

OKLAHOMA HOUSE OF REPRESENTATIVES
LEGISLATIVE GUIDE TO REDISTRICTING

House of Representatives

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Legislative Guide to Redistricting

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GENERAL OVERVIEW

The Oklahoma Legislature redistricts the state legislature every ten years, as required by law, after the federal decennial census. The Legislature is also responsible for redrawing the state's congressional districts following reapportionment by Congress.

Although the term reapportionment is often used as a synonym for redistricting, this is technically inaccurate. Reapportionment is the allocation of seats in a legislative body among established districts, where the district boundaries do not change but the number of members per district does. This is the process that is used to determine the number of members each state is allotted in the United States House of Representatives.

Redistricting is the drawing of new political district lines. The 2010 redistricting process in Oklahoma will involve the drawing of new legislative district boundaries for the House of Representatives, Senate, and Congress based on population counts from the U.S. Census Bureau (Census Bureau). The Census Bureau provides population, race, and ethnic data at the county, tract, precinct, and block levels.

This document provides members of the Oklahoma House of Representatives with an overview of the redistricting process – what the process entails, what has occurred in the past, and how redistricting should progress in 2010. This guide begins with an overview of Oklahoma's history of redistricting. The next section briefly examines current issues facing Oklahoma legislators. A general legal issues section discusses several new issues facing state legislatures in 2010 regarding reapportionment and redistricting as a result of legal challenges throughout the 1990's and 2000's. The detailed legal overview provides more in-depth coverage of these issues.

Appendices follow with the state constitutional provisions regarding apportionment and redistricting, the House's committee guidelines for redistricting from the past two decades, 2009 population estimates for Oklahoma by county, and House district populations as of the 2000 census. An additional appendix includes maps from the 1971, 1981, 1991, and 2001 redistricting and reapportionment legislation in order to give legislators an idea of how districts have changed over the past decades.

OKLAHOMA'S HISTORY OF REDISTRICTING

The Oklahoma Legislature was originally apportioned in 1907 when Oklahoma achieved statehood. At that time, 109 members represented their districts in the House of Representatives. No county could constitutionally be represented by more than seven representatives. The Senate apportionment plan provided for 33 Senate districts, and the first congressional plan included five districts. Throughout the state's history, the number of state legislative and congressional members has fluctuated.

After the first decennial apportionment in 1911, the Legislature made minimal changes every ten years to district plans for the Oklahoma House of Representatives and Senate until the early 1960's. However, during that period, there was a demographic trend of shifting population concentrations from the rural to urban areas. With the district boundaries remaining virtually unchanged, this created a severe imbalance in representation within districts, with the result that rural populations had greater representation in the Legislature than the growing urban areas.

In 1962, the U.S. Supreme Court determined state legislative districting cases could be justiciable in *Baker v. Carr* and that political equality means "one person, one vote" in *Gray v. Sanders*, meaning that all citizens, regardless of where they reside in a state, are entitled to equal legislative representation. Accordingly, the U.S. District Court (Western District, Oklahoma) found in *Reynolds v. State Election Board* that the Oklahoma Legislature was either unable or unwilling to redistrict itself within the guidelines of substantial numerical equality. Therefore, in 1964, the U.S. District Court redistricted both the Oklahoma Senate and the Oklahoma House of Representatives on a population basis.

Following this judicial intervention, the Legislature added provisions to the state constitution to ensure the regular redistricting of the House of Representatives. These provisions require the Oklahoma Legislature to develop and enact redistricting plans for the Oklahoma House of Representatives and Senate "within 90 legislative days after the convening of the first regular session of the Legislature following each Federal Decennial Census." If the Legislature fails to do so, the task falls to the Bipartisan Commission on Legislative Apportionment, composed of seven members, two each, one Republican and one Democrat, appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House, with the Lieutenant Governor serving as the nonvoting chair of the commission. Qualified electors have 60 days to challenge the plans after they are filed by submitting a petition with the Oklahoma Supreme Court which sets forth a redistricting plan that more closely follows the constitutional requirements. However, to date, the Apportionment Commission has never been called upon to develop redistricting plans. (See Appendix C.)

In 2002, when the Legislature failed to adopt a new congressional plan reflecting Oklahoma's 2000 population and a reduction of its congressional seats from six to five,

an Oklahoma County District Court judge adopted the Governor's proposed plan, and the state Supreme Court upheld the decision in *Alexander v. Taylor*.

In 1971, the Legislature successfully drew redistricting plans based on maps used in conjunction with census divisions. For the 1981 reapportionment effort, the House Reapportionment Committee consisted of 17 members representing five geographic areas of the state (the four state quadrants plus the Oklahoma City area). Using maps provided by the Census Bureau, the Legislature drew plans based on guidelines established by the committee to ensure adherence to legal requirements.

The role of computer technology became increasingly important in the 1991 redistricting process. The Census Bureau provided states with computer files of population counts along with a digital database, called TIGER (Topographically Integrated Geographic Encoding and Reference System), that has the capability of mapping census geography on computers. The 1991 House Reapportionment Committee involved 32 members working in six subcommittees representing geographic areas – the four state quadrants, the Oklahoma City metro area, and the Tulsa metro area. This committee adopted guidelines for the House redistricting plans to assure conformity to the legal requirements set forth by the courts over the past 30 years. In 2001, the House Redistricting Committee included 34 members, again divided into the six geographic areas. The 2001 House Redistricting Committee once again adopted similar guidelines. (For past guidelines and a map of the 2001 subcommittee divisions, see Appendices D and E.)

During the 1990's and 2000's, Oklahoma was an active participant in the U.S. Census Bureau's Redistricting Data Program in order to receive population data for redistricting. House and Senate staff worked with the Census Bureau in suggesting visible features (e.g., roads, rivers, ridge lines) on census maps to be "held" as boundaries for creating census blocks so that the blocks would correspond to local voting districts (e.g., election precincts, state legislative districts). Staff provided the Census Bureau with boundaries of legislative and voting districts by defining these areas in terms of census block polygons as shown on census maps.

For the 2001 redistricting cycle, computer technology moved from mainframes to personal computers and from flat line maps to computerized geographic information systems (GIS). The House redistricting staff and office reflected those changes. The software and hardware for map production used sophisticated GIS. Color laser printers and plotters produced high quality output maps available on different page sizes. Staff tested and purchased redistricting software packages and the appropriate hardware. The 2001 office for redistricting was established in Room B-19 of the State Capitol.

In 2011, the public's access to online information and various technologies may bring an increase in public participation and plan submission as well as an increased demand for redistricting plans requested by legislators. In the past, redistricting plans were drafted on large floor maps. Today's technology allows dozens of plans to be drafted and

hundreds of revisions to be developed in a relatively short time frame. The House Redistricting Office will once again be located in Room B-19 of the State Capitol.

REDISTRICTING ISSUES IN 2010

Deadline

Time is always a factor in producing a redistricting plan. Under Public Law 94-171, the Census Bureau must provide each state's governor and legislative leaders with the Census 2010 Redistricting Data by April 1, 2010. In 1991, the Census Bureau supplied data on February 14, 1991; in 2001, Oklahoma received the Census Bureau counts on March 12, 2001. However, for 2011, mid-February to early March is the Census Bureau's goal for delivering population data. Oklahoma is one of the states whose session ends early in the year and has a constitutional deadline. The constitutional deadline is 90 legislative days following the census. The failure to complete state legislative redistricting as provided by the state constitution would result in the plan being drawn by the Bipartisan Commission on Legislative Apportionment.

Population shifts

In the 2000 Oklahoma census data, there was a strong trend of population continuing to shift from rural to urban areas. Nearly all of the counties in the western half of the state lost population, while both major metropolitan areas gained large percentages of the state's population. Similar results are expected in the 2010 population data. (For 2009 county estimates, see Appendix F.) The obvious result will be that the already geographically large rural districts will become even larger in order to preserve the "one person, one vote" requirement. This "domino" or "ripple" effect impacts all other districts.

Racial Categories

Once again for the 2010 census, people had the option to check multiple racial categories on their census forms. As a result, instead of six racial categories, there will now be 63 with the census population counts. These multiple categories should not result in a large change in data. While the impact of these additional options upon the redistricting process will not be known until the official census data is released, two things should be kept in mind – first, more Oklahomans consider themselves at least part-Native American, and second, the growing population of Hispanics and other ethnic and language minorities in the state could affect how districts are drawn.

GENERAL LEGAL ISSUES

Congressional and legislative redistricting have the same goal – to follow the “one person, one vote” requirement. Redistricting plans are built using an “ideal district” as the target for district population size. Ideal districts are those districts whose population exactly equals the state population divided by the number of districts. For example, in 1991, the “ideal district” size for the Oklahoma House of Representatives was 31,144 (the state’s total population at the time of the 1990 census divided by 101). In 2001, the “ideal district” size was 34,165. Redistricting plans are built to maximize the number of districts that approach the “ideal district” target. Legislative and congressional redistricting have two different legal standards regarding population equity, with the congressional standard being much stricter.

Each decennial round of redistricting generates new legal challenges. Congressional and legislative redistricting plans built from the 1990 census were litigated in 41 states. Oklahoma was one of nine states not sued following its 1991 redistricting. Following the 2001 redistricting cycle, over 150 lawsuits were filed in at least 40 states. While Oklahoma’s legislative plans were not challenged in court, the Oklahoma congressional plan was litigated due to the Legislature’s failure to adopt a congressional redistricting plan. Synopses of the legal issues raised in redistricting suits follow, as well as more detailed descriptions of each of these concerns in the Detailed Legal Overview.

Racial and ethnic discrimination

The federal Voting Rights Act of 1965, as amended in 1982, prohibits discrimination against ethnic or racial minorities. Two sections of the Voting Rights Act are important in efforts to redistrict states, Section 2 and Section 5. Although Section 5 (a section that requires preclearance with the U.S. Department of Justice before adopting plans related to voting) does not cover Oklahoma, state plans can still be challenged on the basis of Section 2. Section 2 of the Voting Rights Act prevents any state or political subdivision from imposing any voting qualification, standard, practice, or procedure that results in the denial or abridgement of any U.S. citizen’s right to vote on account of race, color, or status as a member of a language minority group.

Traditional redistricting principles

“Traditional redistricting principles” are those that the U.S. Supreme Court has said might be a justifiable reason for variation in population equity. If a state uses traditional redistricting principles as a means of creating a plan, then the plan will not be subject to strict scrutiny. If race is the primary motive for determining a district’s population, then the redistricting plan is subject to strict judicial scrutiny.

Traditional redistricting principles include:

- compactness;
- contiguity;
- preservation of political subdivisions;
- preservation of communities of interest;

- preservation of cores of prior districts;
- protection of incumbents; and
- compliance with Section 2 of the Voting Rights Act.

CONGRESSIONAL REAPPORTIONMENT

Number of seats

In December 2010, the Census Bureau reported population totals by state to the President of the United States for the purpose of reapportioning the 435 seats of the U.S. House of Representatives. Oklahoma lost one congressional seat in the last reapportionment process, but Oklahoma will retain its five congressional seats for the 2012 election cycle and the next decade. The reduction in 2002 was Oklahoma's first loss in seats since 1950 when the state's congressional delegation was reduced to six. Prior to that date, there were eight Oklahoma Congressional representatives in the U.S. House, except at statehood in 1907 when there were five, and during the 1930's, when there were nine.

A formula called the Method of Equal Proportions determines the order in which states receive seats in Congress. Each state holds at least one seat. The formula begins its calculation on the 51st seat. States receive seats on the basis of the amount of their population compared to other states' populations. Although Oklahoma's population has increased consistently, its relative growth is below the national average. Oklahoma's percentage of the nation's population has decreased, while other states' have increased. Continued stagnation could lead to the loss of another congressional district in the future.

CONGRESSIONAL REDISTRICTING

Deadline

Although the Legislature draws the congressional plan, the Oklahoma Constitution does not impose a deadline on the Legislature to complete the plan. Therefore, the time limit imposed on the legislative redistricting plans does not apply to the congressional plan. However, the congressional plan does need to be in place for candidate filing for congressional offices in 2012.

“One person, one vote”

The U.S. Supreme Court ruled in 1964 that each district in state legislatures and in Congress should be drawn to include a population “as nearly equal in population as practicable.” The law allows almost no deviation at the congressional level. If a state does have mathematical inequality, then that state must show that the variances are unavoidable or specifically justify the variances. Generally, the U.S. Supreme Court accedes to the principle that “absolute population equality [is] the paramount objective.”

The 2001 Oklahoma House Redistricting Committee adopted a guideline for the congressional district plan of an overall range of no more than 1 percent (+/- 0.5%).

The following table shows the amount of variation in the 2002 Oklahoma congressional plan.

Congressional District	Population	Deviation
First	690,131	0.0%
Second	690,130	0.0%
Third	690,131	0.0%
Fourth	690,131	0.0%
Fifth	690,131	0.0%

LEGISLATIVE REDISTRICTING

Deadline

Article V, Sections 11A through 11E of the Oklahoma Constitution require the Oklahoma Legislature to develop and enact redistricting plans for the Oklahoma House of Representatives and Senate “within 90 legislative days after the convening of the first regular session of the Legislature following each Federal Decennial Census.” If the Legislature fails to do so by sine die adjournment, the task falls to the Bipartisan Commission on Legislative Apportionment.

“One person, one vote”

The U.S. Supreme Court ruled in 1964 that each district in state legislatures and in Congress should be drawn to include a population “as nearly equal in population as practicable.” This standard has been applied much more strictly to congressional plans. In legislative redistricting, the standard deviation from the “ideal district” generally recognized by the courts has typically been no greater than 10 percent. The House Reapportionment Committee in 1991 adopted an overall range of no more than 8 percent (+/-4%). No individual district boundary was to deviate more than +/- 5%. As a result, the overall range of deviation for the 1991 Oklahoma House plan was 6.22 percent with no individual district exceeding a deviation of 3.45 percent from the ideal district population.

In 2001, the House Redistricting Committee adopted an overall range of no more than 10 percent (+/- 5%) and an individual district boundary deviation of no more than +/-5%. The overall range of deviation for the 2001 Oklahoma House statewide plan was 2.05 percent with no individual district exceeding a deviation of 1.06 percent from the ideal district size.

Oklahoma's Traditional Redistricting Principles

In apportioning the State Senate, the Oklahoma Constitution, Article 5, Section 9A, provides consideration shall be given to the following factors:

- population;
- compactness;
- area;
- preservation of political subdivisions;
- historical precedents;
- economic and political interests;
- contiguous territory; and
- other major factors, to the extent feasible.

The Oklahoma Constitution is silent on redistricting principles for the House of Representatives, but in the past the House has adhered to the principles outlined in the Senate provisions in drawing legislative boundaries. These same principles have generally been recognized by state and federal courts as legitimate factors for consideration in redistricting. (For the past guidelines, see Appendices D and E.)

Gerrymandering

In 1986, the U.S. Supreme Court ruled in *Davis v. Bandemer* that drawing districts to favor or exclude political groups or to favor incumbents of a particular party is a "justiciable" issue. To date, no state's plan has been rejected for this reason, but the possibility of a plan being overturned for gerrymandering does exist.

DETAILED LEGAL OVERVIEW

Introduction

Reapportionment and redistricting are difficult processes in the best of circumstances, due in no small part to the numerous legal land mines facing legislators and states. To fully understand these land mines, it is important to look at the legal history of reapportionment and redistricting.

Oklahoma law relating to redistricting is found in both the state constitution and statutes. The courts have added to and modified the body of redistricting law. The following is a review of pertinent constitutional and statutory requirements concerning redistricting and a synopsis of federal and state case law to provide direction for the redistricting process in Oklahoma. Many of these guidelines are conflicting, and thus arises the enormous difficulty in completing the process.

HISTORY OF REDISTRICTING FOR LEGISLATIVE DISTRICTS

Since the first apportionment for Oklahoma in 1911, reapportionment and redistricting in the state have undergone dramatic changes. For the first 50 years, and until 1964, malapportionment was the chief characteristic of legislative redistricting in Oklahoma. Then the United States Supreme Court handed down two history-making decisions and determined that (1) state legislative districting cases can be litigated in federal court, and (2) political equality means “one person, one vote.”

Based upon these two U.S. Supreme Court cases in 1964, the U.S. District Court for the Western District of Oklahoma found that the Oklahoma Legislature was either unable or unwilling to redistrict itself within guidelines based on the general principle of substantial numerical equality, and thus redistricted both the Oklahoma Senate and the Oklahoma House of Representatives on a population basis. This was the first time in the nation's history that a federal court had taken such sweeping action affecting both houses of a state legislature.

As a result of the 1964 judicial decision, the 1971 redistricting was one of the strictest redistricting measures (by the criterion of one person, one vote) in the nation. The redistricting plan accepted by the Oklahoma House of Representatives in 1971 unquestionably followed the one person, one vote criteria with a zero variance statewide and with only three of 101 districts having a variance in excess of 1 percent.¹

Though not as strict, the 1981 House of Representatives redistricting plan had an overall deviation of 10.9 percent, and as such, no petitions to overturn the House redistricting plan were filed. However, persons upset by the 1981 congressional districting circulated an initiative petition and won a statewide vote in 1982 in a proposal to throw out the legislative plan and substitute their own. The people rejected that challenge by only 17,597 votes out of 776,687 cast.

The 1991 House redistricting plan resulted in an overall deviation of 6.22 percent. No litigation was brought in Oklahoma as a result of the 1991 redistricting plans. The 2001 House redistricting plan had an overall deviation of 2.05 percent and no litigation was filed regarding the state's 2002-2010 legislative redistricting plans.

CONSTITUTIONAL PROVISIONS RE: REDISTRICTING

- A. **Sections 9A and 10A of Article 5 of the Oklahoma Constitution** deal with apportionment of the Senate and the House of Representatives, respectively. In 1964, portions of these provisions were ruled in violation of the U.S. Constitution in *Reynolds v. State Election Board*² by the U.S. District Court. The *Reynolds* case required that both houses of the Legislature be apportioned on the stricter "one person, one vote" basis, rather than by the formula provided in Sections 9A and 10A, of Article 5, of the Oklahoma Constitution. The federal court developed its own reapportionment plan which the court required the state to follow in the 1964 elections.

1. **Senate**

The federal court in the *Reynolds* decision accepted the provisions of Section 9A of the Oklahoma Constitution which provide:

1. For 48 senatorial districts in Oklahoma;
2. That the term of office of a senator be four years;
3. That one-half of the senators be elected each two years; and
4. That the multidistrict counties be subdivided into senatorial districts of approximately equal population.

All the remaining parts and provisions of Section 9A were declared to be unconstitutional and null and void. However, in 1971, the U.S. District Court in *Ferrell v. State of Oklahoma ex rel. Hall*³ overturned a portion of the *Reynolds* decision and reinstated a provision requiring that, in apportioning the state, **the Senate must consider population, compactness, area, political units, historical precedents, economic and political interests, contiguous territory and other major factors, so long as population is given primacy.**

The *Ferrell* decision held that "the Oklahoma Legislature, in enacting the Senate Apportionment Act of 1971, was not required to create a single Senate district in Tulsa County in which Black citizens constituted a clear majority, and no denial of equal protection resulted from inclusion of part of the Black community in each of three Senate districts."

2. House of Representatives

Section 10A of Article 5 of the Oklahoma Constitution has not been amended since the *Reynolds* decision to reflect the “one person, one vote” basis for redistricting or to enact the ruling of the court. As such, the *Reynolds* decision still reflects those portions of Section 10A which remain in force and effect and those portions that are null and void.

Specifically, the court in the *Reynolds* decision required the Oklahoma House of Representatives to provide:

1. For “approximately” 100 representatives (the ratio being 1/100th of the population of the state);
2. That the term of office of a representative be two years; and
3. The House of Representatives be apportioned into districts of approximately equal population.

All of the remaining parts and provisions of Section 10A were declared to be unconstitutional and null and void.

Of note is a 1971 Attorney General’s opinion concerning the maximum number of members of the Oklahoma House of Representatives. Attorney General Larry Derryberry concluded that even though he was unable to determine from the court’s language in the *Reynolds* decision as to the exact meaning of “approximately 100” as the maximum number of members the House of Representatives may have, he felt that any of the numbers 99, 100, or 101 might be acceptable.⁴

- B. Sections 11A through 11E, of Article 5, of the Oklahoma Constitution require the Legislature to apportion itself within 90 legislative days after the convening of the first regular legislative session following each Federal Decennial Census. If the Legislature fails or refuses to arrive at an apportionment plan, the Bipartisan Commission on Legislative Apportionment, composed of seven members, two each, one Republican and one Democrat, appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House, with the Lieutenant Governor serving as the nonvoting chair, is required to draw a plan. Any qualified voter may seek a review of the apportionment plan of the Legislature or Bipartisan Commission by filing a petition in the Oklahoma Supreme Court within 60 days from the filing of the plan setting forth a proposed apportionment plan more in accordance with the Oklahoma Constitution. Upon filing of such petition, the Oklahoma Supreme Court must approve or disapprove any apportionment act of the Legislature or plan of the Bipartisan Commission.

If the act or plan is unacceptable, the court will order the Bipartisan Commission on Legislative Apportionment to draft an acceptable plan. The court has exclusive jurisdiction to review all apportionment plans.

OKLAHOMA STATUTES RE: REDISTRICTING

Title 14 of the Oklahoma Statutes – Codifies the apportionment plans and laws relating to both legislative and congressional redistricting. The legislative apportionment law of 2001 is in Title 14 of the Oklahoma Statutes. For the 2002-2010 congressional districts see *Alexander v. Taylor.*, CJ-2002-85 (Dist. Ct. Okla. County).

Title 19 of the Oklahoma Statutes

Section 321 – Requires all boundaries of county commissioner districts to follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census for purposes of defining census blocks for its decennial census.

Title 26 of the Oklahoma Statutes

Sections 3-116 through 3-118

- a. Require all precincts to enclose a contiguous area and follow clearly visible, definable and observable physical boundaries and prohibit use of municipal boundaries that are not visible, definable and observable;
- b. Freeze precinct boundaries for the year prior to and following the census to allow redistricting to take place without the added complication of changing boundaries that would not conform to the information provided to the Census Bureau by Oklahoma for the purpose of the census; and
- c. Provide for precinct boundaries to be frozen every ten years for the purpose of redistricting, except if necessary for designated purposes.

Title 70 of the Oklahoma Statutes

Section 5-107A – Provides for the local board of education to divide the territory of the school district into board districts within six months following the Federal Decennial Census and sets out procedures for the redistricting process for school boards.

CASE LAW AND TRADITIONAL REDISTRICTING PRINCIPLES

During the redistricting process, it is **vital** to remember that all plans will be reviewed by all interested parties, including the courts, with an eye toward whether a state followed “traditional redistricting principles.” These seven principles are set forth below.

Traditional Redistricting Principles

- A. Compactness⁵;
- B. Contiguity⁶;
- C. Preservation of counties and other political subdivisions⁷;
- D. Preservation of communities of interest⁸;
- E. Preservation of cores of prior districts⁹;
- F. Protection of incumbents¹⁰; and
- G. Compliance with Section 2 of the Voting Rights Act.¹¹

If a state fails to comply with these principles, it is more likely to have its redistricting plan struck down.

Redistricting cases, historically, have revolved around the issues of:

- Population inequality and, as a result, what is the permissible relative or absolute deviation allowable;
- Racial and ethnic discrimination; and
- Partisan gerrymandering.

The following is a review of the substantive case law standards, statutes, and criteria which currently govern state and congressional districting in each of those three areas.

Population Inequality

As a basis for review, measuring population equality among districts is accomplished by use of an “ideal district” population plan. The “ideal district” population is equal to the total state population divided by the total number of districts.

The 2001 population in Oklahoma was 3,450,654. Dividing the total population by 101, the number of House districts prescribed by the Legislature, created an ideal district population in 2001 in Oklahoma of 34,165 people. The degree by which a single district’s population varies from the “ideal” may be stated in terms of “absolute deviation” expressed as a plus (+) or minus (-) number. “Relative deviation” is expressed as a percentage. The 2001 House of Representatives’ redistricting plan had an overall range of deviation of 2.05 percent. The 2001 Oklahoma congressional redistricting resulted in an overall range of deviation of 0 percent.

Historically, the U.S. Supreme Court had a long-standing policy of judicial non-intervention in redistricting cases. By the early 1960’s, the challenges to redistricting plans reaching the U.S. Supreme Court indicated such a widespread and obvious constitutionally impermissible problem that the Court firmly intervened. The Court

entered into the redistricting process with two cornerstone cases in which the Court held that:

- Legislative and congressional districts with unequal populations are subject to challenge in federal court¹² ; and
- Each vote must be given equal weight (one person, one vote).¹³

The federal courts use two different standards for judging redistricting plans - one for congressional plans and a different one for state legislative plans.

1. Congressional Redistricting

- a. Congressional redistricting is governed by Article I, Section 2 of the United States Constitution which requires representatives to be apportioned among the several states according to their respective numbers. The U.S. Supreme Court has held that the apportionment of representatives may not be determined using adjusted data.¹⁴
- b. Federal statutes detail the manner in which Congress and the President determine the number of representatives to which a state is entitled, as well as directing the manner in which they are to be elected.¹⁵
- c. The state is presently divided into five congressional districts based on the 2000 federal census figures.¹⁶
- d. The standard for congressional redistricting plans is “as nearly [equal in population] as practicable.”¹⁷
- e. **There is no level of population inequality (deviation) among congressional districts that is too small (deminimis) as long as the persons challenging the plan can show that the inequality could have been avoided.**^{18, 19}
- f. If a state fails to achieve mathematical equality among congressional districts, it must either show the variances are unavoidable or specifically justify the variances.
- g. **Justifications for variances which have been rejected include:**
 - (1) A desire to avoid fragmenting either political subdivisions or areas with distinct economic and social interests;^{20, 21}
 - (2) Consideration of practical politics;²² and
 - (3) A preference for geographically compact districts.²³

- h. The courts have indicated that a number of consistently well-documented and uniformly applied legislative policies might justify some variance including:
- (1) Making districts compact;
 - (2) Respecting municipal boundaries;
 - (3) Preserving the cores of prior districts (only if non-discriminatory); and
 - (4) Avoiding contests between incumbent representatives.

The state must, however, show with some specificity that a particular objective required the specific deviations in its plan, rather than simply relying on general assertions. The standard required to justify population deviation is flexible depending on the size of the deviation, the importance of the state's interests, the consistency with which the plan as a whole reflects those interests, and the availability of alternatives that might substantially indicate those interests yet approximate population equality more closely. Determinations of whether deviations are justified requires case-by-case attention to these factors.²⁴

2. Legislative Redistricting

- a. Section 2 of the Fourteenth Amendment of the United States Constitution requires representatives to be apportioned among the several states according to their respective numbers.
- b. Whereas population alone has been the sole criterion of constitutionality in congressional redistricting under Article I, Section 2 of the U.S. Constitution, broader latitude has been afforded the states under the Equal Protection Clause in state legislative redistricting.²⁵
- c. The Equal Protection Clause of the U.S. Constitution requires seats in both houses of a state legislature to be apportioned on the basis of one person, one vote. The overriding objective is substantially equal population among the districts.²⁶
- d. Substantial equality of population has come to mean that a legislative plan will not be thrown out for inequality of population if its overall range is less than 10 percent deviation and there is an absence of a particular racial or political group whose voting power is minimized or canceled.^{27, 28, 29, 30}
- e. **A plan with an overall range of more than 10 percent deviation creates a prima facie case of discrimination and therefore must be justified by the state.** The ultimate inquiry is whether the state legislature's plan may reasonably be said to advance a rational state

policy and, if so, whether the resulting population disparities among the districts exceed constitutional limits.³¹

f. So far, the only “rational state policy” accepted by the U.S. Supreme Court that has served to justify an overall range of more than 10 percent in a legislative plan has been to preserve the boundaries of political subdivisions and to continue an asserted tradition of dividing the state along political subdivision lines.^{32, 33} However, the Court has still rejected plans with an overall deviation of 10 percent or more if the Court finds that the state could have achieved the same objective with a significantly lower overall range.³⁴

g. Other state policies, besides affording representation to political subdivisions, which might be used to justify a variance from equal population are:

- (1) Making districts compact;
- (2) Respecting municipal boundaries;
- (3) Preserving the cores of prior districts; and
- (4) Avoiding contests between incumbent representatives.

The state must show some specificity that a particular objective required the deviation in its plan rather than simply relying on general assertions.³⁵

h. All things being equal, states may draw plans to protect incumbents. However, the desire to protect incumbents cannot prevail if the result is to perpetuate violations of the equal opportunity principles of the Voting Rights Act.³⁶

i. **Justifications for variances which have been rejected include:**

- (1) History alone, area alone, or economic or other sorts of group interests³⁷;
- (2) Representation based solely on geographical considerations³⁸;
- (3) Discrimination against a class of individuals, merely because of the nature of their employment (i.e., underrepresenting areas with military personnel)³⁹;
- (4) Attempting to balance urban and rural power in the Legislature⁴⁰;
- (5) Disparities in Oklahoma’s 1963 Senate reapportionment statute of a ratio of 4.73 to 1 could not be justified by historical precedents, traditional legislative autonomy of counties, nor by political, social and economic heterogeneity⁴¹; and
- (6) Geographical, historical, topographic and economic considerations which will not justify substantial disparities from population-based representation.⁴²

- j. **Any legislative plan with an overall range of less than 10 percent will not necessarily withstand judicial scrutiny.** A Georgia district court struck down two legislative plans after the 2000 census. These plans had an overall range of 9.98 percent, but the court noted that the protection of rural areas and partisan incumbents were not among traditional redistricting principles, and held:
- (1) Regional protectionism is not a justification for minor deviations in apportionment;
 - (2) The protection of incumbents is **not** a legitimate consideration if the policy is “not applied in a consistent and neutral way,” and
 - (3) Population deviation below +/-5% may need to be supported by a legitimate state interest, particularly if other plans with smaller deviations have been rejected.⁴³

Racial and Ethnic Discrimination

Case law concerning voting equality for racial minorities is far from settled. The past three decades have seen a great deal of litigation in this area, and case law has helped establish some guidelines. However, many of these guidelines appear to be conflicting with one another. Specifically, a state must avoid drawing districts which dilute minority voting power, but a state cannot use race as a predominant factor when drawing districts. Further, not all questions regarding consideration of race and ethnicity when drawing districts have been answered.

The following is a review of the case law and federal standards that have emerged as controlling and affecting redistricting decisions in the area of voting rights.

1. In 1870, with the ratification of the Fifteenth Amendment to the U.S. Constitution, citizens were promised that the right to vote would not be abridged by the United States or any state on account of race, color or previous condition of servitude.
2. The Voting Rights Act of 1965 protected the right to vote as guaranteed by the Fifteenth Amendment. It was also designed to enforce the Fourteenth Amendment and Article 1, Section 4 of the U.S. Constitution.^{44, 45}
3. The Voting Rights Act of 1965 was last amended in 2006, when it was extended for another 25 years. Sections 2 and 5 of the Act were specifically amended, directly affecting states in redistricting. Section 5 mandates that certain state and local governments preclear changes in voting standards, practices and procedures with either the Department of Justice or the U.S. District Court for the District of Columbia. The U.S. Supreme Court has ruled that preclearance under Section 5 cannot be denied on the basis of a possible Section 2 violation. Further,

preclearance does not immunize a state from a later challenge alleging that a Section 2 violation exists.⁴⁶

Oklahoma is not a preclearance state, and as such, Section 5 does not apply to Oklahoma. Section 2 applies to all jurisdictions.

4. **Section 2 of the Voting Rights Act of 1965 prohibits any state or political subdivision from imposing a voting practice which results in the denial of the right to vote or procedure that results in discrimination.**⁴⁷ Section 2 creates a legal cause of action against any jurisdiction violating this mandate. The legal test by which cases are adjudicated is the “results” test. The test enables a person filing suit to prove a violation of Section 2 if, as a result of the challenged practice or structure, the plaintiff did not have an equal opportunity to participate in the political process and to elect representatives of their choice.⁴⁸ The courts have uniformly held that Section 2 of the Voting Rights Act is constitutional.^{49, 50, 51, 52}
5. Prior to Section 2 of the Voting Rights Act, the Supreme Court ruled that a plaintiff needed to prove an “intent to discriminate” in order to prove vote dilution claims.⁵³ Section 2 of the Voting Rights Act, as amended in 1982, shifted the focus from “intent” to “results”. Now, regardless of intent, a plaintiff can prove a violation of Section 2 if a redistricting plan resulted in vote dilution.
6. Section 2 has been used to attack reapportionment and redistricting plans on the grounds that they discriminate against African-Americans or Hispanics so far as to abridge the right to vote by diluting the voting strength of those particular populations in the states. When political districts are created, boundary lines that are drawn can serve either to divide or unite a given group of people. Historically, the common practice of diluting the voting strength of a minority group has been accomplished by “fracturing” or “packing.”
 - a. **Packing:**
Packing occurs when:
 - (1) a minority group is concentrated into one or more districts so that the group constitutes an overwhelming majority or a supervoting majority in those districts, thereby wasting a percentage of the vote; and
 - (2) if by dividing that large racial group among two or more districts, “effective” minority voting could be obtained in more than one district.

Packing is often accomplished by drawing district lines to follow racially segregated housing patterns.⁵⁴ Any rigid adherence to well-defined lines of racial division may result in packing and vote dilution. Apparent tracing of racial divisions presents a suspect circumstance.⁵⁵

b. **Fracturing:**

Fracturing occurs when:

- (1) Small percentages of a block of minority voters are “fractured” off the minority blocks and added to large majority districts; and
- (2) If as a result of that fragmentation, the number of political districts containing an effective minority voting majority is reduced.

The submerging of the minority voting power into a majority district inhibits the ability of minority voters to participate in the political process.⁵⁶

7. In determining whether or not a redistricting plan is characterized by packing or fracturing, the courts must decide what constitutes an effective voting majority.
8. The definition of an effective majority is “that share of the population required to provide minorities with a realistic opportunity to elect *officials of their choice*.”⁵⁷
9. A rule of thumb that has been used in some cases, although it has never been adopted officially by the Supreme Court, is that if the total minority population amounts to 65 percent or more of the total population in a district there is an “effective voting majority.” This is a somewhat arbitrary figure which is based on a 51 percent voting majority augmented by an additional 5 percent for a young population, 5 percent for low voter registration and 5 percent for low voter turnout. Provision for majorities exceeding 65 percent to 70 percent may result in packing. The 65 percent figure should be reconsidered regularly to reflect new information and new statistical data.⁵⁸
10. Of note, in a decision by the U.S. District Court of the Eastern District of Arkansas, Eastern Division, the court held various House districts unlawful because they were:
 - a. below 60 percent African-American voting-age percentages, and
 - b. capable of being easily expanded without sacrificing principles of compactness and contiguity.⁵⁹

11. Redistricting plans will be held to be unconstitutional and a violation of Section 2 of the Voting Rights Act when the “**totality of circumstances**” demonstrate that the challenged scheme provided fewer opportunities for minority voters to participate in the political process than for other residents.^{60, 61}
12. The factors considered by the court in determining the “totality of circumstances” surrounding an alleged violation of Section 2 of the Voting Rights Act, as set forth by the U.S. Supreme Court in *Thornburg v. Gingles*⁶², also known as the *Gingles* case, include:
 - a. The extent to which members of the protected class have been elected;
 - b. The extent of the history of official discrimination touching on class participation in the democratic process;
 - c. Racially polarized voting;
 - d. The extent to which the state or political subdivision has used unusually large election districts;
 - e. Majority vote requirements;
 - f. Voting practices that enhance the opportunity for discrimination;
 - g. Denial of access to the candidate slating process for members of the minority class;
 - h. The extent to which the members of the minority group bear the effects of discrimination in areas such as education, employment, and health that hinder effective participation;
 - i. Whether political campaigns have been characterized by racial appeals;
 - j. Whether there is a significant lack of responsiveness by elected officials to the particularized needs of the minority group; and
 - k. Whether the policy underlying the use of the voting qualification, standard, practice, or procedure is tenuous.⁶³
13. The new standards, as set forth in *Gingles*⁶⁴, in effect, make it illegal for a state or locality with racial block voting not to create a district in which minorities are in the majority if such a district can be created. However, a state must show that race was not the predominant factor in creating the district, and that traditional redistricting principles were followed.⁶⁵ States can consider race when redistricting, as long as race is not the predominant factor. Rather, race should be one of many considerations.
14. Based upon the Voting Rights Act amendments of 1982, a three-part test was set by the U.S. Supreme Court in *Gingles*⁶⁶ which required that, in order to establish a vote dilution claim under Section 2, a minority group must prove that:

- a. It is sufficiently large and geographically compact to constitute a majority in a single-member district;
- b. It is politically cohesive (racial block voting pattern); and
- c. In the absence of special circumstances (such as minority candidates running unopposed), bloc voting by the white majority usually enabled the majority to defeat the minority preferred candidate (no evidence of persistent proportional representation).⁶⁷

The compactness precondition of *Gingles* requires that the minority group must be able to be drawn into a numerical majority (more than 50 percent of the voting age population) in a district.⁶⁸

15. Mere loss of an occasional election by minorities does not automatically mean that discrimination has occurred, but the *predictability* of such losses is the key.⁶⁹
16. Multiple minority groups may be combined as an effective voting majority if the groups vote as a coalition and share similar political goals.⁷⁰
17. While at present a violation of the Voting Rights Act may be claimed if redistricting results in discrimination, this area of law is still unsettled. In 1990, the Sixth Circuit of the United States Court of Appeals determined that a claim of impairment of plaintiffs' "ability to influence" elections is actionable under Section 2 of the Voting Rights Act.⁷¹ However, the U.S. Supreme Court has declined several opportunities to determine whether such "influence" claims are permissible under the Voting Rights Act.⁷²
18. Of note is a 1972 Oklahoma case, which, among other things, responded to a claim that it was "constitutionally essential" to create a single State Senate District in Tulsa County in which African-American citizens constituted a clear majority.

The court responded to the claim that such a race-conscious approach to apportionment is but another form of racial segregation and is constitutionally impermissible. The court stated:

If the Legislature were constitutionally mandated to be other than color blind in this area what about the Indians and other minority groups? Furthermore, if a district be carved especially for the blacks (permissible but not required) who can say that it will long remain thus? We judicially notice that through changes in housing patterns, urban renewal, slum clearance, public housing and other factors the minority races are on the move in more ways than one.⁷³

19. In 1990, the Justice Department encouraged Section 5 states to draw redistricting plans that created “majority-minority” districts. However, many of these plans were challenged and rejected by the U.S. Supreme Court as “racial gerrymanders.” The Court held that a “racial gerrymander” would be subject to “strict scrutiny” to determine whether it was narrowly tailored to achieve a compelling state interest. Many such districts were struck down because the drafters had not followed traditional redistricting principles.⁷⁴
20. Further, the Supreme Court has made it clear that for strict scrutiny to apply to a challenged district, plaintiffs must prove that race was the *predominant* factor motivating the legislature’s redistricting decision.⁷⁵ To determine whether traditional redistricting principles were subordinated to race, courts will look at three types of evidence:
 - a. District shape and demographics.
 - Bizarre shapes are disfavored.
 - b. Testimony and correspondence.
 - Testimony of state officials, legislators, and key staff involved in the drafting process has been used in such cases. Further, testimony received by the legislature in public hearings, and alternative plans presented during the process have also been considered.
 - Correspondence has included e-mails, telephone messages, and all written communications between staff, state officials, and legislators.
 - c. Use of racial data.
 - Computer programs which provided race data on a more detailed level than other demographic data was held to be evidence that race was a predominant factor in drawing district lines.⁷⁶
21. After the 2001 redistricting cycle, the U.S. Supreme Court ruled that “influence districts” are not protected by Section 2 of the Voting Rights Act. When drawing a majority-minority district, the citizen voting age population (CVAP) is the proper measure.⁷⁷

Partisan Gerrymandering

Partisan or political gerrymandering is the drawing of district lines in a manner which discriminates against a political party. In the seminal case on the issue, *Davis v. Bandemer*,⁷⁸ decided in 1986, the U.S. Supreme Court admitted that the standard it created to determine an illegal political gerrymander was difficult to apply. Little case

law relating to political party equality emerged in the 1990s to develop an easier standard to apply.

However, in 1997, the U.S. Supreme Court recognized that preserving cores of prior districts is a legitimate, traditional redistricting principle. The Court then warned that the goal of protecting incumbents should be subordinated to other traditional redistricting principles because it is inherently more political, and thus suspect, as well as being difficult to measure.⁷⁹

The following is a review of pertinent federal case law regarding partisan gerrymandering.⁸⁰

1. The Voting Rights Act does not apply to conduct that has the effect of diluting the voting strength of political parties. Political parties must look to the protection of the Equal Protection Clause of the Fourteenth Amendment.⁸¹
2. While the courts have not yet developed criteria for judging whether a redistricting plan is so unfair as to deny a partisan minority the equal protection of the laws, partisan gerrymandering is now a justiciable issue.⁸²
3. Intentional discrimination against an identifiable political group and an actual discriminatory effect on the group must be proven.⁸³
4. Violations occur only where a history (actual or projected) of disproportionate results appears in conjunction with similar indicia (i.e.), lack of political power and the denial of fair representation, defined as less opportunity to participate in the political processes and to elect candidates of one's choice.⁸⁴
5. Unconstitutional discrimination occurs only when the electoral process is arranged in a manner that will consistently degrade a voter's or a group of voters' influence on the political process as a whole.⁸⁵
6. Merely showing that the minority (party) is likely to lose elections held under the plan is not enough.⁸⁶
7. A group's electoral power is not unconstitutionally diminished by an apportionment plan that makes winning elections more difficult, and a failure of proportional representation alone does not constitute impermissible discrimination under the Equal Protection Clause.⁸⁷

8. Drawing lines that minimize contests between incumbents is not unconstitutional in and of itself.^{88, 89}
9. Drawing lines to create proportional representation of the political parties in a legislative body is not unconstitutional.⁹⁰
10. To show political gerrymandering, a group must show that it will suffer disproportionate election losses over a prolonged period of time, and it must suffer the loss of its power to elect a representative of its choice.⁹¹
11. During the 1990s, redistricting plans in North Carolina and Virginia were attacked as political gerrymanders, but both attacks were unsuccessful.⁹²
12. During the 2000s, redistricting plans in Pennsylvania, Georgia and Texas were attacked as partisan gerrymanders, but none of the lawsuits were successful. In *Vieth v. Jubelirer*, although a majority of the U.S. Supreme Court concluded such claims are justiciable, there was no majority as to what constitutes a workable standard of analysis.⁹³
13. Looking forward to the 2011 redistricting cycle, the U.S. Supreme Court indicated that at minimum plaintiffs would have to show:
 - a. A reliable measure of how much partisan dominance a plan achieves; and
 - b. Some standard that decides how much partisan dominance is too much.

OTHER REDISTRICTING CONCERNS

County and Local Redistricting

The new population figures under the 2010 census will also affect county and local level redistricting.

1. **Section 321, of Title 19, of the Oklahoma Statutes** requires each county to be districted by the board of county commissioners by October 1 following the official release of the Federal Decennial Census information.
2. Local bodies of government must meet the one person, one vote requirement. The Equal Protection Clause of the U.S. Constitution requires those qualified to vote have the right to an equally effective voice in the election process.⁹⁴

Judicial Redistricting

The census may also affect judicial redistricting. Following the 1991 redistricting, a lawsuit was filed in the Northern District of the U.S. District Court for Oklahoma. The lawsuit alleged that the existing system of electing at-large judges for metropolitan

areas, as in Oklahoma and Tulsa counties, was in violation of the Voting Rights Act, as it resulted in dilution of minority voting power. Prior to a judicial ruling in the case, and in response to judicial rulings in other states, a settlement was reached between the parties. The settlement provided that Oklahoma and Tulsa counties would be broken into electoral divisions for judges. The settlement was translated to the Oklahoma Statutes in House Bill 1504, in 1993.

In 2001, the Legislature was required to redistrict Division 1 of District Court Judicial District No. 7, in Oklahoma County, since the district no longer contained “a majority of at least 62 percent African-American voting age population” to comply with the 1993 consent decree.⁹⁵

The U.S. Supreme Court has continued to hold that the “one person, one vote” standard does not apply to judicial elections.⁹⁶ However, the Court has also rejected that this lack of a standard means that a vote dilution case cannot be brought in reference to judicial districts.⁹⁷

The 5th U.S. Circuit Court of Appeals held that the one person, one vote population equality standard does not apply to the judicial districts because judges do not perform legislative or executive duties. “Judges do not represent people, they serve people.” A showing of a disparity among the voters or in the population of a mere judicial district would not be sufficient to invalidate a judicial redistricting plan, according to the court’s opinion, which was affirmed by the U.S. Supreme Court (409 U.S. 1095). The Court noted that any population disparity must be shown to be arbitrary and capricious or invidious to invalidate a judicial redistricting plan.⁹⁸

Section 2 challenges have been brought in numerous states in the 1990s.⁹⁹ Most courts require plaintiffs to satisfy the three-prong test of *Gingles* to prove vote dilution.

CONCLUSION

Redistricting is never an easy task. Legislators must navigate a virtual maze of constitutional and statutory provisions and consider conflicting case law when redrawing electoral districts. No clear-cut lines exist to warn a legislator when that legislator is wandering into dangerous territory. However, consistent application of traditional redistricting principles can and should be a source of light in the darkness of redistricting.

APPENDICES

APPENDIX A

GLOSSARY

A substantial number of these definitions came from the National Conference of State Legislatures' Redistricting Law 2010 released by the Redistricting Taskforce. For further information on that publication, see "Other Information Sources."

Alternative Population Base – A population count other than the official census data that is used for redistricting.

Apportionment – The process of assigning seats in a legislative body among established districts, such as the process of assigning the number of members of Congress that each state may elect following each federal decennial census. The Oklahoma Constitution uses the term "apportionment" in mandating the decennial redrawing of political districts. While used interchangeably in historical documents with the terms "redistricting" and "reapportionment," the redrawing of political districts is more accurately called redistricting under the "one person, one vote" principle.

At-large – When one or several candidates run for an office, and they are elected by the whole area of a local political subdivision, they are being elected at-large.

Bipartisan Commission on Legislative Apportionment – A constitutionally established entity composed of seven members, two each, one Republican and one Democrat, appointed by the Governor, the President Pro Tempore of the Senate, and the Speaker of the House with the Lieutenant Governor serving as the nonvoting chair of the commission, whose responsibility is to draw state legislative redistricting plans if the Legislature fails to do so in the required time period. *See also "Commission."*

Census – Enumeration of the population as mandated by the U.S. Constitution.

Census Geography:

Census Block – The smallest area for which population will be reported by the Census Bureau; boundaries are physical features. States have input into the boundaries through the first phase of the Redistricting Data Program – the Boundary Suggestion Project. The Census Bureau provides redistricting data at the block level, which is the lowest level of census geography.

Census Block Group – A cluster of census blocks having the same first digit of their four digit code within a census tract. Data are tabulated by block groups, which are usually locally defined.

Census Tract – Small, geographic statistical subdivision within counties usually defined by local participants for data collection and analysis. A grouping of census blocks.

CCD – Census County Division; a statistical subdivision of a county.

VTD – Voting Tabulation District. Census term for geographic area, such as an election precinct, where election information is collected

Commission – A statutory or constitutional body charged with researching or implementing policy. Redistricting commissions have been used to draw districts for legislatures and Congress. *See also “Bipartisan Commission on Legislative Apportionment.”*

Communities of interest – Geographical areas, such as neighborhoods of a city or regions of a state, where the residents have common political interests that do not necessarily coincide with the boundaries of a political subdivision, such as a city or county.

Compactness – Having the minimum distance between all the parts of a constituency (a circle or hexagon is the most compact district).

Contiguity – All parts of a district being connected at some point with the rest of the district.

Cracking – A term used when a redistricting plan divides the electoral strength of a particular group, either through fracturing or packing that group; *synonym of “vote dilution”*.

CVAP – Citizen voting age population. The number of people over 18 years of age who are also citizens, and therefore eligible to vote.

Deviation – The measure of how much a district or plan varies from the ideal.

District – The boundaries that define the constituency of an elected official.

Effective minority districts – A district that contains sufficient population to provide a minority community with an opportunity to elect a candidate of its choice.

Fracturing (or fragmenting) – Dividing districts in a way that separates or weakens the voting power of a political party or a minority or ethnic group.

Gerrymander – A district intentionally drawn to advantage one group or party over another, especially a district with a bizarre shape. *See also “partisan gerrymandering” and “racial gerrymandering”.*

GIS – Geographic Information System. Computer software used for creating and analyzing maps and data.

Ideal District – A hypothetical district which has a population that equals the total population divided by the number of districts (based on “one person, one vote” requirement).

Ideal population – The total state population divided by the number of seats in a legislative body.

Influence districts – District in which a group is not large enough to elect a candidate of its choice without some support from members of another group but is able to influence the outcome of an election.

Majority-minority districts – Term used by courts for seats where a racial or language minority constitutes a majority of the population.

Metes and bounds – A detailed description of district boundaries using specific geographic features.

Multimember district – A district that elects two or more members to a legislative body.

Natural boundaries – District boundaries that are natural geographic features, such as bodies of water.

One person, one vote – Constitutional standard established by the U.S. Supreme Court that all legislative districts should be approximately equal in population. The principle that all citizens, regardless of where they reside in a state, are entitled to equal legislative representation.

Overall range – The difference in population between the largest and smallest districts in a redistricting plan.

Packing – A term used when one group is consolidated as a super-majority in a small number of districts, thus reducing its electoral influence in surrounding districts.

Partisan gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one political party.

Phase II – Census Bureau program to identify voting precinct boundaries within each legislative district; this information can be used as “building blocks” for redistricting and, if desired, to record voting history data.

P.L. 94-171 – Federal law enacted in 1975 requiring the U. S. Census Bureau to provide the states with data for use in redistricting as well as mandating the program where the states define the blocks for collecting data.

Plurality – A winning total in an election involving more than two candidates, where the winner received less than a majority of the votes cast.

Racial gerrymandering – The deliberate drawing of district boundaries to secure an advantage for one race.

Reapportionment – The allocation of seats in a legislative body (such as Congress) among established districts (such as states) where the district boundaries do not change but the number of members per district does.

Redistricting – The drawing of new political district boundaries.

Sampling – A technique or method that measures part of a population to determine the full number.

Section 2 of the Voting Rights Act – Part of the federal law that protects racial and language minorities from discrimination by a state, or other political subdivision, in voting practices. Oklahoma is subject to this section.

Section 5 of the Voting Rights Act – Part of the federal law that requires covered jurisdictions to submit changes in “any voting qualification or prerequisite to voting, or standard, practice, or procedure with respect to voting” to the U.S. Department of Justice. Covered jurisdictions include the following states in their entirety: Alabama, Alaska, Arizona, Georgia, Louisiana, Mississippi, South Carolina, Texas, and Virginia. Selected counties of California, Florida, New York, North Carolina, South Dakota, and selected township coverage of Michigan and New Hampshire are also covered jurisdictions. Oklahoma is not a covered jurisdiction.

Single-member district – District electing only one representative.

Standard deviation – A statistical formula measuring variance from a norm.

Tabulation – The totaling and reporting of the census data.

TIGER – Acronym for the Census Bureau’s Topographically Integrated Geographic Encoding and Referencing system; refers to a digital database developed at the U.S. Census Bureau to support computer maps used by the census.

Undercount – Refers to the portion of population not counted by the Census Bureau.

VAP – Voting Age Population. The number of people over 18 years of age.

Variance – The mean of the squares of the variations from the mean of a frequency distribution.

Vote dilution – A term used when a redistricting plan divides the electoral strength of a particular group either through fracturing or packing that group; *synonym of cracking*.

Voting Rights Act – A federal act passed in 1965 to protect the right to vote as guaranteed by the Fifteenth Amendment; has been amended several times since then; two sections, Sections 2 and 5, directly affect the states’ redistricting efforts. *See also “Section 2 of the Voting Rights Act” and “Section 5 of the Voting Rights Act”.*

Voting History – Voting information from past elections providing information on partisan voting patterns and, in some states, on minority or ethnic voting patterns.

APPENDIX B

OTHER INFORMATION SOURCES

Books and Articles

[Strength in Numbers: Your Guide to Census 2010 Redistricting Data from the U.S. Census Bureau.](#) July 2010. U.S. Census Bureau.

[Redistricting Law 2010.](#) November, 2009. NCSL.

[Redistricting Case Summaries from the '80s.](#) National Conference of State Legislatures (NCSL).

[State Redistricting Profiles 2010.](#) A Project of the Redistricting and Elections Committee of the National Conference of State Legislatures (NCSL).

[A Century to Remember: A Historical Perspective on the Oklahoma House of Representatives.](#) January 2000. Oklahoma House of Representatives.

[County Population Estimates for July 1, 2009 and Population Change for April 1, 2000 to July 1, 2009.](#) March 2010. Population Estimates Program, Population Division, U.S. Census Bureau.

[How to Draw Redistricting Plans That Will Stand Up in Court.](#) January 22, 2011. Peter S. Wattson, Senate Counsel, State of Minnesota. National Conference of State Legislatures (NCSL).

[Drawing the Map: Redistricting in the South.](#) August 2000. The Council of State Governments.

Census 2000: Considerations and Strategies for State and Local Government. 2000.

Benjamin E. Griffith, Editor.

[Effect of Census 2000 Undercount on Federal Funding to States and Local Areas, 2002-2012.](#) March 2000. U.S. Census Monitoring Board.

The Realists' Guide to Redistricting: Avoiding the Legal Pitfalls. 1997. J. Gerald Hebert, Donald B. Verrilli, Jr. Paul M. Smith, Sam Hirsch, and Heather K. Gerken.

Websites

U.S. Census Bureau: <http://www.census.gov/>

U.S. Census Bureau – Redistricting Data: <http://www.census.gov/rdo/>

U.S. Department of Justice: <http://www.justice.gov/>

Census 2010 Initiative: <http://2010.census.gov/2010census/>

National Conference of State Legislatures Redistricting Page:
<http://www.ncsl.org/Default.aspx?TabID=746&tabs=1116,115,786#1116>

Minnesota Legislature’s Redistricting Page: <http://gis.leg.mn/html/redistricting.html>

Texas Legislature’s Redistricting Page: <http://www.tlc.state.tx.us/redist/redist.htm>

Public Mapping Project: <http://www.publicmapping.org/>

United States Elections Project: <http://elections.gmu.edu/Redistricting.html>

Population Reference Bureau: <http://www.prb.org/>

APPENDIX C

LEGAL PROVISIONS

The following items are the passages of the Oklahoma Constitution and Oklahoma Statutes cited in this text.

OKLAHOMA CONSTITUTION

ARTICLE V, SECTION 9A

Senatorial districts - Tenure.

The state shall be apportioned into forty-eight senatorial districts in the following manner: the nineteen most populous counties, as determined by the most recent Federal Decennial Census, shall constitute nineteen senatorial districts with one senator to be nominated and elected from each district; the fifty-eight less populous counties shall be joined into twenty-nine two-county districts with one senator to be nominated and elected from each of the two-county districts. In apportioning the State Senate, consideration shall be given to population, compactness, area, political units, historical precedents, economic and political interests, contiguous territory, and other major factors, to the extent feasible.

Each senatorial district, whether single county or multi-county, shall be entitled to one senator, who shall hold office for four years; provided that any senator, serving at the time of the adoption of this amendment, shall serve the full time for which he was elected. Vitalization of senatorial districts shall provide for one-half of the senators to be elected at each general election.

Added by State Question No. 416, Referendum Petition No. 142, adopted at election held on May 26, 1964.

Addition proposed by laws 1963, p. 736, S.J.R. No.4.

Validity

This section is valid in part but the remaining provisions violate the federal constitution and are therefore void. Reynolds v. State Election Board, D.C., 233 F.Supp. 323 (1964).

ARTICLE V, SECTION 10A

House of Representatives - Number of members - Formula - Tenure.

The House of Representatives shall consist of the number of Representatives as determined by the formula and procedure set forth herein. The number of members of the House of Representatives to which each county shall be entitled shall be determined according to the following formula:

- a. The total population of the state as ascertained by the most recent Federal Decennial Census shall be divided by the number one hundred and the quotient shall be the ratio of representation in the House of Representatives, except as otherwise provided in this Article.
- b. Every county having a population less than one full ratio shall be assigned one Representative; every county containing an entire ratio but less than two ratios shall be assigned two Representatives; every county containing a population of two entire ratios but less than three ratios shall be assigned three Representatives; and every county containing a population of three entire ratios but less than four ratios shall be assigned four Representatives.

After the first four Representatives, a county shall qualify for additional representation on the basis of two whole ratios of population for each additional Representative.

Each Representative nominated and elected shall hold office for two years.

Added by State Question No. 416, Referendum Petition No. 142, adopted at election held on May 26, 1964.

Addition proposed by Laws 1963, p. 736, S.J.R. No. 4.

Validity

This section is valid in part but the remaining provisions violate the federal constitution and are therefore void. Reynolds v. State Election Board, D.C., 233 F.Supp. 323 (1964).

ARTICLE V, SECTION 11A

Legislature to apportion Legislature - Failure to make apportionment - Bipartisan Commission on Legislative Apportionment.

The apportionment of the Legislature shall be accomplished by the Legislature according to the provisions of this article, within ninety (90) legislative days after the convening of the first regular session of the Legislature following each Federal Decennial Census. If the Legislature shall fail or refuse to make such apportionment within the time provided herein, then such apportionment shall be accomplished by the Bipartisan Commission on Legislative Apportionment, according to the provisions of this article. The Commission shall be composed of seven (7) members as follows: the Lieutenant Governor, who shall be nonvoting and the chair of the Commission; two members, one republican and one democrat, appointed by the President Pro Tempore of the Senate; two members, one republican and one democrat, appointed by the Speaker of the House of Representatives; and two members, one republican and one democrat, appointed by the Governor.

Added by State Question No. 416, Referendum Petition No. 142, adopted at election held on May 26, 1964. Amended by State Question No. 523, Legislative Referendum No. 218, adopted at election held on Nov. 2, 1976. Amended by State Question No. 748, Legislative Referendum No. 349, adopted at election held on Nov. 2, 2010.

Amendment proposed by Laws 1976, p.587, S.J.R. No. 60

Addition proposed by Laws 1963, p.736, S.J.R. No. 4.

Amendment proposed by Laws 2009, S.J.R. 25.

Validity

The apportionment commission provided by Sections 11A and 11B, and the means for enforcement of apportionment orders in Sections 11C, 11D and 11E do not conflict with the federal constitution and constitute a part of the basic law of apportionment in Oklahoma. Reynolds v. State Election Board, D.C., 233 F.Supp. 323 (1964).

ARTICLE V, SECTION 11B

Order of apportionment rendered by Commission.

Each order of apportionment rendered by the Bipartisan Commission on Legislative Apportionment shall be in writing and shall be filed with the Secretary of State and shall be signed by at least four members of the Commission.

Added by State Question No. 416, Referendum Petition No. 142, adopted at election held on May 26, 1964. Amended by State Question No. 748, Legislative Referendum No. 349, adopted at election held on Nov. 2, 2010.

Addition proposed by laws 1963, p. 736, S.J.R. No. 4.

Amendment proposed by Laws 2009, S.J.R. 25.

Validity

The apportionment commission provided by Sections 11A and 11B, and the means for enforcement of apportionment orders in Sections 11C, 11D and 11E do not conflict with the federal constitution and constitute a part of the basic law of apportionment in Oklahoma. Reynolds v. State Election Board, D.C., 233 F.Supp. 323 (1964).

ARTICLE V, SECTION 11C

Review of apportionment orders - Failure to seek review.

Any qualified elector may seek a review of any apportionment order of the Commission, or apportionment law of the legislature, within sixty days from the filing thereof, by filing in the Supreme Court of Oklahoma a petition which must set forth a proposed apportionment more nearly in accordance with this Article. Any apportionment of either the Senate or the House of Representatives, as ordered by the Commission, or apportionment law of the legislature, from which review is not sought within such time, shall become final. The court shall give all cases involving apportionment precedence over all other cases and proceedings; and if said court be not in session, it shall convene promptly for the disposal of the same.

Added by State Question No. 416, Referendum Petition No. 142, adopted at election held on May 26, 1964.

Addition proposed by laws 1963, p. 736, S.J.R. No. 4.

Validity

The apportionment commission provided by Sections 11A and 11B, and the means for enforcement of apportionment orders in Sections 11C, 11D and 11E do not conflict with the federal constitution and constitute a part of the basic law of apportionment in Oklahoma. Reynolds v. State Election Board, D.C., 233 F.Supp. 323 (1964).

ARTICLE V, SECTION 11D

Determination by Supreme Court.

Upon review, the Supreme Court shall determine whether or not the apportionment order of the Commission or act of the legislature is in compliance with the formula as set forth in this Article and, if so, it shall require the same to be filed or refiled as the case may be with the Secretary of State forthwith, and such apportionment shall become final on the date of said writ. In the event the Supreme Court shall determine that the apportionment order of said Commission or legislative act is not in compliance with the formula for either the Senate or the House of Representatives as set forth in this Article, it will remand the matter to the Commission with directions to modify its order to achieve conformity with the provisions of this Article.

Added by State Question No. 416, Referendum Petition No. 142, adopted at election held on May 26, 1964.

Addition proposed by laws 1963, p. 736, S.J.R. No. 4.

Validity

The apportionment commission provided by Sections 11A and 11B, and the means for enforcement of apportionment orders in Sections 11C, 11D and 11E do not conflict with the federal constitution and constitute a part of the basic law of apportionment in Oklahoma. Reynolds v. State Election Board, D.C., 233 F.Supp. 323 (1964).

ARTICLE V, SECTION 11E

Compelling Commission to act - Consolidation of proceedings.

The Supreme Court, upon petition of any qualified elector alleging failure of the Commission to timely act, is hereby vested with original jurisdiction to compel, and shall compel, the Commission to make the

apportionment as herein provided. It shall also have exclusive jurisdiction of any review hereunder. If more than one petition be filed, the court shall consolidate such proceedings for hearing and disposition, and shall file its opinion and issue its writ within sixty days from the timely filing of such last petition. In the event any action filed hereunder shall be abandoned or dismissed, any other qualified elector shall be allowed to intervene within ten days thereof.

Added by State Question No. 416, Referendum Petition No. 142, adopted at election held on May 26, 1964.

Addition proposed by laws 1963, p. 736, S.J.R. No. 4.

Validity

The apportionment commission provided by Sections 11A and 11B, and the means for enforcement of apportionment orders in Sections 11C, 11D and 11E do not conflict with the federal constitution and constitute a part of the basic law of apportionment in Oklahoma. *Reynolds v. State Election Board, D.C., 233 F.Supp. 323 (1964).*

OKLAHOMA STATUTES

Title 14.

Title 14 of the Oklahoma Statutes codifies the redistricting plans and laws for legislative and congressional districts. The legislative apportionment law of 2001 and the congressional apportionment law of 1991 are found in Title 14.

Title 14 §5.1.

Oklahoma Congressional Redistricting Act of 1991.

This act shall be known and may be cited as the "Oklahoma Congressional Redistricting Act of 1991".

Added by Laws 1991, c. 260, § 1, emerg. eff. May 27, 1991.

[The 2002-2010 congressional districts are cited in Alexander v. Taylor., CJ-2002-85 (Dist. Ct. Okla. County).]

Title 14 §80.30.

State Senate Redistricting Act of 2001.

This act shall be known and may be cited as the "State Senate Redistricting Act of 2001".

Added by Laws 2001, c. 257, § 1, eff. July 1, 2001.

[The State Senate Redistricting Act of 2001 is found in Sections 80.30 through 80.34, in Title 14 of the Oklahoma Statutes.]

Title 14 §127.

State House of Representatives Redistricting Act of 2001 – Short title – Population – Ideal districts – Geographical basis of descriptions.

A. This act shall be known and may be cited as the "State House of Representatives Redistricting Act of 2001".

B. For purposes of the State House of Representatives Redistricting Act of 2001:

1. The total state population based on the 2001 Federal Decennial Census is three million four hundred fifty thousand six hundred fifty-four (3,450,654) persons;
2. The ideal House district contains thirty-four thousand one hundred sixty-five (34,165) persons;
3. The descriptions of House districts in Section 4 of this act are based on geographical units defined by the United States Bureau of the Census for the purposes of compiling and reporting the 2000 Federal Decennial Census and include:
 - a. counties,
 - b. voting tabulation districts (VTD),
 - c. census tracts (tracts),
 - d. block groups, and
 - e. census blocks (blocks); and
4. The term "percent deviation" means the degree in percentage by which a single district's population varies from the ideal district.

Added by Laws 2001, c. 264, § 2, eff. Sept. 1, 2001.

Title 14 §128.

Representatives Districts – Scrivener’s error – Unassigned land.

A. The Legislature declares that careful and diligent efforts have been put forth in the preparation of the State House of Representatives Districts described in this act to provide that each State House of Representatives District is as near equal in population to all other such districts as practical; provided, however, if by some scrivener's error any Census Tract, Block Group, or Census Block has been inadvertently and unintentionally so placed as to be noncontiguous with the remainder of the District to which it has been assigned, then it shall be the duty of the Legislature in 2002 to correct such scrivener's error to preserve the equality of population in such districts.

B. Any unassigned land within a district not specifically provided for in this act shall be construed to be a part of the district in which it is located.

Added by Laws 2001, HB 1515, c. 264, § 3, eff. September 1, 2001.

Title 14 §129.

Districing of House of Representatives – Composition, number and areas of districts.

The House of Representatives shall be composed of one hundred one (101) members as hereinafter described:

[Districts delineated by County, Census Designated Area, and House District with population counts.]

Added by Laws 2001, HB 1515, c. 264 § 4, eff. September 1, 2001.

Title 14 §130.

District Maps by Department of Transportation – Description and maps of districts.

The Department of Transportation is hereby authorized and directed to publish a description and maps of the State Representative Districts translating the descriptions by official counties, Voting Tabulation Districts, Census Tracts, Block Groups and Census Blocks into commonly understood descriptions by metes and bounds with reference to well-recognized landmarks and boundaries. The original descriptions and maps shall be prepared by the House of Representatives staff, and shall be provided to the Department of Transportation for publication and distribution. Copies of said descriptions and maps shall be provided by the Department of Transportation to the State Election Board.

Added by Laws 2001, HB 1515, c. 264, § 5, eff. September 1, 2001.

Title 14 § 131.

Terms of members elected in November 2000 – Effective date of districts – 2002 election.

A. Members of the House of Representatives elected in November 2000 shall hold office until the fifteenth day succeeding the General Election in November 2002 and thereafter members of the House of Representatives shall be elected for terms of office of two (2) years.

B. The State House of Representatives Districts described in this act shall become effective on the fifteenth day following the General Election in November 2002. The State Election Board shall conduct the elections for the State House of Representatives in 2002 in accordance with the provisions of this act.

Added by Laws 2001, HB 1515, c. 264, § 6, eff. September 1, 2001.

Title 14 §132.

Congressional and Legislative Districts - Effect of act.

The provisions of the State House of Representatives Redistricting Act of 2001 shall not affect the operation of any board, commission, or other entity whose membership is based upon legislative districts which have heretofore been created by law, nor shall it affect any House district created by the State House of Representatives Redistricting Act of 1991 until the State House of Representatives Redistricting Act of 2001 is effective pursuant to Section 6 of this act.

Added by Laws 2001, HB 1515, c. 264, § 7, eff. September 1, 2001.

Title 19 §321.

County commissioners' districts - Reapportionment.

- A. Each county shall be divided by the board of county commissioners into three (3) compact districts, as equal in population as practical and numbered respectively one, two, and three. One commissioner shall be elected from each of said districts by the voters of the district, as provided for by law.
- B.
1. Each county shall be reapportioned by the board of county commissioners on or before October 1 following the final official publication of the Federal Decennial Census to the State of Oklahoma for the purposes of legislative redistricting.
 2. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of county commissioner districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census.
 3. If the commissioners fail to reapportion the county as required by this subsection, the commissioners shall be subject to the provisions of Sections 91 through 105 of Title 51 of the Oklahoma Statutes and it shall be the duty of the county excise board to perform the reapportionment.

R.L. 1910, § 1583; Amended by Laws 1925, c. 65, p. 97, § 1; Laws 1982, c. 165, § 1, emerg. eff. April 12, 1982; Laws 1983, c. 158, § 1, eff. Nov. 1, 1983; Laws 1990, c. 213, § 1, emerg. eff. May 18, 1990; Laws 1991, c. 185, § 1, emerg. eff. May 13, 1991.

Title 26 §3-115.

Establishment of precincts - Map of precinct required.

It shall be the duty of each county election board to establish boundaries for voting precincts in the county. A large map showing said precincts shall be maintained in the county election board office at all times.

Added by Laws 1974, c. 153, § 3-115, operative Jan. 1, 1975.

Title 26 §3-116.

Precinct boundaries.

A. The boundary line of any precinct shall not cross the boundary line of any district court judicial district electoral division or any congressional, legislative or county commissioner district.

B. Boundaries of all precincts shall enclose a contiguous area and follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census, provided that no municipal boundary that is not such a visible, definable and observable physical boundary shall be used as a precinct boundary.

Added by Laws 1974, c. 153, § 3-116, operative Jan. 1, 1975; Laws 1979, c. 240, § 7, emerg. eff. June 1, 1979; Laws 1990, c. 213, § 2, emerg. eff. May 18, 1990; Laws 1993, c. 362, § 8, eff. Sept. 1, 1993.

Title 26 §3-117.

Precincts within municipalities.

If the governing board of any municipality requests in writing that precinct boundaries be altered to conform to ward boundaries of said municipality, the county election board may, at its discretion, make such alterations if such alterations conform to the requirements contained in Sections 3-116 and 3-118 of this title; provided, however, that all expenses incurred in making such alterations shall be paid by the municipality.

Added by Laws 1974, c. 153, § 3-117, operative Jan. 1, 1975; Amended by Laws 1990, c. 213, § 3, emerg. eff. May 18, 1990.

Title 26 §3-118.

Changes in precincts - Notice - Transfer of affected voters' registration.

The county election board in each county may change the boundaries of, abolish or consolidate any precinct, subject to the limitations provided by law, by observing the following procedure:

1. No precinct shall be created, divided, abolished or consolidated, or any boundary otherwise changed between January 1 of any year which last digit is nine and December 31 of any year which last digit is zero.

2. After January 1, 1992, a county election board shall only change a precinct by dividing or consolidating a precinct into two or more precincts in a manner which will conform to designated census geography except when it becomes necessary for reasons of a lack of an adequate available polling place, or when road conditions hinder or impede a voter's ability to vote, or to accomplish reapportionment, it becomes necessary to consolidate a part of a precinct with adjacent precincts, a part or parts may be consolidated.
3. Changes may not become effective until notices of such changes have been posted and mailed as provided in this paragraph for thirty (30) days. One notice shall be posted at the door of the polling place for the affected precinct, one notice posted at the door of the county courthouse and one notice shall be mailed to the State Election Board.
4. The registration of each registered voter affected by such change shall be transferred as provided by law by the secretary of the county election board without any request from said voter.
5. Each registered voter whose registration is transferred as hereinbefore provided shall be notified of such transfer in writing by the secretary of the county election board. At the same time, the voter shall be issued a new voter identification card and shall be instructed to destroy his former voter identification card.

Added by Laws 1974, c. 153, § 3-118, operative Jan. 1, 1975; Amended by Laws 1990, c. 213, § 4, emerg. eff. May 18, 1990.

Title 26 §3-119.

Creation of Subprecincts.

A. Except as provided in subsection B of this section, if fewer than two hundred registered voters are affected, an area constituting the maximum area possible without crossing boundaries of any district court judicial district electoral division or any congressional, legislative or county commissioner district may be designated as a subprecinct.

B. In metropolitan statistical areas, if fewer than three hundred registered voters are affected, an area constituting the maximum area possible without crossing boundaries of any district court judicial district electoral division or any congressional, legislative or county commissioner district may be designated as a subprecinct.

C. Registration records shall be maintained for subprecincts in like manner as for other precincts. Subprecincts need not have a polling place separate from another precinct, nor shall they be required to have a precinct election board. The secretary of the county election board may authorize registered voters of a subprecinct to vote at a specific adjacent precinct. Provided, separate election materials shall be there afforded for the subprecinct in order that a separate certification will be made of the subprecinct's election results. Appropriate ballots shall be issued to the voters of the subprecinct.

Added by Laws 1974, c. 153, § 3-119, operative January 1, 1975; Amended by Laws 1979, c. 240, § 8, emerg. eff. June 1, 1979; Amended by Laws 1991, c. 321, § 4, eff. March 1, 1992; Amended by Laws 1993, c. 362, § 9, eff. September 1, 1993; Amended by Laws 2004, SB 1104, c. 307, § 2, emerg. eff. May 17, 2004 (repealed by Laws 2005, HB 2060, c. 1, § 21, emerg. eff. July 1, 2005); Amended by Laws 2004, SB 1346, c. 545, § 4, eff. July 1, 2005 ; Amended by Laws 2005, HB 2060, c. 1, § 20, emerg. eff. July 1, 2005.

NOTE: Laws 2004, c. 307, § 2 repealed by Laws 2005, c. 1, § 21, eff. July 1, 2005.

Title 26 §3-120.

Elections - Polling places - Tort liability.

Except as otherwise provided for by law, there shall be one (1) polling place for each precinct, said polling place to be located within the geographic boundaries of such precinct. The State Election Board shall be authorized to adopt rules and regulations providing exceptions to the aforesaid requirement. Persons, businesses, churches and any other nongovernmental entities providing space for use as a polling place shall not be held liable for any torts arising from any incident occurring in such space during the period when such space is used as a polling place.

Added by Laws 1974, c. 153, § 3-120, operative Jan. 1, 1975; Laws 1979, c. 240, § 9, emerg. eff. June 1, 1979; Laws 1981, c. 296, § 1, eff. July 1, 1981; Laws 1992, c. 346, § 1, eff. Sept. 1, 1992.

Title 70 §5-107A.

Boards of education of school districts - Membership - Election procedure.

The following provisions and the provisions of Section [13A-101 et seq. of Title 26](#) of the Oklahoma Statutes shall govern the election of members of the board of education for a school district:

A. For purposes of this section, temporary positions added to a board of education pursuant to Section [7-101](#) or [7-105](#) of this title and the chair of the board of education elected pursuant to Section 1 of this act shall not be considered in determining the size of the board. The number and term of each board of education shall be as follows:

District	Members	Term (Years)
Elementary	3	3
Independent		
1. districts having a five-member board	5	5
2. districts having a seven-member board unless an election is conducted pursuant to subsection C of this section	7	4

B. In all school districts, the members of the board of education shall be elected as follows:

1. a. Between August 1 and December 31 of the year following the submission by the United States Department of Commerce to the President of the United States of the official Federal Decennial Census, the board of education shall reapportion the territory of the school district into board districts. Beginning with the reapportionment following the 1990 Federal Decennial Census, all boundaries of board districts shall follow clearly visible, definable and observable physical boundaries which are based upon criteria established and recognized by the Bureau of the Census of the United States Department of Commerce for purposes of defining census blocks for its decennial census and shall follow, as much as is possible, precinct boundaries. Board districts shall be compact, contiguous and shall be as equal in population as practical with not more than a ten percent (10%) variance between the most populous and least populous board districts.

b. School districts having fewer than one thousand eight hundred (1,800) students in average daily membership during the preceding school year may choose not to establish board districts and may nominate and elect all board members at large.

c. Elementary school districts shall have board members elected at large.

d. A city located in an independent school district having four or more wards and an outlying area with such outlying area comprising no more than twenty percent (20%) of the population of such independent school district, then such independent school district may adopt such wards and outlying area in lieu of the board districts provided for in subparagraph a of this paragraph, and at least one member of the board of education of such independent school district shall be a member of each ward; and

2. One member of the board of education shall be elected by the electors of the school district to represent each such board district. Provided, however, that in any school district where the electors of each board district, rather than the electors of the entire school district, elect board members to represent that board district, that district shall elect board members in that manner.

If during the term of office to which a person was elected, that member ceases to be a resident of the board district for which the person was elected, the office shall become vacant and such vacancy shall be filled as provided in Section [13A-110 of Title 26](#) of the Oklahoma Statutes; and

3. In a school district having more than ten thousand (10,000) children in average daily membership, the following provision and the provisions of Section [13A-101](#) et seq. of Title 26 of the Oklahoma Statutes shall control as to election of the members of the school district's board of education:

a. There shall be held an election in which the electors of each board district in which a term is expiring or in which a vacancy exists shall select two candidates from among the candidates for board member to represent the board district,

b. If, in the election, one candidate has a majority of all votes cast, then a run-off election is not required. If no candidate receives a majority of all votes cast, then the two candidates receiving the greatest number of votes shall become the candidates for the board district in the general election, and

c. At the run-off election, all of the electors of the board district shall select one of the two candidates as the member of the board of education representing the board district.

C. Any seven-member board shall have the option of reducing its board to a five-member board either after approval of a board resolution or a vote of the electors of the school district to take such action pursuant to Section [13A-109 of Title 26](#) of the Oklahoma Statutes. The election pursuant to a vote of the electors of the school district shall be called upon the submission of a petition requesting the election signed by ten percent (10%) of the school district electors in the school district, the percentage being applied to the highest number of voters voting in a regular school district election in the district in the preceding five (5) years as determined by the secretary of the county election board, who shall certify the adequacy of the number of signatures on the petition. If the question is put before the voters of the district, such election shall be held along with and at the same time and place as the next school election if all requirements of Section [13A-101 et seq. of Title 26](#) of the Oklahoma Statutes for such election are met.

After such resolution or election, the board shall reapportion the district, determining by resolution or by lot which board member offices shall be abolished at the end of the current board member's term and which shall become one of the offices of the new board.

Election of the resulting board members shall be carried out according to procedures stated in this section and Section [13A-101 et seq. of Title 26](#) of the Oklahoma Statutes.

School board members currently serving in offices abolished pursuant to this subsection shall continue serving until the end of their current terms as at-large members.

D. Except for the chair of the board of education elected pursuant to Section 1 of this act, offices of members of the board of education shall be designated by consecutive numbers and shall correspond with board districts when applicable.

E. Except for those members elected prior to July 1, 1992, the terms of office of the members of a five-member board of education shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected:

Office No. 1	1991
Office No. 2	1992
Office No. 3	1993
Office No. 4	1994
Office No. 5	1995

The terms of office of the members of a seven-member board of education shall be staggered, with one member being elected in 1991, two members being elected in 1992, two members being elected in 1993 and two members being elected in 1994 and shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and after the member has been certified as elected; provided, in districts needing to elect two members in 1991 to maintain a full complement of board members, two members shall be elected in 1991, one for a full term and one for a one-year term, as determined by the local board. If a seven-member board is formed upon consolidation pursuant to Section [7-105](#) of this title, or upon annexation pursuant to Section [7-101](#) of this title, the formation agreement shall specify initial short terms as necessary to extend until the beginning of the regular terms for seven-member boards established herein.

Upon reduction of a seven-member board pursuant to subsection C of this section, the terms of the five-member board shall be staggered pursuant to this subsection.

One member of a three-member board of education shall be elected each year, and the terms of office shall commence on the first regular, special or emergency school board meeting after the member has been certified as elected.

F. The term of office of each board member elected after July 1, 1992, shall commence on the first regular, special or emergency school board meeting after the date of the annual school election and

after the member has been certified as elected. Board members elected prior to July 1, 1992, may remain in office until their successor is elected and seated pursuant to Sections [13A-101](#) through [13A-111 of Title 26](#) of the Oklahoma Statutes. The remaining term of any member who completes the term for which the member was elected but not wishing to serve until the successor of the member takes office on the first regular, special or emergency school board meeting after the successor has been certified as elected, shall be filled by appointment by the remaining members of the board of education.

Added by Laws 1972, SB 451, c. 216, § 1; Amended by Laws 1979, SB 180, c. 225, § 1, eff. October 1, 1979; Amended by Laws 1980, HB 1334, c. 186, § 1, emerg. eff. May 12, 1980; Amended by Laws 1983, SB 203, c. 295, § 1, emerg. eff. June 23, 1983; Amended by Laws 1989, HB 1209, c. 132, § 5, eff. June 1, 1990; Amended by Laws 1990, HB 1883, c. 257, § 1, emerg. eff. July 1, 1990; Amended by Laws 1991, HB 1508, , c. 3, § 4, emerg. eff. July 1, 1991; Amended by Laws 1991, HB 1289, c. 330, § 1; Amended by Laws 1992, HB 2063, c. 254, § 1, emerg. eff. May 22, 1992; Amended by Laws 1993, HB 1313, c. 45, § 3, emerg. eff. April 9, 1993; Amended by Laws 1994, HB 2148, c. 360, § 5, emerg. eff. July 1, 1994; Amended by Laws 1998, HB 2575, c. 124, § 1, emerg. eff. July 1, 1998; Amended by Laws 2000, SB 1532, c. 280, § 2, emerg. eff. June 1, 2000.

APPENDIX D

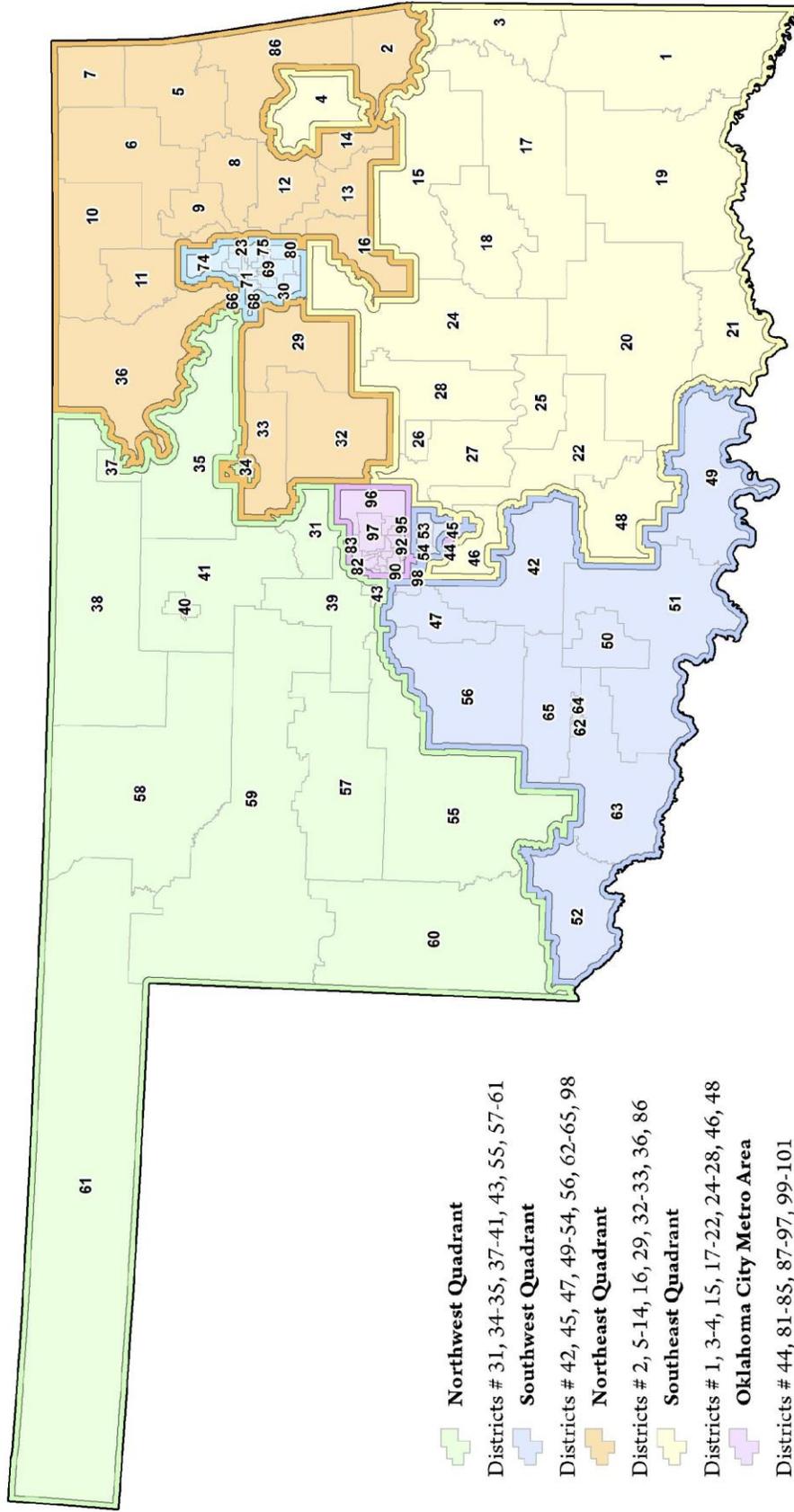
OKLAHOMA HOUSE OF REPRESENTATIVES 2001 REDISTRICTING COMMITTEE GUIDELINES FOR REDISTRICTING

The following guidelines are suggested for the Redistricting Committee's consideration:

1. The committee will strive to make all legislative and congressional plans fair and reasonable with regard to minority, ethnic, and political groups.
2. Districts will be drawn to be numerically as equal in population as possible, using the following percentages:
 - A. The House district plan must have an overall range of no more than 10 percent (+/-5%). No individual district boundary shall deviate more than 10 percent (+/-5%), unless it is in consideration of a political boundary (e.g., a municipal boundary).
 - B. The congressional district plan must have an overall range of no more than 1 percent (+/-0.5%). This shall be considered a guideline. The committee will strive for the accepted standard of "as nearly equal in population as practicable."
3. Whenever possible, county and municipal boundaries which are *on physical features* will be considered for district boundaries, in order to preserve the integrity of existing political subdivisions.
4. As required by law, districts will be drawn to be contiguous. Compactness of districts will be a consideration; however, population and geographic requirements will take precedence should a conflict arise.
5. Districts should not be drawn deliberately to protect or defeat an incumbent representative.
6. The committee will recommend which U.S. 2000 Decennial Census database should be used as the basis for the House redistricting plan and for the congressional redistricting plan.
7. The House plan will be drawn to include 101 districts.

2001 REDISTRICTING COMMITTEE

GEOGRAPHIC SUBAREAS



-  **Northwest Quadrant**
Districts # 31, 34-35, 37-41, 43, 55, 57-61
-  **Southwest Quadrant**
Districts # 42, 45, 47, 49-54, 56, 62-65, 98
-  **Northeast Quadrant**
Districts # 2, 5-14, 16, 29, 32-33, 36, 86
-  **Southeast Quadrant**
Districts # 1, 3-4, 15, 17-22, 24-28, 46, 48
-  **Oklahoma City Metro Area**
Districts # 44, 81-85, 87-97, 99-101
-  **Tulsa Metro Area**
Districts # 23, 30, 66-80

Appendix E

OKLAHOMA HOUSE OF REPRESENTATIVES 1991 REAPPORTIONMENT COMMITTEE GUIDELINES FOR REDISTRICTING

ADOPTED 2/26/91

The following guidelines were adopted by the Oklahoma House of Representatives Reapportionment Committee:

1. The committee will strive to make all legislative and congressional plans fair and reasonable with regard to minority, ethnic, and political groups.
2. Districts will be drawn to be numerically as equal in population as possible, using the following percentages:
 - A. The House district plan must have an overall range of no more than 8 percent (+/- 4%). No individual district boundary shall deviate more than 10 percent (+/-5%), unless it is in consideration of a political boundary (e.g., a municipal boundary).
 - C. The congressional district plan must have an overall range of no more than 1 percent (+/-0.5%). This shall be considered a guideline. The committee will strive for the accepted standard of "as nearly equal in population as practicable."
3. Whenever possible, county and municipal boundaries will be used for district boundaries in order to preserve the integrity of existing political subdivisions.
4. As required by law, districts will be drawn to be contiguous. Compactness of districts will be a consideration; however, population and geographic requirements will take precedence should a conflict arise.
5. Districts should not be drawn deliberately to protect or defeat an incumbent representative.
6. The U.S. 1990 Decennial Census will be used as the basis for the House redistricting plan and for the congressional reapportionment.
7. The House plan will be drawn to include 101 districts.

APPENDIX F

ESTIMATED POPULATION DATA - JULY 1, 2009

Cumulative Estimates of Resident Population Change for Counties of Oklahoma and County Rankings: April 1, 2000 to July 1, 2009

Source: U.S. Census Bureau, Population Division

Release Date: March 2010

Geographic Area	Population Estimates		Change, 2000 to 2009		State Ranking of Counties	
	July 1, 2009	April 1, 2000 Estimates Base	Difference	% Change	Population Estimates	
					July 1, 2009	April 1, 2000 Estimates Base
Oklahoma	3,687,050	3,450,638	236,412	6.9	(X)	(X)
Adair County	21,857	21,036	821	3.9	38	38
Alfalfa County	5,481	6,099	-618	-10.1	69	67
Atoka County	14,498	13,879	619	4.5	47	48
Beaver County	5,270	5,857	-587	-10.0	70	70
Beckham County	21,116	19,799	1,317	6.7	40	40
Blaine County	12,609	11,976	633	5.3	51	51
Bryan County	40,783	36,534	4,249	11.6	23	26
Caddo County	30,393	30,150	243	0.8	33	32
Canadian County	109,668	87,697	21,971	25.1	5	5
Carter County	48,326	45,619	2,707	5.9	16	16
Cherokee County	46,029	42,523	3,506	8.2	18	21
Choctaw County	14,872	15,342	-470	-3.1	46	44
Cimarron County	2,630	3,148	-518	-16.5	77	77
Cleveland County	244,589	208,016	36,573	17.6	3	3
Coal County	5,856	6,031	-175	-2.9	67	69
Comanche County	113,228	114,998	-1,770	-1.5	4	4
Cotton County	6,281	6,614	-333	-5.0	66	66
Craig County	15,158	14,945	213	1.4	44	45
Creek County	70,244	67,366	2,878	4.3	11	9
Custer County	26,717	26,142	575	2.2	35	36
Delaware County	40,555	37,078	3,477	9.4	24	25
Dewey County	4,404	4,743	-339	-7.1	71	72
Ellis County	3,925	4,072	-147	-3.6	73	73
Garfield County	58,928	57,813	1,115	1.9	12	11
Garvin County	27,113	27,210	-97	-0.4	34	35
Grady County	51,649	45,513	6,136	13.5	13	17
Grant County	4,317	5,144	-827	-16.1	72	71
Greer County	5,830	6,061	-231	-3.8	68	68
Harmon County	2,843	3,283	-440	-13.4	76	76
Harper County	3,377	3,562	-185	-5.2	75	74
Haskell County	12,393	11,792	601	5.1	52	53
Hughes County	13,819	14,154	-335	-2.4	49	46

Legislative Guide to Redistricting 2011

Jackson County	25,369	28,439	-3,070	-10.8	36	33
Jefferson County	6,319	6,818	-499	-7.3	65	65
Johnston County	10,468	10,513	-45	-0.4	59	59
Kay County	46,110	48,083	-1,973	-4.1	17	15
Geographic Area	Population Estimates		Change, 2000 to 2009		State Ranking of Counties	
	July 1, 2009	April 1, 2000 Estimates Base	Difference	% Change	July 1, 2009	April 1, 2000 Estimates Base
Kingfisher County	14,384	13,928	456	3.3	48	47
Kiowa County	9,101	10,227	-1,126	-11.0	61	60
Latimer County	10,621	10,692	-71	-0.7	57	57
Le Flore County	49,915	48,108	1,807	3.8	15	14
Lincoln County	32,199	32,080	119	0.4	31	31
Logan County	39,301	33,924	5,377	15.9	26	29
Love County	9,124	8,831	293	3.3	60	63
McClain County	33,168	27,742	5,426	19.6	30	34
McCurtain County	33,370	34,403	-1,033	-3.0	29	28
McIntosh County	19,801	19,456	345	1.8	42	41
Major County	7,189	7,545	-356	-4.7	64	64
Marshall County	15,014	13,182	1,832	13.9	45	49
Mayer County	40,065	38,369	1,696	4.4	25	24
Murray County	12,960	12,623	337	2.7	50	50
Muskogee County	71,412	69,451	1,961	2.8	8	7
Noble County	10,950	11,410	-460	-4.0	55	56
Nowata County	10,528	10,573	-45	-0.4	58	58
Okfuskee County	10,924	11,814	-890	-7.5	56	52
Oklahoma County	716,704	660,450	56,254	8.5	1	1
Okmulgee County	39,292	39,685	-393	-1.0	27	22
Osage County	45,051	44,433	618	1.4	20	18
Ottawa County	31,629	33,192	-1,563	-4.7	32	30
Pawnee County	16,419	16,612	-193	-1.2	43	43
Payne County	79,727	68,186	11,541	16.9	7	8
Pittsburg County	45,211	43,950	1,261	2.9	19	19
Pontotoc County	37,422	35,143	2,279	6.5	28	27
Pottawatomie County	70,274	65,519	4,755	7.3	10	10
Pushmataha County	11,812	11,667	145	1.2	54	54
Roger Mills County	3,407	3,436	-29	-0.8	74	75
Rogers County	85,654	70,640	15,014	21.3	6	6
Seminole County	24,296	24,896	-600	-2.4	37	37
Sequoyah County	41,433	38,972	2,461	6.3	22	23
Stephens County	43,487	43,182	305	0.7	21	20
Texas County	21,135	20,107	1,028	5.1	39	39
Tillman County	7,796	9,285	-1,489	-16.0	63	61
Tulsa County	601,961	563,302	38,659	6.9	2	2
Wagoner County	70,394	57,495	12,899	22.4	9	12
Washington County	50,706	48,996	1,710	3.5	14	13
Washita County	11,813	11,508	305	2.7	53	55
Woods County	8,418	9,089	-671	-7.4	62	62
Woodward County	19,959	18,486	1,473	8.0	41	42

Dash (-) represents zero or rounds to zero. (X) Not applicable.

Note: The April 1, 2000 estimates base reflects changes to the Census 2000 population resulting from legal boundary updates, other geographic program changes, and Count Question Resolution actions. All geographic boundaries for the 2009 population estimates series are defined as of January 1, 2009.

APPENDIX G

HOUSE OF REPRESENTATIVES CURRENT DISTRICTS (2002-2010) POPULATION BASED ON THE 2000 CENSUS

Ideal District Population = 34,165

2001				
DISTRICT	REPRESENTATIVE	POPULATION	DEVIATION	% DEVIATION
1	Terry J. Matlock	34,059	-106	-0.31%
2	John T. Stites	34,256	91	0.27%
3	Kenneth Corn	34,171	6	0.02%
4	Jim Wilson	34,034	-131	-0.38%
5	Joe J. Hutchison	34,092	-73	-0.21%
6	Joe Eddins	34,119	-46	-0.13%
7	Larry D. Roberts	34,447	282	0.83%
8	Larry D. Rice	33,871	-294	-0.86%
9	Tad Jones	34,049	-116	-0.34%
10	Gary S. Taylor	34,460	295	0.86%
11	Mike Wilt	34,202	37	0.11%
12	Jerry W. Hefner	33,876	-289	-0.85%
13	Stuart Ericson	34,459	294	0.86%
14	Barbara Staggs	33,906	-259	-0.76%
15	Ray Miller	33,832	-333	-0.97%
16	M.C. Leist	33,831	-334	-0.98%
17	Mike Mass	33,989	-176	-0.52%
18	Lloyd Fields	34,389	224	0.66%
19	Randall L. Erwin	34,103	-62	-0.18%
20	Paul D. Roan	34,196	31	0.09%
21	James H. Dunegan	34,422	257	0.75%
22	Danny Hilliard	34,099	-66	-0.19%
23	Sue Tibbs	33,983	-182	-0.53%
24	Dale Turner	34,062	-103	-0.30%
25	Bob Plunk	33,837	-328	-0.96%
26	Kris Steele	34,031	-134	-0.39%
27	Dale Smith	34,190	25	0.07%
28	Mike Ervin	34,051	-114	-0.33%
29	Todd Hiett	33,993	-172	-0.50%
30	Mike Tyler	34,182	17	0.05%
31	Frank Davis	34,200	35	0.10%
32	Kent Friskup	33,977	-188	-0.55%
33	Dale W. Wells	34,268	103	0.30%
34	Terry Ingmire	34,094	-71	-0.21%
35	Larry Ferguson	34,175	10	0.03%
36	Joe Sweeden	34,395	230	0.67%

2001					
DISTRICT	REPRESENTATIVE	POPULATION	DEVIATION	% DEVIATION	
37	Jim Newport	33,824	-341	-1.00%	
38	Jim Reese	33,824	-341	-1.00%	
39	Wayne Pettigrew	34,043	-122	-0.36%	
40	Mike O'Neal	34,060	-105	-0.31%	
41	Curt Roggow	34,348	183	0.54%	
42	Bill Mitchell	34,504	339	0.99%	
43	Ray Young	34,504	339	0.99%	
44	Bill Nations	34,416	251	0.74%	
45	Thad Balkman	34,489	324	0.95%	
46	Doug Miller	34,472	307	0.90%	
47	Susan Winchester	34,451	286	0.84%	
48	Great Piatt	33,833	-332	-0.97%	
49	Fred Stanley	33,803	-362	-1.06%	
50	Jari Askins	33,964	-201	-0.59%	
51	Raymond McCarter	34,200	35	0.10%	
52	David B. Braddock	34,169	4	0.01%	
53	Carolyn Coleman	33,997	-168	-0.49%	
54	Joan Greenwood	33,955	-210	-0.61%	
55	Jack Bonny	34,472	307	0.90%	
56	Ron Langmacher	34,092	-73	-0.21%	
57	James E. Covey	33,848	-317	-0.93%	
58	Elmer Maddux	34,008	-157	-0.46%	
59	Clay Pope	33,937	-228	-0.67%	
60	Purcy D. Walker	34,064	-101	-0.30%	
61	Jack Begley	33,851	-314	-0.92%	
62	Abe Deutschendorf	34,464	299	0.88%	
63	Loyd Benson	34,448	283	0.83%	
64	Ron Kirby	34,461	296	0.87%	
65	Jim R. Glover	34,440	275	0.81%	
66	Russ Roach	34,221	56	0.16%	
67	Hopper Smith	34,439	274	0.80%	
68	Chris Benge	33,985	-180	-0.53%	
69	Fred Perry	34,316	151	0.44%	
70	Ron Peters	34,367	202	0.59%	
71	John Sullivan	34,389	224	0.66%	
72	Darrell Gilbert	34,118	-47	-0.14%	
73	Don Ross	34,131	-34	-0.10%	
74	John Smaligo	34,223	58	0.17%	
75	Dennis Adkins	34,123	-42	-0.12%	
76	John Wright	34,064	-101	-0.30%	
77	Mark Liotta	34,159	-6	-0.02%	
78	Mary Easley	34,284	119	0.35%	
79	Chris Hastings	34,119	-46	-0.13%	
80	Ron Peterson	34,162	-3	-0.01%	
81	Ray Vaughn	34,182	17	0.05%	
82	Leonard E. Sullivan	34,356	191	0.56%	

2001				
DISTRICT	REPRESENTATIVE	POPULATION	DEVIATION	% DEVIATION
83	Fred Morgan	34,446	281	0.82%
84	Bill Graves	34,384	219	0.64%
85	Odilia Dank	34,061	-104	-0.30%
86	Larry E. Adair	33,955	-210	-0.61%
87	Robert D. Worthen	34,115	-50	-0.15%
88	Debbie Blackburn	34,153	-12	-0.04%
89	Charles Gray	34,183	18	0.05%
90	John Nance	34,205	40	0.12%
91	Dan Webb	34,298	133	0.39%
92	Bill Paulk	34,273	108	0.32%
93	Al Lindley	34,204	39	0.11%
94	Kevin Calvey	34,444	279	0.82%
95	Bill Case	34,257	92	0.27%
96	Lance Cargill	34,465	300	0.88%
97	Kevin Cox	34,172	7	0.02%
98	Tim R. Pope	33,849	-316	-0.93%
99	Opio Toure	33,912	-253	-0.74%
100	Richard Phillips	34,139	-26	-0.08%
101	Forrest Claunch	34,260	95	0.28%

APPENDIX H LIST OF MAPS

Oklahoma House of Representatives Districts, 2002-2010 Elections

Oklahoma Senate Districts, 2002-2010 Elections

Oklahoma Congressional Districts, 2002-2010 Elections

Oklahoma House of Representatives Districts, 1992-2000 Elections

Oklahoma Senate Districts, 1992-2000 Elections

Oklahoma Congressional Districts, 1992-2000 Elections

Oklahoma House of Representatives Districts, 1982-1990 Elections

Oklahoma Senate Districts, 1982-1990 Elections

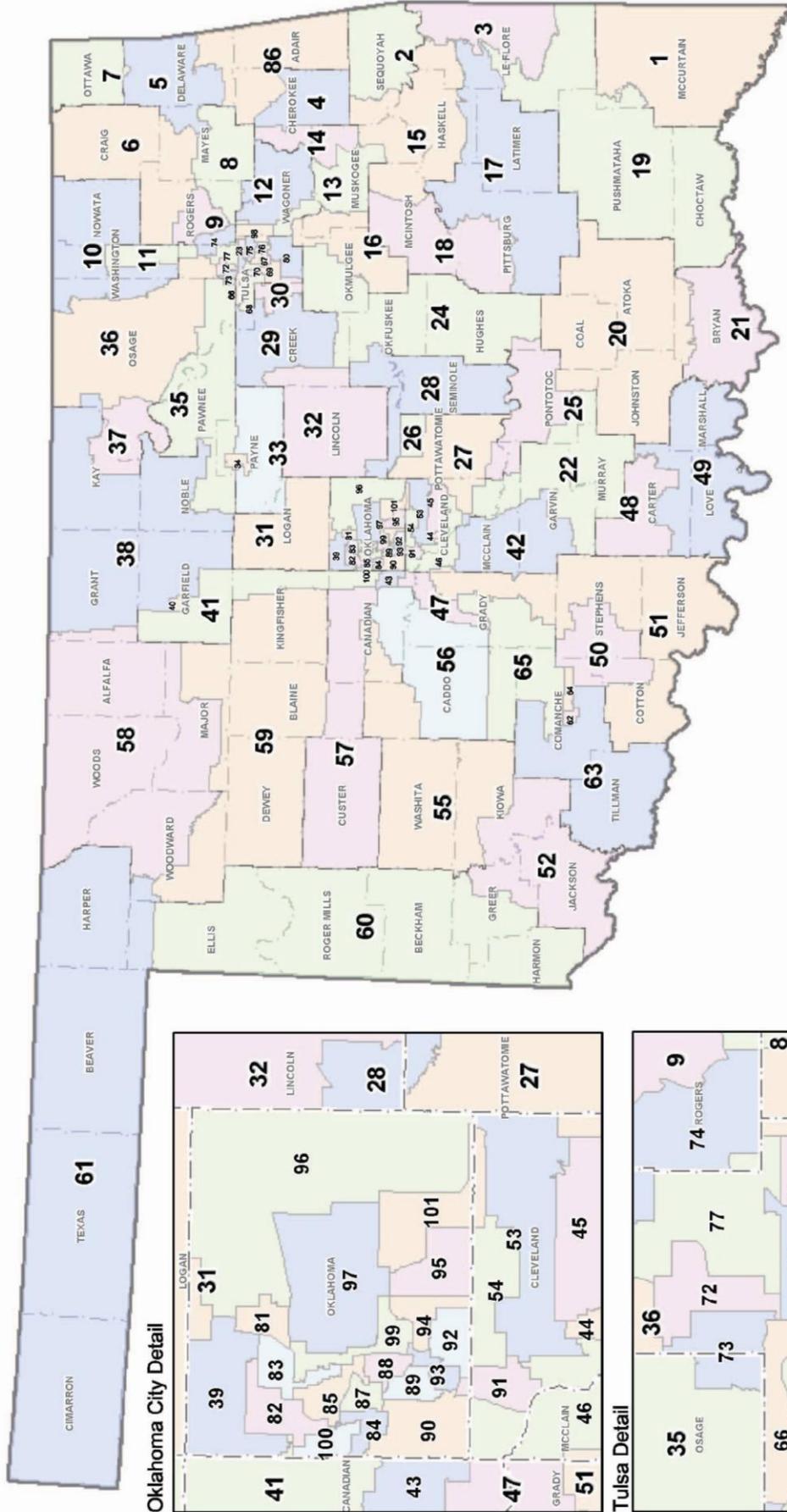
Oklahoma Congressional Districts, 1982-1990 Elections

Oklahoma House of Representatives Districts, 1972-1980 Elections

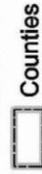
Oklahoma Senate Districts, 1972-1980 Elections

Oklahoma Congressional Districts, 1972-1980 Elections

OKLAHOMA HOUSE DISTRICTS 2002 - 2010 ELECTIONS



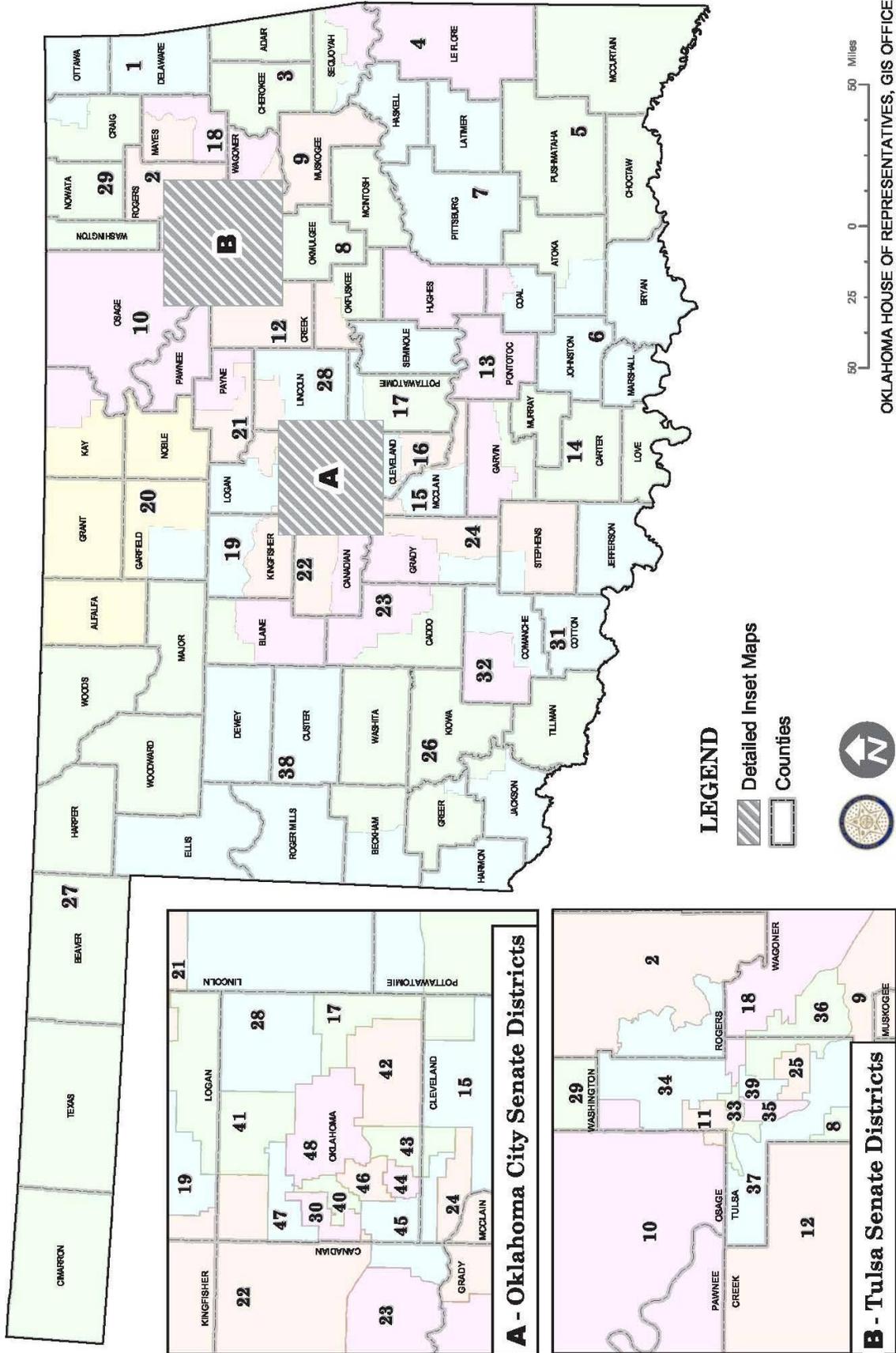
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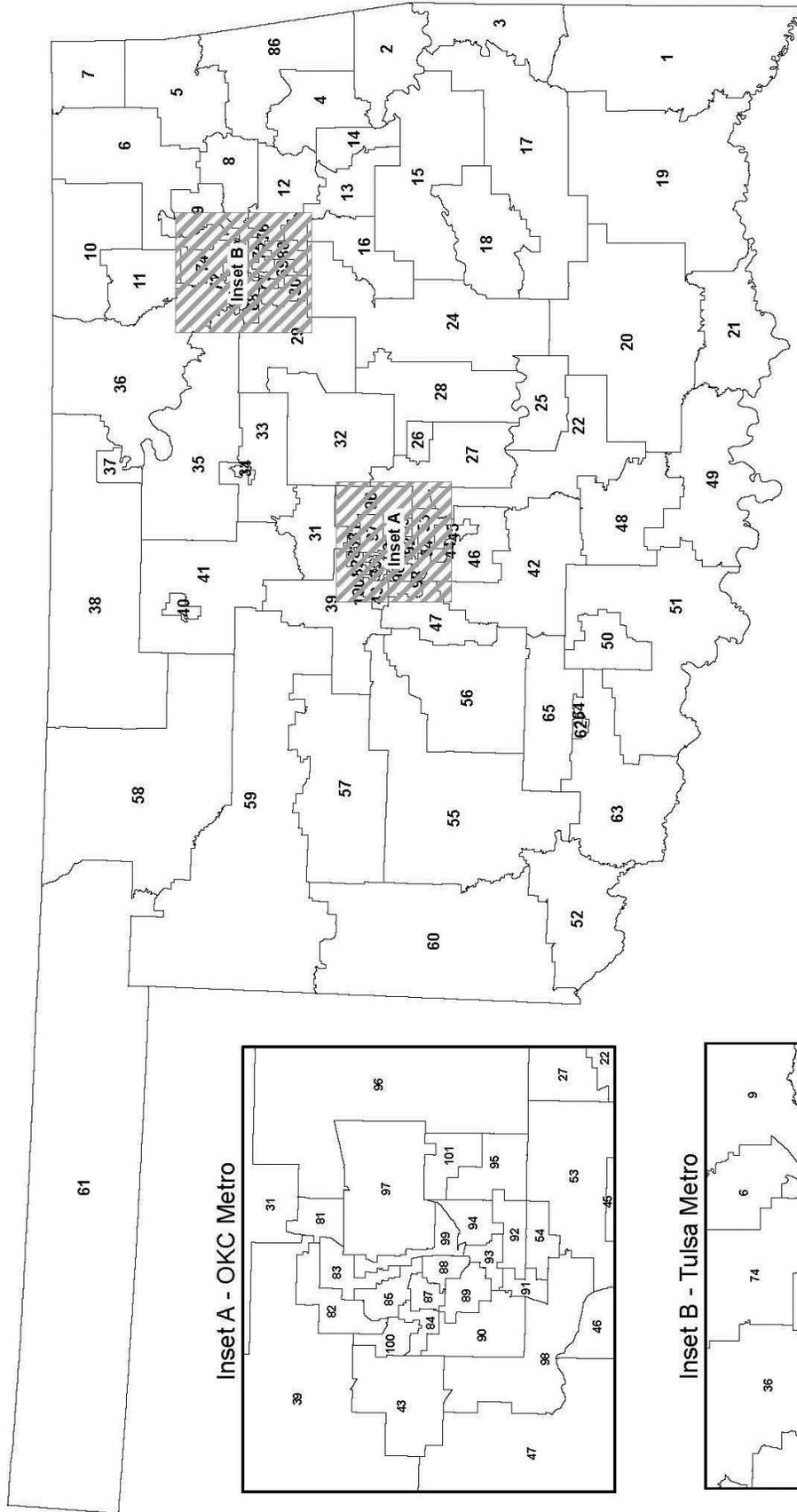


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OKLAHOMA HOUSE OF REPRESENTATIVES, GIS OFFICE
REQ# 0494 December 16, 2003

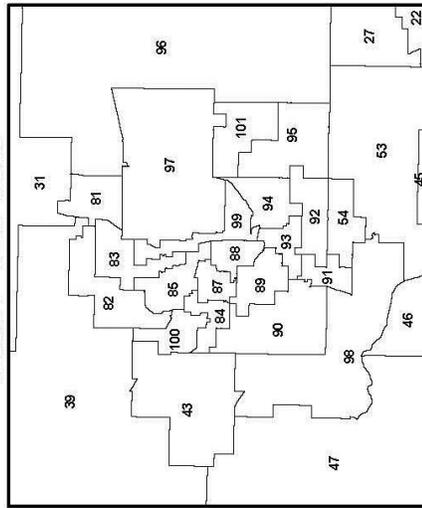
OKLAHOMA SENATE DISTRICTS 2002 - 2010 ELECTIONS



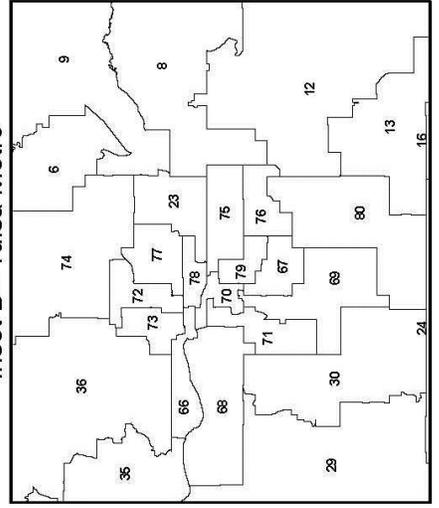


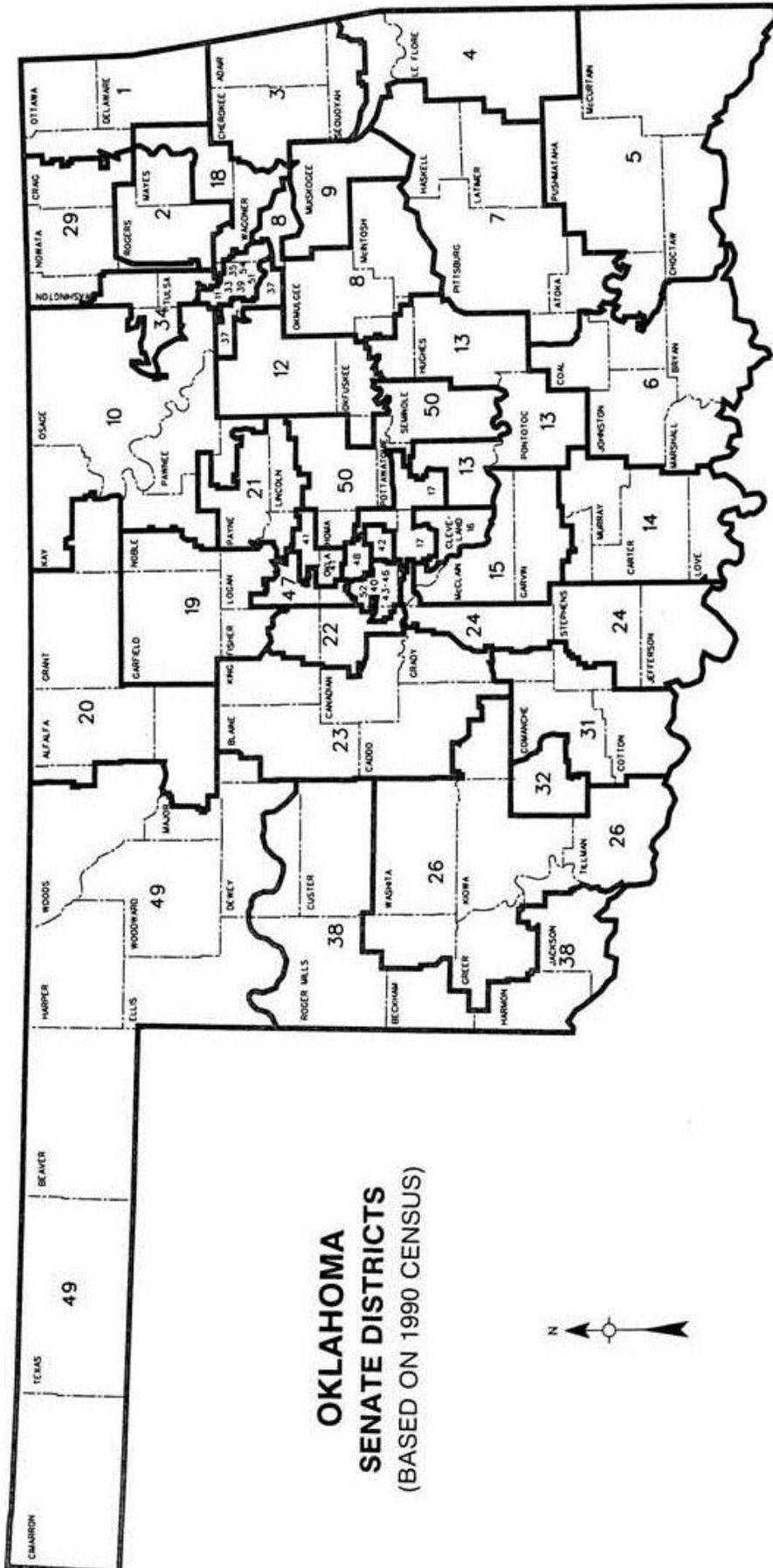
Oklahoma House of Representatives Districts
Based on 1990 Census

Inset A - OKC Metro

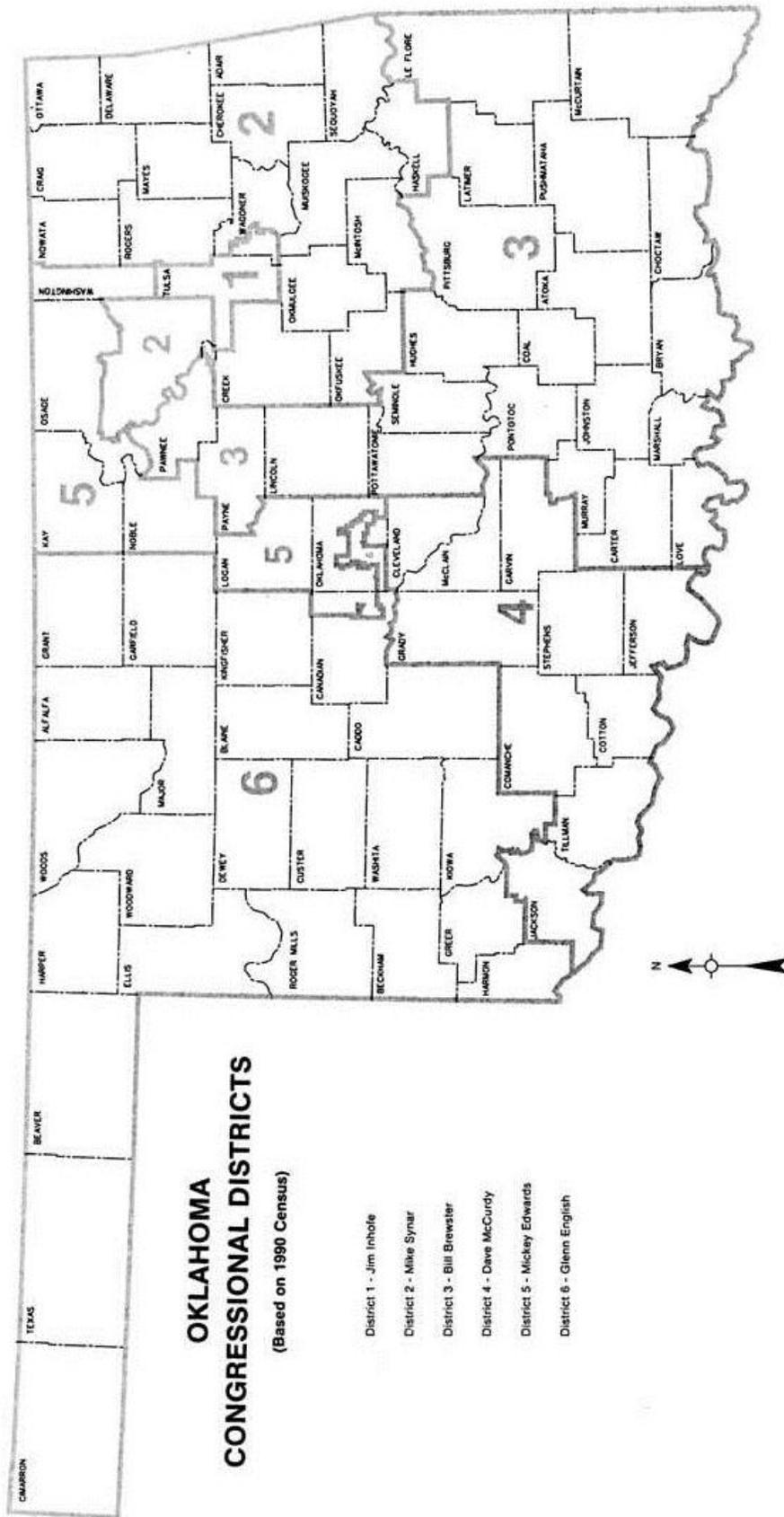


Inset B - Tulsa Metro



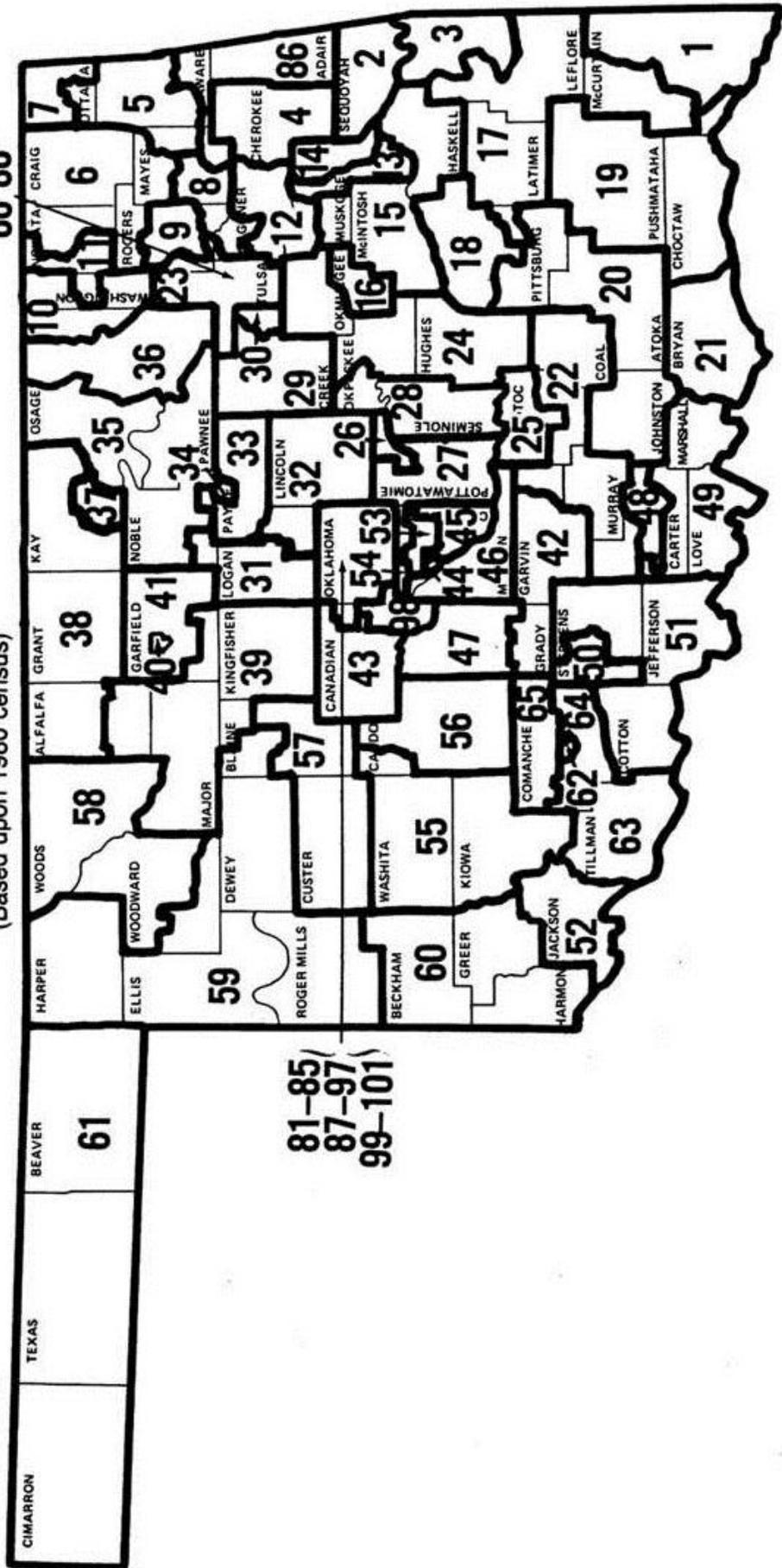


OKLAHOMA
SENATE DISTRICTS
 (BASED ON 1990 CENSUS)

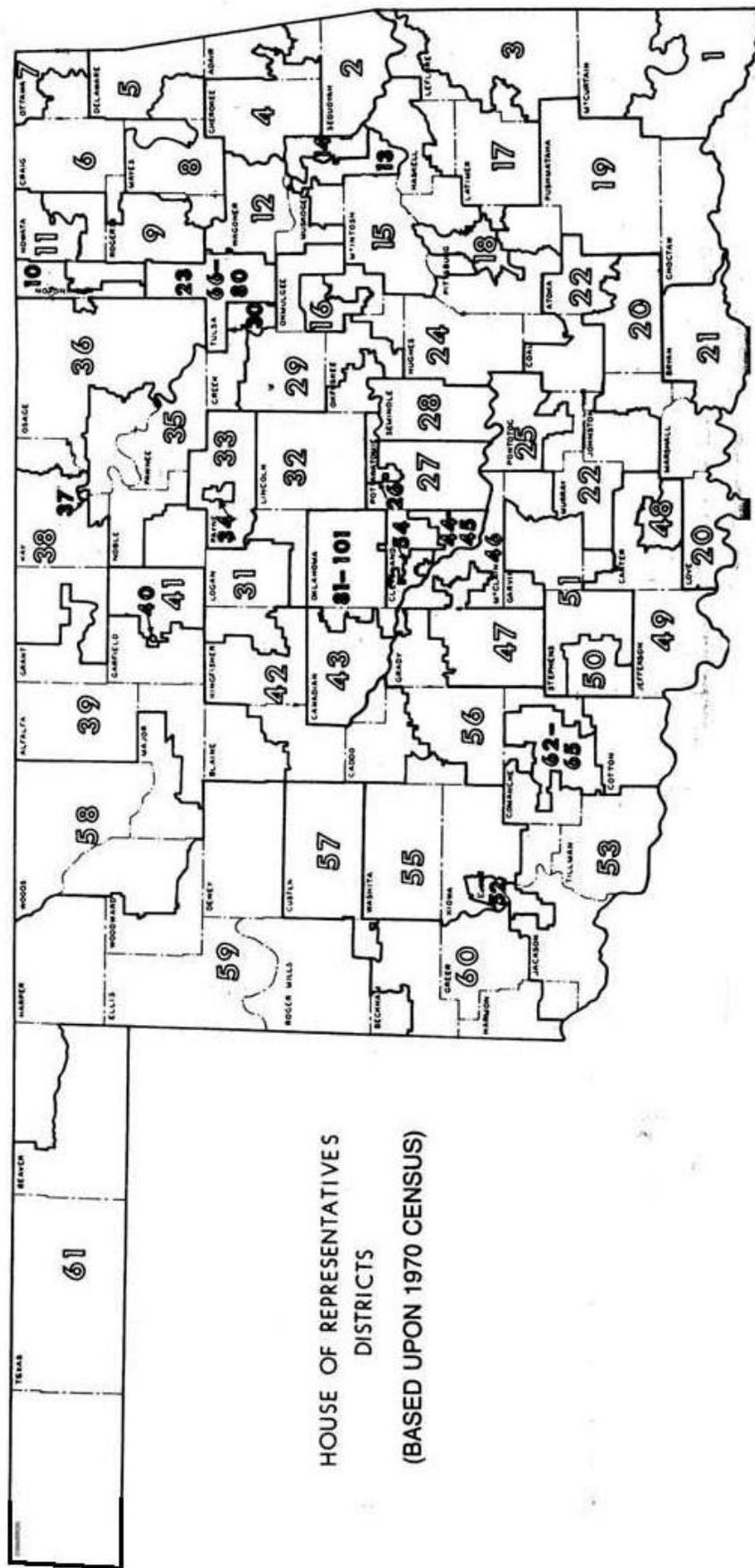


MEMBERS OF THE OKLAHOMA HOUSE OF REPRESENTATIVES OF THE 39th LEGISLATURE

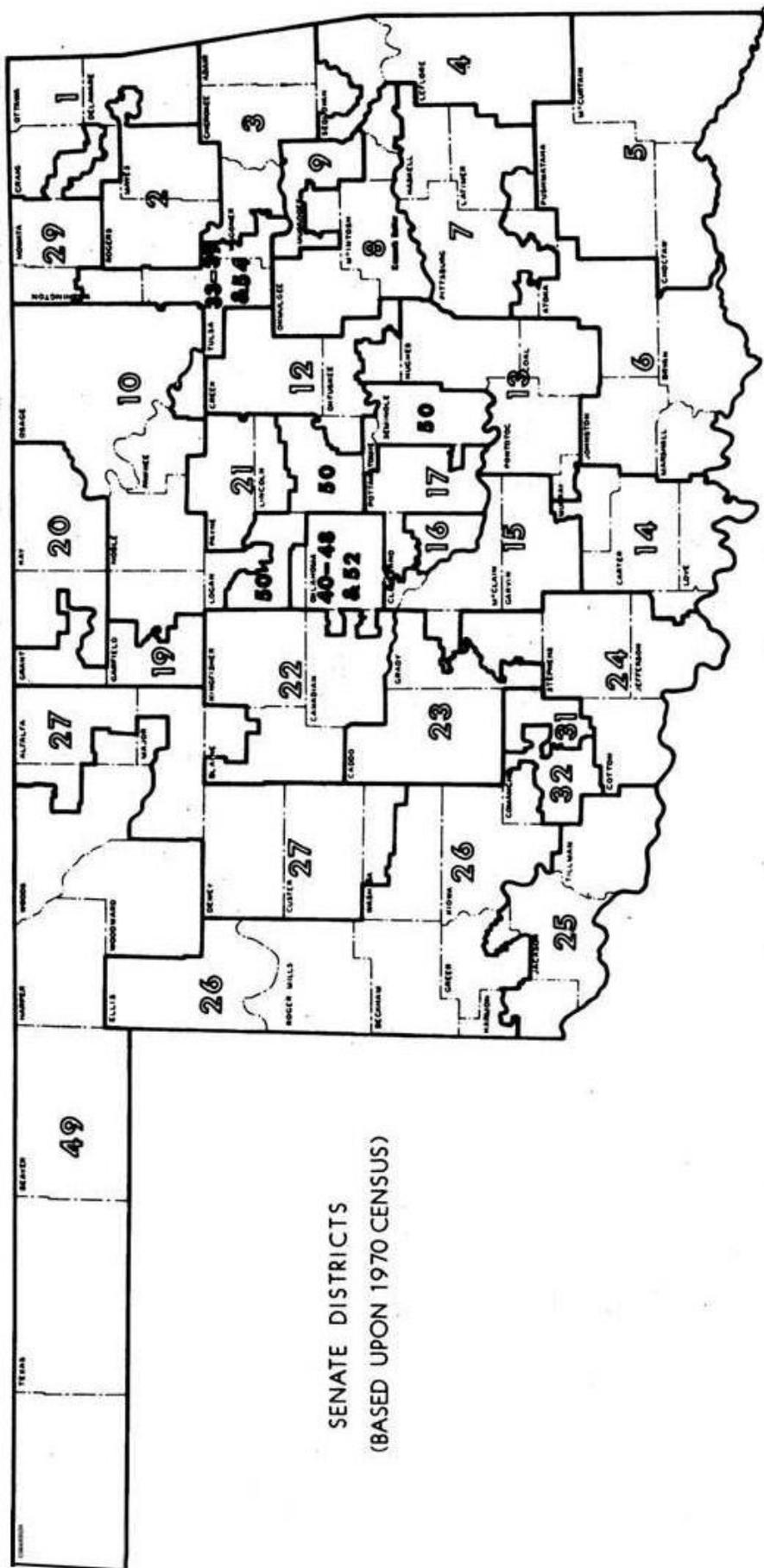
(Based upon 1980 census)



THE OKLAHOMA HOUSE OF REPRESENTATIVES



HOUSE OF REPRESENTATIVES
DISTRICTS
(BASED UPON 1970 CENSUS)



APPENDIX I

2010 U.S. CENSUS FORM

United States
Census
2010

This is the official form for all the people at this address.
It is quick and easy, and your answers are protected by law.

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

Use a blue or black pen.

Start here

The Census must count every person living in the United States on April 1, 2010.

Before you answer Question 1, count the people living in this house, apartment, or mobile home using our guidelines.

- Count all people, including babies, who live and sleep here most of the time.

The Census Bureau also conducts counts in institutions and other places, so:

- Do not count anyone living away either at college or in the Armed Forces.
- Do not count anyone in a nursing home, jail, prison, detention facility, etc., on April 1, 2010.
- Leave these people off your form, even if they will return to live here after they leave college, the nursing home, the military, jail, etc. Otherwise, they may be counted twice.

The Census must also include people without a permanent place to stay, so:

- If someone who has no permanent place to stay is staying here on April 1, 2010, count that person. Otherwise, he or she may be missed in the census.

1. How many people were living or staying in this house, apartment, or mobile home on April 1, 2010?

Number of people =

2. Were there any **additional** people staying here April 1, 2010 that you **did not include** in Question 1? Mark all that apply.

- Children, such as newborn babies or foster children
- Relatives, such as adult children, cousins, or in-laws
- Nonrelatives, such as roommates or live-in baby sitters
- People staying here temporarily
- No additional people

3. Is this house, apartment, or mobile home — Mark ONE box.

- Owned by you or someone in this household with a mortgage or loan? *Include home equity loans.*
- Owned by you or someone in this household free and clear (without a mortgage or loan)?
- Rented?
- Occupied without payment of rent?

4. What is your telephone number? We may call if we don't understand an answer.

Area Code + Number

- -

OMB No. 0607-0919-C: Approval Expires 12/31/2011.

Form **D-61** (1-15-2009)

5. Please provide information for each person living here. Start with a person living here who owns or rents this house, apartment, or mobile home. If the owner or renter lives somewhere else, start with any adult living here. This will be Person 1.

What is Person 1's name? *Print name below.*

Last Name

First Name MI

6. What is Person 1's sex? Mark ONE box.

- Male Female

7. What is Person 1's age and what is Person 1's date of birth?

Please report babies as age 0 when the child is less than 1 year old.

Print numbers in boxes.

Age on April 1, 2010 Month Day Year of birth

→ NOTE: Please answer BOTH Question 8 about Hispanic origin and Question 9 about race. For this census, Hispanic origins are not races.

8. Is Person 1 of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — *Print origin, for example, Argentinian, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on.* ↴

9. What is Person 1's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — *Print name of enrolled or principal tribe.* ↴

- Asian Indian Japanese Native Hawaiian
- Chinese Korean Guamanian or Chamorro
- Filipino Vietnamese Samoan
- Other Asian — *Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on.* ↴ Other Pacific Islander — *Print race, for example, Fijian, Tongan, and so on.* ↴

- Some other race — *Print race.* ↴

10. Does Person 1 sometimes live or stay somewhere else?

- No Yes — Mark all that apply.
- In college housing For child custody
- In the military In jail or prison
- At a seasonal or second residence In a nursing home
- For another reason

→ If more people were counted in Question 1, continue with Person 2.

U S C E N S U S B U R E A U

1. Print name of **Person 2**

Last Name

First Name MI

2. How is this person related to Person 1? Mark ONE box.

- Husband or wife
- Biological son or daughter
- Adopted son or daughter
- Stepson or stepdaughter
- Brother or sister
- Father or mother
- Grandchild
- Parent-in-law
- Son-in-law or daughter-in-law
- Other relative
- Roomer or boarder
- Housemate or roommate
- Unmarried partner
- Other nonrelative

3. What is this person's sex? Mark ONE box.

- Male
- Female

4. What is this person's age and what is this person's date of birth?

Please report babies as age 0 when the child is less than 1 year old. Print numbers in boxes.

Age on April 1, 2010 Month Day Year of birth

→ NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this census, Hispanic origins are not races.

5. Is this person of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on. ↴

6. What is this person's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — Print name of enrolled or principal tribe. ↴

- Asian Indian
- Chinese
- Filipino
- Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on. ↴
- Japanese
- Korean
- Vietnamese
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on. ↴

- Some other race — Print race. ↴

7. Does this person sometimes live or stay somewhere else?

- No
- Yes — Mark all that apply.
 - In college housing
 - In the military
 - At a seasonal or second residence
 - For child custody
 - In jail or prison
 - In a nursing home
 - For another reason

→ If more people were counted in Question 1 on the front page, continue with Person 3.

1. Print name of **Person 3**

Last Name

First Name MI

2. How is this person related to Person 1? Mark ONE box.

- Husband or wife
- Biological son or daughter
- Adopted son or daughter
- Stepson or stepdaughter
- Brother or sister
- Father or mother
- Grandchild
- Parent-in-law
- Son-in-law or daughter-in-law
- Other relative
- Roomer or boarder
- Housemate or roommate
- Unmarried partner
- Other nonrelative

3. What is this person's sex? Mark ONE box.

- Male
- Female

4. What is this person's age and what is this person's date of birth?

Please report babies as age 0 when the child is less than 1 year old. Print numbers in boxes.

Age on April 1, 2010 Month Day Year of birth

→ NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this census, Hispanic origins are not races.

5. Is this person of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on. ↴

6. What is this person's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — Print name of enrolled or principal tribe. ↴

- Asian Indian
- Chinese
- Filipino
- Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on. ↴
- Japanese
- Korean
- Vietnamese
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on. ↴

- Some other race — Print race. ↴

7. Does this person sometimes live or stay somewhere else?

- No
- Yes — Mark all that apply.
 - In college housing
 - In the military
 - At a seasonal or second residence
 - For child custody
 - In jail or prison
 - In a nursing home
 - For another reason

→ If more people were counted in Question 1 on the front page, continue with Person 4.

1. Print name of **Person 4**

Last Name

First Name MI

2. How is this person related to Person 1? Mark ONE box.

- Husband or wife
- Biological son or daughter
- Adopted son or daughter
- Stepson or stepdaughter
- Brother or sister
- Father or mother
- Grandchild
- Parent-in-law
- Son-in-law or daughter-in-law
- Other relative
- Roomer or boarder
- Housemate or roommate
- Unmarried partner
- Other nonrelative

3. What is this person's sex? Mark ONE box.

- Male
- Female

4. What is this person's age and what is this person's date of birth?

Please report babies as age 0 when the child is less than 1 year old. Print numbers in boxes.

Age on April 1, 2010 Month Day Year of birth

→ NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this census, Hispanic origins are not races.

5. Is this person of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on. ↴

6. What is this person's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — Print name of enrolled or principal tribe. ↴

- Asian Indian
- Chinese
- Filipino
- Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on. ↴
- Japanese
- Korean
- Vietnamese
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on. ↴

- Some other race — Print race. ↴

7. Does this person sometimes live or stay somewhere else?

- No
- Yes — Mark all that apply.
 - In college housing
 - In the military
 - At a seasonal or second residence
 - For child custody
 - In jail or prison
 - In a nursing home
 - For another reason

→ If more people were counted in Question 1 on the front page, continue with Person 5.

1. Print name of **Person 5**

Last Name

First Name MI

2. How is this person related to Person 1? Mark ONE box.

- Husband or wife
- Biological son or daughter
- Adopted son or daughter
- Stepson or stepdaughter
- Brother or sister
- Father or mother
- Grandchild
- Parent-in-law
- Son-in-law or daughter-in-law
- Other relative
- Roomer or boarder
- Housemate or roommate
- Unmarried partner
- Other nonrelative

3. What is this person's sex? Mark ONE box.

- Male
- Female

4. What is this person's age and what is this person's date of birth?

Please report babies as age 0 when the child is less than 1 year old. Print numbers in boxes.

Age on April 1, 2010 Month Day Year of birth

→ NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this census, Hispanic origins are not races.

5. Is this person of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on. ↴

6. What is this person's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — Print name of enrolled or principal tribe. ↴

- Asian Indian
- Chinese
- Filipino
- Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on. ↴
- Japanese
- Korean
- Vietnamese
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on. ↴

- Some other race — Print race. ↴

7. Does this person sometimes live or stay somewhere else?

- No
- Yes — Mark all that apply.
 - In college housing
 - In the military
 - At a seasonal or second residence
 - For child custody
 - In jail or prison
 - In a nursing home
 - For another reason

→ If more people were counted in Question 1 on the front page, continue with Person 6.

1. Print name of **Person 6**

Last Name

First Name MI

2. How is this person related to Person 1? Mark ONE box.

- Husband or wife
- Biological son or daughter
- Adopted son or daughter
- Stepson or stepdaughter
- Brother or sister
- Father or mother
- Grandchild
- Parent-in-law
- Son-in-law or daughter-in-law
- Other relative
- Roomer or boarder
- Housemate or roommate
- Unmarried partner
- Other nonrelative

3. What is this person's sex? Mark ONE box.

- Male
- Female

4. What is this person's age and what is this person's date of birth?

Please report babies as age 0 when the child is less than 1 year old.

Print numbers in boxes.

Age on April 1, 2010 Month Day Year of birth

→ NOTE: Please answer BOTH Question 5 about Hispanic origin and Question 6 about race. For this census, Hispanic origins are not races.

5. Is this person of Hispanic, Latino, or Spanish origin?

- No, not of Hispanic, Latino, or Spanish origin
- Yes, Mexican, Mexican Am., Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, another Hispanic, Latino, or Spanish origin — Print origin, for example, Argentinean, Colombian, Dominican, Nicaraguan, Salvadoran, Spaniard, and so on. ↴

6. What is this person's race? Mark one or more boxes.

- White
- Black, African Am., or Negro
- American Indian or Alaska Native — Print name of enrolled or principal tribe. ↴

- Asian Indian
- Chinese
- Filipino
- Other Asian — Print race, for example, Hmong, Laotian, Thai, Pakistani, Cambodian, and so on. ↴
- Japanese
- Korean
- Vietnamese
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander — Print race, for example, Fijian, Tongan, and so on. ↴

- Some other race — Print race. ↴

7. Does this person sometimes live or stay somewhere else?

- No
- Yes — Mark all that apply.
 - In college housing
 - In the military
 - At a seasonal or second residence
 - For child custody
 - In jail or prison
 - In a nursing home
 - For another reason

→ If more than six people were counted in Question 1 on the front page, turn the page and continue.

→ If more people live here, turn the page and continue.

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National Processing Center
1201 East 10th Street
Jeffersonville, IN 47132

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¿NECESITA AYUDA? Si usted necesita ayuda para completar este cuestionario, llame al 1-866-928-2010 entre las 8:00 a.m. y 9:00 p.m., 7 días a la semana. La llamada telefónica es gratis.

The U.S. Census Bureau estimates that, for the average household, this form will take about 10 minutes to complete, including the time for reviewing the instructions and answers. Send comments regarding this burden estimate or any other aspect of this burden to: Paperwork Reduction Project 0607-0919-C, U.S. Census Bureau, AMSD-3K138, 4600 Silver Hill Road, Washington, DC 20233. You may e-mail comments to <Paperwork@census.gov>; use "Paperwork Project 0607-0919-C" as the subject.

Respondents are not required to respond to any information collection unless it displays a valid approval number from the Office of Management and Budget.

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