
MEMORANDUM

TO: ALL CITY COUNCIL MEMBERS
FROM: TERRY E. COHEN, COUNCIL PRESIDENT
SUBJECT: ELECTION REDISTRICTING DATA BRIEFING
DATE: 11/10/2011
CC: BRENDA COLEGROVE, CITY CLERK

City Administrator John Pick informed me November 9 that Frank McKenzie of the Planning & Zoning Department would be available for providing a data briefing on election redistricting at Council's November 14 legislative session. Mr. McKenzie will provide insight on the mechanics, demographics and statistics using Census 2010 data and the Maptitude software.

Municipalities approach the redistricting process in a variety of ways. One factor that is special to Salisbury is a court consent decree from the late 1980s that established District 1 for compliance with the Voting Rights Act. That consent decree is attached for your information.

Mr. Pick also informed me that the census data can be extracted from the Maptitude software for Council's use. Mr. McKenzie's availability for the meeting is for the purpose of providing an analytical foundation for Council and not to advocate for any particular plan.

ROBERT A. EATON, P. A.

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ROBERT A. EATON

March 30, 1998

Mrs. Brenda J. Colegrove
City Clerk
City of Salisbury
Government Office Building
Salisbury, Maryland 21801

Dear Brenda:

You requested that I obtain a copy of the Order that was filed in the Federal District Court establishing District No. 1. I went through my records and found the Order. This is not a copy signed by the Judge but the Judge did, in fact, sign this Order. I simply was not able to find the signed copy.

Very truly yours,


Robert A. Eaton

RAE:lfm
HAND DELIVERED
Enclosure
cc: Mayor W. Paul Martin, w/o encls.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

BILLY GENE JACKSON, SR., *
et al. *

Plaintiffs *

vs. *

CIVIL NO. Y-86-587

CITY OF SALISBURY, MARYLAND, *
et al. *

Defendants *

* * * * *

CONSENT DECREE

1. This case was filed by the Plaintiffs on February 20, 1986, pursuant to Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973.

2. This Court has jurisdiction of this action pursuant to 42 U.S.C. 1973j(f) and 28 U.S.C. 1331 and 1343.

3. The Plaintiffs and the Defendants have agreed to settle this action and stipulate to the following as the basis for that settlement:

A. The Salisbury City Council is composed of five members who are elected at-large to serve four year terms. There is a City residency requirement for Council seats. Terms are staggered, so that three seats are up in one election year and two seats (plus the mayoralty) are up in the next.

Salisbury City Charter, § 6-15.

B. According to the 1980 Census, the City of Salisbury had a total population of 16,429, of whom 3,034

(18.5%) were black. The voting age population in 1980 was 12,628, of whom 16.0% were black.

C. There has not been a black candidate for City Council since the early 1950's. No black has ever been elected to the City Council. In January, 1987, Gertrude W. Shockley, a black, was appointed to the City Council to fill the unexpired term of Norman H. Conway, who was elected to the General Assembly.

D. The parties agree that the City of Salisbury did not intentionally deny or abridge the right of citizens to vote on account of race or color or deliberately provide black citizens with less opportunity than white citizens to participate in the electoral process and to elect candidates of their choice. The Plaintiffs and the Defendants agree that the totality of the factual circumstances in Salisbury demonstrate, upon consideration of the factors set forth at pages 28-29 of the Senate Report accompanying the enactment of amendments to Section 2 of the Voting Rights Act in 1982 (S. Rep. No. 417, 97th Cong., 2d Sess. 193 (1982)), that the effect of the at-large method of nominating and electing the City Council member is violative of § 2 of the Voting Rights Act, 42 U.S.C. 1973 inasmuch as the existing at-large system tends to afford blacks unequal access to the electoral process.

E. The parties agree that, notwithstanding the absence of purposeful discrimination, the at-large method of electing City Council members mandated by the City Charter, as

applied in Salisbury, violates § 2 of the Voting Rights Act, 42 U.S.C. § 1973, and the parties have consented to the entry of this decree.

IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

A. Even though there has been no purposeful discrimination, the at-large system used for electing the members of the City Council of Salisbury violates § 2 of the Voting Rights Act, 42 U.S.C. 1973.

B. The City of Salisbury and its agents are enjoined from administering, implementing, or conducting any elections after the 1988 election for the Salisbury City Council under the at-large system heretofore applied in Salisbury.

C. The City of Salisbury and its agents shall conduct all City Council elections after the 1988 election such that one Council members is nominated and elected by the voters in a single-member district, and four Council members are nominated and elected by the voters in an at-large district.

D. Subject to Paragraphs D and G below, The City of Salisbury and its agents shall conduct the 1990 election for City Council and all subsequent elections such that one City Council members must reside in and be elected by the voters in District 1 and four Council members must reside in and be elected by the voters in District 2 and that the districts shall be those districts described as follows and illustrated on Attachment A of this Consent Decree.

E. The plan described in Paragraph D above shall be implemented as follows:

1. In 1988, the voters of the entire City shall elect three (3) City Councilmen to fill the three (3) at-large seats held by Martha K. Graham, S. Norman Holland, Jr. and Robert A. Powell. The persons elected to fill these offices shall each serve a four-year term of office.

2. In 1990, the voters in District 2 shall elect one City Councilman to fill the seat currently held by Robin Cockey; the voters in District 1 shall elect one City Councilman to fill the seat held by Gertrude W. Shockley; and the voters of the entire City shall elect a mayor. The persons elected to these respective offices shall each serve a four-year term of office.

3. In 1992, the voters in District 2 shall elect three City Councilmen to fill the three at-large seats in District 2 which were not subject to election in 1990. Each of the Councilmen elected in 1992 shall serve a four-year term of office.

F. The two districts described in Paragraph D above have the following population characteristics:

<u>District #</u>	<u>Seats</u>	<u>Total pop.</u>	<u>Deviation %</u>	<u>Black pop.</u>	<u>Black</u>
1	1	3,152	-4.9	1,837	58.3
2	1	13,419	+1.2	1,339	10.0

Total population:	16,571
Ideal district population	District 1 - 3,314
	District 2 - 13,257
Average variance:	3.05
Range:	6.1

G. The parties recognize that the plan described in Paragraph D above may have to be modified as a result of the 1990 Census.

H. Non-residential property owners eligible to vote shall have their votes counted in District 2.

I. Defendants agree to pay unto C. Christopher Brown, attorney for Plaintiffs, the amount of \$8,822.00 in full and final settlement of Plaintiffs' claims for costs, expenses and attorneys' fees.

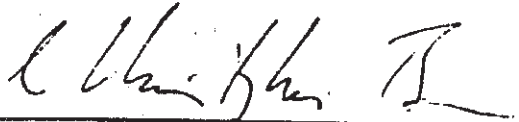
UPON CONSIDERATION of the foregoing, this Consent Decree is hereby entered as the judgment of this Court.

IT IS SO ORDERED this _____ day of June, 1987.

United States District Judge

AGREED AND CONSENTED TO:

FOR THE PLAINTIFFS:

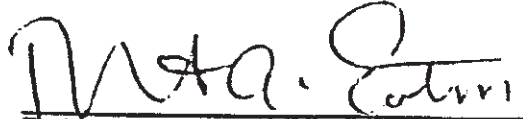


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AGREED AND CONSENTED TO:

FOR THE DEFENDANTS:



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ATTACHMENT "A"
VOTING DISTRICT NO. 1

All that tract or parcel of land situate, lying and being in the City of Salisbury, Wicomico County, Maryland, and located on the Westerly side of the City of Salisbury, more particularly described as follows:

BEGINNING for the same at a point where the corporate limit of the City of Salisbury intersects Johnson's Pond; bounded on the east by Johnson's Pond, the North Branch of the Wicomico River, the East Branch of the Wicomico River, and that section of South Salisbury Boulevard between the East Branch of the Wicomico River and Vine Street; bounded on the south by a line running generally in a westerly direction from South Salisbury Boulevard by and with West Vine Street to Newton Street; by and with Newton Street to Smith Street; by and with Smith Street to Ohio Avenue; by and with Ohio Avenue to Camden Avenue; by and with Camden Avenue to Winder Street; by and with Winder Street to Howard Street; by and with Howard Street to Alabama Avenue; by and with Alabama Avenue to Beauchamp Street; by and with Beauchamp Street to Wicomico Street; by and with Wicomico Street to the Wicomico River; by and with the Wicomico River to the corporate limit at the southerly corner of Chesapeake Ship Yard; bounded on the west and the north by the corporate limit of the City of Salisbury as of June 8, 1987.

VOTING DISTRICT NO. 2

The balance of the City limits.