



Memorandum

DATE March 19, 2014

TO The Honorable Chair and Members of the Charter Review Commission

SUBJECT Briefing Materials on Redistricting

Attached are the following materials on redistricting:

1. PowerPoint on redistricting.
2. PowerPoint on the legal overview of redistricting.
3. Letter to the Department of Justice regarding the 2011 Dallas redistricting plan to explain the redistricting process in 2011.
4. Charter provisions regarding redistricting from other cities
Other large Texas cities:
 - a. Houston
 - b. San Antonio
 - c. Fort Worth
 - d. El PasoIndependent Redistricting Commissions:
 - e. Austin
 - f. San Diego, California

BARBARA McANINCH
Assistant City Attorney

Attachments (4)

**BRIEFING ON REDISTRICTING
TO THE
CHARTER REVIEW COMMISSION**

Barbara McAninch

City Attorney's Office

Redistricting Basics and Terminology

- Dallas has 14 single-member districts
- The U.S. Constitution mandates that district lines be redrawn so that districts have roughly equal population (Baker v. Carr, 1962)
- So – Census in 2010, Redistricting in 2011
- The Dallas Charter process was approved in 1989 when the 14-1 City Council system was put into place.
- How does the redistricting process currently work in Dallas?

CURRENT CHAPTER IV §5

- (b) Redistricting commission.
- (1) Not later than the date of receipt of any federal census, each member of the city council shall appoint one member of a redistricting commission.
- The mayor shall designate the chair of the redistricting commission, subject to confirmation by a majority of the city council.
 - In making such appointments, the city council and the mayor shall, as nearly as may be practicable, provide fair and balanced representation of all geographical areas of the city in the redistricting process and provide a total membership that reflects the racial and ethnic makeup of the city's population.
 - Members of the redistricting commission shall be appointed to serve a term that will end upon completion of the commission's work.

CHAPTER IV §5

(2) A member of the city council is not eligible for appointment to the redistricting commission.

- A member of the redistricting commission is not eligible to be a candidate for a place on the city council in the next succeeding general election of the city, and may not be appointed or elected to the city council or to any other official board or commission of the city for a period of one year after service on the redistricting commission.

(3) The redistricting commission shall promptly convene in such sessions as are necessary, including public hearings, to develop, prepare, and recommend a districting plan that proposes the respective boundaries of the various districts comprising the city council under this Charter.

CHAPTER IV §5

- Upon completion of its work, the redistricting commission shall file its recommended districting plan with the mayor.
- The mayor shall present the recommended plan to the city council at its next meeting.
- The city council shall adopt the plan as submitted or shall modify and adopt the plan, in either case within 45 days of receipt by the mayor.
- If neither of such actions is taken within 45 days, then the recommended plan of the redistricting commission will become the final districting plan for the city.

CHAPTER IV §5

(4) The districting plan developed in accordance with this section must be implemented at the next general election of the city council conducted at least 90 days following the date the final districting plan becomes effective for the city.

- Amend. Of 8-12-89, Prop. Nos. 1 and 4 – Established Redistricting Commission
- Amend. of 5-1-93 -, Prop. No. 1 – Technical language changes
- Amend. of 11-8-05, Prop. No. 7 – Dissolved Commission when work is complete

VOTING RIGHTS ACT

SECTION 5 PRECLEARANCE

- In *Shelby County v. Holder* (June 25, 2013), the U.S. Supreme Court struck down Section 4 of the Voting Rights Act (VRA), the formula that compelled specific states (including Texas) with a well-documented history of voting discrimination to pre-clear voting changes with the Department of Justice or the District of Columbia federal court under Section 5 of the VRA.

VOTING RIGHTS ACT

- Although Dallas will not be required to submit voting changes for preclearance, the City is still subject to Section 2 of the VRA which allows parties who have been discriminated against by a districting plan to go to federal court to stop discriminatory voting practices.

VOTING RIGHTS ACT

- Representatives Jim Sensenbrenner (R-WI), John Conyers (D-MI), and Senator Patrick Leahy (D-VT) introduced legislation to strengthen the VRA. The legislation, known as “The Voting Rights Amendment Act of 2014,” is the first attempt by a bipartisan group in Congress to reinstate the Section 4 formula with up-dated information. Texas will be included in the preclearance requirements again if this amendment is enacted as proposed.

OTHER TEXAS CITIES

HOUSTON

Establishment of District Boundaries; Determinations of Population.

- The Houston process of establishing district boundaries is handled exclusively by its City Council by ordinance.
- Each year in which a city general election is held the City Council investigates the district population based on best available census data and may redistrict, if necessary, by ordinance.
- The tests are whether the distribution of population among the districts is materially unbalanced, or the number of Council members increases from 14 to 16 [an option in the Charter when the city population increases], or the annexation of new territory into the city has occurred.

OTHER TEXAS CITIES

SAN ANTONIO

- Councilmembers are elected from districts or wards that are drawn by ordinance and shall be as nearly equal in population as practicable.
- The boundaries of the districts or wards are reexamined and redetermined by ordinance, if necessary, following each federal census
- They are also adjusted at other times when substantial variances in the number and makeup of the population of districts or wards have occurred, taking into consideration annexations, disannexations, shifts in population, compactness, ethnic composition and other criteria established by law.
- On any annexations, the City Council designates the annexed area to be a part of the wards or districts to which it is contiguous.

OTHER TEXAS CITIES

FORT WORTH

- The 8 single-member districts are redrawn, if necessary, after census data is available to determine the population of the districts.
- The City Council alters the district boundaries by ordinance to maintain a substantial equality of population in each district.

OTHER TEXAS CITIES

EL PASO

- On or before September 1 of the year following the census, each Representative nominates one qualified voter from his or her district and the Mayor nominates one qualified voter from the City at large.
- Upon approval by the Council, these nominees shall comprise the Districting Commission. The Commission shall elect its own presiding officer.
- The nominees chosen shall not serve the City in any other capacity, whether appointive or elective, nor shall they hold any other elective public office.
- The Commission shall make recommendations to the Council concerning adjustments of the boundaries of the Representative districts.
- Upon receiving the Commission's recommendations, the Council shall review the population of each district, and as soon as possible, shall change the boundaries thereof as necessary to insure substantial equality in the populations of the districts.
- In addition, the Council may change the boundaries of the Representative districts more often than after each decennial census, as necessary to insure substantial equality in the populations of such Representative districts.
- All such changes shall be made in a manner which complies with the constitutional principles and laws governing voting rights of the United States and Texas.

CITIES WITH AN INDEPENDENT REDISTRICTING COMMISSION

AUSTIN

- Commission is 14 persons who are voters continuously registered to vote in Austin for 5 or more years and shall have voted in at least 3 of the 5 most recent city elections, except 1 student member.
- Cannot hold office in Austin for 10 years from appointment date

AUSTIN

- **Commission Selection Process**
- June 1 of each year ending in a 0, Austin City Auditor publicizes application process to obtain a pool of registered voters with requisite numbers, qualifications and diversity. Process remains open until September 30 of year ending in 0.
- At same time City Auditor will open applications for qualified independent auditors that reside in the City which will close on September 1 of year ending in 0. Auditor qualifies independent auditor application pool for conflicts and those who do not meet qualifications.
- At a public meeting the City Auditor randomly draws the names of three qualified independent auditors, and they become the Applicant Review Panel to interview and select the members of the Independent Redistricting Commission from the qualified applicants.

AUSTIN

- **Commission Selection Process**
- The Applicant Review Panel selects a pool of 60 qualified applicants on the basis of analytical skills, ability to be impartial, residency in various parts of the City and appreciation of diversity, demographics and geography.
- The pool of 60 are submitted to the City Council and each member of the City Council has 5 days to strike one applicant from the pool in writing.
- At a public meeting the City Auditor draws eight names from the remaining pool of applications, and these eight persons serve on the Citizens Redistricting Commission.
- These 8 then review the remaining pool and select 6 applicants to serve on the commission by a super-majority vote. The 6 appointees must be selected to ensure that the commission reflects the diversity of the city.

AUSTIN

- **Charter sets districting criteria:**
 - Reasonably equal in population
 - Comply with Voting Rights Act or any other requirement
 - Geographically contiguous
 - Local neighborhoods and local communities of interest shall be respected to the extent possible
 - Encourage geographical compactness
 - To the extent practicable, not split existing voting precincts
 - To the extent practicable, boundaries drawn using geographically identifiable boundaries
 - The place of residence of any incumbent or potential candidate shall not be considered

AUSTIN

- Commission will conduct meetings and hold public hearings to develop the plan. They may not receive communications from anyone outside of open public meetings.
- Its work must be complete by November 1 of each year ending in a 1
- Upon adoption, commission shall certify the plan to the City Council. The City Council may not change the plan.

OTHER CITIES WITH INDEPENDENT REDISTRICTING COMMISSIONS

SAN DIEGO

- The sole and exclusive authority to adopt plans for the nine City Council districts is vested in the Redistricting Commission.
- Redistricting Commission is 7 members who are appointed by the Presiding Judge of the Municipal Court, San Diego Judicial District.
- City Clerk solicits nominations made in writing from the general public.

SAN DIEGO

- All nominees are forwarded to the Presiding Judge, and the Judge appoints men and women to the Commission who will give the commission geographic, social and ethnic diversity and who have a high degree of competency. Appointees must have a demonstrated capacity to serve with impartiality and in a nonpartisan role.
- Must be registered voters and sign a written declaration not to seek public office for 5 years after appointment.

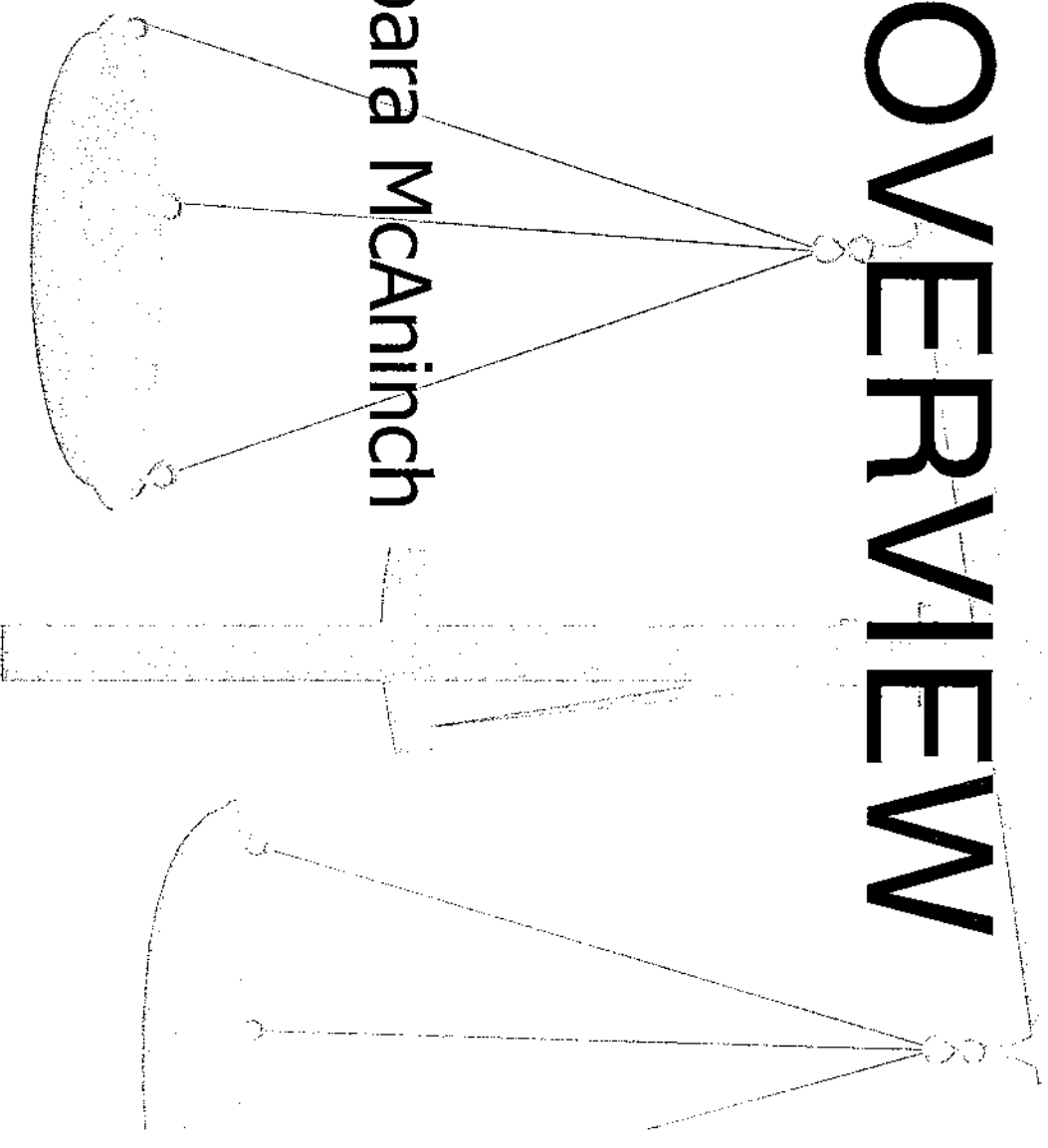
SAN DIEGO

- First meeting held within 20 days after appointment.
- All meetings are open to the public.
- 30 days prior to the adoption of the plan, the Commission files a preliminary plan with the City Clerk with a full written analysis supporting the plan.
- Commission then holds 3 public hearings in various geographic area of the city before it adopts a final plan.
- The final districting plan is effective 30 days after adoption, but is subject to a voter referendum in the same manner as city ordinances.

REDISTRIBUTING

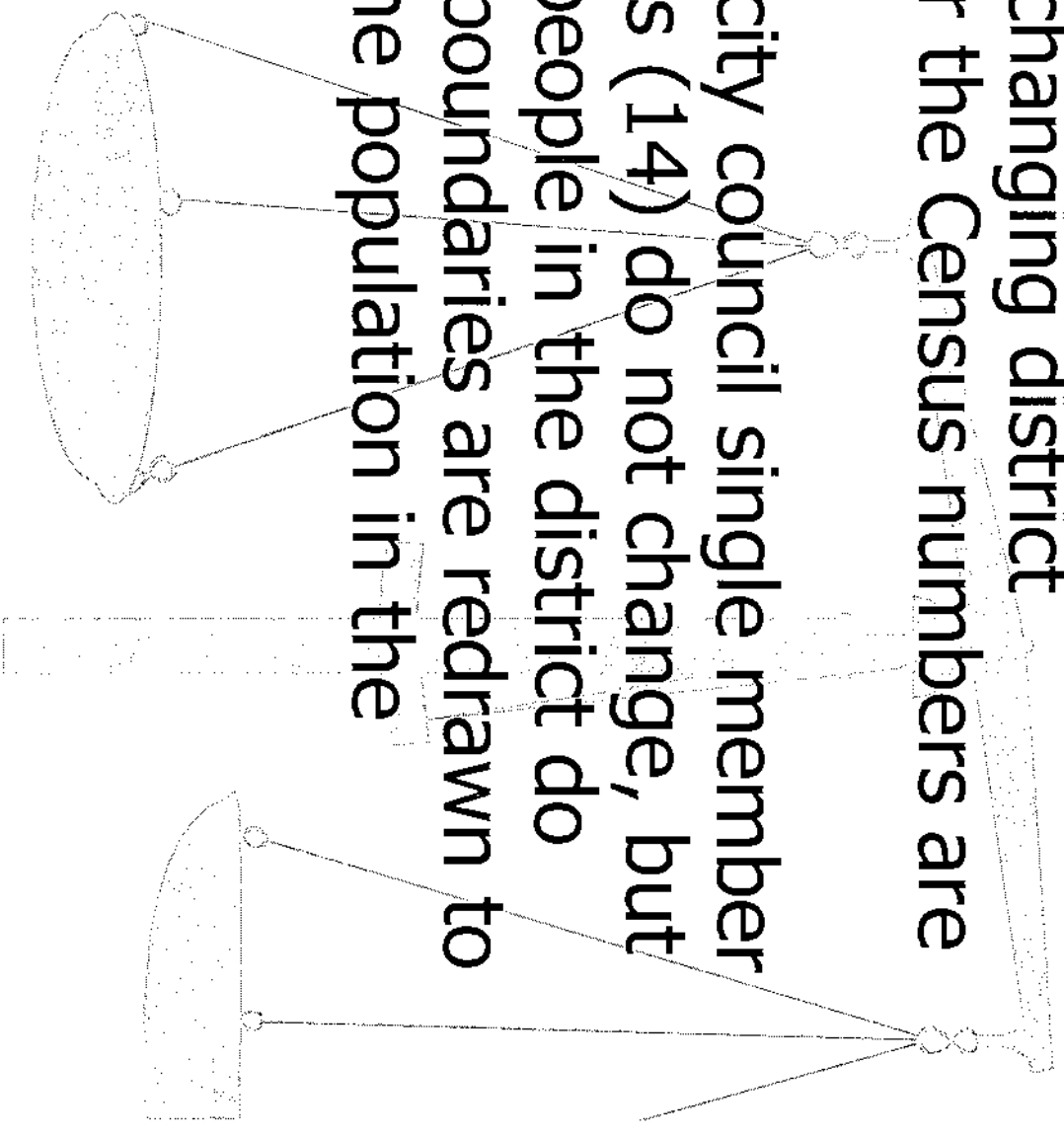
LEGAL OVERVIEW

Barbara McAninch



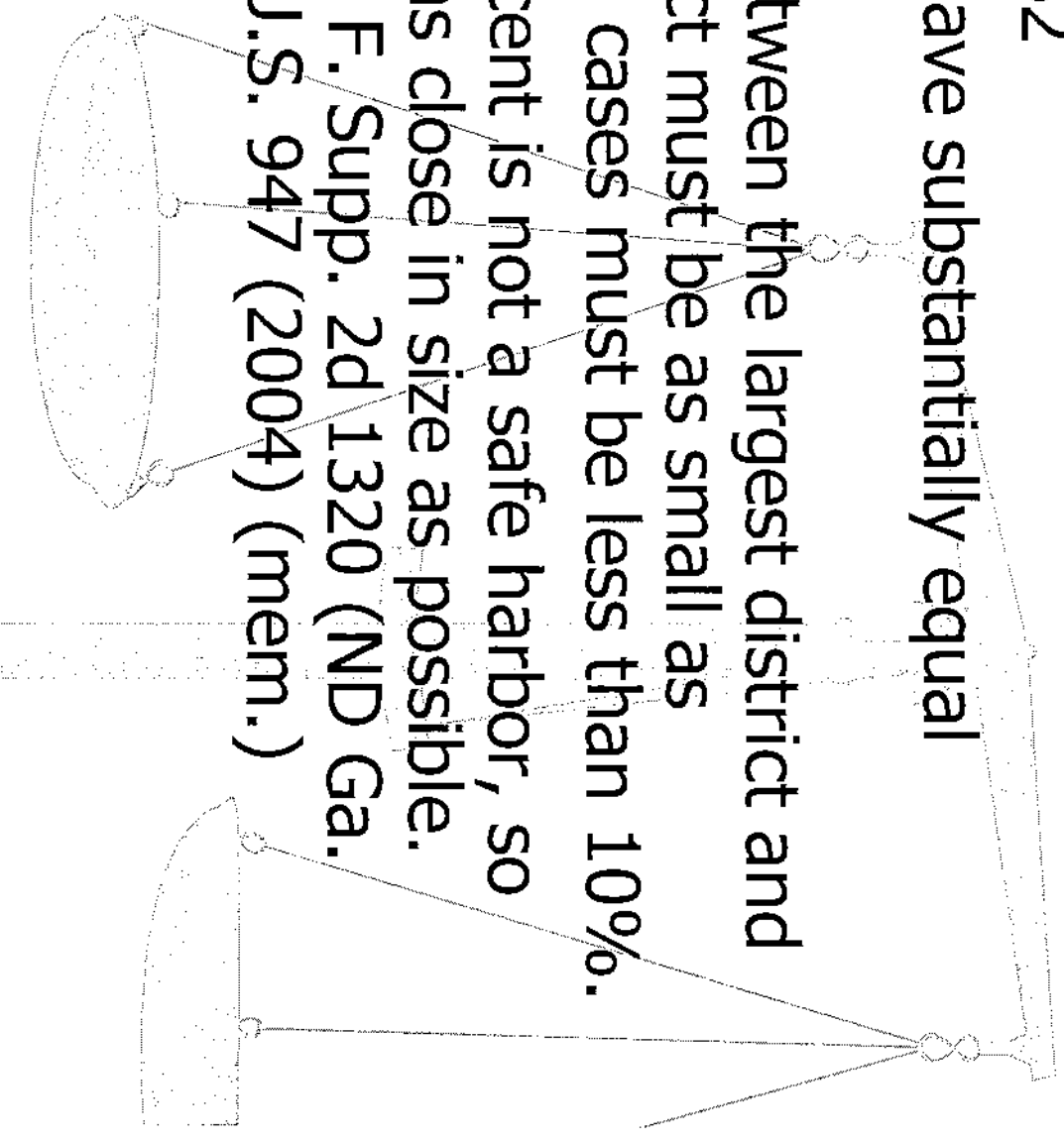
What Is Redistricting?

- The process of changing district boundaries after the Census numbers are available.
- The number of city council single member districts in Dallas (14) do not change, but the number of people in the district do change, so the boundaries are redrawn to fairly equalize the population in the districts.



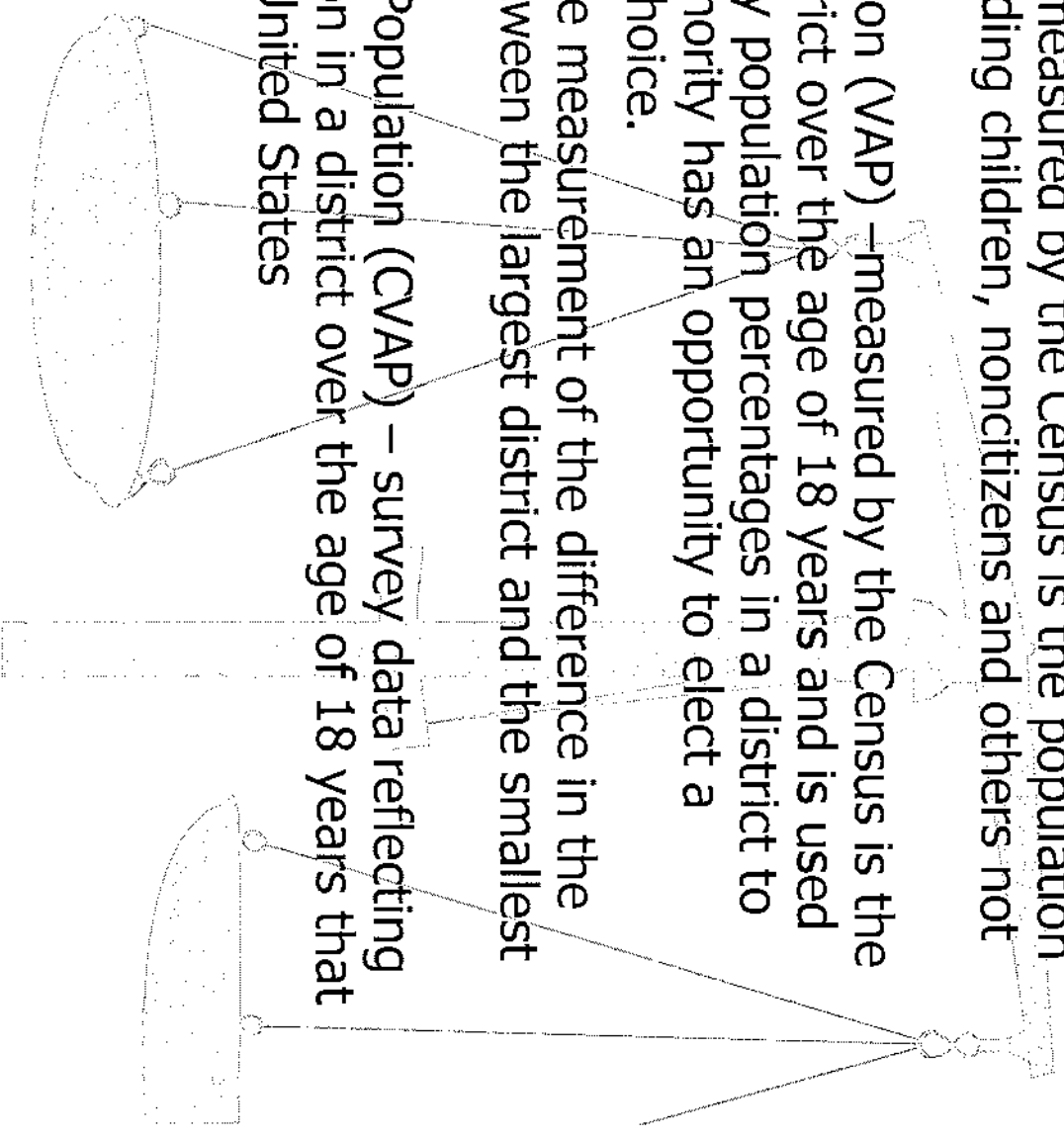
EQUAL POPULATION

- Baker v. Carr, 1962
- Districts have to have substantially equal population.
- Total deviation between the largest district and the smallest district must be as small as possible, but in all cases must be less than 10%.
- Less than ten percent is not a safe harbor, so districts must be as close in size as possible. *Larios v. Cox*, 300 F. Supp. 2d 1320 (ND Ga. 2004), aff'd, 542 U.S. 947 (2004) (mem.)



POPULATION DEFINITIONS

- Total population – measured by the Census is the population of the district, including children, noncitizens and others not eligible to vote.
- Voting Age Population (VAP) –measured by the Census is the population in a district over the age of 18 years and is used for tracking minority population percentages in a district to determine if the minority has an opportunity to elect a candidate of their choice.
- Total deviation – the measurement of the difference in the total population between the largest district and the smallest district.
- Citizen Voting Age Population (CVAP) – survey data reflecting estimated population in a district over the age of 18 years that are citizens of the United States

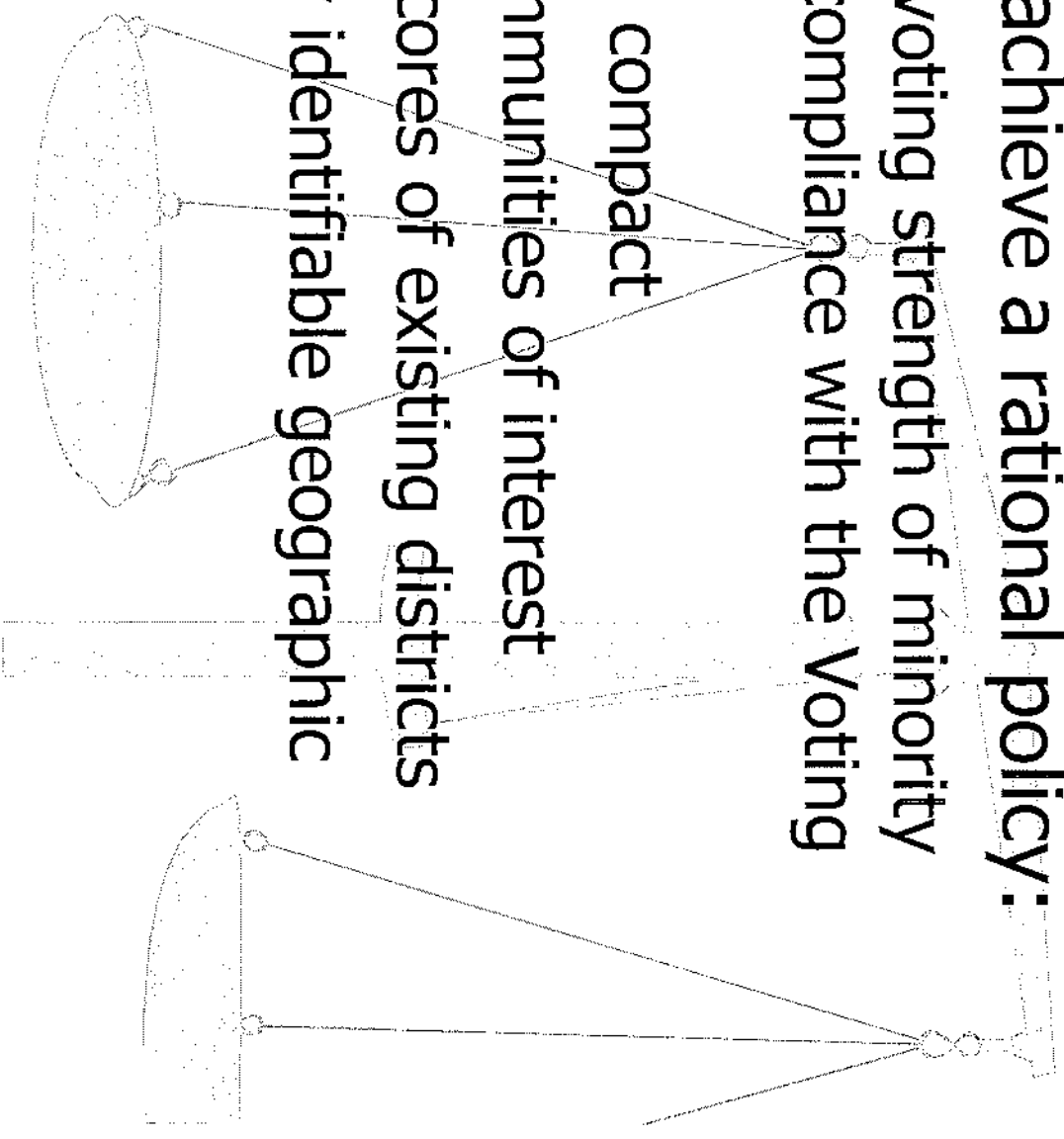


2010 CENSUS SHIFT IN DALLAS

District	2001 Approved Districts	2010 Census Count Results	Loss/Gain	2011 Ideal District Population	Current Deviation
1	86,379	80,101	-6,278	85,558	-5,457
2	80,825	70,643	-10,182	85,558	-14,915
3	81,016	98,943	17,927	85,558	13,385
4	82,086	85,671	3,585	85,558	113
5	84,257	89,740	5,483	85,558	4,182
6	82,946	74,328	-8,618	85,558	-11,230
7	80,949	74,666	-6,283	85,558	-10,892
8	81,821	96,643	14,822	85,558	11,085
9	89,030	88,076	-954	85,558	2,518
10	88,902	79,588	-9,314	85,558	-5,970
11	86,621	85,192	-1,429	85,558	-366
12	88,977	94,604	5,627	85,558	9,046
13	88,444	80,878	-7,566	85,558	-4,680
14	86,327	98,743	12,416	85,558	13,185
Total	1,188,580	1,197,816	9,236		

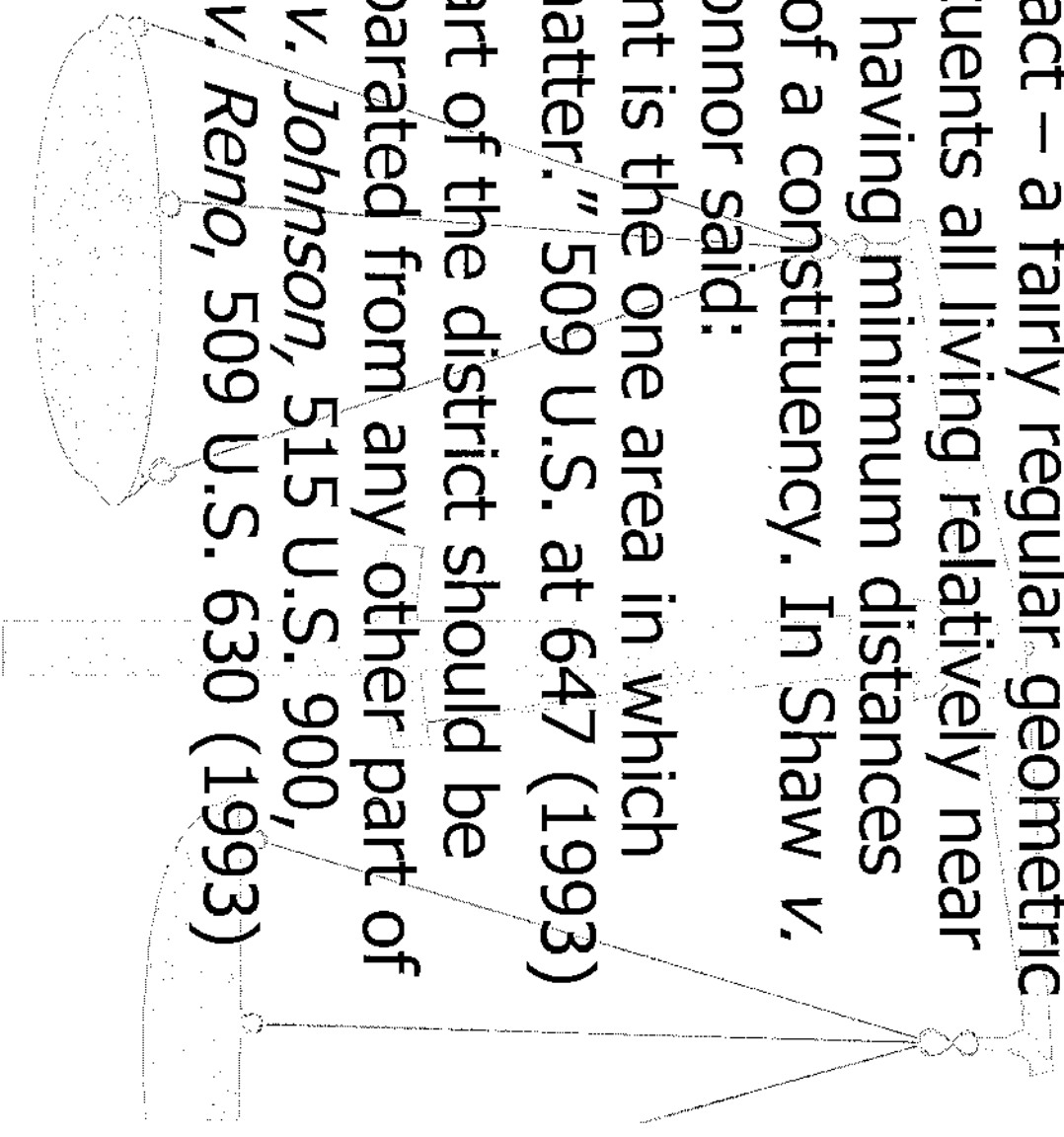
MINOR POPULATION DEVIATIONS ARE ALLOWED

- If necessary to achieve a rational policy:
 - Preserving the voting strength of minority populations in compliance with the Voting Rights Act
 - Making districts compact
 - Maintaining communities of interest
 - Preserving the cores of existing districts
 - Following easily identifiable geographic boundaries



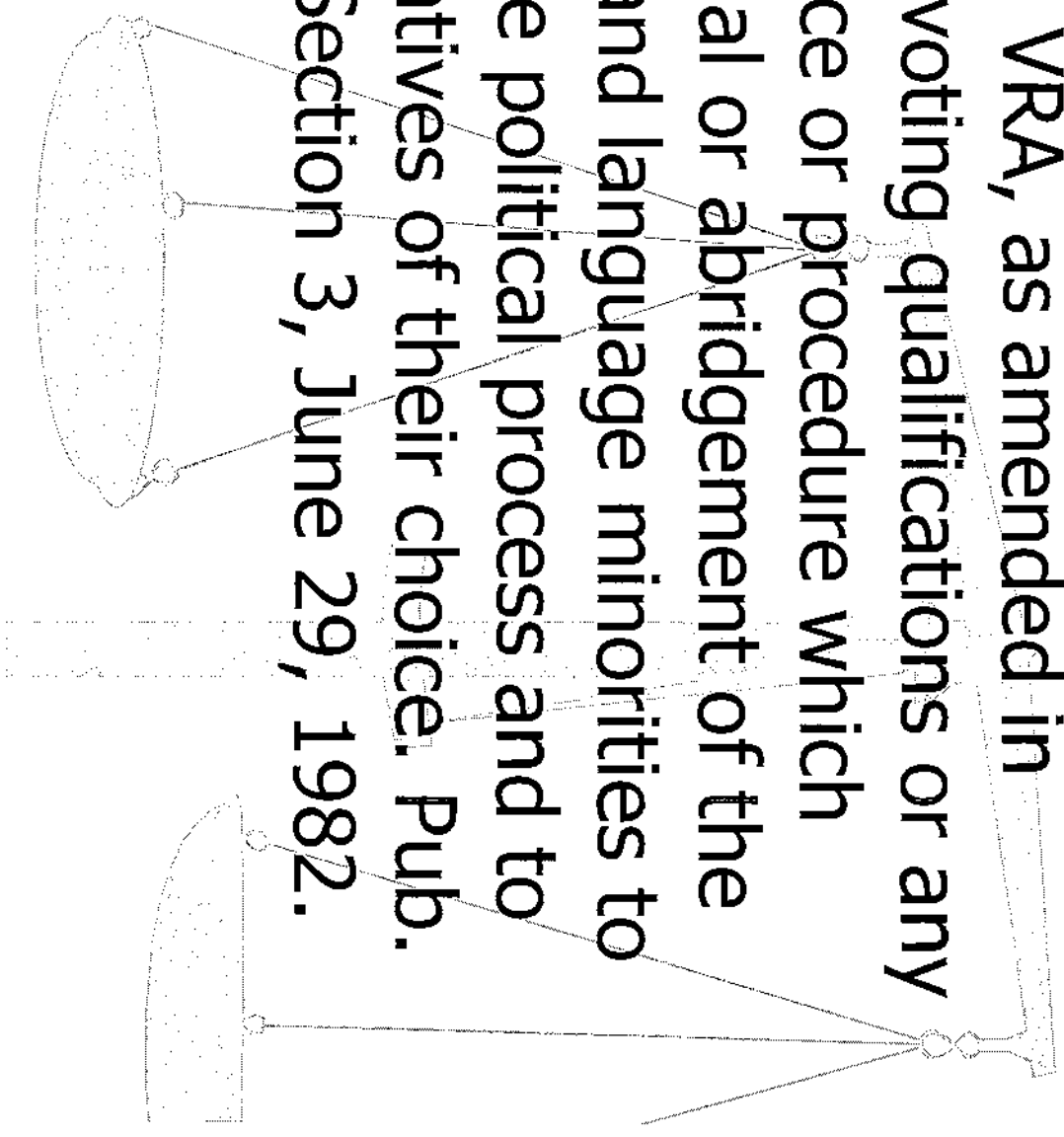
DISTRICTS MUST BE COMPACT AND CONTIGUOUS

- Reasonably Compact – a fairly regular geometric shape with constituents all living relatively near to each other and having minimum distances between all parts of a constituency. In *Shaw v. Reno*, Justice O'Connor said:
" [R]eapportionment is the one area in which appearances do matter." 509 U.S. at 647 (1993)
- Contiguous -No part of the district should be geographically separated from any other part of the district. *Miller v. Johnson*, 515 U.S. 900, (1995) and *Shaw v. Reno*, 509 U.S. 630 (1993)



THE VOTING RIGHTS ACT

- Section 2 of the VRA, as amended in 1982, prohibits voting qualifications or any standard, practice or procedure which results in a denial or abridgement of the rights of racial and language minorities to participate in the political process and to elect representatives of their choice. Pub. L. No. 97-205, Section 3, June 29, 1982.



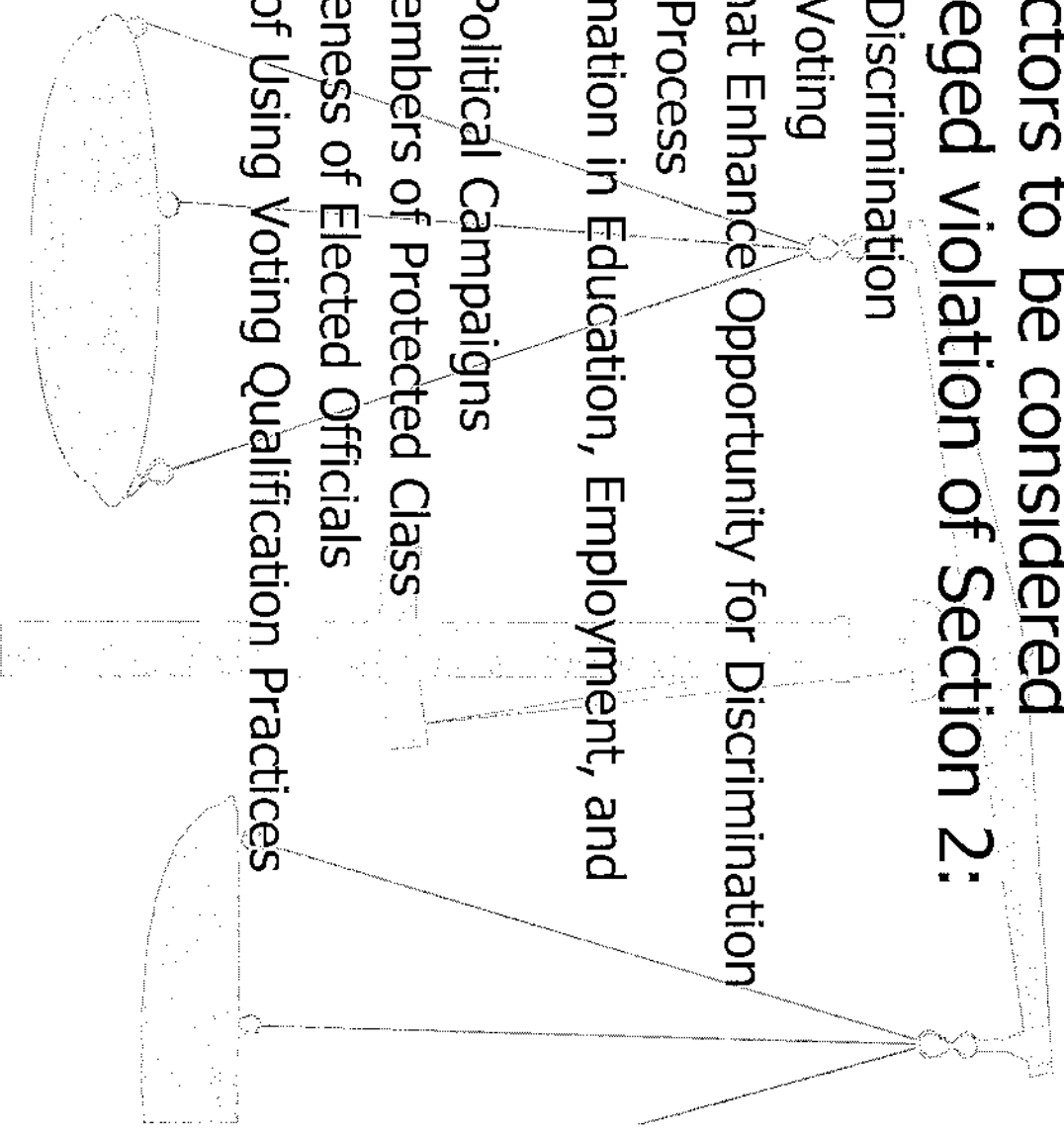
Thornburg v. Gingles

- Minority voters who contend that districting violates Section 2 by diluting their votes must prove:
 - That the minority is sufficiently large and geographically compact to constitute a majority in a single-member district;
 - That the minority is politically cohesive; and
 - That, in the absence of special circumstances, bloc voting by the White majority usually defeats the minority's preferred candidate.

478 U.S. 30 (1986)

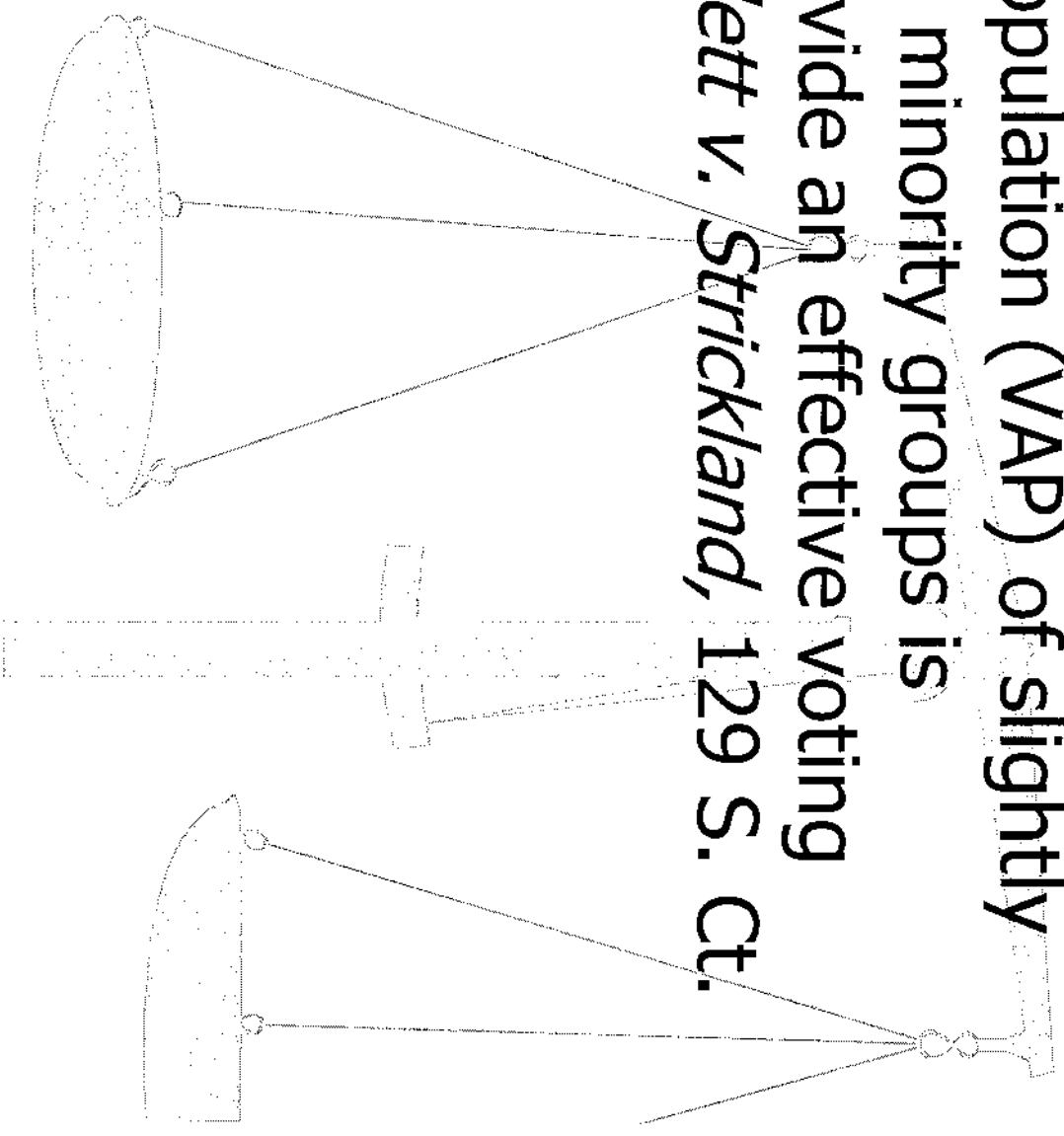
TOTALITY OF THE CIRCUMSTANCES

- Other objective factors to be considered surrounding an alleged violation of Section 2:
 - History of Official Discrimination
 - Racially Polarized Voting
 - Voting Practices that Enhance Opportunity for Discrimination
 - Candidate Slating Process
 - Effects of Discrimination in Education, Employment, and Health
 - Racial Appeals in Political Campaigns
 - Past Election of Members of Protected Class
 - Lack of Responsiveness of Elected Officials
 - Underlying Policy of Using Voting Qualification Practices



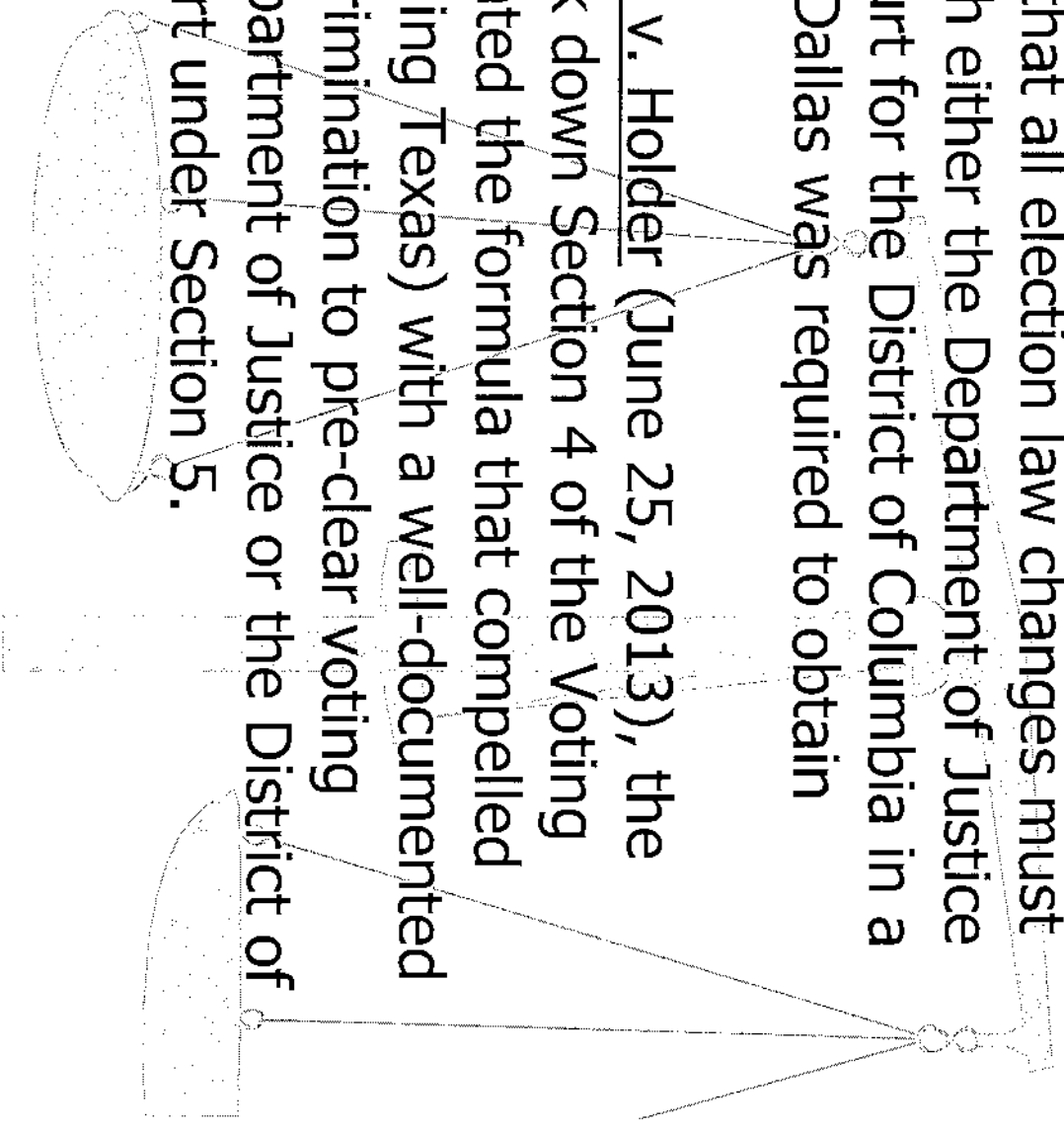
EFFECTIVE VOTING MAJORITY

- A Voting Age Population (VAP) of slightly more than 50% minority groups is sufficient to provide an effective voting majority. *Bartlett v. Strickland*, 129 S. Ct. 1231 (2009)



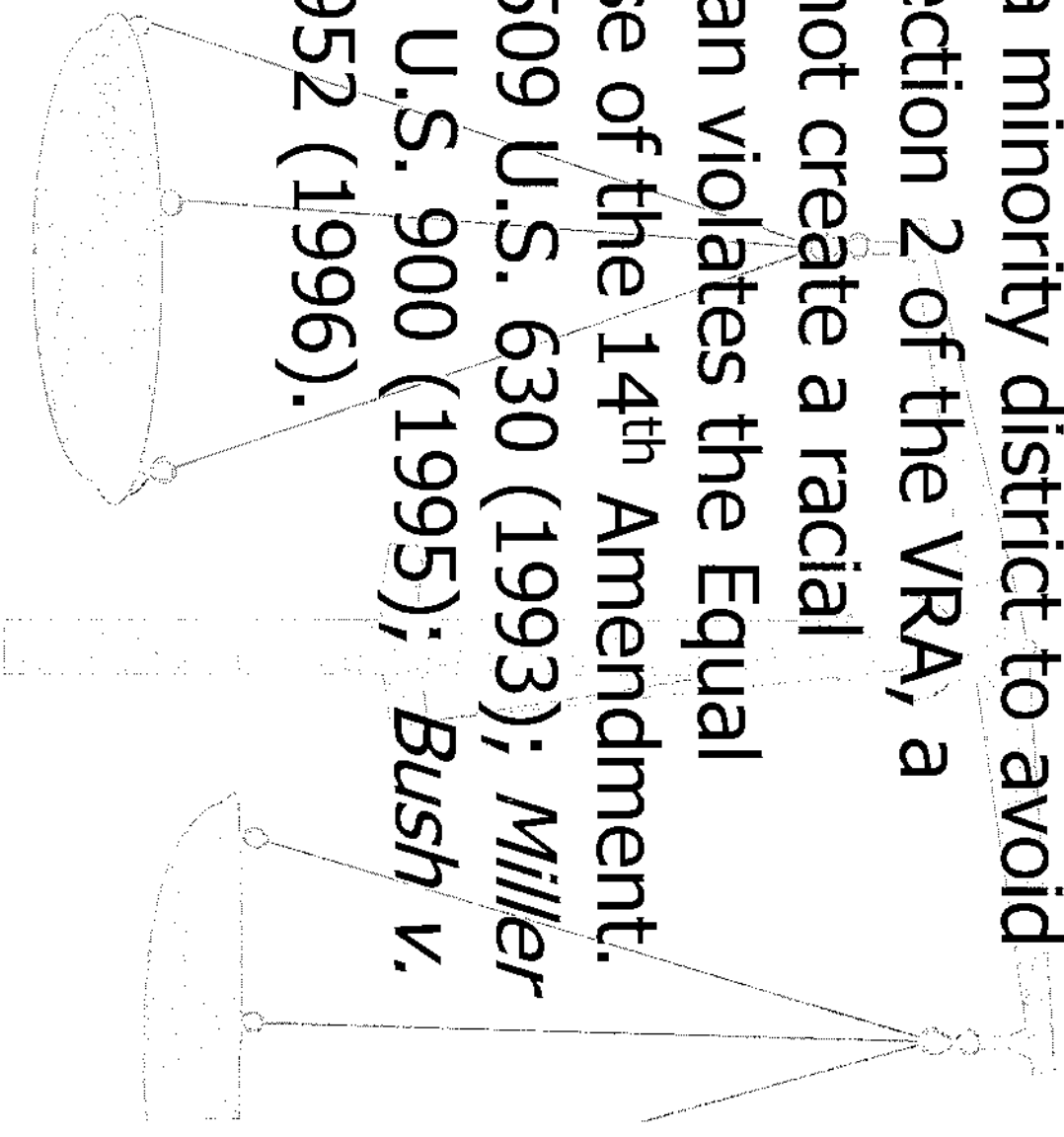
SECTION 5 OF THE VOTING RIGHTS ACT

- As enacted required that all election law changes must be precleared through either the Department of Justice or the US District Court for the District of Columbia in a covered jurisdiction. Dallas was required to obtain preclearance.
- In the Shelby County v. Holder (June 25, 2013), the Supreme Court struck down Section 4 of the Voting Rights Act which created the formula that compelled specific states (including Texas) with a well-documented history of voting discrimination to pre-clear voting changes with the Department of Justice or the District of Columbia federal court under Section 5.



BUT CANNOT MAKE RACE THE DOMINANT MOTIVE

- When drawing a minority district to avoid a violation of Section 2 of the VRA, a jurisdiction cannot create a racial gerrymander than violates the Equal Protection Clause of the 14th Amendment. *Shaw v. Reno*, 509 U.S. 630 (1993); *Miller v. Johnson*, 515 U.S. 900 (1995); *Bush v. Vera*, 517 U.S. 952 (1996).



**LETTER TO DEPARTMENT OF JUSTICE
DESCRIBING 2011 DALLAS REDISTRICTING PLAN AND PROCESS**



2011 OCT 20 PM 2:13
CITY OF DALLAS
DALLAS, TEXAS

Via Federal Express

October 24, 2011

T. Christian Herren, Jr.
Chief, Voting Section
Civil Rights Division
Room 7254 – NWB
U. S. Department of Justice
1800 G Street, NW
Washington, DC 20006

Re: Submission of Dallas City Council Redistricting Plan Under Section 5 of the Voting Rights Act of 1965

Dear Mr. Herren:

On behalf of the City of Dallas, Texas, this letter and the attached exhibits constitute the city's submission for consideration pursuant to the preclearance procedures for the administration of Section 5 of the Voting Rights Act of 1965, as amended, 42 U.S.C. § 1973(c). This submission concerns the city's 2011 redistricting plan for its 14 single-member city council districts.

In compliance with 28 C.F.R. Part 51, the city is providing the following information:

1. **Section 51.27 Required Submission Contents.**
 - (a) **A copy of any ordinance, enactment, order, or regulation embodying the change affecting voting for which Section 5 preclearance is being requested.**

Resolution No. 11-2706 approved by the city council on October 5, 2011 adopted a districting plan for the City of Dallas (Exhibit 1).
 - (b) **A copy of any ordinance, enactment, order, or regulation embodying the voting practice that is proposed to be repealed, amended, or otherwise changed.**

The city council districts that were in effect for the city's 2011 general election were approved by the Dallas city council on September 12, 2001 by Resolution No. 01-2641 (Exhibit 2).

- (c) **A clear statement of the change explaining the difference between the submitted change and the prior law or practice.**

The composition of the city council remains unchanged, with fourteen members being elected by voters in a particular district and the mayor being elected by all voters. The boundaries of each of the fourteen city council districts have been changed.

- (d) **The name, title, address, telephone number, facsimile number, and email address of the person making the submission.**

Thomas P. Perkins, Jr.
City Attorney
City of Dallas
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Dallas, Texas 75201
214-670-3491
214-670-0622 (fax)
t.perkins@dallascityhall.com.

- (e) **The name of the submitting authority.**

This submission is made by the City of Dallas, a Texas municipal corporation.

- (f) **If the submission is not from a State or county, the name of the county and State in which the submitting authority is located.**

The city is primarily located in Dallas County, Texas, but parts of the city are also located in Collin, Denton, Kaufman, and Rockwall counties.

- (g) **Identification of the person or body responsible for making the change and the mode of decision (e.g., act of State legislature, ordinance of city council, administrative decision by registrar).**

Chapter IV, Section 5 of the Dallas City Charter sets out the authority of the city council to redistrict the city (Exhibit 3).

- (h) **A statement identifying the statutory or other authority under which the jurisdiction undertakes the change and a description of the procedure the jurisdiction was required to follow in deciding to undertake the change.**

Pursuant to Article XI, Section 5 of the Texas Constitution, the city is a home-rule city operating pursuant to its charter. Chapter IV, Section 5 of the Dallas City Charter sets out the authority of the city council to redistrict the city. It provides

October 24, 2011

Letter to T. Christian Herren, Jr.

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that no later than the date of receipt of the federal census, each member of the city council shall appoint one member of the redistricting commission, and the mayor shall designate the chair. The commission shall promptly convene to develop, prepare, and recommend a districting plan.

The redistricting commission was comprised of fifteen members, all Dallas community leaders, with one member appointed by the council member for each of the city's fourteen single-member districts and the chair appointed by the mayor.

- Dr. Ruth Morgan, (Chair) Provost Emerita and Professor Emerita, Southern Methodist University. (White)
- Domingo Garcia (District 1), former Dallas city council member and state representative. (Hispanic)
- John Loza (District 2), former Dallas city council member. (Hispanic)
- Daniel "Corky" Sherman (District 3), served on the 2001 redistricting commission. (White)
- Billy Ratcliff, (Vice Chair) (District 4), former chair of the Dallas Area Rapid Transit Board. (Black)
- Hollis Brashear (District 5), served on the Dallas Independent School District Board. (Black)
- John Lozano (District 6), former member of the City Plan Commission and the Civil Service Board. (Hispanic)
- Stanley Mays (District 7), serves on the Judicial Nominating Commission. (Black)
- Mary Hasan (District 8), former member of the Community Development Commission and the South Dallas/Fair Park Trust Fund. (Black)
- Gary Griffith (District 9), former member of the Dallas city council. (White)
- Donna Halstead (District 10), former member of the Dallas city council. (White)
- Mark Hord (District 11), former member of the Judicial Nominating Commission. (White)
- Tom Moore (District 12), senior executive with 35 years private sector experience. (White)
- Elizabeth Jones (District 13), visiting professor of finance at the University of Texas at Dallas School of Management. (White)
- Brooks Love (District 14), Dallas County employee who was the elections manager for the City of Dallas for over 8 years. (White)

The redistricting commission held its first meeting on February 8, 2011. On March 8, 2011, the redistricting commission unanimously adopted redistricting guidelines, and on April 13, 2011, the city council, by Resolution No. 11-0921, also unanimously adopted the redistricting guidelines (Exhibit 4). The

redistricting guidelines adopted by the redistricting commission and the city council provide that the city redistricting plan contain districts that are compact and contiguous and maintain communities of interest, as well as comply fully with the Voting Rights Act.

From February through April, the redistricting commission met once per week. The redistricting commission allowed time at each meeting for public comments. During the period from April 26, 2011 to May 24, 2011, ten public hearings were held at various locations in the city to receive public testimony.

The public was also encouraged to submit plans. During June 2011, a web-based plan process was made available to the public for use on their own computers, and the city's redistricting software program was made available for public use on computers at city hall and at the public library. The redistricting commission formally reviewed 17 city-wide plans created by commissioners and the public, and considered 9 partial plans as public testimony.

In June 2011, the redistricting commission again began weekly meetings to consider plan proposals. During July and August 2011, the redistricting commission met twice each week in lengthy sessions. A public forum was held on Saturday, August 20, 2011, with 250 members of the public attending, and 161 people providing public testimony on the final three plans under consideration, with two of the final plans having been drawn by commissioners from southern Dallas districts and a public plan drawn by a resident of southern Dallas. Although the benchmark plan has 3 Black VAP-majority districts and a strong Black VAP coalition district resulting in 4 Black city council representatives, none of the plans under final consideration by the commission had a strong 4th Black VAP coalition district, and the Black members of the commission were split in their support of 2 different plans. The redistricting commission voted 11 to 4 on August 23, 2011, to recommend a plan titled cPlan16d to the mayor and city council (Exhibit 5). The recommended plan included 8 VAP minority districts (5 Hispanic VAP-majority districts and 3 Black VAP-majority districts with one VAP minority coalition district.) The plan ultimately approved by the city council is very similar to, and in many respects, builds on the plan recommended by the redistricting commission.

The redistricting commission's recommended districting plan was presented to the mayor on August 31, 2011, and at a public meeting the city council was briefed about the details of the recommended plan on September 7, 2011. The commission's plan reflected the guidelines adopted by the commission and the city council. The commission plan contained districts that were contiguous and compact and maintained communities of interest. The plan preserved neighborhoods identified during public testimony and improved the compactness of the district boundaries as compared to the benchmark districting plan.

City council members indicated their intention to propose modifications to the recommended plan, and on September 19, 2011, ten amendments were submitted. Black members of the city council were concerned that a plan with only 3 Black VAP-majority districts constituted retrogression and worked to maintain 3 majority Black VAP-majority districts and a 4th district with a strong Black VAP coalition with at least 40% Black voting age population. A public meeting was held on September 24, 2011 to consider the commission recommended plan and proposed city council modifications to that plan, with 381 members of the public attending, and 78 speaking to the city council about their support of or objections to proposed modifications to the redistricting commission plan.

Additional amendments were proposed by city council members, and on October 5, 2011, a plan proposed by Deputy Mayor Pro Tem Atkins created 3 Black VAP-majority districts, 4 Hispanic VAP-majority districts, and two minority coalition districts, one of which was a strong Black opportunity district. Consideration of the proposed plan and the additional city council modifications occurred at the city council meeting on October 5, 2011, in a lengthy meeting lasting from 9:00 am to 8:25 pm with extensive discussion of the plan modifications proposed by Deputy Mayor Pro Tem Atkins and another plan with modifications of the recommended redistricting commission plan proposed by Councilmember Delia Jasso, the Hispanic representative of District 1. The council members went over both plans carefully and had the opponents of each plan specify the changes that were needed to gain their support. In the afternoon proposed modifications were made to the Akins plan and presented to the city council. The city council discussed the revisions made to the plan, and after there were no further questions or discussion by the council, the vote was taken. The city council approved the 2011 city council plan by a vote of 9 to 6 by resolution No. 11-2706 (Exhibit 1) on October 5, 2011.

(i) The date of adoption of the change affecting voting.

The resolution establishing the proposed city council boundaries was approved by the city council on October 5, 2011. (Exhibit 1)

(j) The date on which the change is to take effect.

Pursuant to Chapter IV, Section 5 of the Dallas City Charter, the proposed districts will be used for the next city council election in May 2013. The successful candidates will take office in June 2013.

- (k) **A statement that the change has not yet been enforced or administered, or an explanation of why such a statement cannot be made.**

The change authorized by Resolution No. 11-2706 (Exhibit 1) has not yet been enforced or administered.

- (l) **Where the change will affect less than the entire jurisdiction, an explanation of the scope of the change.**

The redistricting plan will affect the entire city.

- (m) **A statement of the reasons for the change.**

The redistricting is mandated by Chapter IV, Section 5 of the Dallas City Charter (Exhibit 3). Additionally, there were federal and state constitutional issues and Voting Rights Act issues based on population shifts. Based on information contained in the 2010 decennial census, the population of the city's 14 council districts was no longer substantially equal. Population across the city had increased slightly, but the population was significantly redistributed within the city, with Districts 3, 8, 12, and 14 experiencing the largest growth in population, and Districts 2, 6, and 10 experiencing the largest decline in population.

The proportion and dispersion of the city's language and racial minority populations also contributed to the need for redistricting. The Hispanic population in Dallas increased from 422,098 in 2000 to 507,309 in 2010, making Hispanics 42.4% of the city's total population and 36.78% of the city's voting age population. Dallas' Black population decreased slightly from 304,641 in 2000 to 299,634 in 2010, making Blacks 25.0% of the city's total population and 25.1% of the city's voting age population. The Non-Hispanic White population had the largest decrease from 410,244 in 2000 to 345,205 in 2010, making Non-Hispanic Whites 28.8% of the city's total population and 33.9% of the city's voting age population. Tables comparing 2000 and 2010 census population figures are attached as Exhibit 6.

In reviewing the public testimony at its meeting on June 14, 2011, a majority of members of the redistricting commission stated that a major message they took away from the ten public hearings is that the predominantly Hispanic southeast Dallas neighborhood of Pleasant Grove, which was divided into four districts in the original districting in 1991 and remained so in 2001, needed to be reunited into a single district. The second most frequently mentioned item heard by the members of the redistricting commission was that the West Dallas neighborhoods needed to be united in one council district instead of remaining divided between two council seats.

Creating a Pleasant Grove district (District 5 on Exhibit 1) and a West Dallas district (District 6 on Exhibit 1) resulted in substantial reconfiguration of the remaining districts in South Dallas. The new District 5 is a Hispanic majority-VAP district with 65.57% Hispanic voting age population and 22.53% Black voting age population. The district only has an 11.11% White voting age population. The united West Dallas district (District 6) remains a Hispanic majority-VAP district with 64.55% Hispanic voting age population and 18.62% Black voting age population. The White voting age population is 14.99%.

(n) A statement of the anticipated effect of the change on members of racial or language minority groups.

The city's proposed redistricting plan is very similar to, and in many respects, builds on the plan recommended by the redistricting commission. The city's proposed districting plan will result in eight (8) minority districts. Importantly, the city's proposed plan increases the number of Hispanic majority-VAP districts from three to four. The city's plan also maintains four Black majority-VAP districts capable of electing a Black candidate.

Using the voting age population provided by the 2010 census, the existing benchmark city council districts contain six districts (Districts 1, 2, 4, 5, 6, and 8) in which a minority group has over 50% of the voting age population and three districts (Districts 3, 7, and 10) in which the Hispanic and Black voting age population combined is over 50%. Thus, using voting age population as the measure, the existing benchmark plan has three Hispanic majority-VAP districts (District 1 at 81.86% Hispanic voting age population, District 2 at 54.71% Hispanic voting age population, and District 6 at 74.79% voting age population) and three Black majority-VAP districts (District 4 at 51.84% Black voting age population, District 5 at 50.73% Black voting age population, and District 8 at 54.31% Black voting age population).

In the most recent city council election in May 2011, seven minority representatives were elected to the city council. Three Hispanic council members were elected representing Districts 1, 2 and 6, and four Black council members were elected representing Districts 4, 5, 7 and 8. So, as currently configured, the city has three performing Hispanic districts (Districts 1, 2, and 6) and four performing Black districts (Districts 4, 5, 7, and 8). District 7 has less than 50% Black voting age population, but was able to elect the Black candidate over White opposition candidates.

Under the existing districting plan, numerous minority candidates have successfully won city council races in the past five elections. In District 1, Elba Garcia (Hispanic) was unchallenged in the 2003, 2005, and 2007 elections. In 2009 Garcia was term-limited, and Delia Jasso (Hispanic) was the top vote getter

in the May 2009 election against two other Hispanic candidates and three White candidates, and defeated Justin Epker (White) in the June 2009 runoff with 52.89% of the total vote. Jasso was unchallenged during the 2011 election cycle.

District 2 has featured races between Hispanic and White candidates since 2003. John Loza (Hispanic) faced three White candidates in the May 2003 election, and won 59.77% of the vote, thus avoiding a runoff. Pauline Medrano (Hispanic) was the top vote getter in the May 2005 election against one other Hispanic candidate and one White candidate. In the June 2005 runoff, Medrano beat Monica Barros-Greene (Hispanic) by a 20.52% margin. Medrano was challenged by one Hispanic candidate in the 2007 general election, but received 76.24% of the vote to avoid a runoff election. In 2009 Medrano was challenged by a White candidate (Billy MacLeod) and a Black candidate (Gwain Wooten), but won 74.14% of the total vote to avoid a runoff election. In 2011 two White candidates (Billy MacLeod and Keith "Shamrock" McPhail) challenged Medrano, who again won by a wide margin, winning 74.37% of the total vote, avoiding a runoff.

District 4 has only had races between African American candidates in the past five city council elections, with Maxine Thornton-Reese winning election in 2003 and 2005, and Dwaine Caraway winning in 2007, 2009, and 2011. In District 5, Donald Hill (Black) was unchallenged in 2003, and beat two other Black candidates (Yolanda Williams and Camile White) in 2005, winning 69.09% of the total vote and avoiding a runoff. In 2007, Vonciel Hill (Black) was the top vote getter among five other Black candidates and one Hispanic candidate, and defeated Betty Culhreath (Black) in the June 2007 runoff by winning 62.99% of the vote. Vonciel Hill defeated three Black challengers (Tiffinni Young, Don Robinson, and Jurline Gates Hollins) in the May 2009 election, winning 56.18% and avoiding a runoff election. In 2011 Vonciel Hill was unopposed.

District 6 elected Steven Salazar (Hispanic) in May 2003. Salazar defeated a White candidate (Sharon Boyd) and a Black candidate (Linus Spiller), winning 60.26% of the total vote and avoided the need for a runoff election. In 2005 Salazar was again challenged by Linus Spiller (Black), and Salazar again won handily, pulling 81.42% of the total vote. In 2007 Salazar was unchallenged, and Salazar defeated another Hispanic candidate (Fernado Rubio, Jr.) in 2009, winning 75.21% of the total vote. Two Hispanic candidates faced off in the May 2011 election, with Monica Alonzo defeating Luis Sepulveda with 61.23% of the total vote.

In District 7, Leo Chaney, Jr. (Black) was elected in 2003, defeating two other Black candidates (Marvin Crenshaw and Ethel Chiles) with a 76.79% vote percentage. Chaney was challenged by Kevin Felder (Black) in 2005, but won with 75.02% of the vote to avoid a runoff. In 2007 six Black candidates and one White candidate vied for the open seat, with Carolyn Davis (Black) and Donald

Parrish (Black) advancing to the June 2007 runoff that Davis won with 57.44% of the vote. In 2009 Davis was challenged by three Black candidates, two Hispanic candidates, and two White candidates. Davis advanced to the runoff along with Donald Parrish (Black), and defeated her challenger in the June 2009 election by winning 69.27% of the vote. In 2011, Davis defeated two White challengers (Helene McKinney and Casie Pierce), winning 61.29% of the vote in the May election and thus avoiding a runoff.

James Fantroy (Black) was unchallenged for the District 8 race in 2003. In 2005, Fantroy had five Black challengers, and was the second highest vote getter against Al Lipscomb (Black). Lipscomb and Fantroy met in a June 2005 runoff election, with Fantroy defeating Lipscomb, winning 57.55% of the total vote. In 2007 seven Black candidates ran for the open District 8 seat, with Tennell Atkins (Black) and Charles Rose (Black) advancing to the June runoff election. Atkins defeated Rose in June 2007, winning 57.94% of the total vote. Atkins was challenged by LeVar Thomas (Black) in May 2009, and won 69.14% of the vote to avoid a runoff. Atkins was unchallenged in 2011.

Thus the minority seats in the benchmark plan, as maintained in the approved plan, have a history of performing as minority districts.

One of the issues faced by the districting changes in attempting to maintain the benchmark districts as they were is that Districts 6 and 7 are both under-populated by 10,000 people due to population shifts during the ten years between 2001 and 2011, so it was not possible for the redistricting commission or the city council to maintain either district as it was with the same voting age population percentage. However, each district was redrawn to increase its population in the plan approved by the city council while maintaining the district as a minority district – District 6 as a Hispanic VAP-majority district and District 7 as a Black VAP-majority district.

The plan approved by the city council improves the opportunity for minority representation to eight seats out of 14 single-member seats on the city council by producing a districting plan that:

- Creates seven districts (Districts 1, 2, 4, 5, 6, 7, and 8) in which a single minority group is the majority of the voting age population.
- Maintains the 3 existing Hispanic VAP-majority districts (Districts 1, 2 and 6), and 3 Black majority-VAP districts (Districts 4, 7 and 8).
- Adds a Hispanic VAP-majority seat (District 5 in Pleasant Grove), so that in the approved plan there are four districts with a Hispanic voting age population majority (Districts 1, 2, 5, and 6).
- Maintains the existing 4 Black council seats, because there are three districts with a Black voting age population majority (Districts 4, 7, and 8) with a fourth minority coalition opportunity district (District 3) with a

substantial Black voting age population of 45.19% and a 40.06% Hispanic voting age population. Therefore, the plan does not retrogress as to the Black voting population in the city.

- Maintains a minority coalition opportunity district (District 10) with a 30.70% Black voting age population and a 19.97% Hispanic voting age population.

The approved plan does not put the Hispanic seats in Districts 1 and 2 at risk. The city's analysis shows the following.

The new District 1 has a Hispanic voting age population of 74.19%, the highest Hispanic voting age population of any district in the approved plan, and 52% of the registered voters in the district have a Spanish surname. Although some persons have questioned the addition of high turnout voting precincts 4436 and 4437, it is unlikely the addition of those precincts will adversely affect the ability of Hispanics to elect candidates of their choice. While the voters in precincts 4436 and 4437 within the new District 1 generally have a strong voter turnout, they do not vote as a bloc for White candidates. For example, in the 2007 District 3 city council run-off between David Neumann (White) and Joseph Hernandez (Hispanic), voters in precinct 4436 voted in favor of Hernandez by a vote of 523 for Hernandez to 415 for Neumann, and voters in precinct 4437 favored Hernandez over Neumann by 145 to 139. The diverse voting patterns of these precincts are also reflected in non-City election returns. In the 2010 county commissioner race, a majority of voters in these precincts voted for Hispanic Elba Garcia, over White Kenneth Mayfield. Also, the two precincts have consistently voted for Rafael Anchia (Hispanic) for the Texas House of Representatives and for Royce West (Black) for the Texas Senate. Further, in the 2008 presidential election, voters in these precincts strongly supported Barack Obama over John McCain. In 2004 and 2007, voters in precincts 4436 and 4437 also overwhelmingly supported Jerome Garza (Hispanic) for the District 7 seat for the Dallas Independent School District against other Hispanic and White candidates.

The existing District 2 has a Hispanic voting age population of 54.71%. The District 2 recommended by the redistricting commission (Exhibit 5) reduced the Hispanic voting age population to 53.39%. The city council's approved plan District 2, however, has a higher Hispanic voting age population of 56.10%. Thus, the approved plan's District 2 is superior to both the existing district and the district as proposed by the redistricting commission. District 2 has a long history of supporting and electing Hispanic candidates, electing Hispanic council members in every municipal election since 1993. As previously mentioned, even with its current lower percentage of Hispanic voting age population, the existing District 2 recently elected Hispanic Pauline Medrano by a wide vote margin in the 2011 city council election against a

White opponent. An issue was raised that adding the portion of the Greenway Parks Neighborhood that is west of Inwood Road to District 2 puts the district in jeopardy, however, that addition has been on the cPlan16 since its submission by commissioners on July 14, 2011, and the final plan recommended by the redistricting commission, cPlan16cd, has that portion of the Greenway Parks Neighborhood in District 2. Further, the portion of Greenway Parks Neighborhood (Voting Precincts 3000 and 3001) that is in District 2 is a mixed Black and Hispanic neighborhood that tends to vote for minority candidates. In the 2011 city council race, the voters in that portion of the neighborhood supported James Nowlin, the Black candidate, over the incumbent White candidate Angela Hunt by 73.87% to 24.04% in Precinct 3000 and by 65.83% for Nowlin to 32.01% for Hunt in Precinct 3001. These two precincts will enhance the district's minority voting strength, not compromise it.

With respect to District 3, note that a group of White voters located in existing District 3 with a record of strong voter turnout has been split between the new District 1 and the new District 3 to give minority candidates an opportunity to prevail in both districts. In 2003, 2005 and 2011 city council elections, no minority candidates ran in District 3. In 2007, nine candidates ran for an open seat in District 3. Four of the candidates were Hispanic, two were Black, and three were White. David Neumann and Joseph Hernandez (Hispanic) advanced to the runoff, with Neumann narrowly defeating Hernandez by a winning 52.07% to 47.98% in the June 2007 election. In 2009, two perennial Black candidates ran against Neumann (White), who avoided a runoff by winning 62.75% of the total vote. It is expected that a strong Black incumbent council member, who currently represents District 5, and has been districted into the revised District 3 in the approved plan, will be a very strong minority candidate with the ability to be elected to represent the redrawn District 3.

(o) A statement identifying any past or pending litigation concerning the change or related voting practices.

During the 1980's and 1990's, prior to the Charter amendment that created 14 single member districts and the subsequent redistricting, there was litigation, Roy Williams and Marvin Crenshaw v. the City of Dallas, 734, F. Supp. 1317 (ND Tex. 1990); affirmed, 38 F.3d 569(5th Cir. 1994), which established a violation of Section 2 of the voting Rights Act and ordered Dallas to modify its 8-3 system of electing members of the Dallas City Council.

There has been no litigation regarding the council districts since the adoption of the 14 single member districts in 1991. There is no pending litigation.

- (p) **A statement that the prior practice has been precleared (with the date).**

The prior districting plan was precleared by the Department of Justice on March 29, 2002 (Exhibit 7).

2. Section 51.28 Supplemental Contents.

- (a) **Demographic Information.**

- (1) Total and voting age population.

The city relied upon 2010 decennial census data provided by the Bureau of the Census, Commerce Department, under Public Law 94-171. The information in the tables attached as Exhibit 8 was extracted from that census information.

- (2) Registered voters by voting precinct by race and language group.

The State of Texas does not maintain registered voter information by race and language group. The Texas Secretary of State's Office maintains and reports Spanish Surname Registered Voter data by election precinct.

- (3) Estimates of population by race and language group.

Population estimates were not necessary because 2010 Census data was used. No census blocks were split in the districting process.

- (b) **Maps.**

- (1) The prior and new boundaries of voting units.

A map of the prior city council districts is attached as Exhibit 9.

A map of the city council districts approved on October 5, 2011 by Resolution No. 11-2706, and an electronic map in shapefile (shp.) spatial data format are attached as Exhibit 10

Maps and an external hard drive containing a shapefile of each plan submitted by the public, commission members and city council members during the redistricting process, are attached as Exhibit 11.

(2) The prior and new boundaries of voting precincts.

Maps and electronic files on the external hard drive with shapefiles show the prior districts and the proposed districts, overlaid with the voting precincts in effect at the time the change was adopted, are attached as Exhibit 12. The city does not determine voting precincts. The city contracts with Dallas County to run city elections, and Dallas County is responsible, under Texas Election Code Chapter 42, for configuring election (voting) precincts following redistricting. The voting precincts will be drawn by the Dallas County, following the congressional, state, and county redistricting processes. Therefore, the existing voting precincts will change in 2012.

(3) The location of racial and language minority groups.

A map showing the location of racial and language minority groups as reflected by the 2010 Census is attached as Exhibit 13.

(4) Any natural boundaries or geographical features.

Maps showing some of the city's neighborhoods, highways, major streets, railroads, rivers, lakes, parks, and school districts are attached as Exhibit 14.

(5) The location of prior and new polling places.

The redistricting does not result in the creation of any new polling places. The city contracts with Dallas County to run city elections, and the county is responsible under Texas Election Code, Chapter 43, for designating polling locations. Any changes to polling places will be submitted for preclearance before the May 2013 election.

(6) The location of prior and new voter registration sites.

The redistricting does not change the location of any voter registration sites. The city contracts with Dallas County to run city elections, and the county is responsible for conducting voter registration.

(c) **Annexations.**

This provision is not applicable.

(d) Election Returns.

The city does not maintain race or language group information for each candidate for city office. But to the extent that such information is generally known, it is reflected in Exhibit 15, which is information concerning city council elections during the past 10 years in 2003, 2005, 2007, 2009, and 2011 (in both Microsoft Excel and PDF format). Successful candidates are identified by an asterisk.

(e) Language Usage.

The change does not affect the use of a language-minority's language in the electoral process.

(f) Publicity and Participation.

(1) Copies of newspaper articles discussing the proposed change.

Copies of blog posts, articles, and editorials about the redistricting process are attached as Exhibit 16.

(2) Copies of public notices of processes.

Notices of public meetings of the city council during 2010 in which redistricting was discussed are attached as Exhibit 17.

Notices of public meetings of the redistricting commission and the city council during 2011 in which redistricting was discussed are attached as Exhibit 18.

Copies of newspaper advertisements giving notice of public hearings concerning redistricting are attached as Exhibit 19.

Post cards and email notices sent to city residents to give them notice of the public hearings are attached as Exhibit 20.

In February 2011, the city created a redistricting website (www.dallascityhall.com/redistricting). Exhibit 21 is a printout of pages from the city's redistricting website as of October 14, 2011. The website contains:

- Contact information for the redistricting staff (originally posted February 23, 2011 and updated as appropriate).
- A list of redistricting commission members (originally posted on February 23, 2011 and updated as appropriate).

October 24, 2011

Letter to T. Christian Herren, Jr.

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- Information about current city council members (originally posted February 23, 2011 and updated as appropriate).
- A map of the prior city council districts (originally posted February 23, 2011 and updated as appropriate).
- Translations into Spanish (originally posted April 1, 2011 and updated as appropriate).
- General information about the process (originally posted February 23, 2011 and updated as appropriate).
- Information about how to get involved and submit a plan to the redistricting commission (originally posted February 23, 2011 and updated as appropriate).
- Links to source materials for information about redistricting (originally posted February 23, 2011 and updated as appropriate).
- Reference maps (originally posted February 23, 2011 and updated as appropriate).
- Resources (originally posted February 23, 2011 and updated as appropriate).
- Meeting notices, minutes, commission materials, and video recordings of each meeting (originally posted February 23, 2011 and updated as appropriate).
- Copies of maps and analysis of all plans submitted to the redistricting commission with the current status of each plan (originally posted June 8, 2011 and updated as appropriate).
- The proposed redistricting plan (posted October 6, 2011).

(3) Minutes or accounts of public hearings concerning the proposed change.

The minutes of the redistricting commission meetings are attached as Exhibit 22.

Videos of the redistricting commission's public hearings are attached as Exhibit 23. Videos of the redistricting commission meetings (which were recorded beginning with the April 12, 2011 meeting) are available on the hard drive submitted by the city.

The materials for a city council briefing on August 15, 2010 are attached as Exhibit 24. A video of the meeting is included on the hard drive submitted by the city.

The materials for a city council briefing on April 6, 2011 are attached as Exhibit 25. A video of the meeting is included on the hard drive submitted by the city.

The materials for a city council briefing on June 1, 2011 are attached as Exhibit 26. A video recording of the meeting is included on the hard drive submitted by the city.

The materials for a city council briefing on September 7, 2011 by members of the redistricting commission are attached as Exhibit 27. A video recording of the meeting is included on the hard drive provided by the city. The minutes of the September 7, 2011 briefing are attached as Exhibit 28.

A video of public comments at the city council special meeting on September 24, 2011, at which the proposed council modifications to the redistricting plan were discussed, is attached as Exhibit 29. The video is included on the hard drive submitted by the city.

A video of public comments at the city council meeting on October 5, 2011, at which the proposed modifications by city council members to the proposed districting plan were discussed and the final districting plan was adopted by the city council, is attached as Exhibit 30. A video is included on the hard drive submitted by the city. The minutes of the October 5, 2011 city council meeting are attached as Exhibit 31.

(4) Statements, speeches, and other public communications.

During the redistricting process, redistricting commissioners were asked to speak at various functions. A comprehensive listing of those speaking engagements is not available. A copy of notes that were prepared by city staff for use by redistricting commissioners at speaking engagements is attached as Exhibit 32.

The PowerPoint presentation used by Dr. Ruth Morgan, chair of the redistricting commission and Billy Ratcliff, vice chair of the redistricting commission, during the September 7, 2011 briefing to the city council is attached as Exhibit 33.

News releases prepared by city staff regarding the redistricting project are attached as Exhibit 34.

(5) Comments from the general public.

Testimony received from the public via email, fax, and mail is included in chronological order in Exhibit 35.

Documents submitted by public speakers at redistricting commission meetings, public hearings, and public forums are attached as Exhibit 36.

(g) Availability of the submission.

(1) Public Notices.

The public notice announcing the submission of a preclearance request, informing the public that the submission is available for public inspection, and inviting comments is attached as Exhibit 37.

(2) Availability of Magnetic Media.


The public notice provides that the magnetic media will be available on the city's website and is available to be copied.

(h) Minority group contacts.

The individuals named in Exhibit 38 reside in the city, are members of a racial or language minority group, have been active in the political process, and are familiar with the proposed changes.

The purpose of this submission is to provide all relevant information without unduly burdening the record. If you need additional information, please contact me at 214-670-3491, t.perkins@dallascityhall.com or Assistant City Attorney Barbara McAninch at 214-670-3194, barbara.mcaninch@dallascityhall.com. Thank you for consideration of this submission.

Respectfully submitted,



THOMAS P. PERKINS, JR.
City Attorney

Enclosures (39)

- Exhibit 1: Resolution No. 11-2706
- Exhibit 2: Resolution No. 01-2641
- Exhibit 3: Dallas City Charter Chapter IV, Section 5
- Exhibit 4: Resolution No. 11-0921
- Exhibit 5: cPlan16d
- Exhibit 6: Tables comparing 2000 and 2010 census population
- Exhibit 7: Department of Justice letter dated March 29, 2002
- Exhibit 8: Census data
- Exhibit 9: Map of prior city council districts
- Exhibit 10: Maps and CD of proposed city council districts
- Exhibit 11: Map and CD of submitted plans
- Exhibit 12: Map and CD of the prior and current districts overlaid with voting precincts
- Exhibit 13: Map of racial and language minority groups
- Exhibit 14: Maps of neighborhoods, highways, streets, railroads, rivers, lakes, parks, and school districts
- Exhibit 15: City council elections during the past 10 years
- Exhibit 16: Blog posts, articles, and editorials about the redistricting
- Exhibit 17: Notices of public meetings of the city council during 2010
- Exhibit 18: Notices of public meetings of the redistricting commission and the city council during 2011
- Exhibit 19: Newspaper advertisements giving notice of public hearings concerning redistricting
- Exhibit 20: Post cards and email notices sent to city residents
- Exhibit 21: Redistricting website
- Exhibit 22: Minutes of the redistricting commission
- Exhibit 23: Videos of the redistricting commission public hearings
- Exhibit 24: Materials for a city council briefing on August 15, 2010
- Exhibit 25: Materials for a city council briefing on April 6, 2011
- Exhibit 26: Materials for a city council briefing on June 1, 2011
- Exhibit 27: Materials for a city council briefing on September 7, 2011
- Exhibit 28: Minutes of the September 7, 2011 city council briefing
- Exhibit 29: Video of public comments at the special called city council meeting on September 24, 2011
- Exhibit 30: Video of the October 5, 2011 city council meeting
- Exhibit 31: Minutes of the October 5, 2011 city council meeting
- Exhibit 32: Notes for redistricting commissioners at speaking engagements
- Exhibit 33: PowerPoint presentation during the September 7, 2011 briefing to city council
- Exhibit 34: News releases prepared by city staff
- Exhibit 35: Testimony received from the public via email, fax, and mail
- Exhibit 36: Documents submitted by public speakers at redistricting commission meetings

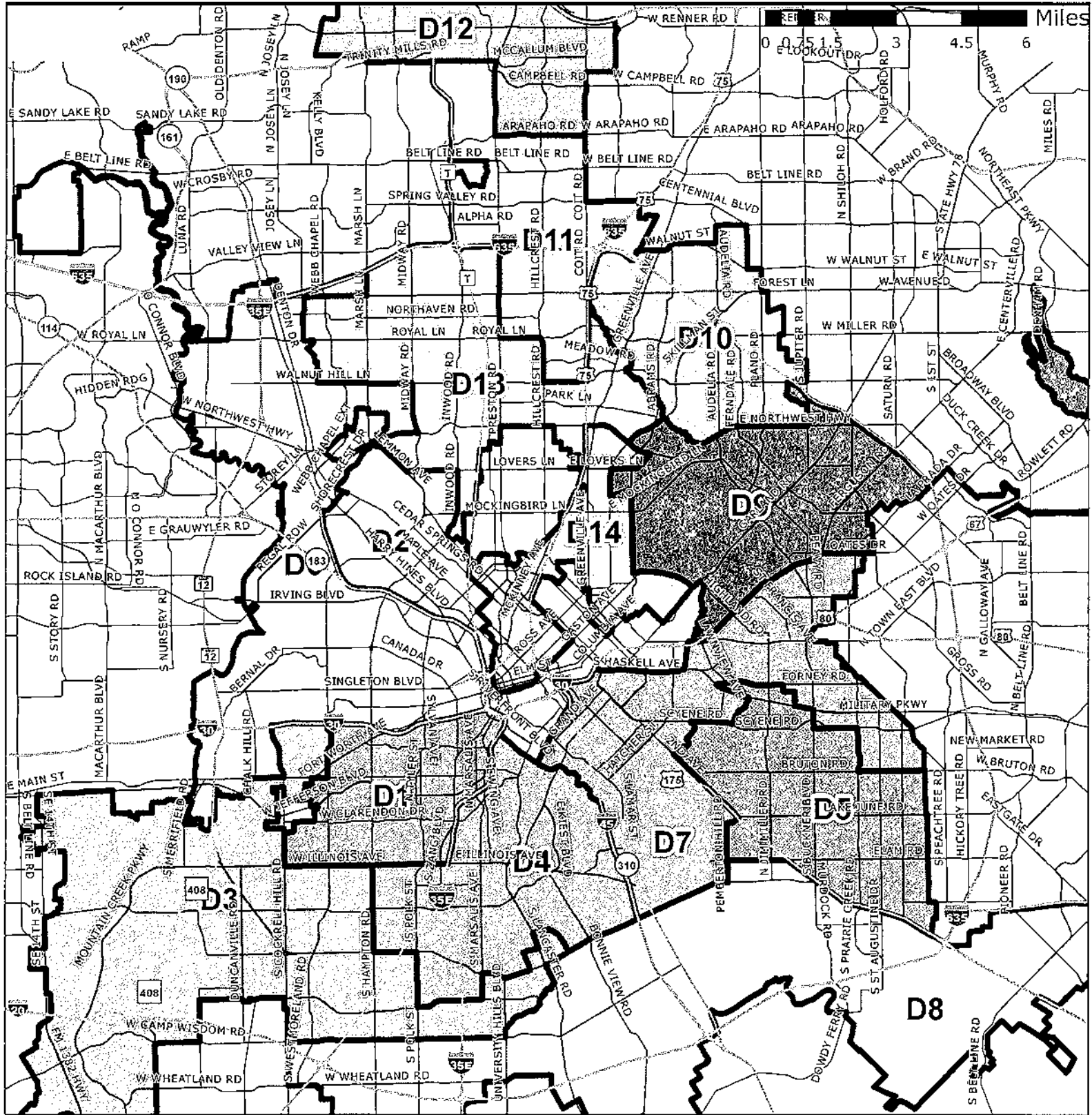
October 24, 2011
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- Exhibit 37: Public notice announcing the submission of a preclearance request
- Exhibit 38: Minority group contacts
- Exhibit 39: Shapefiles used by the Redistricting Commission



2011 City of Dallas Redistricting

Adopted Districting Plan



Source Data: Streets - City of Dallas, GIS Division; Council Districts - City of Dallas, City Council

- District 1
- District 2
- District 3
- District 4
- District 5
- District 6
- District 7
- District 8
- District 9
- District 10
- District 11
- District 12
- District 13
- District 14

City of Dallas GIS Map Disclaimer:
 The accuracy of this data within this map is not to be taken / used as data produced by a Registered Professional Land Surveyor for the State of Texas.*
 *This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries.

The City of Dallas makes no representation of any kind, including, but not limited to, warranties of merchantability or fitness for a particular purpose or use, nor are any such warranties to be implied with respect to the accuracy information/data presented on this map. Transfer, copies and/or use of information in this map without the presentation of this disclaimer is prohibited.
 City of Dallas GIS

* State of Texas: H.B. 1147 (W. Smith) - 05/27/2011, Effective on 09/01/2011

110921
April 13, 2011

WHEREAS, City Council appointed a 2011 Redistricting Commission in accordance with Chapter IV, Section 5 (b) of the Dallas City Charter for the purpose of drawing new council districts using the results of the 2010 Census; and

WHEREAS, the 2011 Redistricting Commission has developed a set of guidelines for use during the redistricting process to allow consistent criteria to be used in the development and review of alternative plans for proposed City Council districts; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

Section 1. That the 2011 Redistricting Guidelines attached to this resolution as Exhibit 1 are hereby approved for use in the 2011 redistricting process.

Section 2. That this resolution shall take effect immediately from and after its passage in accordance with the Charter of the City of Dallas, and it is accordingly so resolved.

APPROVED BY
CITY COUNCIL

APR 13 2011


City Secretary

EXHIBIT 1
2011 REDISTRICTING GUIDELINES

The Redistricting Commission intends to apply the following guidelines as consistently as possible and to the greatest extent possible, in the drawing of city council district boundaries that are in the best interests of the residents and the City of Dallas. The Redistricting Commission acknowledges, however, that on some occasions these redistricting guidelines may conflict with one another.

A. The following guidelines regarding Population Equality, Minority Representation and Contiguity and Compactness shall be applied as required by the U.S. Constitution, the Voting Rights Act, and other federal and state laws.

1. Population Equality.

The districts should be drawn so that they are substantially equal in population according to the total count as presented in the 2010 census data. The total deviation between the largest and the smallest district must be as small as possible, but in all cases must be less than ten percent.

Minor population deviations of less than ten percent may be allowed if they are necessary to achieve a good faith, legitimate objective, such as:

- preserving the voting strength of minority populations in compliance with the Voting Rights Act;
- making the districts compact;
- maintaining communities of interest in a single district and avoiding splitting neighborhoods;
- using public school attendance boundaries as defined by the independent school districts in the City of Dallas to assist in defining neighborhoods;
- preserving the cores of existing districts as permitted by case law, meaning to recognize the traditional geographic, economic, cultural or social center of an existing district as supported by public testimony;
- following easily identifiable geographic boundaries and other unique geographical configurations; or
- facilitating responsiveness of elected representatives to their constituents.

2. Minority Representation.

As required by the Voting Rights Act, the voting strength of racial, ethnic, and language minorities in the districts should not be diluted by depriving minority voters of an equal opportunity to elect a candidate of their choice, such as by packing or fracturing districts. Race, ethnicity, and language minority consideration, however cannot be the predominant factor to which other districting legal principles are subordinated.

A majority minority district may be created to provide fair representation to the members of racial, ethnic, and language minority populations where compelling justification requires such a district as determined by the following factors:

- a reasonably compact district can be drawn in compliance with the other redistricting guidelines in which voters of the minority group constitute a majority of the electorate and will increase the probability that members of the minority will be elected;
- the minority community is politically cohesive and usually votes together; and
- other voters in the area generally vote as a bloc to successfully defeat the minority community's preferred candidates.

3. Contiguity and Compactness.

The districts should be geographically compact and composed of contiguous territory. Compactness and contiguity involve both a functional and a geographic aspect. Functional compactness and contiguity include factors such as:

- the availability of transportation and communication;
- the existence of common social, cultural, community, and economic interests;
- the ability of constituents of a council district to relate to each other;
- the existence of shared interests, including a history and tradition of working together;
- the use of public school attendance boundaries as defined by the independent school districts in the City of Dallas to assist in defining neighborhoods; and
- the drawing of district boundaries that facilitate communications between constituents and their elected representatives.

B. Other guidelines which may be considered include:

1. Incumbents.

The configuration of districts shall be neutral as to incumbents. The districts must not be configured for the purpose of either protecting or defeating an incumbent.

2. Communities of Interest.

Communities of interest shall be maintained in a single district, where possible; and attempts should be made to avoid splitting neighborhoods. For purposes of this guideline, "communities of interest" include geographic areas where there are people who share clearly recognizable similarities of social, political, cultural, ethnic, religious, or economic interests. Factors to be considered in defining "neighborhoods" include homeowner associations, neighborhood associations, crime watch groups, public testimony, census tract information, and traditionally recognized areas of Dallas.



U.S. Department of Justice
Civil Rights Division

TCH:RSB:LB:KG:tst
DJ 166-012-3
2011-4417

Voting Section - NWB
950 Pennsylvania Ave, NW
Washington, DC 20530

December 20, 2011

RECEIVED

Thomas P. Perkins, Jr., Esq.
City Attorney
1500 Marilla Street 7DN
Dallas, Texas 75201

Dear Mr. Perkins:

This refers to the 2011 redistricting plan for the City of Dallas in Collin, Dallas, Denton, Kaufman, and Rockwall Counties, Texas, submitted to the Attorney General pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c. We received your submission on October 24, 2011; additional information was received on December 1, 2011.

The Attorney General does not interpose any objection to the specified change. However, we note that Section 5 expressly provides that the failure of the Attorney General to object does not bar subsequent litigation to enjoin the enforcement of the change. Procedures for the Administration of Section 5 of the Voting Rights Act of 1965, 28 C.F.R. 51.41.

Sincerely,

T. Christian Herren, Jr.
Chief, Voting Section

OTHER CITY CHARTER PROVISIONS FOR
REDISTRICTING

CITY OF HOUSTON CHARTER

Sec. 3. Establishment of District Boundaries; Determinations of Population.

It shall be the duty of the City Council to establish the boundaries of districts covering the entire City for the purpose of electing District Council Members. Such boundaries shall be established by ordinance, which shall be final for purposes of this Charter. The first such establishment shall be made as soon as practicable prior to the first City General Election following adoption of this section. Any subsequent establishment shall be made when required by this Charter.

Promptly following the addition of territory to the City by a boundary change, the City Council shall, by ordinance, add such territory to an adjacent district or districts.

In each year during which a City General Election is to be held, the City Council shall conduct an investigation and determine the population of the City and the population of each of the districts from which District Council Members are to be elected. Each such determination shall be based upon the best available data, including, but not limited to, the most recent federal census. Each such determination shall be expressed in a ordinance, which shall be a final determination for purposes of this Charter.

After any such determination, if the distribution of population among the various districts is determined by the City Council to be materially unbalanced, or if the number of Council Members increases from fourteen to sixteen, then the City Council shall establish new boundaries for the election of District Council Members. (Added by amendment August 11, 1979)

SAN ANTONIO CITY CHARTER

ARTICLE II.

CITY COUNCIL

Sec. 4. Creation, composition and powers.

There is hereby created as the governing body of the City a Council which shall consist of eleven (11) members, each of whom shall be elected to and occupy a place, such places being numbered consecutively beginning with Place 1 and ending with Place 11.

Each member of the Council shall be a citizen of Texas, a qualified elector and registered to vote in the City, shall have resided in the City at least one year prior to filing his application for election and must reside in the City during his term of office.

The Councilmembers shall be elected from districts or wards which shall be drawn by ordinance and shall be as nearly equal in population as practicable.

The boundaries of the districts or wards shall be reexamined and redetermined by ordinance, where appropriate following each succeeding Federal decennial census, or at other times where substantial variances in the number and makeup of the population of districts or wards have occurred, taking into consideration annexations, disannexations, shifts in population, compactness, ethnic composition and other criteria established by law. On any annexations, the City Council shall designate the annexed area to be a part of the wards or districts to which it is contiguous.

FORT WORTH CITY CHARTER PROVISION COUNCIL REDISTRICTING

Section 3. - [Councilpersons to be elected from districts.]

With the exception of Place No. 1 to be held by the mayor as provided for in section 2 of Chapter III of this Charter, the City Council shall provide by ordinance for eight (8) single member districts so that with the exception of the mayor, one (1) member of the City Council shall be elected from each of such defined districts by the voters residing therein, and each candidate therefrom shall be a qualified elector of the city and shall have continuously resided in the Council District for which he or she seeks election for six (6) full months before the first allowed filing date for the election.

The City Council shall, as often as census data is available, determine as nearly as practicable the population of the respective districts and shall, by ordinance, revise the boundaries of any or all of said districts to maintain a substantial equality of population in each. Within sixty (60) days after passage of this amendment, the City Council shall, by ordinance, designate the original district limits.

(Ord. No. 16797, § 1(VIII), 1-24-06, approved 5-13-06)

EL PASO CHARTER PROVISION

Section 2.4 REPRESENTATIVE DISTRICTS; ADJUSTMENT OF DISTRICTS.

A.

Number of Districts. There shall be eight Representative districts. The Representative districts shall be of substantially equal population. One Representative shall be elected from each of the Representative districts established by the Council. Each district shall be numbered; for example, "Representative District No. 1." At such time when the results of a decennial United States census shows the population of the City to be one million or more, the Council may take the appropriate action to increase the number of District Representatives from eight to ten.

B.

Districting Commission. On or before September 1 next following the publication of the results of each decennial United States census, each Representative shall nominate one qualified voter from his or her district and the Mayor shall nominate one qualified voter from the City at large. Upon approval by the Council, these nominees shall comprise the Districting Commission. The Commission shall elect its own presiding officer. The nominees chosen shall not serve the City in any other capacity, whether appointive or elective, nor shall they hold any other elective public office. The Commission shall make recommendations to the Council concerning adjustments of the boundaries of the Representative districts. Upon receiving the Commission's recommendations, the Council shall review the population of each district, and as soon as possible, shall change the boundaries thereof as necessary to insure substantial equality in the populations of the districts. In addition, the Council may change the boundaries of the Representative districts more often than after each decennial census, as necessary to insure substantial equality in the populations of such Representative districts. All such changes shall be made in a manner which complies with the constitutional principles and laws governing voting rights of the United States and Texas.

**CITY OF AUSTIN CHARTER PROVISION CREATING AN INDEPENDENT
REDISTRICTING COMMISSION**

§ 3. REDISTRICTING.

(A) For purposes of this section, the following terms are defined:

(1) COMMISSION means the Independent Citizens Redistricting Commission.

(2) CONTROLLING PERSON means an officer, director, manager, principal, or shareholder or member owning at least 10% ownership of a legal entity.

(3) DAY means a calendar day, except that if the final day of a period within which an act is to be performed is a Saturday, Sunday, or holiday in which the City of Austin's offices are closed, the period is extended to the next day that is not a Saturday, Sunday, or holiday in which the City of Austin's offices are closed.

(4) PANEL means the Applicant Review Panel of three qualified, independent auditors that screens applicants for the Commission.

(5) QUALIFIED INDEPENDENT AUDITOR means an auditor who is currently licensed by the Texas Board of Public Accountancy and has been a practicing independent auditor for at least five years prior to appointment to the Applicant Review Panel.

(6) SPOUSE means one's licensed marriage spouse, common law spouse, or recognized domestic partner.

(7) SUBSTANTIAL NEGLECT OF DUTY means that an individual has disregarded a manifest duty, prescribed by this section, intentionally, knowingly, or negligently. Missing half or more of the meetings in a three month period constitutes a substantial neglect of duty.

(B) In 2013 and thereafter in each year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Commission shall adjust the boundary lines of the 10 single-member districts in conformance with the standards and process set forth in this article. The Commission shall be fully established no later than July 1, 2013, and thereafter no later than March 1 in each year ending in the number (1). The Commission shall not draw district lines at any other time, except if the districts must be redrawn because of a judicial decision invalidating the then existing district plan, in whole or in part, or the date of the city election is moved. If the date of the city election is moved, then the dates in this article shall be adjusted to ensure the commission has sufficient time to draw the lines prior to the election date.

(C) The commission shall:

(1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines;

(2) draw district lines according to the redistricting criteria specified in this section; and

(3) conduct themselves with integrity and fairness. This selection process is designed to produce a commission that is independent from influence by the City Council and is reasonably representative of this city's diversity.

(D) The commission shall consist of 14 members.

(1) Each commission member shall be a voter who has been continuously registered in the City of Austin for five or more years immediately preceding the date of his or her appointment. Each commission member, except the student member described below, shall have voted in at least three of the last five city of Austin general elections immediately preceding his or her application. One commission member shall be a student duly enrolled in a community college or university in the City of Austin and who resides and is registered to vote in the City of Austin.

(2) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken.

(3) Nine members of the commission shall constitute a quorum. Nine or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any council district.

(4) Each commission member shall apply this section in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A commission member shall be ineligible, for a period of 10 years beginning from the date of appointment, to hold elective public office for the City of Austin. A member of the commission shall be ineligible, for a period of three years beginning from the date of appointment, to hold appointive public office for the City of Austin, to serve as paid staff for or as a paid consultant to the City of Austin, the City Council or any member of the City Council, or to receive a non-competitively bid contract with the City of Austin. This three year ban on having a paid consultancy or entering noncompetitively bid contracts applies to the member individually and all entities for which the member is a controlling person.

(E) The commission shall establish the boundaries of the council districts for the City of Austin in a plan using the following criteria as set forth in the following order of priority:

(1) districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts, except where deviation is required to comply with the federal Voting Rights Act or allowable by law.

(2) districts shall comply with the federal Voting Rights Act (42 U.S.C. Sec. 1971 and following) and any other requirement of federal or state law.

(3) districts shall be geographically contiguous.

(4) the geographic integrity of any local neighborhood or local community of interest shall be respected in a manner that minimizes their division to the extent possible without violating the requirements of any of the preceding subsections. A community of interest is a contiguous population that shares common social and economic interests that should be included within a single district for purposes of its effective and fair representation. Communities of interest shall not include relationships with political parties, incumbents, or political candidates.

(5) to the extent practicable, district boundaries shall be drawn to encourage geographical compactness such that nearby areas of population are not bypassed for more distant populations.

(6) to the extent practicable, district boundaries shall be drawn using the boundaries of existing election precincts.

(7) to the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.

(F) The place of residence of any incumbent or potential political candidate shall not be considered in the creation of a plan or any district. Districts shall not be drawn for the purpose of favoring or discriminating against any incumbent, political candidate, or political group.

(G) By December 1, 2013, and thereafter by November 1 in each year ending in the number one (1), the commission shall adopt a final plan for the City of Austin specifically describing the district boundaries for each of the council districts prescribed above. Upon adoption, the commission shall certify the plan to the City Council. The city council may not change the plan. The plan shall have the force and effect of law.

(1) The commission shall issue a report that explains the basis on which the commission made its decisions in achieving compliance with the criteria listed above and shall include definitions of the terms and standards used in drawing the final plan.

(2) If the commission does not adopt a final plan by the dates in this section, the city attorney for the City of Austin shall immediately petition state court for an order prescribing the boundary lines of the single-member districts in accordance with the redistricting criteria and requirements set forth in this Section. The plan prescribed by the court shall be used for all subsequent city council elections until a final plan is adopted by the commission to replace it.

(H) The commission has the sole legal standing to defend any action regarding a certified final map, and shall inform the City Council if it determines that funds or other resources provided for the operation of the commission are not adequate. The City Council shall provide adequate funding to defend any action regarding a certified map. The commission has sole authority to determine whether the city attorney or other legal counsel retained by the commission at its discretion shall represent the commission in defense of a certified final map.

(I) Commission Selection Process.

(1) No later than December 1, 2012, and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all registered City of Austin voters who meet the requirements of subdivision 3(D)(1) above, in a manner that promotes a large, diverse (by race, ethnicity, gender, and geography) and qualified Commissioner applicant pool. The City Auditor shall take all reasonable and necessary steps to ensure that the pool has the requisite numbers, diversity, and qualifications. This process shall remain open until February 1, 2013 and thereafter until September 30 in each year ending in the number zero.

(2) No later than December 1, 2012 and thereafter by June 1 in each year ending in the number zero, the City of Austin Auditor shall initiate and widely publicize an application process, open to all qualified independent auditors that reside in the City of Austin and who meet

the requirements of subdivision 3(A)(5) above, in a manner that promotes a large pool of applicants and applicant diversity by race, ethnicity, gender, and geography. This process shall remain open until February 1, 2013 and thereafter until September 1 in each year ending in the number zero.

(3) The City of Austin Auditor shall remove from the commissioner or independent auditor applicant pool any person with conflicts of interest including:

(a) Within the five years immediately preceding the date of application, either the applicant or their spouse, shall have done any of the following:

(i) been appointed to, elected to, or have been a candidate for state or city office.

(ii) served as an officer, employee, or paid consultant of a political party or of the campaign committee of a candidate for elective state, county or city office.

(iii) been a registered state or local lobbyist.

(iv) contributed or bundled \$1,000 or more in aggregate to candidates for City of Austin elective office in the last city election.

(b) A person who has been, within the three years immediately preceding the date of application: a paid employee of the City of Austin; person performing paid services under a professional or political contract to the City of Austin, to the City Council, or to any member of the City Council; any controlling person of any such consultant; or a spouse of any of the foregoing.

(4) No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall review the auditor review panel applicants and remove those who do not meet the prescribed qualifications in subdivision 3(A)(5) or have conflicts of interest as defined by subdivision 3(I)(3). No later than February 15, 2013, and no later than October 1 in each year ending in the number zero, the City of Austin Auditor shall at a public meeting randomly draw the names of three qualified independent auditors from a pool consisting of all qualified independent auditors, without conflicts of interest, that have applied to serve on the Applicant Review Panel. After the drawing, the City Auditor shall notify the three qualified independent auditors whose names have been drawn that they have been selected to serve on the panel. If any of the three qualified independent auditors declines to serve on the panel or is disqualified because of any conflict of interest prescribed above in subdivision 3(I)(2), the City of Austin Auditor shall resume the random drawing at a public meeting as soon as possible until three qualified independent auditors who meet the requirements of this section have agreed to serve on the panel.

(5) No later than March 1, 2013, and thereafter no later than October 31 in each year ending in the number zero, the City of Austin Auditor shall have reviewed and removed individuals with conflicts of interest as defined in subdivision 3(I)(3), or fail to meet the qualification prescribed in subdivision 3(D)(1), from among the commission applicants, and then shall publicize the names in the applicant pool and provide copies of their applications to the Applicant Review Panel.

(6) No later than May 1, 2013, and thereafter by January 15 in each year ending in the number one, the Applicant Review Panel shall select a pool of 60 applicants from among the qualified applicants. These persons shall be the most qualified applicants on the basis of relevant analytical skills, ability to be impartial, residency in various parts of the City, and appreciation for the City of Austin's diverse demographics and geography. The members of the Applicant Review Panel shall not communicate directly or indirectly with any elected member of the City Council, or their representatives, about any matter related to the nomination process or any applicant prior to the presentation by the panel of the pool of recommended applicants to the City Council.

(7) No later than May 2, 2013, and by January 16 in each year ending in the number one thereafter, the Applicant Review Panel shall submit its pool of 60 recommended applicants to the City Council. Each member of the City Council within five days in writing may strike up to one applicant from the pool of applicants. No reason need be given for a strike. Any applicant struck by any member of the City Council must be removed from the pool of applicants. No later than May 8, 2013, and thereafter by January 22 in each year ending in one, the Applicant Review Panel shall submit the pool of remaining applicants to the City of Austin Auditor.

(8) No later than May 9, 2013 and thereafter by January 23 in each year ending in the number one, the City of Austin Auditor shall randomly draw at a public meeting eight names from the remaining pool of applicants. These eight individuals shall serve on the Citizens Redistricting Commission.

(9) No later than June 30, 2013, and thereafter by February 28 in each year ending in the number one, the eight commissioners shall review the remaining names in the pool of applicants and, from the remaining applicants in that pool, shall appoint six applicants to the commission. These six appointees must be approved by at least five affirmative votes among the eight commissioners. These six appointees shall be chosen to ensure that the commission reflects the diversity of the City of Austin, including, but not limited to, racial, ethnic, and gender diversity. However, it is not intended that formulas or specific ratios be applied for this purpose. Applicants shall also be chosen based on relevant analytical skills and ability to be impartial. As for geographic diversity, for the first redistricting in 2013, the eight commissioners shall appoint the remaining six members to ensure geographic diversity and that at least three commissioners come from each of the four existing Travis County Commissioners districts, to the extent feasible with the remaining six open seats. As for the redistricting in each year ending in the number one thereafter, the eight commissioners shall ensure that at least one commission member resides in each of the then current council districts, to the extent feasible with the remaining six open seats.

(10) Once constituted, the commission shall conduct hearings and adopt a plan for the boundaries of the city's council districts as required by the charter of the City of Austin.

(J) Citizens Redistricting Commission Vacancy, Removal, Resignation, or Absence.

(1) In the event of substantial neglect of duty, gross misconduct in office, or inability to discharge the duties of office, a member of the commission, having been served written notice and provided with an opportunity for a response, may be removed by a vote of 10 of the Commissioners.

(2) Any vacancy, whether created by removal, resignation, or absence, in the 14 commission positions shall be filled by the Commission within 15 days after the vacancy occurs, from the remaining pool of applicants and in compliance with the applicant requirements of subdivision 3(I)(8). Nine members must agree to any appointment.

(K) The activities of the Citizens Redistricting Commission are subject to all of the following:

(1) the commission shall comply with all state and city requirements for open meetings.

(2) the records of the commission and all data considered by the commission are public records that will be made available in a manner that ensures immediate and widespread public access.

(3) commission members and commission staff may not communicate with or receive communications about redistricting matters from anyone outside of a public hearing. This paragraph does not prohibit communication between commission members, commission staff (which shall exclude staff of any council members), legal counsel, and consultants retained by the commission that is otherwise permitted by state and city open meeting requirements.

(4) the commission shall select one of its members to serve as the chair and one to serve as vice chair. The chair and vice chair shall remain voting members of the commission.

(5) the commission shall hire commission staff, legal counsel, and consultants as needed; provided, however, that compensation of such persons shall be limited to the period in which the commission is active. The commission shall establish clear criteria for the hiring and removal of these individuals, communication protocols, and a code of conduct. The commission shall apply the conflicts of interest listed in subdivision 3(I)(3) to the hiring of staff, legal counsel, and consultants. The commission shall require that at least one of the legal counsel hired by the commission has demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965 (42 U.S.C. Sec. 1971 and following). The commission shall make hiring, removal, or contracting decisions on staff, legal counsel, and consultants by nine or more affirmative votes.

(6) notwithstanding any other provision of law, no employer shall discharge, threaten to discharge, intimidate, coerce, or retaliate against any employee by reason of such employee's membership on the commission or attendance or scheduled attendance at any meeting of the commission.

(7) the commission shall establish and implement an open hearing process for public input and deliberation that shall be subject to public notice and promoted through an extensive outreach program to solicit broad public participation in the redistricting public review process. The hearing process shall begin with hearings to receive public input before the commission votes and approves a preliminary redistricting plan. In 2013, there shall be at least two such public hearings, before the commission votes on a preliminary plan, in each of the four Travis County Commissioner Precincts, and in each year ending in the number one thereafter, there shall be at least one such public hearing, before the commission votes on a preliminary redistricting plan in each of the then existing 10 council districts. In addition, these hearings shall be supplemented with all other appropriate activities to further increase opportunities for the public to observe and participate in the review process.

Following the commission's vote approving the preliminary plan, there shall be at least four public hearings, geographically dispersed with at least one hearing in each of the four Travis County Commissioners' precincts and hearing shall be held on a different date. The commission also shall display the approved preliminary plan for written public comment in a manner designed to achieve the widest public access reasonably possible. Written public comment shall be taken for at least 14 days from the date of public display of the approved preliminary plan. The commission then shall vote on a proposed final plan and then it shall hold two subsequent public hearings, one north of Lady Bird Lake and one south of Lady Bird Lake and take at least five days of written public comments. The Commission then shall be finished with all hearings and adopt a final plan by no later than December 1, 2013, and thereafter by November 1 in each year ending in the number one.

(8) members of the commission shall not be compensated for their service. Members of the panel and the commission are eligible for reimbursement of reasonable and necessary personal expenses incurred in connection with the duties performed pursuant to this act.

(9) the City Council shall appropriate sufficient funds to meet the operational cost of the commission and the cost of any outreach program to solicit broad public participation in the redistricting process.

(10) the commission shall remain inactive except when necessary to comply with its duties under this ordinance and the charter of the City of Austin.

Amendment note:

Section 3 appears as added at the election of November 6, 2012.

§ 4. TRANSITION.

ARTICLE II

NOMINATIONS AND ELECTIONS

Section 4: Districts Established

For the purpose of electing members of the Council the City shall be divided into eight Districts as nearly equal in population as practicable. A ninth Council district shall be created in the redistricting following the 2010 national decennial census, at which time the City shall be divided into nine (9) council districts as nearly equal in population as practicable. Thereafter the boundaries of such districts shall be subject to alteration and change under the provisions of this Charter.

In any redistricting plan adopted by the Redistricting Commission pursuant to Section 5.1 or ordinance adopted by the Council establishing, changing or altering the boundaries of any Council district, the redistricting plan or ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in said redistricting plan or ordinance.

(Amendment voted 03-10-1953; effective 04-20-1953.)

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-06-1990; effective 02-19-1991.)

(Amendment voted 06-02-1992; effective 07-13-1992.)

(Amendment voted 06-08-2010; effective 07-30-2010.)

Prior Language

Section 5: Redistricting

In the event that any voting precinct which may be established at the time this Charter takes effect or which may be thereafter established is partly within two or more such districts, said precinct shall be allocated to the District in which a majority of the voters within such precinct resides, and said district boundaries shall be changed accordingly. The City shall be redistricted pursuant to Section 5.1 of this Charter at least once in every ten (10) years, but no later than nine months following the receipt of the final Federal Decennial Census information.

Any territory hereafter annexed to or consolidated with The City of San Diego shall at the time of such annexation or consolidation be added to an adjacent District or Districts by an ordinance of the Council. However, if any territory annexed, deannexed or consolidated upsets the approximate equality of the populations of the established

districts, a redistricting shall be conducted pursuant to Section 5.1 of this Charter, except that the nomination period for appointment to the Redistricting Commission shall commence on the July 1 immediately succeeding the annexation, deannexation or consolidation and the Redistricting Commission shall be constituted no later than the next November 1.

In any redistricting, the districts shall be comprised of contiguous territory and made as equal in population as shown by the census reports, and as geographically compact as possible, and the districts so formed shall, as far as possible, be bounded by natural boundaries, by street lines and/or by City boundary lines.

(Amendment voted 06-02-1992; effective 07-13-1992.)

Prior Language

Section 5.1: Redistricting Commission

The members of the City Council shall be elected by districts, as follows:

Subject to the provisions of the City Charter relating to referendum and initiative powers of the people, the sole and exclusive authority to adopt plans which specify the boundaries of districts for the City Council is vested in the Redistricting Commission, to be established by this Section.

Commencing in the year following the year in which the national decennial census is taken under the direction of the United States Congress at the beginning of each decade, the Redistricting Commission shall adopt plans that redistrict the City into nine (9) Council districts designated by numbers 1 to 9 inclusive. Those districts shall be used for all elections of Council members, including their recall, and for filling any vacancy in the office of member of the Council, subsequent to the effective date of this Section (and until new districts are established).

No change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any member of the Council prior to the expiration of the term of office for which such member was elected.

Districts formed by the Redistricting Commission shall each contain, as nearly as practicable, one-ninth of the total population of the City as shown by the Federal census immediately proceeding such formation of districts.

Each redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and Federal statutes.

To the extent it is practical to do so, districts shall: preserve identifiable communities of interest; be geographically compact-populous contiguous territory shall not be bypassed to reach distant populous areas; be composed of whole census units as developed by the United States Bureau of the Census; be composed of contiguous territory with reasonable access between population centers in the district, and not be drawn for the purpose of advantaging or protecting incumbents.

The Redistricting Commission shall be composed of seven (7) members who shall be appointed by the Presiding Judge of the Municipal Court, San Diego Judicial District. In the event that the Presiding Judge declines to make the appointments, they shall be made by a Municipal Court Judge selected by vote of the Judges of the Municipal Court, San Diego Judicial District. Should the Judges of the Municipal Court decline to so act, then the Redistricting Commission shall be appointed by a panel of three retired Superior Court Judges drawn at random by the City Manager in the fashion described in Penal Code sections 900(a) and 902. In the event that all of the preceding individuals decline to act, then the Redistricting Commission shall be appointed by a majority vote of the City Council in the fashion set forth below. The term "Presiding Judge," as used herein below, shall include any person or any body acting to appoint the Redistricting Commission pursuant to the provisions of this paragraph.

The City Clerk shall solicit nominations for appointment to the Redistricting Commission in accordance with this Section and shall distribute to the news media the announcement of a thirty (30) day nomination period (which shall commence on July 1, 2000, and on July 1 of every year in which a national decennial census is taken) and the guidelines for selection of Commission members.

Individuals or organizations desiring to nominate persons for appointment to the Commission shall do so in writing to the City Clerk within the nominating period. The City Clerk shall transmit the names and information regarding all nominees with the names of nominating individuals and organizations to the Presiding Judge immediately upon the close of nominations. The Presiding Judge shall appoint the members constituting the Commission no later than November 1, 2000, and on November 1 of every year in which a national decennial census is taken. The Presiding Judge shall appoint women and men who will give the Redistricting Commission geographic, social and ethnic diversity, and who, in his or her judgement, have a high degree of competency to carry out the responsibilities of the Commission. The appointees shall include individuals with a demonstrated capacity to serve with impartiality in a nonpartisan role.

Each member of the Commission shall be registered to vote in The City of San Diego.

Persons who accept appointment to the Commission, at the time of their appointment, shall file a written declaration with the City Clerk stating that within five (5) years of the

Commission's adoption of a final redistricting plan, they will not seek election to a San Diego City public office. The members of the Redistricting Commission shall serve until the redistricting plan adopted by the Commission becomes effective and any and all legal and referendum challenges have been resolved.

Any vacancy in the Redistricting Commission which occurs after the Commission is constituted shall be filled within seven (7) calendar days by the Presiding Judge of the San Diego Municipal Court, San Diego Judicial District, following the same procedure and using the same criteria established with this Section and making the selection from the same pool of individuals given consideration for appointment when the Commission was constituted.

Within twenty (20) days after the membership of the Commission is appointed, it shall hold its first meeting at a time and place designated by the City Clerk.

All Commission meetings shall be open to the public and Commission records, data and plans shall be available, at no charge, for public inspection during normal business hours in the office of the City Clerk. Copies of records and plans shall be provided, for a reasonable fee, to any interested person.

The Commission shall elect a chair and a vice chair and shall employ a chief of staff, who shall serve at the Commission's pleasure, exempt from Civil Service, and shall contract for needed staff, technical consultants and services, using existing City staff to the extent possible.

Aye votes by 5 members of the Commission shall be required for the appointment of its chief of staff, the election of its chair, and the adoption of the final redistricting plan and a majority vote of the Commission shall be required for all other actions. A majority of the entire Commission shall constitute a quorum for the transaction of business or exercise of any power of the Commission.

The Commission shall make every reasonable effort to afford maximum public access to its proceedings. It shall solicit public comment and shall hold at least four (4) public hearings in various geographic areas of the City before the preparation of a preliminary redistricting plan.

At least thirty (30) days prior to the adoption of a final plan, the Commission shall file a preliminary plan with the City Clerk, along with a written statement of findings and reasons for adoption which includes notation of all criteria employed in the process and a full analysis and explanation of decisions made by the Commission.

During the thirty (30) day period after such filing, the Commission shall hold at least three (3) public hearings in various geographic areas of the City before it adopts a final plan. Upon approval of the final plan, the Commission shall adjust the boundaries of any or all of the Council districts of the City pursuant to the final plan. Said final redistricting plan shall be effective thirty (30) days after adoption and shall be subject to the right of referendum in the same manner as are ordinances of the City Council. If rejected by referendum, the same Commission shall create a new plan pursuant to the criteria set forth in Sections 5 and 5.1.

Within sixty (60) days after the members of the Commission are appointed, the Commission shall adopt a budget and submit it to the Presiding Judge. If he or she approves it, it shall be forwarded to the City Council for its consideration. The City Council shall appropriate funds to the Commission and to the City Clerk adequate to carry out their duties under this Section.

If any part of these amendments to Sections 4 or 5 of the Charter or the addition of Section 5.1 to the Charter or their application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications which reasonably can be given effect without the invalid provision or application.

(Addition voted 06-02-1992; effective 07-13-1992.)

(Amendment voted 06-08-2010; effective 07-30-2010.)

Prior Language

Section 6: Qualified Electors

The qualifications of an elector at any election held in the City under the provisions of this Charter shall be the same as those prescribed by the general law of the State for the qualification of electors at General State Elections. No person shall be eligible to vote at such City election until he has conformed to the general State law governing the registration of voters.

Section 7: Elective Officers Residency Requirement

An elective officer of the City shall be a resident and elector of the City.

In addition, every Council member shall be an actual resident and elector of the district from which the Council member is nominated. Any Council member who moves from the district of which the Council member was a resident at the time of taking office forfeits the office, but no Council member shall forfeit the office as a result of redistricting.

The Council shall establish by ordinance minimum length of residency requirements for candidacy to elective office, whether by appointment or election.

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Amendment voted 11-06-1979; effective 12-17-1979.)

Prior Language

Section 8: Election Code

Within ninety (90) days after this amendment has been ratified by the State Legislature the Council shall adopt an election code ordinance, providing an adequate and complete procedure to govern municipal elections, including the nomination of candidates for all elective offices. All elections provided for by this charter, whether for choice of officers or submission of questions to the voters, shall be conducted in the manner prescribed by said election code ordinance.

(Amendment voted 04-22-1941; effective 05-08-1941.)

Prior Language

Section 9: Nominations

Nominations of candidates for all elective offices shall be made in the manner prescribed by the election code ordinance provided for in Section 8 of this article.

(Amendment voted 04-22-1941; effective 05-08-1941.)

Prior Language

Section 10: Elections

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members shall be nominated and elected by the electors of the district for which elective office they are a candidate.

Commencing with the year 1996, the municipal primary elections to the office of Council member for Districts 1, 3, 5, and 7 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year.

Commencing with the year 1998, the municipal primary elections to the offices of Council member for Districts 2, 4, 6, and 8 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year.

Commencing with the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census, and every four years

thereafter, the municipal primary and general elections to the office of Council District 9 shall be held.

Commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for the offices of Mayor and City Attorney shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election. In the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office, the candidate so receiving such majority of votes shall be deemed to be and declared by the Council to be elected to such office. In the event no candidate receives a majority of votes cast as aforesaid, the two candidates receiving the highest number of votes for a particular elective office at said primary shall be the candidates, and only candidates, for such office and the names of only those two candidates shall be printed upon the ballots to be used at the general municipal election.

At the general municipal election held for the purpose of electing Council members other than the Mayor the electors of each Council district shall select from among the candidates chosen at the primary election in that district one candidate for the office of the Council member whose term expires the succeeding December. At the general municipal election held for the purpose of electing any other elective officer there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 06-05-1956; effective 01-10-1957.)

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Amendment voted 11-08-1988; effective 04-03-1989.)

(Amendment voted 11-03-1992; effective 12-18-1992.)

(Amendment voted 06-08-2010; effective 07-30-2010.)

Prior Language