

June 21, 2022

Sent via email

Brittany Rodgers
Clerk of Council
Gulfport City Council
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Gulfport, MS 39501
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Re: Gulfport City Council Redistricting

Dear Members of the Gulfport City Council:

We write to urge the Gulfport City Council (the “Council”) to adopt Community Plan 7 or 8 at its June 21, 2022 meeting on redistricting. To the extent the Council will only adopt one of its own plans, we urge the Council to adopt Plan 6. As we explained in our comments during the Council’s June 7, 2022 public hearing, Gulfport’s demographics, voting patterns, the experiences of Black people in the area, and more demand that the Council adopt a redistricting plan that more fairly and equitably represents its Black voting population. As opposed to Council Plans 1-3, Community Plans 7 and 8 comply with all constitutional and statutory requirements and create an additional ward that provides Black voters an opportunity to elect candidates of their choice.

During the Council’s June 7, 2022 public hearing, we introduced Community Plans 7 and 8¹ as alternative plans that comply with all constitutional and statutory requirements, adhere to traditional redistricting principles, and provide Black voters an opportunity to elect candidates of their choice in a third ward in Gulfport. Specifically, both Plans include an overall population deviation of less than 10 percent from the mathematical mean, meeting the constitutional requirements of the “One Person, One Vote” principle.² In addition, both Plans include two wards in which Black voters form the

¹ Community Plan 7 is available on the City Council’s website at the following links: <https://bit.ly/GulfportPlan7> and <https://bit.ly/GulfportPlan7Demographics>. Community Plan 8 is available on the City Council’s website at the following links: <https://bit.ly/GulfportPlan8> and <https://bit.ly/GulfportPlan8Demographics>.

² *Reynolds v. Sims*, 377 U.S. 533, 568 (1964) (“The Equal Protection Clause demands no less than substantially equal state legislative representation for all citizens, of all places as well as of all races.”); *see also Gaffney v. Cummings*, 412 U.S. 735, 744–45 (1973) (“minor deviations from mathematical equality among state legislative districts” are not constitutionally suspect, but “larger variations from substantial equality are too great to be justified by any state interest”); *Brown v. Thomson*, 462 U.S. 835, 842 (1983) (holding that apportionment plans with a maximum population deviation among districts of

majority (Wards 1 and 3), where Black voters have the opportunity to elect candidates of their choice pursuant to Section 2 of the Voting Rights Act. They also include a third ward (Ward 6) where, though not a majority-Black district, there is a sufficient Black voting-age population (“BVAP”) for Black voters to have an opportunity to elect candidates of their choice. And finally, both Plans are reasonably compact and limit the splitting of precincts.

Importantly, Community Plans 7 and 8 both perform as well as, if not better than, Council Plans 1-3 and 6 in each of these areas. Based on an effectiveness analysis that we internally performed using historical election returns from statewide elections in 2018, 2019, and 2020 (see **Appendix 1**), only Community Plans 7 and 8 and Council Plan 6 include three wards where Black voters can elect candidates of their choice. And as shown in the tables below, Community Plans 7 and 8 score similarly, and in most cases better than, the Council plans with respect to certain compactness measures and precinct splits.

Precinct Splits

Plan 1	Plan 2	Plan 3	Plan 6	Plan 7	Plan 8
47	47	46	37	34	46

Compactness³

	Plan 1	Plan 2	Plan 3	Plan 6	Plan 7	Plan 8
Mean Reock	0.39	0.39	0.41	0.40	0.38	0.42
Mean Polsby-Popper	0.35	0.36	0.39	0.34	0.35	0.39
Mean Area/Convex Hull	0.75	0.77	0.79	0.77	0.77	0.12

Community Plans 7 and 8 are therefore the plans that best comply with the Council’s legal obligations, adhere to traditional redistricting principles, most fairly and adequately represent the growing Black population in Gulfport, and could be effective districts for providing Black voters an opportunity to elect. But if the Council is inclined to adopt one of its own Plans, the only acceptable Council Plan is Plan 6. As explained above, Plan 6 includes a third ward that provides Black voters an opportunity to elect candidates of their choice. It also performs reasonably well with respect to compactness and precinct splits.

less than 10% are generally permissible, whereas disparities in excess of 10% most likely violate the “one person, one vote” principle).

³ Each of the methods listed is a commonly used metric to measure the compactness of redistricting maps. For each metric, scores range from 0 to 1, where 0 is not compact and 1 is optimally compact.

* * *

We are happy to discuss our concerns with you or your demographic consultant, or provide any other assistance to help ensure the City of Gulfport establishes a districting plan that satisfies its obligations under the Voting Rights Act, the U.S. Constitution, and other requirements and considerations. Please feel free to contact Amir Badat at (601) 462-9592 or by email at abadat@naacpldf.org with any questions or to discuss these issues in more detail.

Sincerely,

/s/ Amir Badat

Amir Badat

Leah C. Aden, Deputy Director of Litigation
Stuart Naifeh, Manager of the Redistricting Project
NAACP Legal Defense & Educational Fund,
Inc.

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New York, NY 10006

NAACP Legal Defense and Educational Fund, Inc. (“LDF”)

Since its founding in 1940, LDF has used litigation, policy advocacy, public education, and community organizing strategies to achieve racial justice and equity in education, economic justice, political participation, and criminal justice. Throughout its history, LDF has worked to enforce and promote laws and policies that increase access to the electoral process and prohibit voter discrimination, intimidation, and suppression. LDF has been fully separate from the National Association for the Advancement of Colored People (“NAACP”) since 1957, though LDF was originally founded by the NAACP and shares its commitment to equal rights.

APPENDIX 1

Effectiveness Analyses

Plan 1

Ward	BVAP	Amos	Collins	Dupree	Espy '18	Espy '20	Green
1	63.0%	79%	82%	80%	85%	83%	79%
2	23.6%	34%	39%	35%	41%	44%	34%
3	64.6%	46%	50%	47%	54%	55%	46%
4	21.9%	34%	38%	35%	41%	44%	34%
5	39.4%	35%	39%	36%	42%	45%	35%
6	36.0%	40%	44%	41%	47%	48%	40%
7	25.8%	44%	47%	44%	51%	50%	44%

Plan 2

Ward	BVAP	Amos	Collins	Dupree	Espy '18	Espy '20	Green
1	63.0%	79%	82%	80%	85%	83%	79%
2	23.6%	34%	39%	35%	41%	44%	34%
3	64.6%	46%	50%	47%	54%	55%	46%
4	25.0%	39%	43%	39%	46%	48%	38%
5	26.7%	34%	39%	35%	41%	44%	34%
6	45.3%	40%	44%	41%	47%	48%	40%
7	25.9%	44%	47%	44%	51%	50%	44%

Plan 3

Ward	BVAP	Amos	Collins	Dupree	Espy '18	Espy '20	Green
1	63.0%	79%	82%	80%	85%	83%	79%
2	23.6%	34%	39%	35%	41%	44%	34%
3	64.6%	46%	50%	47%	54%	55%	46%
4	18.1%	35%	39%	36%	42%	45%	35%
5	43.8%	35%	39%	36%	42%	45%	35%
6	36.0%	40%	44%	41%	47%	48%	40%
7	25.8%	44%	47%	44%	51%	50%	44%

Plan 6

Ward	BVAP	Amos	Collins	Dupree	Espy '18	Espy '20	Green
1	60.1%	84%	86%	85%	90%	87%	84%
2	21.4%	32%	38%	33%	40%	43%	33%
3	63.5%	72%	75%	73%	78%	76%	72%
4	22.8%	27%	31%	28%	34%	38%	27%
5	21.0%	31%	35%	31%	38%	40%	31%
6	47.5%	57%	61%	59%	64%	64%	57%
7	23.7%	38%	41%	38%	44%	45%	38%

Plan 7

Ward	BVAP	Amos	Collins	Dupree	Espy '18	Espy '20	Green
1	60.0%	80%	83%	81%	87%	84%	80%
2	20.9%	40%	45%	41%	47%	49%	40%
3	63.0%	79%	81%	79%	83%	82%	78%
4	24.6%	26%	31%	27%	33%	37%	26%
5	19.4%	28%	33%	29%	35%	38%	28%
6	47.3%	58%	61%	59%	65%	64%	58%
7	23.5%	38%	41%	38%	43%	45%	38%

Plan 8

Ward	BVAP	Amos	Collins	Dupree	Espy '18	Espy '20	Green
1	60.1%	80%	83%	81%	87%	84%	80%
2	21.4%	40%	45%	41%	47%	49%	40%
3	63.4%	79%	80%	79%	83%	82%	78%
4	23.5%	27%	31%	27%	33%	37%	26%
5	21.8%	28%	33%	28%	34%	37%	28%
6	45.3%	60%	63%	61%	67%	66%	60%
7	23.5%	37%	40%	37%	42%	44%	37%