



**City of Dallas**

# **Redistricting 2021**

**City Council Meeting  
January 6, 2021**

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# Presentation Overview



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# 2020 Census Update



- The U.S. Census Bureau wrapped up self response and field data collection operations on October 15, 2020
- The Bureau is currently processing all the data and ensuring everyone is counted only once and in the right place
- United States Supreme Court currently considering whether the Administration can exclude undocumented immigrants from population counts for purposes of apportionment (could impact number of U.S. House seats in Texas)
- Census counts delivery **tentative** timeline:
  - December 31, 2020 – The Bureau will deliver state population counts for purposes of apportionment
  - April 1, 2021 – The Bureau will deliver local counts to each state for purposes of redistricting
- The Bureau has released its first 5-year statistics data comparison for the American Community Survey - provides a wide range of important statistics about people and housing for every community in the nation
  - Important for identifying demographic trends to allow for future planning for investments and services



# Redistricting Overview



- Upon the release of the 2020 census data by the federal government, governing boards of local government bodies, including city councils, must review population changes to determine if districts have become imbalanced and must be redrawn.
- Holding elections based on imbalanced districts may subject local governments to potential legal challenges under the one-person, one-vote principle of the United States Constitution.
- Out-of-balance electoral districts may require the local government to rebalance the population among the districts.



# Redistricting Overview (cont.)



- The 2021 redistricting cycle will mark the first time since 1972 that Texas cities undertake the process without the preclearance requirements of Section 5 of the Voting Rights Act (VRA).
- Historically, Section 5 of the VRA required Texas cities to obtain approval of voting changes, including redistricting plans, from the Department of Justice prior to using them in an election.
- As a result of a 2014 ruling by the United States Supreme Court, Section 5 preclearance is no longer applicable. However, cities remain subject to the nondiscrimination requirements of Section 2 of the VRA.



# City of Dallas Redistricting - Charter Requirements



Governed by City Charter, Chapter IV Section 5

## City Charter requirements for redistricting:

- Requires the appointment of a 15-member Redistricting Commission, appointed by the Mayor and the City Council (not later than 30 days after the city council is briefed on the federal decennial census taken in the prior year)
- Redistricting Commission shall promptly convene to develop a new districting plan, based on the latest decennial counts, in compliance with guidelines outlined in the City Charter and Federal law
- Upon completion of its work, the Redistricting Commission will file recommended plan with Mayor for presentation to the City Council – Mayor will present the plan at the next available meeting of the City Council (no time limit on the Redistricting Commission completing its work)
- Council has 45 days to adopt, or modify and adopt, a new redistricting plan (requires  $\frac{3}{4}$  vote of the City Council)
- If no action is taken by the City Council within 45 days, the plan submitted by the Redistricting Commission becomes the final redistricting plan
- New districting plan will 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



# City of Dallas Redistricting Commission



- Each member of the City Council shall appoint one member of the 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 Mayor and City Council 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.
- Persons appointed to the redistricting commission must be registered to vote and meet the qualifications for service on a city commission. A member of the City Council is not eligible for appointment to the redistricting commission.



# City of Dallas 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.
- City Council members may not have contact, directly or indirectly, with a 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.



# Redistricting Best Practices - Preparation



- Apply the 2020 Census to existing districts to determine if those districts are out of population balance.
- Use the census racial and ethnic data to map the location of minority groups.
- Consider the timing of the various elements (e.g., the release of the census data, the city's election cycle, statutory deadlines) to develop a timeline for redistricting that will avoid public and candidate confusion and that will facilitate election administration.
- Ensure that the decision makers are aware of the legal requirements that must be met in drawing districts.



# Redistricting Best Practices - Criteria



**Adopt criteria to be followed in the districting process. Typical criteria may include:**

- Where practicable, follow easily identifiable geographic boundaries when drawing districts
- Maintain communities of interest and avoid splitting neighborhoods where possible
- To the extent possible, use whole voting precincts when drawing districts and, if not possible, draw the districts in a way to avoid voter confusion and to facilitate election administration
- Although existing district lines will almost certainly be altered, to the extent practicable, attempt to base new districts on the existing ones.



# Redistricting Best Practices - Criteria



- Draw districts to be relatively equal in population and in no event should the maximum deviation between the population of the smallest and the largest district exceed ten percent
- Districts are to be compact and composed of contiguous territory. Compactness, though, may include a functional, as well as a geographic, dimension.
- ***Consideration may be given to the preservation of incumbent-constituent relations by recognition of the residence of incumbents and the history of representing certain areas***
- Where racially polarized voting exists, the plan should neither unnecessarily fragment or pack a geographically compact minority community so as to create liability under section 2 of the Voting Rights Act.



# Redistricting Best Practices - Criteria



- Although section 5 preclearance is no longer required, a plan should be narrowly tailored to avoid retrogression (reduction in the voting strength of a racial or ethnic group).
- While race will almost certainly be considered when drawing districts, its use should be narrowly tailored to comply with legal requirements and its consideration should not predominate to the exclusion of traditional districting principles.
- Be prepared to document conclusions and build a record in the event of a legal challenge.



# Redistricting Best Practices - Transparency



- Explain the process to the public
- Develop rules and guidelines for public participation:
  - Any plan submitted by a member of the public should be in writing
  - Any plan should contain population and demographic data for each district
  - Any plan should redistrict the entire city since every district will affect the boundaries of other districts and must be drawn so as to make it possible to produce a comprehensive plan with a complete complement of districts
  - Any comments should be submitted by the end of the last public hearing.



# Redistricting Best Practices - Transparency



- Post plans and other information on the process on the governmental body's website and make use of other opportunities (e.g. cable television broadcast, if available) to keep the public informed
- Develop an illustrative plan or plans based on the criteria and input from the decision makers and the public
- Conduct public hearing on the plan and make adjustments and revisions as appropriate
- Coordinate with county and state election officials to avoid issues with election administration



# Redistricting - Third Party Vendor



City staff recommends hiring a third-party professional firm to manage the City's 2021 redistricting efforts:

- Redistricting expertise and capacity
- Fiscally responsible
  - Avoids having to hire staff
  - Avoids securing office space, equipment and supplies
  - Utilization of latest technology
- Competitive and transparent process



# Third Party Vendor - Proposed Scope of Work



- Initial schedule and planning
- Analysis of 2020 Census data
- Assessment of Census data – determine if districts are out of balance
- Develop criteria for redistricting
- Work with Redistricting Commission and other stakeholders to develop new redistricting plans
- Schedule public meetings/presentations of proposed redistricting plans
- Assist with City Council adoption of the final plan
- Work with the City Attorney's Office to defend proposed plan against any legal challenges



# Redistricting – Other Cities



City	Internal / Firm	Selected Firm	Contract Amount
Arlington, TX	Individual Firm	Bojorquez Law Firm, PLLC	N/A
Columbus, OH	Internal	N/A	N/A
Addison, TX	No Districts - At Large		
Denton, TX	Individual Firm	Bob Heath of Bickerstaff Heath Delgado Acosta LLP	
Jacksonville, FL	Internal	N/A	N/A
Washington, DC	Unknown	Unknown	Unknown
San Antonio, TX	External Firm - Hired third party in 2012	TBD – RFQ to be awarded in Feb 2021 Hired Bickerstaff Heath Delgado Acosta LLP in 2011	\$230k
Ft. Worth, TX	Internal	N/A	N/A
El Paso, TX	TDB – Hired third party in 2012	TBD – Hired Bickerstaff Heath Delgado Acosta LLP in 2012	TBD – \$20k in 2012
San Diego, CA	Partial Internal Partial External Firm	TBD	TBD
San Jose, CA	External Firm	TBD	TBD



# Redistricting Timeline (Tentative)



## 2021 Redistricting Plan Timeline

Early January 2021	City Secretary Invites Council to nominate Members to the Redistricting Commission
Early January 2021	Advertise for Request for Competitive Sealed Proposals for Third Party Vendor
Late March 2021	Council Approval of Redistricting Vendor Contract
April 1, 2021	Census data distributed to states
Late April 2021	Census data briefing to the City Council



# Redistricting Timeline (Tentative)



## 2021 Redistricting Plan Timeline

Not Later Than 30 Days After Census Briefing	Redistricting Commission Must be Appointed
May 2021 Thru Completion of Work	Development of Redistricting Plan
Upon Completion of Redistricting Work	City Council consideration of new redistricting plan
May 2023	First City Council election under new plan



# Next Steps



- January - City Secretary seeks nominations for Redistricting Commission
- March - City Council approves contract for third party redistricting vendor
- April - Council Census 2020 Briefing





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