<b>19,047</b>		

5% range	
High	19,999
Low	18,095

Highest/Lowest Percent Deviation	7.4%
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**Do the racial/ethnicity distributions of the current and proposed wards...**

**...meet the requirements of the Federal Voting Rights Act (VRA)?**



U.S. Department of Justice

### Guidance under Section 2 of the Voting Rights Act, 52 U.S.C. 10301, for redistricting and methods of electing government bodies

Published September 1, 2021

The Voting Rights Act of 1965 is a landmark civil rights law that protects our democratic process against racial discrimination. One of the key protections of the Voting Rights Act is Section 2, 52 U.S.C. § 10301, which is a permanent nationwide prohibition on voting practices that discriminate on the basis of race, color, or membership in a language minority group (as defined in Sections 4(f)(2) and 14(c)(3) of the Act, 52 U.S.C. §§ 10303(f)(2), 10310(c)(3)). Section 2 prohibits both voting practices that result in citizens being denied equal access to the political process on account of race, color, or membership in a language minority group, and voting practices adopted or maintained for the purpose of discriminating on those bases.

Section 2 covers any voting qualification or prerequisite to voting or standard, practice, or procedure related to voting. As relevant for purposes of this guidance, Section 2 covers methods of electing public officials. This coverage includes a variety of electoral practices, such as: 1) districting plans used in single-member district election systems or multi-member district election systems; 2) mixed election systems, e.g., any combination of single-member, multi-member and at-large seats, and any associated districting plans; and 3) at-large election systems.

1 | Guidance under Section 2 of the Voting Rights Act

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As amended in 1982, Section 2 prohibits voting practices that result in citizens being denied equal access to the political process on account of race, color, or membership in a language minority group.

The essence of a discriminatory results claim alleging vote dilution is that a certain electoral law, practice, or structure interacts with social and historical conditions to cause an inequality in the opportunities enjoyed by minority voters to elect their preferred representatives.

The Department's Section 2 cases challenging methods of election for governmental bodies include actions against a variety of jurisdictions, including states, counties, municipalities, school districts, and special districts.

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### **“Discriminatory Result”** - Thornburg v. Gingles, 478 U.S. 30, 47 (1986).

Analysis begins by considering whether three Gingles preconditions exist.

First, the minority group must be sufficiently large and geographically compact to constitute a majority of the voting-age population in a district.

Second, the minority group must be politically cohesive.

And third, the majority must vote sufficiently as a bloc to enable it to usually defeat the minority group's preferred candidate.

**Closer look at the three Gingles preconditions...**

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### **1. The minority is “Sufficiently large and geographically compact to constitute a majority in a single-member district”**

- Must be more than 50% of the voting age population
- “Crossover” districts – where a minority group can usually elect the candidate of its choice with the help of “crossover” voting from White voters do not satisfy the Gingles prong
- “Coalition” districts – where two or more racial minority groups may reach a majority can satisfy the Gingles factor, as long as the groups are sufficiently cohesive
- Compactness asks whether the minority community is sufficiently concentrated, taking into account principles such as maintaining communities of interest and respecting traditional boundaries

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### **2. “Politically Cohesive”**

- “Whether the minority group has expressed clear political preferences that are distinct from those of the majority.”
- Typically proven through expert testimony and statistical analysis showing correlation between minority status and candidate preference
- Courts may also consider non-statistical evidence (i.e., observations and experiences of those involved)
- There is no quantitative threshold for how cohesive a group must be

### **3. The majority must vote sufficiently as a bloc**

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If **all three Gingles** preconditions are present, consideration proceeds to an analysis of the totality of the circumstances in a jurisdiction.

This **analysis incorporates factors** enumerated in a report that accompanied the 1982 Voting Rights Act Amendments, which are generally known as the **“Senate Factors.”**

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**The factors include:**

1. the extent of any history of official discrimination that touched the right of the members of the minority group to register, to vote, or otherwise to participate in the democratic process;
2. the extent to which voting is racially polarized;
3. the extent to which the state or political subdivision has used voting practices or procedures that may enhance the opportunity for discrimination against the minority group;
4. if there is a candidate slating process, whether the members of the minority group have been denied access to that process;
5. the extent to which members of the minority group bear the effects of discrimination in such areas as education, employment and health, which hinder their ability to participate effectively in the political process;
6. whether political campaigns have been characterized by overt or subtle racial appeals; and
7. the extent to which members of the minority group have been elected to public office in the jurisdiction.

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**“Vote dilution”** – a voting procedure resulting in minorities having less opportunity to exercise political power than members of a majority group

- Common in redistricting challenges
- Happens when there is a...
  - dispersal of racial minorities into districts in which they constitute an ineffective minority of voters
  - or
  - from the concentration of racial minorities into districts where they constitute an excessive majority

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### Vote Dilution Claims...

most often arise when minority voting power is diluted by the creation of insufficient “majority-minority districts”

- A **Majority-Minority District** contains more constituents who are members of an ethnic minority group than constituents who are White, Non-Hispanic
- “Packing” members of the minority group creates too few majority-minority districts where minority voters may elect representation of their choice
- “Cracking” divides the minority group into too many districts where they cannot achieve a majority
- The standard remedy for a vote dilution claim is the creation of a greater number of majority-minority districts

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The U.S. Justice Department will examine the circumstances **to determine whether there is direct or circumstantial evidence of any discriminatory purpose.**

**...including public statements** of members of the adopting body or others who may have played a significant role in the process.

**...“smoking gun”** or other stark evidence of intent is rare and is **not required to establish a discriminatory purpose.**

Section 2 **does not require** proof that one or more government actors are “racist” or bear racial animus.

Discriminatory intent need only be one motivating factor.

So, **for example**, if a jurisdiction purposefully reduces minority voting strength in order to protect an incumbent elected official, the fact that incumbent protection was a motivating factor—or even the primary motivating factor—does not mean a plan is lawful.

**In other words, incumbent protection does not trump minority voting protection.**

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## **Racial Gerrymandering Claims**

- Arise where race “predominates” over other neutral criteria in a redistricting plan.
- To withstand constitutional challenge, one must show the plan is “narrowly tailored to meet a compelling state interest.”

### **Case law does not provide bright-line guidance**

- Generally, compliance with the VRA is a compelling state interest
- The “prevailing view” is that a jurisdiction must comply with the VRA, but do no more than necessary to meet those obligations
- The districts should be drawn with consideration for all criteria, not just race

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**Do the racial/ethnicity distributions of the current and proposed wards meet the requirements of the Federal Voting Rights Act?**

**The VRA pertains primarily to the voting age population.**

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**2020 Population, Proposed Wards for the City of Akron**

Ward	Population	White alone	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some Other Race alone	Population of two or more races	Black or African American, any combination	Hispanic / Latino
1	18,409	12,765	3,817	38	522	4	297	966	4,241	635
2	19,739	8,848	3,554	66	5,700	7	514	1,056	4,077	820
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6	19,669	16,215	1,775	33	286	9	140	1,211	2,253	350
7	19,360	11,469	5,152	55	818	21	266	1,579	6,078	594
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10	19,050	11,485	5,103	57	510	14	311	1,570	5,928	598
Total	190,469	104,240	59,821	514	10,093	80	3,064	12,663	66,555	6,196
Average	19,047	10,424	5,982	51	1,009	8	306	1,266	6,656	620
Percent		54.7%	31.4%	0.3%	5.3%	0.0%	1.6%	6.6%	34.9%	3.3%

**Roughly a third of the City's population is African American.**

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## Racial/Ethnic Comparisons --- Total Population

Ward	Current Wards				Proposed			
	Percent AA alone	Percent of 1 race	Percent AA any	Percent non-White	Percent AA alone	Percent AA of all 1 race	Percent AA any	Percent non-White
1	20.1%	21.2%	22.4%	29.9%	20.7%	21.9%	23.0%	30.7%
2	17.7%	18.8%	20.5%	55.0%	18.0%	19.0%	20.7%	55.2%
3	63.5%	67.5%	67.5%	73.6%	63.6%	67.7%	67.7%	73.7%
4	62.9%	66.5%	66.1%	70.3%	61.5%	64.9%	64.6%	68.8%
5	51.3%	56.0%	56.7%	68.2%	48.8%	53.1%	54.0%	67.2%
6	9.0%	9.6%	11.3%	17.4%	9.0%	9.6%	11.5%	17.6%
7	26.9%	29.3%	31.7%	41.0%	26.6%	29.0%	31.4%	40.8%
8	19.0%	20.1%	21.3%	28.0%	19.0%	20.2%	21.4%	28.1%
9	22.3%	24.2%	26.4%	31.9%	22.3%	24.2%	26.4%	31.9%
10	27.7%	30.3%	32.1%	40.1%	26.8%	29.2%	31.1%	39.7%
Total	31.4%	33.6%	34.9%	45.3%	31.4%	33.6%	34.9%	45.3%

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## Voting Age Population

Ward	Population	White alone	Black or African American alone	American Indian and Alaska Native alone	Asian alone	Native Hawaiian and Other Pacific Islander alone	Some Other Race alone	Population of two or more races	Black or African American, any combination	Hispanic / Latino
1	16,088	11,586	3,111	25	489	3	225	649	3,357	485
2	14,968	7,589	2,536	63	3,821	4	339	616	2,779	548
3	14,049	4,253	8,575	58	269	4	227	663	8,987	427
4	14,493	4,853	8,767	20	132	0	117	604	9,088	287
5	14,305	5,467	6,648	63	856	6	412	853	7,110	708
6	15,923	13,575	1,233	25	226	7	95	762	1,435	247
7	14,827	9,646	3,492	42	540	17	194	896	3,880	369
8	15,978	11,903	2,849	24	353	3	114	732	3,099	339
9	14,441	10,514	2,832	43	84	3	98	867	3,169	249
10	14,646	9,615	3,458	46	369	13	209	936	3,841	392
Total	149,718	89,001	43,501	409	7,139	60	2,030	7,578	46,745	4,051
Average	14,972	8,900	4,350	41	714	6	203	758	4,675	405
Percent		59.4%	29.1%	0.3%	4.8%	0.0%	1.4%	5.1%	31.2%	2.7%

A little less than a third of the City's voting age population is African American.

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## Comparisons

	<b>Voting Age Population</b>							
	<b>Current Wards</b>				<b>Proposed</b>			
	Percent	Percent	Percent	Percent	Percent	Percent	Percent	Percent
Ward	AA alone	of 1 race	AA any	non-White	AA alone	AA of all 1 race	AA any	non-White
1	18.8%	19.6%	20.3%	27.4%	19.3%	20.2%	20.9%	28.0%
2	16.9%	17.7%	18.6%	49.0%	16.9%	17.7%	18.6%	49.3%
3	60.9%	63.9%	63.8%	69.6%	61.0%	64.1%	64.0%	69.7%
4	62.0%	64.8%	64.3%	68.2%	60.5%	63.1%	62.7%	66.5%
5	49.1%	52.3%	52.4%	63.1%	46.5%	49.4%	49.7%	61.8%
6	7.7%	8.0%	9.0%	14.6%	7.7%	8.1%	9.0%	14.7%
7	19.6%	20.9%	21.9%	27.2%	23.6%	25.1%	26.2%	34.9%
8	24.2%	25.9%	26.8%	34.6%	17.8%	18.7%	19.4%	25.5%
9	29.1%	30.6%	31.2%	40.6%	19.6%	20.9%	21.9%	27.2%
10	24.2%	25.9%	26.8%	34.6%	23.6%	25.2%	26.2%	34.4%
Total	29.1%	30.6%	31.2%	40.6%	29.1%	30.6%	31.2%	40.6%

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## Discussion

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