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SECTION BY SECTION ANALYSIS
LEGISLATIVE DISTRICTING

Section 9: Legislative Districting. This section divides Saipan into districts for purposes of the elections required by section 8.

The districts are composed as follows:

- First District - Municipal district nine and those portions of municipal district eight falling within census enumeration districts six, seven and eight, electing two representatives;
- Second District - Municipal district eleven, excluding that portion of the district falling within census enumeration district eleven, electing three representatives;
- Third District - Municipal districts five and seven, electing three representatives;
- Fourth District - Those portions of municipal district one falling within census enumeration districts twenty-nine and thirty, municipal districts six and ten, that portion of municipal district eight falling within census enumeration district nine, and that portion of municipal district eleven falling within census enumeration district eleven, electing four representatives;
- Fifth District - Municipal districts two and three, and that portion of municipal district one falling within census enumeration district thirty-one, electing ~~one~~ ^{three} representatives; and

Sixth District - Municipal district four and the islands north of Saipan, electing three representatives.

It is believed that the first elections for the Commonwealth government should be conducted in the manner in which subsequent elections will be conducted. This

This goal can be achieved, however, only if Saipan is divided into districts before that first election, so that the first legislature will be elected on the same basis as that required of subsequent legislatures. It is possible to be certain that districting will be accomplished only if a districting scheme is included in the schedule. This section serves that function.

In confronting the problem of dividing Saipan into districts, three guiding principles were established. First and most important was the principle of conformance to the one person, one vote rule required by law. Second, it was thought desirable to produce districts which were contiguous and reasonably compact. Finally, there was an effort to avoid dividing municipal districts, as far as possible.

The one person, one vote principle applies to legislative districts on Saipan with the same force as it does to apportionment of seats between Saipan and the rest of the Commonwealth. Indeed, its impact is even more forcible--deviations from the principle which might be acceptable if caused by the constraints of island geography could not be sustained if they occurred in the districting of a compact land mass. Therefore, it was necessary to obtain the most precise information available and give first

priority to considerations of numerical equality. In some cases, areas which, it could be argued, should have voted together had to be placed in different districts, in order to guarantee the numerical equality which the law demands.

The requirement of contiguity and compactness was adopted in an effort to produce districts whose people faced common problems and whose representatives could keep in reasonably close touch with all their constituents. It should also be noted that the courts have not favored districting plans which ignore these principles.

The effort to avoid dividing municipal districts was based on two factors. First, it was felt that inhabitants of districts shared many concerns, which might not be reflected in the legislature if the districts were divided. Also, voters on Saipan are accustomed to voting on a municipal district basis.

The idea of electing representatives by districts rather than at large is new to Saipan. Inevitably, it will cause confusion. It was felt that this confusion can be minimized if the voting is done on the basis of geographical units with which the voters are familiar.

Turning, then, to the implementation of these goals, it was necessary to answer two questions. First, information was needed as to the number of people to be affected by the plan. Second, it was necessary to determine where the people lived. Furthermore, this information was needed in as much detail as possible, to permit the highest achievable degree of numerical equality.

It was decided to rely for information upon the census conducted by the Trust Territory government in 1973. Of course, the population of Saipan has increased over the past three years, but figures as detailed as those of the census but collected at a more recent period were not available. In light of the need for precision, it was decided to use the census figures. The figures used were those for total population, rather than for some subclass of the total, in order to ensure that no person who might be an eligible voter was excluded from the calculation. It should be explained that the census was useful not only in determining the numbers of people, but also ^(in determining) on ~~the~~ location. In order to conduct the census, each municipal district on Saipan was divided into a number of areas called "census enumeration districts." The census thus included population totals not only for whole municipal districts, but also for the individual census enumeration districts comprising the municipal districts.

These census enumeration districts necessarily became the building blocks of the districting plan. When it was not possible to take municipal districts intact, census enumeration districts could be detached, or added from neighboring municipal districts. Indeed, the requirement of maximum numerical equality left no alternative to focusing on census enumeration districts. This is because, in creating legislative districts, the degree of equality achieved depends on the population of the geographical building blocks. If geographical units of relatively large population are used, the number of possible combinations is limited, and adjustments for inequalities through shifting slices of territory from one district to another cannot

be made, since the populations of these territorial slices are not known. But if geographical units of relatively small population can be used, more precision is possible. Many combinations are available, and territory can be shifted from district to district more easily, since the population of these small territorial units is known. Since greater precision is possible if smaller units are used as building blocks, it was necessary to work primarily with these relatively small census enumeration districts, because the law requires the most precise possible degree of equality.

Conversely, it was not possible to work with territorial units smaller than census ~~enumeration~~ districts because the only known population figures were for whole census enumeration districts. Thus, it was on occasion impossible to link certain areas which happened to be in different enumeration districts, because the combination of the enumeration districts would have produced too large a unit, and the precise population of the particular sections of the enumeration districts which ^{"belong"} "belong" together were not known.

The method used in devising the electoral districts was simple. First, the population of a particular census enumeration district was ascertained. Next, the populations of the surrounding census enumeration districts were checked. If the sum of the populations of the census enumeration districts ^(comprising a municipal district) was reasonably close to the number required to justify one, or two, or three, or four representatives, the municipal district became an electoral district. But if the municipal district was too large or too small, enumeration districts were separated from their own municipal districts, or added from other municipal districts, to produce a district whose size

was closer to the precise number required to justify the allotment of one, or two, or three, or four representatives.

The result of the districting effort is contained in the section. Attached is a population breakdown of the proposed districts. While these documents are largely self-explanatory, a few comments are in order.

It was not possible to produce districts that are precisely equal numerically. The fifth district is 5.7% smaller than it should be ideally, if it is to have three representatives. Similarly, the second district is six percent too big. These are the largest deviations up or down. Their total of 11.7% is probably acceptable, but somewhat higher than might be hoped. It was possible to avoid an even higher deviation, however, only by detaching single census enumeration districts from both municipal district eleven and municipal district eight, and attaching them to the unit composed of municipal districts six and ten. It was also necessary to divide municipal district one, giving one portion to the unit just described, and another to a unit composed of the second and third municipal district. While these actions violate the principal of preserving the integrity of municipal districts, it is required by the more important principle of numerical equality. Further, only three municipal districts - one, eight, and eleven⁽⁻⁾ were divided which, under the circumstance, is ~~not~~ about the best that can be hoped.

Because of their small population, it was not possible to give the islands north of Saipan a representative of their own. However, by placing them in a single member electoral district with the fourth municipal

district, these islands have been guaranteed the largest possible voice. A two or three member electoral district must, of course, be larger than a single member district.

If these islands were in such a district, they would be an even smaller minority than they are under this scheme, and thus even more easily ignored. Furthermore, this disposition of the islands north of Saipan makes it possible to avoid more divisions of municipal districts, which would be necessary if these islands were placed in some other single member district.

While the decision to create a four-member district in electoral district four was made reluctantly, the constraints of numbers left no alternative. Municipal district six is too small for two representatives and too large for one. It must therefore be divided, or combined in some larger aggregation. To avoid inequality, it was necessary to combine so many census enumeration districts together than a four-member electoral district was required. This is because the populations of the census enumeration districts lying in this portion of Saipan are such that any combination leading to smaller units than ^{the} ~~this~~ one used produces a deviation from equality too large to be acceptable.

This subject is, understandably, sensitive. However, every effort was made to treat all members of the community fairly. It is believed that the proposed scheme comes as close as possible to meeting the three principles described at the beginning of this report in as equitable a fashion as can be achieved.

- First District - Census enumeration districts four, five, six seven and eight.
representatives - 2
population - 1,593
deviation - +29 (1.8%)
- Second District - municipal district eleven, minus census enumeration district eleven.
representatives - 3
population - 2,486
deviation - +140 (+6.0%)
- Third District - municipal districts five and seven
representatives - 3
population - 2,268
deviation - -78 (-3.3%)
- Fourth District - municipal districts six and ten, plus census enumeration districts nine, eleven, twenty-nine and thirty.
representatives - 4
population - 3,186
deviation - +58 (1.8%)
- Fifth District - municipal districts two and three, plus census enumeration district thirty-one
representatives - 3
population - 2,212
deviation - -134 (-5.7%)
- Sixth District - municipal district four, plus the islands north of Saipan
representatives - 1
population - 770
deviation - -12 (-1.5%)