



CITY OF DALLAS

**Memorandum**

DATE April 16, 2014

TO The Honorable Chair and Members of the Charter Review Commission

SUBJECT Redistricting: Consensus Amendments and Options

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The following documents the consensus reached during the April 15, 2014 meeting, and provides options on the outstanding issues. New language is underlined. [~~Language to be deleted is in brackets and struck out.~~] **[Issues that require decisions are in brackets and in bold. Options for decisions are listed at the end of this memo.]**

**CHAPTER IV. ELECTIONS AND REFERENDUMS**

**SEC. 5. DISTRICTS [~~LIMITS~~] AND REDISTRICTING.**

(a) The city shall be divided into 14 districts, known as Districts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 14.

(b) Redistricting commission.

(1) Not later than January 31 of the year following the federal decennial census [~~the date of receipt of any federal census~~], the city secretary shall initiate and widely publicize a 60-day application process, open to all registered voters residing in the city, with outreach to diverse communities to encourage participation. All applications must be submitted in writing. Applicants must be registered to vote and must have voted in two of the last three city elections for city council members.

(2) Applicants must have the following qualifications: **[See item 1 below for options on qualifications.]**

(3) The following persons are not eligible to serve on the redistricting commission:

(A) a member of the city council or the spouse of a member of the city council or any family member within the third degree of consanguinity or affinity;

(B) a person or the spouse of a person who has been appointed to or elected to any elective federal, state, county, or city office during the three years before the application date;

(C) the campaign manager, treasurer, or staff member of any federal, state, county, or city office during the five years before the application date;

(D) a registered lobbyist or spouse of a lobbyist registered with the city, county, state, or federal government;

(E) a person or spouse of a person who has a contractual relationship with the city, works for the city, works for or with any member of the city council, or has a contractual relationship with any member of the city council, or the spouse of a city council member; or

(F) a person who, in accordance with this Charter, city ordinances, or written city policy, is ineligible for appointment to a city board or commission.

(4) By April 1 of the year following the federal decennial census, the city secretary's office shall review each application for completeness and shall forward the complete applications to an independent outside auditor's office to determine compliance with the qualifications and to eliminate applicants that do not qualify. By June 1, the independent auditor's office shall forward a list of all qualified applicants to the mayor and city council. The list will indicate the city council district where the applicant lives.

(5) In making their appointments, members of the city council and the mayor shall use the following process: [See item 2 below for options for selections]. E[e]ach 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 redistricting commission's work.

(6) The redistricting commission shall draw the districts in compliance with the following guidelines:

(A) The districts shall be substantially equal in population according to the total population count as presented in the census data, except where deviation is required to comply with federal law or is allowable by law.

(B) In addition to the requirements of federal law, there shall be no discrimination on the basis of race, color, or membership in a language minority group, and the voting strength of racial, ethnic and language minorities in the districts shall not be diluted to deprive minority voters of an equal opportunity to elect a candidate of their choice.

(C) The districts shall be geographically compact, to the extent possible, and composed of contiguous territory.

(D) The reconfiguration of districts shall be neutral as to incumbents or potential candidates.

(E) Communities of interest shall be maintained in a single district and attempts should be made to avoid splitting neighborhoods, where possible without violating the other requirements.

(F) The redistricting commission may adopt any other requirements of federal or state law.

~~(7[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, except the mayor, in the next two succeeding general elections 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 two ~~[one]~~ years after service on the redistricting commission.

(8) City council members may not have contact, directly or indirectly, with any redistricting commission member or with redistricting commission staff, with respect to redistricting, except by testimony in an open meeting. Redistricting commission members may not engage in any discussions, directly or indirectly, regarding redistricting or the work of the redistricting commission with city council members, except during an open meeting or by written communication given to the entire redistricting commission. If a redistricting commission member engages in a prohibited discussion or violates the Texas Open Meetings Act, the redistricting commission may, by majority vote, remove the commissioner from the redistricting commission.

~~(9[3])~~ Before the redistricting commission commences work, the city will provide training from knowledgeable and professional trainers on Dallas demographics, the legal principles of redistricting, including the Voting Rights Act, and the process for performing redistricting, including the use of computer software to draw district lines. Upon request, the city shall provide support staff and equipment and other resources, as necessary for the redistricting commission to perform its duties. The redistricting commission shall solicit broad public participation in the redistricting process. The hearing process shall include hearings to receive public input before the redistricting commission draws any maps and hearings following the drawing and display of any redistricting commission maps. The redistricting commission shall display the proposed maps for public comment in a manner designed to achieve the widest public access reasonably possible, and for a reasonable time before approval by the redistricting commission. In addition, the redistricting commission shall make available a report that identifies for each district: boundaries, population, racial and ethnic composition, and compactness measures. [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.]~~

(10) 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. Any modification or change to the plan must be made in open session at a city council meeting with a written explanation of the need for the modification or change, and a copy of the proposed map with the modification or change made available to the public 72 hours before a vote, and the proposed map must be approved by a vote of three-fourths of the members of the city council. If no [neither of such] action[s] is taken by the city council within 45 days after the plan was presented to the mayor, then the recommended plan of the redistricting commission will become the final districting plan for the city.

(11[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.

#### **Item 1: Options for qualifications.**

- A. **Commissioner Phillips' suggested language:** “Following a review of the applicant pool, the composition of the redistricting commission shall ensure the relevant expertise, a capacity to serve with impartiality, the ability to work collaboratively, an understanding of the underlying legal principles of redistricting, a knowledge and appreciation of the diverse racial and ethnic demographics in Dallas, and a will to serve the greater good.”
- B. **Commissioner Ragsdale's suggested language:** “Knowledge and support of the Voting Rights Act.”

#### **Item 2: Options for selection.**

- A. **Process for selecting the 14 redistricting commissioners:**
  - 1. Strikes: Each councilmembers is allowed to strike candidates from the qualified applicant pool. If so, how many?

2. Selection:
  - a. Candidates are selected at random from the qualified applicant pool. If so, who performs the random selection: mayor, city secretary, city attorney, city manager?
  - b. Each councilmember selects one redistricting commissioner from the qualified applicant pool.

**B. Process for selecting four additional at-large redistricting commissioners:**

1. There was consensus that four at-large redistricting commissioners need to be selected from the qualified applicant pool to ensure: (a) geographic, racial, ethnic, and gender diversity; (b) special expertise; and (c) city-wide perspective. Who selects the four at-large members?
  - a. Redistricting commissioners already appointed.
  - b. The Mayor.
  - c. City Council as a body.
  - d. An independent auditor (not the city's independent auditor).

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