



City of Dallas

2021 Redistricting Commission Meeting

**November 8, 2021
6:30 p.m.**

Agenda



- Public Speakers
- Approval of October 28, 2021 Minutes
- Briefing Items:
 - A. Redistricting Marketing Strategy
 - B. Redistricting Commission Map Development Process and Guidelines, Redistricting Commission Operational Guidelines, and Meetings Calendar Discussion
- Action Items:
 - Adopt Redistricting Commission Meeting Schedule
- Additional Public Speakers



Redistricting Marketing Strategy



Catherine Cuellar

Director

Communications, Outreach and
Marketing

Q&A



Redistricting Map Development Process



Develop and Adopt Redistricting Plan Guidelines - including City Charter and any other guidelines determined by the Commission – guidelines should be adopted at the next meeting of the Commission

Determine who may submit a plan

Establish minimum standards for plan submissions, including the acceptance of full (all 14 council districts) vs partial plans

**In 2011, partial plans were not considered full plans but allowed to be submitted as testimony and become part of the Redistricting Commission record (see attached 2011 Plan Submission Packet)*

Determine process for acceptance, evaluation and presentation of plans (including public hearings)

**This should include setting a deadline for all plan submittals*

Determine process for moving plans forward and selecting a final plan for City Council consideration



Redistricting Guidelines – City Charter



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.

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.

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



Redistricting Guidelines – City Charter



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

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

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



Additional Proposed Guidelines



The Commission should determine if there are any other guidelines they wish to adopt

Attached are the City Council adopted guidelines from 2011 (many of these were subsequently incorporated into the City Charter)



Population Definitions



EQUAL POPULATION

In a series of U. S. Supreme Court cases, starting with *Reynolds v. Sims*, 377 U.S. 533 (1964), the Court ruled that disparity in population between districts violates the U.S. Constitution.

Today's rule is that for non-Congressional districts, the districts must be drawn with a good faith effort to be substantially equal in total population.

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 group 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



Deviation – Rule or Standard?



"The Equal Protection clause requires substantially equal legislative representation for citizens in a State regardless of where they reside," Reynolds v. Sims, 377 U.S. 533 (1964)

No rule - the U.S. Supreme Court has declined to identify any specific percentage that means a violation of one-person, one vote.

In practice, a standard has emerged for legislative and local maps.

Courts consider a total deviation $> 10\%$ to be constitutionally suspect. Burden is on mapdrawer to prove why deviations are so high.

If total deviation is $< 10\%$ burden is on plaintiff to show additional evidence that deviation is legally impermissible.

Remember, this is not a rule. A plan may be struck down if a smaller disparity is not justified by a good reason.



Contiguity - Definition



One of the redistricting principles considered “traditional” by the U.S. Supreme Court in *Miller v. Johnson*, 515 U.S. 900, 916 (1995) and *Shaw v. Reno*, 509 U.S. 630,647 (1993), is a district where all parts of the district are connected to each other.

No part of the district should be geographically separated from any other part of the district.



Reasonably Compact - Definition



Compactness is a term used to describe the appearance of a district. Compactness refers to the overall shape of the district.

A district is generally considered reasonably compact if it has a fairly regular geometric shape (circle, square, hexagon) 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 that "[R]eapportionment is the one area in which appearances do matter." 509 U.S. at 647



Communities of Interest - Definition



The courts have defined “communities of interest” as a group of people concentrated in a geographic area who share similar interests or priorities – whether social, cultural, ethnic, economic, religious, or political.

A community of interest is a neighborhood or community that would benefit from being maintained in a single district because of shared interests, views or characteristics. *LULAC v. Perry*, 548 U.S. 399, 435 (2006).

Example: Asian American communities in Dallas may not be large enough to constitute majority/minority districts. They may be characterized as a community of interest in order to advocate for districts that promote responsive representation by elected officials and protect against the fracturing of their communities.

Communities of interest can be multi-racial communities that include Latino, Asian American and/or African American populations.



Politically Cohesive - Definition



A group with similar political views who stick together to support the same candidates for office.

In redistricting, this is one of the *Thornburg v. Gingles*, 478 U.S. 30 (1986) principles that allows for the creation of a minority district under the Voting Rights Act if the minority population of the district votes as a cohesive unit so as to have an opportunity to elect a representative of their choice.





Types of Districts

a **CROSSOVER DISTRICT** is one in which minorities do not form a numerical majority but still reliably control the outcome of the election with some non-minority voters crossing over to vote with the minority group.

an **INFLUENCE DISTRICT** is one that includes a large number of minority voters but fewer than would allow the minority voters to control the election results when voting as a bloc. Minority voters are sufficient in number in “influence districts” to influence the outcome of the election.

a **MINORITY-COALITION DISTRICT** is a type of majority-minority district in which two or more minority groups combine to form a majority in a district. In most jurisdictions, minority-coalition districts are protected under Section 2 of the Voting Rights Act if the requirements set forth in *Thornburg v. Gingles* are satisfied.

a **MAJORITY-MINORITY** district is one in which racial or ethnic minorities comprise a majority (50% plus 1 or more) of the population. A majority-minority district can contain more than one minority group. Thus, a district that is 40% Hispanic and 11% African American is a majority-minority district, but it is not a majority Hispanic district. This is also referred to as a minority coalition district.

a **MINORITY OPPORTUNITY DISTRICT** is one that provides minority voters with an equal opportunity to elect a candidate of their choice regardless of the racial composition of the district.



Minority Vote Dilution



MINORITY VOTE DILUTION occurs when minority voters are deprived of an equal opportunity to elect a candidate of choice. It is prohibited under the Voting Rights Act of 1965. Examples of minority vote dilution include cracking and packing.

PACKING is a form of vote dilution prohibited under the Voting Rights Act where a minority group is overconcentrated in a small number of districts. For example, packing can occur when the African American population is concentrated into one district where it makes up 90% of the district, instead of two districts where it could be 50% of each district.

CRACKING is a form of vote dilution occurring when districts are drawn so as to divide a geographically compact minority community into two or more districts. If the minority community is politically cohesive and could elect a preferred candidate if placed in one district but, due to cracking, the minority population is divided into two or more districts where it no longer has any electoral control or influence, the voting strength of the minority population is diluted.



Discussion





- Chapter 8
 - Meetings, Quorum, Attendance
 - Public Speakers
 - Preservation of Order, Right to Floor, Voting
 - Dealings with City Employees
 - Legal Opinions
- Special Considerations for Town Hall Meetings
- Preparation of Meeting Materials





NOTICE OF MEETINGS

Notice of all special and regular meetings of the board shall be published in accordance with the Texas Open Meetings Act. [Sec. 8-7]

QUORUM

A quorum exists when there are physically present a simple majority of the number of members officially appointed to the board. [Sec. 8-4]





ATTENDANCE

A member of the board that meets weekly or semi-monthly, who is absent from more than 25 percent of the regular meetings in any six-month period, whether excused or not, results in a forfeiture. [Sec. 8-2(b)]

More than three unexcused absences in succession results in a forfeiture. [Sec. 8-20(a)]





EXCUSAL DURING MEETING

A member who leaves a board meeting after the board has been duly called to order and is absent for the remainder of the meeting, without first obtaining the consent of the chair, shall be charged with an unexcused absence for that meeting. The consent of the chair may be given only in an emergency beyond the control of the member that requires the member to leave the meeting. [Sec. 8-21 (a)]

If a member is absent from more than 50 percent of a regular meeting, the member will be deemed absent and the absence will count against the member. [Sec. 8-21 (b)]





PUBLIC SPEAKERS

A board shall allow any member of the public to address the board regarding any item on the board's posted agenda at a designated time before or during the board's consideration of the item. A board may adopt reasonable rules regarding the public's right to address the body, including rules that limit the total amount of time that a member of the public may address the body. [Sec. 8-6(d)]

If a board adopts a rule placing a time limit on public comments, any member of the public requiring the use of a translator to relay public comments shall be afforded twice the amount of time as a member of the public who does not require a translator. [Sec. 8-6(e)]





PRESERVATION OF ORDER

The chair shall preserve order and decorum. The chair shall require members of the board engaged in debate to limit discussion to the question under consideration. [Sec. 8-10]





RIGHT TO FLOOR

When recognized by the chair, a member shall confine remarks to the question under debate, avoid personalities, and refrain from impugning the motives of any other member's argument or vote. No member may address the chair or demand the floor while a vote is being taken. [Sec. 8-13]





VOTING

Every member present when a question is put shall vote either “yes” or “no,” unless the member is prevented from voting because of conflict of interests. A member who is present during a meeting and does not vote is recorded as having voted in the affirmative, unless the member has obtained the consent of the chair to leave the meeting and is absent for the remainder of the meeting. [Sec. 8-17]

Upon demand from any member, made before the negative has been put, the roll shall be called for “Yeas” and “Nays” upon any question before the board.[Sec. 8-18]





DEALINGS WITH CITY EMPLOYEES

Under no circumstances shall members of a board or commission interfere in any manner with the employees or personnel who work with or under the board, but they shall in all cases make their wishes known to the head of the department, who shall handle the matter with employees the same as in other employee-personnel problems. [Sec. 8-27]





LEGAL OPINIONS

If a legal opinion has been rendered by the city attorney regarding a board's powers, duties, or responsibilities, that board shall conform its actions in accordance with the opinion of the city attorney unless such opinion is in conflict with a decision by a court of competent jurisdiction. [Sec. 8-28]



Special Considerations for Town Hall Meetings



Because town hall meetings are considered special meetings of the board, attendance will not be counted.

To properly transact business of the board, however, a quorum must be present at the meeting. Since a quorum is expected at town hall meetings, all town hall meetings will be posted as public meetings in accordance with the Texas Open Meetings Act and will follow all other TOMA requirements.

Any town hall meeting that does not have a quorum present at the meeting will be conducted as a listening session only. Members of the public may speak to the board, but board members may not engage in any debate or discussion.



Preparation of Meeting Materials



The Office of Government Affairs, in coordination with ARCBridge Inc, will prepare all meeting materials

Meeting materials will be sent to the Commission on the Friday before the Monday meeting of the Commission

A limited number of printed materials will be available at the Commission meeting



Discussion





Approved Redistricting Commission Regular Meetings November 8, 2021 – December 27, 2021 City Council Chambers

- **November 2021**

- Monday, November 8, 2021 Time: 6:30 PM
- Monday, November 22, 2021 Time: 3:30 PM

- **December 2021**

- Monday, December 13, 2021 Time: 6:30 PM
- Monday, December 27, 2021 Time: 3:30 PM



Redistricting Commission Meetings Calendar Discussion (cont.)



Proposed Future Redistricting Commission Meetings Schedule

- January 2022
 - Monday, January 3, 2022 Time: _____
 - Monday, January 10, 2022 Time: _____
 - Monday, January 17, 2022 Martin Luther King Day
 - Monday, January 24, 2022 Time: _____

- February 2022
 - Monday, February 7, 2022 Time: _____
 - Monday, February 14, 2022 Time: _____
 - Monday, February 21, 2022 Presidents' Day
 - Monday, February 28, 2022 Time: _____

- March 2022
 - Monday, March 7, 2022 Time: _____
 - Monday, March 14, 2022 Time: _____
 - Monday, March 21, 2022 Time: _____
 - Monday, March 28, 2022 Time: _____



Redistricting Commission Meetings Calendar Discussion (cont.)



Proposed Future Redistricting Commission Meetings Schedule

- April 2022
 - Monday, April 4, 2022 Time: _____
 - Monday, April 11, 2022 Time: _____
 - Monday, April 18, 2022 Tax Day
 - Monday, April 25, 2022 Time: _____

- May 2022
 - Monday, May 2, 2022 Time: _____
 - Monday, May 9, 2022 Time: _____
 - Monday, May 16, 2022 Time: _____
 - Monday, May 23, 2022 Time: _____
 - Monday, May 30, 2022 Memorial Day



Redistricting Commission Meetings Calendar Discussion (cont.)



Proposed Townhall Meetings

• December 2021

- December ____, 2021 Time: _____ AM / PM
- December ____, 2021 Time: _____ AM / PM
- December ____, 2021 Time: _____ AM / PM
- December ____, 2021 Time: _____ AM / PM
- December ____, 2021 Time: _____ AM / PM

• January 2022

- January ____, 2021 Time: _____ AM / PM
- January ____, 2021 Time: _____ AM / PM
- January ____, 2021 Time: _____ AM / PM
- January ____, 2021 Time: _____ AM / PM



Action Item: Adopt Redistricting Commission Meeting Calendar



Proposed Regular RDC Meetings

- January 2022 to May 2022
- Mondays after 3:30 p.m.

Proposed Townhall Meetings

- December 2021 - January 2022
- Date & Time?

These sessions are intended to be a forum for the Commission to hear resident's comments and concerns, as well as gain insights into what residents deem important to their communities, neighborhoods, and the City regarding council district divisions. The Commission will not entertain discussions of potential or proposed maps during the listening sessions. A second round of Town Hall sessions will be scheduled wherein residents may present maps and comment on specific maps.





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