

ORDINANCE NO.

AN ORDINANCE TO MAKE MINIMALLY NECESSARY CHANGES TO CERTAIN COUNCIL DISTRICTS ESTABLISHED BY ORDINANCE NO. 5833 TO ENHANCE THE RELATIVE POPULATION DISPERSION AMONG ALL SUCH DISTRICTS AND TO INSURE THAT ALL SUCH DISTRICTS WILL CONTINUE TO COMPLY WITH THE INJUNCTION DECREE ISSUED BY UNITED STATES DISTRICT JUDGE JEROME TURNER PERTAINING TO VOTING RIGHTS ACT REMEDIES

P R E A M B L E

WHEREAS, the City Council adopted Substitute Ordinance No. 5833 on August 23, 2022 to revise City Council electoral districts and to reapportion the City's population based on the population changes reflected in the 2020 federal census;

WHEREAS, Substitute Ordinance No. 5833 expressed the intention to make only minimal changes in existing Council Districts necessary to make each Council District be as equal in population as practicable while complying with 1996 referendum charter amendment and the permanent injunction entered by Judge Jerome Turner on January 29, 1997 that made permanent the redistricting plan approved by Memphis voters;

WHEREAS, a potential clerical error in the total census population for the City may cause the population in two of the single member districts to be outside the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the potential clerical error in the total census population for the City does not affect the redistricting plan for Super Districts or for the remaining five single member districts adopted in Substitute Ordinance No. 5833;

WHEREAS, U.S. Supreme Court and Tennessee precedents recognize that there are no redistricting safe harbors and that population dispersion is one of a totality of factors that courts consider to determine the validity of an electoral redistricting plan;

WHEREAS, assuming that there are deviations from the ideal ranges of population dispersion in Ordinance No. 5833 for two single member districts the Council's legal counsel has expressed the opinion that such deviations do not affect

the legal validity of the redistricting plan for any council district adopted in Ordinance No. 5833;

WHEREAS, the Council desires out of an abundance of caution to reassign one precinct from Districts 5 to District 2, which will bring those districts within the ideal ranges of population dispersion preferred under traditional redistricting principles;

WHEREAS, the Council finds that the proposed change to the redistricting plan adopted in Ordinance No. 5833 does not dilute minority vote, create voter confusion and disruption, materially change the compactness of any district or existing voting patterns of minority voters; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MEMPHIS:

Section 1. Redistricting Amendment. That the Council districts 1 through 7, both inclusive, which are represented, by one council member each and multi-member districts 8 and 9, which are composed of approximately one-half the total city's population and are each represented by three (3) council members elected by position, shall each be amended and reconstituted to include the following Wards and Precincts:

DISTRICT ONE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

- DISTRICT 1
- 111
- 108
- 110
- 609
- 601
- 606
- 502
- 109
- 608
- 605
- 604

501
505

DISTRICT TWO shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts”, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 2

404
412
409
407
509
507
511
202
1205
1204
1303
403
408
504
1203
1202
1312
510
508

ADDED

1301

DISTRICT THREE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 3

1106
1108
1105
1207

1208
1201
1107
908
1009
1010
911
907

DISTRICT FOUR shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 4

1101
1307
1008
1005
1004
1007
811
1003
1103
1001
1102
1104

DISTRICT FIVE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 5

401
708
709
707
1308
710

1304
1302
1301 reassigned
to District 2
1305
1306
1309
1310
1311
402

DISTRICT SIX shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 6

909
906
901
910
905
904
902
903
1002
812
808
810
809
806
807
1006

DISTRICT SEVEN shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

DISTRICT 7

803
104
801
701
702
703
704
705
706
607
805
804
802
603

DISTRICT EIGHT shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT EIGHT

104
701
702
703
704
705
706
801
802
803
804
805
806
807
808
809
810
811
812

901
902
903
904
905
906
907
908
909
910
911
1001
1002
1003
1004
1006
1007
1008
1009
1010
1102
1103
1104
1105
1107
1108
1201
1207

DISTRICT NINE shall consist of the areas, within the corporate limits of the City of Memphis and those areas within “split wards” and precincts, encompassed by the Wards and Precincts using the Election Commission’s 2021 Precinct Assignments as set forth below:

SUPER DISTRICT NINE

108
109

110
111
202
401
402
403
404
407
408
409
412
501
502
504
505
507
508
509
510
511
601
603
604
605
606
607
608
609
707
708
709
710
1005
1101
1106
1202
1203
1204
1205
1208

1301
1302
1303
1304
1305
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1312

Wards and precincts have been allocated between the various districts using the U.S. Census Bureau's block and ward/precinct data released by the U.S. Census Department to the Governor and General Assembly of the State of Tennessee. Such data may vary from the wards and precincts split or consolidated by the Shelby County Election Commission after the compilation of census data by the U.S. Census Bureau.

Reference is made to the Memphis Municipal Code, as amended, and to the Official Ward and Precinct Map of the City of Memphis in the Office of the City Comptroller for a description of the wards and precincts hereinabove allocated to the respective districts One (1) through Nine (9), both inclusive. Annexed areas shall be assigned as future wards are described. Reference is also made to the minutes of the Board of Commissioners of Shelby County, Tennessee, for ordinances and resolutions establishing precinct lines. A map describing said Districts, as amended, is hereby adopted and is ordered to be filed with the Comptroller of the City of Memphis. Should there be discrepancies between the official U.S. census districts and the voting districts assigned by the Shelby County Election Commission and the text of this Ordinance using the Election Commission's descriptions of voting districts and precincts such discrepancies shall be resolved by the Election Commission by reference to the official map filed with the Comptroller of the City, which shall control.

Section 2. Nonconflicting-Conflicting Laws.

BE IT FURTHER ORDAINED That all laws or ordinances of the City of Memphis, not in conflict with this Ordinance, be and the same are continued in full force and effect, and all laws in conflict therewith are hereby repealed.

Section 3. Severability.

BE IT FURTHER ORDAINED, That if any clause, sentence, paragraph, section or part of this ordinance shall be held or declared to be unconstitutional or void, it shall not affect the remaining parts of this ordinance, it being hereby declared to be the legislative intent to have passed the remainder of this ordinance notwithstanding the parts so held to be invalid, if any.

Section 4. Effective Date.

BE IT FURTHER ORDAINED, That this ordinance shall take effect immediately after its adoption, the public welfare requiring it.

SPONSORS:

CHASE CARLISLE COUNCIL MEMBER DIST. 9

FORD CANALE COUNCIL MEMBER DIST. 9

FRANK COLVETT COUNCIL MEMBER DIST. 2

**MARTAVIUS JONES
CHAIRMAN OF COUNCIL**

Attest:

VALERIE C. SNIPES
Deputy City Comptroller