



DENVER
THE MILE HIGH CITY

TO: Denver City Council

FROM: David W. Broadwell, Asst. City Attorney

RE: **Legal Assessment of Proposed City Council Redistricting Map and Ordinance**

DATE: April 18, 2012

City Council Resolution No. 11-0661, which established standards and procedures for Council's 2012 redistricting process, included the following requirement:

"The Redistricting Committee will submit its proposed redistricting plan to the City Attorney's Office for review and legal assessment prior to submission to the Council. The City Attorney's Office legal assessment will become part of the record of the redistricting process."

This memorandum is submitted on behalf of the Denver City Attorney's Office in accordance with the foregoing requirement.

We have reviewed the proposed ordinance and map approved by a majority of the Redistricting Committee, as now reflected in Council Bill 286, Series of 2012. Our assessment is that the proposed ordinance and map is fully compliant with all applicable legal standards. In particular:

- The proposed ordinance and map complies with: (A) the requirement of section 3.1.2 of the Charter that districts "shall be divided as equally as practical so that they contain equal population;" (B) the guarantee of Equal Protection of the laws under the state and federal constitutions, commonly referred to as the principle of "one person, one vote;" and (C) the standard for maximum population deviation set forth in Council Resolution 11-0661 ("The sum of the percentage by which the population of the largest district exceeds the norm and the smallest district falls short of the norm shall not exceed ten percent.")
- The proposed ordinance and map complies with the requirement of section 3.1.2 of the Charter that all districts "shall contain contiguous territory."
- The proposed ordinance and map complies with the requirement of section 3.1.2 of the Charter that all districts "shall be as compact as can be."

- The proposed ordinance and map complies with the requirement of section 3.1.2 of the charter requiring all council districts to be comprised of whole election precincts.
- The proposed ordinance and map does not violate the Voting Rights Act of 1965 as amended, 42 U.S.C. § 1973, Section 2, or any other state or federal law prohibiting discrimination on the basis of race and ethnicity. In particular, the proposed ordinance and map does not provide any basis for a “vote dilution” claim under the VRA, given the manner in which Section 2 of the VRA has been interpreted and applied by the United States Supreme Court and other courts.

Please let us know if you have any additional questions, or if you would like a fuller explanation of the assessment and opinions provided in this memorandum.