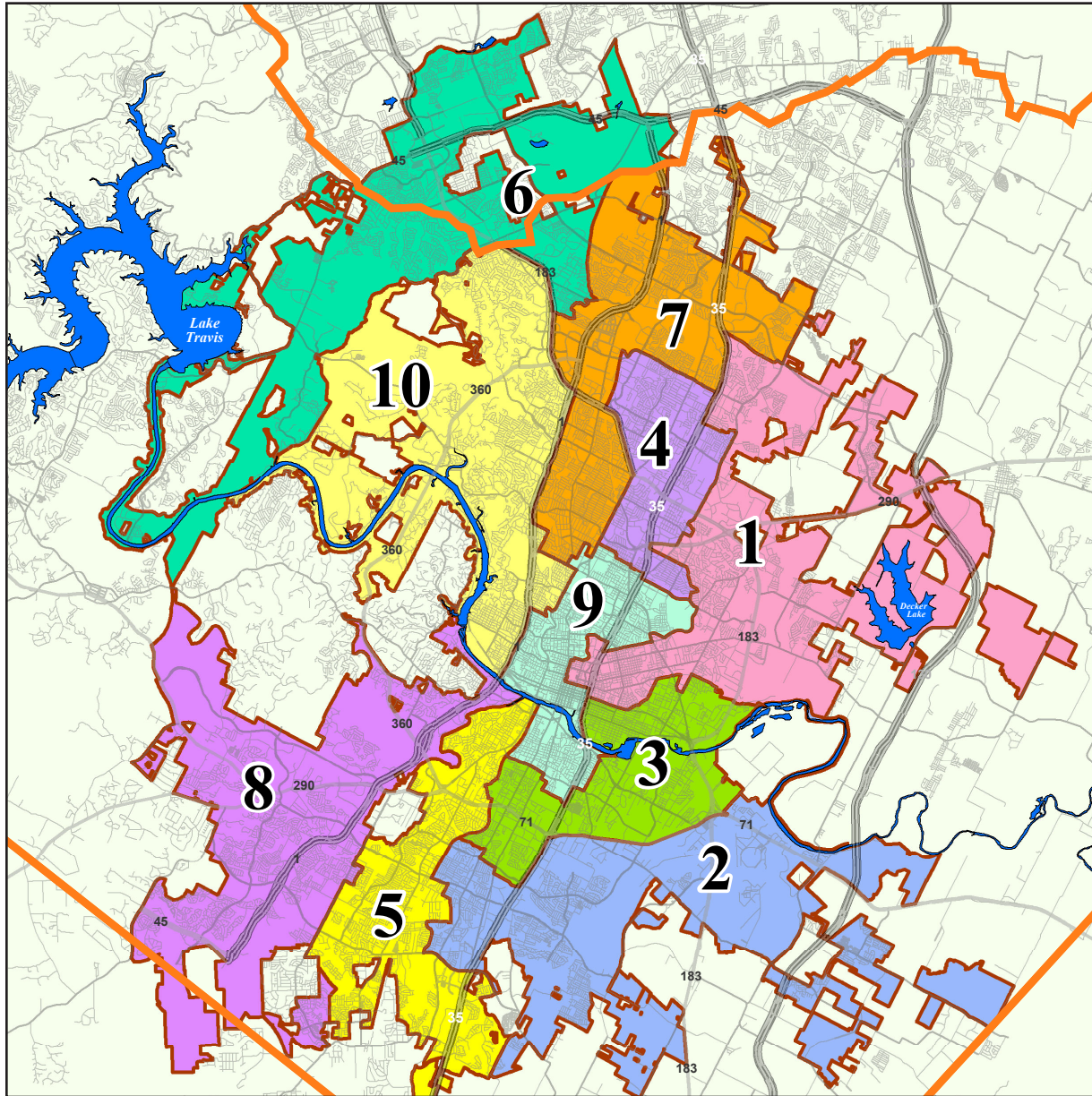


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# Roadmap to Citizen Redistricting

Four Austin Commissioners Point the Way



Stefan Haag ■ Harriett Harrow ■ Phil Hewitt ■ Maria Solis  
Foreword by Steve Bickerstaff

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**On the cover:** The official final Austin, Texas ten-district map approved by the Independent Citizens Redistricting Commission (ICRC) on November 18, 2013. See a more-detailed map on page 38 (Appendix E).

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## Foreword

**I**n November 2012, the voters of Austin, Texas overwhelmingly approved an amendment to the City Charter that dramatically changed the city's election system and possibly provided a model for cities nationwide. Under the previous system, the City Council consisted of a mayor and six council members. All were elected citywide to numbered places on the council. Austin voters approved a new system consisting of a mayor (elected citywide) and ten council members, each of whom is elected from individual districts.

As important as the change to individual council member districts was the amendment's requirement that the districts be drawn in 2013 and thereafter by an Independent Citizens Redistricting Commission rather than by members of the City Council. The Charter amendment establishes a process for how the members of the independent Commission are selected and the criteria that the Commission must follow in drawing the districts.

The Charter amendment was the result of efforts by a nonprofit organization, Austinites for Geographic Representation (AGR). This umbrella organization consisted of more than 30 diverse groups, such as the League of Women Voters, NAACP, League of United Latin American Citizens and the Republican Party. AGR secured almost 30,000 signatures from qualified voters on a petition to put the amendment on the ballot, and member groups campaigned vigorously and effectively for passage of the amendment.

After the amendment passed, many persons watched anxiously to see if the amendment would be successfully implemented. Some members of AGR even feared that since the then mayor and many members of the City Council had openly campaigned against the amendment, these officials might try to sabotage it. The City Auditor was seen as independent of the City Council and was thus charged under the amendment with the initial steps of publicizing the Independent Citizens Redistricting Commission and determining which applicants met the amendment's qualifications to serve on the Commission.

Austin City Auditor Kenneth Mory took his role seriously and vigorously carried out his tasks under the amendment. The effectiveness of his efforts is shown by the number (450) of qualified applicants who sought to serve on the 14-member Commission.

The next step was for a panel of three certified public accountants (CPAs) to create a pool of the 60 most qualified applicants based on "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 critical and difficult role of this panel is often overlooked. The panel in 2013 worked diligently and performed admirably. As a close



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observer of the process, I believe any of these 60 applicants in 2013 would have served with distinction.

The Commission itself was selected from this pool of 60 most qualified applicants. The actual selection of members of the Commission was a bifurcated process. The first eight were selected at random. These eight then selected the final six members from the pool “to ensure that the Commission reflects the diversity of the City of Austin, including, but not limited to, racial, ethnic, and gender diversity.” The Commission in 2013 had this diversity.

As an attorney who has been deeply involved in state and local redistricting for parts of five decades, I was impressed with the Austin Commission’s redistricting process in 2013. I was a disinterested observer, but I attended most of the Commission’s meetings and hearings. All members of the 2013 Commission showed a willingness to follow the amendment’s criteria for how the districts must be drawn. A motion to have the Commission conduct the hearings with committees was defeated; an attentive quorum of the entire Commission was present at every hearing and meeting. Moreover, the Commission gave everyone an opportunity to propose changes to the Commission’s proffered redistricting plans. It was literally possible to see how the final map took shape in response to hearing testimony. Unlike any redistricting that I have observed in the past, these Commissioners (at an open and televised meeting) discussed and assigned each election precinct one-by-one to a district instead of relying on the approval of a staff plan. I was amazed. The final plan has rightfully been hailed as fair and just for the diverse population of Austin.

Commissioners Maria Solis, Harriett Harrow, Stefan Haag and Phil Hewitt gave their time and effort to the work of the Commission. Now, they have taken the initiative to prepare their observations and recommendations for future Commissions. They should be commended. This document will be an invaluable tool for Independent Citizens Redistricting Commissions in Austin and other cities nationwide. As a nation we have too few successes in democracy. The process in Austin was a great success. It demonstrated that there is a great untapped reservoir of talent among our citizens and showed one way in which that talent can be realized. It is a model for all cities. Redistricting need not be a quintessentially political process.

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## Acknowledgements & Disclaimer

**T**his report is a collaborative effort by four members of Austin’s Independent Citizens Redistricting Commission (ICRC). Created through a 2012 Charter amendment placed on the ballot by a diverse, grassroots coalition—Austinites for Geographic Representation—the Commission was, as one Commissioner observed, “flying the airplane while building it.” All 14 members worked tirelessly to make the Commission and its ten-district map a success. This document chronicles those efforts and suggests ways future Austin ICRCs can be even more efficient, effective and transparent as they perform the challenging task of redrawing district lines.

We also hope to inspire those beyond Austin to join what could be our nation’s next civil rights movement. With Americans less trusting of politicians who create safe districts for their reelection, citizen redistricting of electoral boundaries can help break the gridlock that burdens our political process and thwarts democracy.

We thank our Commission colleagues, many of whom made recommendations we adopted. We also thank the members of Austin’s first Applicant Review Panel (ARP), who provided their recommendations for the ARP to be incorporated into this report. However, this document solely represents the views of its four authors and does not speak for the Austin ICRC, its staff or consultants. We are proud to serve on our nation’s first municipal redistricting commission not selected by public officials. May our views be instructive to future commissions and residents of other cities.

*Stefan Haag  
Harriett Harrow  
Phil Hewitt  
Maria Solis*

*June 2015*



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## I. Introduction

**O**n May 22, 2013, a representative of the Austin City Auditor selected the first eight members of the Independent Citizens Redistricting Commission (ICRC) by random drawing. The remaining six members, chosen by the initial eight, were selected the following month. On June 26 the full 14-member Commission began the work of organizing itself, hiring staff, holding hearings and ultimately crafting a map of ten council districts, each to elect an Austin City Councilor in November 2014.

As Commissioners discharged their responsibilities, they learned many lessons. The four Commissioners who authored this report hope that future Austin ICRCs will use it to make future City Council redistricting even more efficient, effective and transparent. To that end, we offer 51 specific recommendations to guide Commissioners in virtually every aspect of their work.

This report also seeks to make Commissioners' duties less taxing. We found that creating Austin's council districts was extremely fulfilling, but probably took more time and toil than was necessary or appropriate. Serving as a Commissioner is time-consuming, but the lessons here can help allocate responsibilities so demands on members will be more reasonable.

This report covers each phase of the redistricting process: organizing the Commission, understanding its authority and duties, conducting public hearings, mapping the districts, and creating the Final Report. Throughout, decisions were made that affected the Commission's end product, its ten-district map. Lessons learned from these decisions can help future Commissioners more effectively navigate the redistricting process.

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## II. Organizing the Commission

### A. Selecting Commissioners

**T**hose who framed the 2012 Austin City Charter amendment that created the Independent Citizens Redistricting Commission were committed to that first word, “independent.” To ensure that citizen Commissioners met that bar, framers erected a system of hurdles to force politics-as-usual to the ground. These hurdles included an eligibility test screening 28 conditions for disqualification, and an application form selecting for civic involvement that required thoughtful responses to questions gauging impartiality, relevant skills and appreciation of Austin’s diversity.

A randomly selected group of three auditors, just as rigorously screened, formed an Applicant Review Panel (ARP) that winnowed 450 Commission applications down to 60 contenders most qualified to serve (the auditors’ recommendations for future ARPs are in Appendix D). Eight of 60 spinning balls were chosen from a drum, each linked to the name of an applicant who would be sworn in as a Commissioner.

The first order of business was for these initial eight to select six more applicants to constitute the full Commission, which then would elect its leaders. Here are the key recommendations.

**1.** Rely on the qualification done by the Applicant Review Panel. No screening or interviews are needed, because all 52 remaining candidates passed eligibility tests and panel scrutiny. Choose six who let ICRC have at least one Commissioner living in each of ten districts, to the extent feasible. The Charter says the last six “shall be chosen to ensure that the commission reflects the diversity of the City. . . including, but not limited to, racial, ethnic, and gender diversity.” The consensus model used by the first eight Commissioners worked well. There was remarkable agreement and the final six were chosen with dispatch.

**2.** Select a student Commissioner. The Charter amendment creating ICRC requires a Commissioner who “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.” We suggest that Redistricting Commissions in other localities consider a student Commissioner, particularly if the student population is large. Our student Commissioner sparked interest in ICRC’s work on campus, resulting in several students appearing before the Commission to give testimony. It engaged youngsters in the voting process, and also provided age diversity to ICRC. When we began our work, our Commissioners ranged from age 22 (the student) to 72.

**3.** Elect your Chairperson and Vice-Chairperson as soon as possible. Only when these positions are filled can the business of the Commission pro-

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*Those who framed the Charter amendment that created the Independent Citizens Redistricting Commission were committed to that first word, “independent.”*



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ceed. The process in the first ICRC included nominations from the floor and self-nominations. Asking who would be interested in serving in each position, and why, is an ice-breaker that allows Commissioners to learn more about each other. The Chair and Vice-Chair function as ICRC's public face. Elect leaders who will foster cooperation and inclusiveness. The California Independent Citizens Redistricting Commission chose to rotate its Chairmanship, to allow everyone to participate in that role.

The process used to select Commissioners enabled the panel to be remarkably independent of political parties, processes, incumbents and candidates. In fact, it allowed Austin, Texas to become the first city in the nation to have City Council districts drawn by a completely independent group of civic-minded residents not selected by any legislator, judge or other public officials.

It also ensured that although the 14 Commissioners would be incredibly diverse, all would be equally qualified to serve and would participate as equals. It escaped no Commissioner's notice that all work done—all deliberations, all actions, all the struggling through early meetings up to approval of the final ten-district map and the Final Report—was being done by novices in redistricting, for the very first time.

## **B. Selecting Commission Staff**

The Charter's one succinct paragraph about hiring notes that ICRC "shall hire commission staff, legal counsel, and consultants as needed." At least one counsel will have "demonstrated extensive experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965." Like Commissioners, staff must meet strict eligibility rules to lessen the chance they might have a political agenda.

Staff is key to the Commission's success, for it's highly unlikely that any Commissioners will have the legal expertise or mapping resources required to create a successful new or updated ten-district Austin map. Thus the hiring process should be well considered, including pre-hiring measures, to help you succeed. We recommend the following eight initiatives to enable you to solicit and hire the best candidates.

- 1.** Secure a capable staff liaison until hired staff can perform such duties. The Commission was fortunate to be loaned a staff liaison to handle administrative tasks until staff was hired. She secured meeting space, made sure minutes were recorded, fostered communication and performed other key tasks until ICRC's newly hired executive director could assume them.
- 2.** Vote to approve teleconferencing so off-site Commissioners can fully participate in meetings. The Charter requires that hiring, firing and contracting decisions be approved by at least nine votes. A majority of nine among 14 Commissioners may not seem a high hurdle, but the typical

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ICRC meeting drew 11 to 12 members. Final interviews of four top applicants for a job, also typical, made it difficult at times to reach a nine-vote majority. The vote of an off-site Commissioner might be the one you will need.

**3.** Select a Commissioner(s) to create and post the want ads. ICRC's position descriptions and where they were posted are in Appendix B. These want ads proved successful in attracting large numbers of qualified applicants in a short time.

**4.** Hire your legal counsel first. ICRC hired the executive director first, anticipating he would help hire the others. We now believe that legal counsel should be hired first, since legal questions arose immediately. Keeping the on-loan staff liaison a couple more weeks in order to hire legal counsel before administrative staff is worthwhile.

■  
*Be aware that competition for attorneys with redistricting experience will be intense.*

Be aware that competition for attorneys with redistricting experience will be intense for future ICRCs, whose schedules are tied to the U.S. Census. The first Commission benefited from a two-year lag. Thus posting the legal counsel ad on the State Bar of Texas Career Center to reach all practicing attorneys in Texas becomes even more important. If "voting rights" and "redistricting" specialties are added to member listings in future, direct mail to those attorneys would most efficiently reach the subset with experience the Charter requires.

ICRC received applications from 12 attorneys. The top two were interviewed and the Commission hired David Richards as legal counsel. Later Mr. Richards asked if he could share duties with the other interviewee, Javier Guajardo, who would attend ICRC's evening meetings. Commissioners agreed and it worked well for ICRC, who "got two lawyers' opinions for the price of one." Both had extensive redistricting experience.

**5.** Consider hiring an administrative manager instead of an executive director. ICRC was well served by its executive director, who had considerable experience helping other boards and panels meet their goals. But in retrospect, we believe that a capable administrative manager could facilitate meetings, post agendas and notices, and serve as focal point for media contacts and public input. Such a staffer should be tech savvy, with public relations skills. Though the ad for an executive director ran only two weeks via three online portals, it drew 18 applications from Texas and four other states.

**6.** Quiz mapping consultants on their technical capabilities and accessibility. You'll run into the same intense competition here as cited before with legal counsel. Nonetheless, quiz applicants on their range of capabilities, for we learned that not all mapping software is created equal (see key requirements 1 through 3 on page 21).

ICRC was able to seek, hire and negotiate salaries for director and legal

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counsel, deemed “contractors” and not city employees. But the City Purchasing Department urged ICRC to create a Request for Qualifications (RFQ) and let them send the mapping consultant job out for bid. Four bids came, from Austin, South Carolina, Virginia and Maryland.

A mapping consultant from Maryland was hired and did a fine job. But we ask future Commissions to weigh whether it is prudent to hire someone from a distant state if a similarly qualified local or nearby mapping consultant is available, given the vagaries of plane travel and availability of Austin hotel rooms. Time spent traveling and the costs of airfare, hotel and car rental can also boost the fee of distant consultants.

**7.** Avoid executive (closed) sessions when hiring staff. Austin Commissioners are protected by directors and officers liability insurance, so can interview candidates and weigh their attributes in a public forum. ICRC’s hiring was remarkably open. Want ads were posted on public venues including ICRC’s official website, [AustinRedistricting.org](http://AustinRedistricting.org).

Commissioners openly discussed applicants to select top candidates. A closed session was held just once, after interviewing top executive director applicants. Then the open meeting reconvened, the vote to hire publicly cast. Open hiring promotes transparency and elicits trust.

**8.** Negotiate to hire the best staff at a reasonable salary. Voted before Commissioners were sworn in, the first ICRC’s \$140,000 allotment seemed a meager amount to hire staff and pay other costs. ICRC thus bargained hard in salary negotiations and succeeded in hiring top talent, despite a six-month (or less) job with no health insurance, sick leave or vacation time, working with those who had no experience designing districts, had never worked together and faced a seemingly impossible deadline. Future ICRCs should determine their own budget and lobby hard to get it from the City Council, which is required by Charter to appropriate “sufficient funds to meet the operational cost of the commission.” See item 1 on page 13 for more tips.

### **C. Training Commissioners**

Failure to receive adequate training in several key areas will hinder Commissioners’ ability to succeed. Some training, like in Texas’ open government laws, can be completed online. But formal training on the Voting Rights Act (VRA) and redistricting process should start only after all 14 commissioners have been sworn in. The original eight Commissioners received that training twice in 2013, which wasted their time.

Here are the key recommendations.

**1.** Adopt rules of operation. The first Commission started work without formal rules of operation, then realized some situations called for them. Adopt *Robert’s Rules of Order* and ask the League of Women Voters to

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provide training in this system. Then review and adopt (or modify) the first ICRC's Policy Manual, so all Commissioners can understand and agree on policy and procedures early on.

**2.** Complete the Attorney General's online training on the Texas Open Meetings Act and Public Information Act. You are required to do so within 90 days of being sworn in. Sooner is better than later, for this information is vital and can be accessed in the comfort of your home. This training is available anytime at [texasattorneygeneral.gov/](http://texasattorneygeneral.gov/). Commissioners should give completion certificates to their executive director or manager.

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*The Open Meetings  
Act and Public  
Information Act  
are a bulwark of  
democracy.*

The Open Meetings and Public Information Acts enshrine in law the right of all Texans to be informed about deliberations of legislators and those serving on state boards and commissions. The Open Meetings Act allows Texans to offer opinions in public testimony at such meetings. These statutes are a bulwark of democracy.

The Open Meetings Act, as we understand its provisions, does not prevent Commissioners from meeting together and getting to know each other in an informal setting. Working together on the group task is facilitated by relationships established socially.

**3.** Have your legal counsel train you on the Voting Rights Act (VRA) before public hearings begin. This training is needed to ensure compliance with requirements of the VRA during redistricting.

**4.** Ask the City Demographer to update Commissioners. The City of Austin Demographer can review population changes in each of the ten districts since the prior U.S. Census. This information will help Commissioners more fully understand which boundaries may need to be altered.

**5.** Receive training on the redistricting process. Learn from legal counsel unfamiliar terms like "cracking" and "packing," and what constitutes gerrymandering. Terms describing group traits like voting age population (VAP), citizen voting age population (CVAP) and Spanish surname voter registration (SSVR) are important to grasp. Finally, a voting tabulation district (VTD) is similar to a voting precinct and is the building block to create council districts. Commissioners should check the glossary (Appendix A).

We found helpful materials about redistricting on these websites: Texas Redistricting ([tlc.state.tx.us/redist/redist.html](http://tlc.state.tx.us/redist/redist.html)), Redrawing the Lines ([redrawingthelines.sitewrench.com/](http://redrawingthelines.sitewrench.com/)), All about Redistricting ([redistricting.ills.edu/index.php](http://redistricting.ills.edu/index.php) which is Professor Justin Levitt's Guide to Drawing District Lines), Brennan Center for Justice ([brennancenter.org/issues/redistricting](http://brennancenter.org/issues/redistricting)) and the Public Mapping Project ([publicmapping.org](http://publicmapping.org)). Each has links to other resources. Good general knowledge of the redistricting process and its terminology is key to the Commission's task.

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## D. Communications & Outreach

To assert independence from the City of Austin, Commissioners created and administered their own communications and outreach strategy. At little or no cost, ICRC leveraged media contacts and online communication (websites and social media) to increase awareness of and citizen involvement in the redistricting process. Specifically, we recommend the following five initiatives.

**1.** Create a website independent from the City of Austin website. The first Commission purchased the domain names [AustinRedistricting.org](http://AustinRedistricting.org) and [AustinRedistricting.com](http://AustinRedistricting.com), which it owns until 2022. Future Commissions should renew ownership. ICRC's website was created using WordPress, whose features simplified building components like a calendar, photo gallery, maps from the public and ICRC, and public comment sections. Fortunately, a Commissioner possessed the skills to create and maintain the website, which was time-consuming. Future ICRCs should hire staff to perform these duties, though the website's content would remain the responsibility of the Commission.

Posting on ICRC's website all written communications submitted to the Commission in public testimony, email or letter helps engage the public and fulfills the transparency required by the City Charter.

**2.** Develop a communications and outreach team to interface with the public. To fully execute such a team, the Commission must identify staff members or Commissioners who can fill these roles:

*Website Administrator.* Technical enough to post maps, photos, events calendar, public hearing schedule and the like, and to allow user comment.

*Editor/Writers.* Creates content and solicits Commissioners' biographies, sending all to the Website Administrator. The Commission used its website and email marketing platform to push content.

*Social Media Team.* One of the two Editor/Writers and perhaps another Commissioner who posts content and announcements to social media, if still relevant. This person should understand public relations to avoid publicity "flubs." ICRC primarily used Facebook and Twitter for social media.

Good communications requires those with the passion and skills to assume these vital roles. If no Commissioner exists to spearhead a communications strategy, it is critical in hiring to plan how administrative staff can fill these gaps. If communications is executed by staff rather than ICRC itself, it is crucial not to let staff control too much of the Commission's voice or intent.

**3.** Determine early a process for communicating with media. The first Commission struggled with public relations over ambiguity about whether

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*Develop a communications and outreach team to interface with the public.*



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open meetings laws affected what could be discussed with the media. This led to general avoidance of media. By the end of the process, the Commission's media relations were somewhat improved. Thus we recommend that future Commissions determine early how to communicate with media, to increase outreach and transparency.

Ultimately, ICRC chose individuals as go-to media contacts by topic and venue. The Chairwoman gave television interviews, one Commissioner handled radio interviews and opinion editorials, another wrote letters to the editor, and a fourth Commissioner interviewed with student journalists.

**4.** Require the mapping consultant to submit maps electronically in different formats for faster posting on the Commission website. Printable PDFs and interactive maps that let citizens zoom to street level were a popular feature. We are grateful the mapping consultant was willing and able to make drafts of maps quickly accessible to all.

■  
*Require that communications and outreach follow the Charter, increase redistricting transparency, and support independence from the City.*

**5.** Require that communications and outreach follow the Charter, increase redistricting transparency, and support independence from the City. This recommendation is the capstone of the Commission's work and a virtual guarantee of its success. As well as more likely to win the trust and respect of the citizens served.

## **E. Finances & Budget**

The Austin City Council appropriated \$140,000 to the first Commission, and Commissioner training included a Budget Quick Reference talk from the City of Austin Budget Office. The rationale for \$140,000 was never explained. The Commission was advised to have one staffer receive receipts from panel members and staff to forward to the Budget Office on a form provided, for reimbursement.

A problem arose within the first month, when a Commissioner who was comfortable charging a \$125 want ad placement fee to her own credit card balked at next charging a \$500 fee. It was then that Commissioners learned the staff liaison had a credit card solely for Commission expenses. This worked well until hiring an executive director signaled the liaison's and her credit card's departure. A Commissioner in charge of providing meals for her co-panelists at public hearings—a four-month process—then had difficulty getting timely reimbursement for the many receipts this task generated.

In fact, \$140,000 was such a low figure that Commissioners felt obliged to perform duties that staff would normally perform, like website creation and public outreach. Since the Charter states that Commissioners will not be paid for their service, unlike the California Independent Citizens Redistricting Commissioners who received \$300 per day, some Commissioners took on double duty as unpaid panel members and unpaid staff.

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But there was an alternative in the Charter itself, which states that “the City Council shall appropriate sufficient funds to meet the operational cost of the commission and the cost of any outreach program.” It also states, “The commission . . . shall inform the City Council if it determines that funds or other resources provided for the operation of the commission are not adequate.” The Austin City Council in January 2014 granted ICRC’s request for another \$40,000 appropriation, which went to staff compensation. With all this in mind, we recommend the following three initiatives.

**1.** Establish a budget soon after formation on March 1, 2021 and quickly get your appropriation request on the Austin City Council’s agenda. This is crucial, for your expenses will start almost immediately. The budget should be based on expected costs pertaining to staff, communications, want ads, public hearings and estimated incidental expenses. (See ICRC’s budget in Appendix C.) The total amount allotted the first ICRC was \$180,000, which seems low to the authors and may have dissuaded Commissioners from getting reimbursed for gasoline after traveling to far-flung public hearings. We recommend you use \$180,000 as a base, adding for inflation plus a “buffer” amount to reach a figure that will likely fund your obligations. Your budget should accompany the appropriation request.

**2.** Request a City of Austin credit card for minor expenses. These might include Commissioners’ meals and costs related to the website or other public outreach.

**3.** Choose a staff member to receive work-related receipts and submit them for reimbursement. This staffer should be the designated interface between the Commission and the City’s Budget Office.

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*Establish a budget soon after formation on March 1, 2021 and quickly get your appropriation request on the City Council’s agenda.*

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### III. Authority & Duties of the Commission

#### A. Austin City Charter

The Austin City Charter specifies that the Commission is responsible for changing existing district boundaries after each decennial census to reflect shifts in population. ICRC is directed by the Charter to accomplish certain tasks by specific dates: conduct public hearings, adopt preliminary and final maps, and submit the final map to the City Council. Those dates for the 2021 Commission appear in the schedule of events on page 15. Future ICRCs will have eight months to complete redistricting instead of the first Commission's five-and-a-half months.

The Charter specifies in Article II, § 3 (C) that the Commission shall discharge these crucial obligations:

- (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.*

We recommend the following five initiatives.

■  
*Listen carefully to public testimony and have staff prepare summaries after each hearing.*

- 1.** Adhere to the Charter's schedule. The first eight Commissioners must select the remaining six to model Austin's diversity, and then the full Commission elects a Chairperson and Vice-Chair. Adopt *Robert's Rules of Order* and vote to approve teleconferencing so off-site Commissioners can fully participate in meetings. Then begin hiring staff, starting with legal counsel.
- 2.** Realize that ten public hearings before drafting the preliminary map lets Commissioners hear the concerns of each district's residents. Each public hearing is primarily for people living in that district to voice opinions on redistricting.
- 3.** Listen carefully to testimony and have staff prepare summaries after each hearing. Those summaries will be helpful in creating the preliminary map and in justifying the Commission's decisions in its Final Report.
- 4.** Ensure the public has ample opportunity to make recommendations to the Commission. This means the Commission may have to hold more than the required public hearings. For example, the Charter requires four public hearings after the preliminary map, one in each of the four Travis County Commissioners Court precincts. Because Precinct 3 encompasses areas north and south of the Colorado River, we recommend at least two public hearings—in the precinct's northern and southern portions.

The Commission may also have to schedule more than one public hearing per district to make sure all residents are heard. ICRC held hearings on both weekday evenings and Saturday mornings.

**5. Make the process as open and transparent as possible.** ICRC had few executive sessions. Conducting the Commission's business in open sessions disabuses the public of any belief that Commissioners harbor ulterior motives. An advantage of using an independent redistricting commission to draw district boundaries is that citizens can observe the decision-making, increasing their faith in the integrity of the process. The Commission should not jeopardize that faith by holding frequent executive sessions.

## B. Schedule of Commission Events

*(Dates in boldface are deadlines established by the Austin City Charter)*

Date	Event	Description of Event
<b>June 1, 2020</b>	ICRC Application	City Auditor advertises ICRC application process
<b>Oct. 1, 2020</b>	Applicant Review Panel (ARP) named	Random selection of qualified independent auditors
<b>Oct. 31, 2020</b>	Applicants' names provided to ARP	City Auditor provides list of qualified ICRC applicants to ARP
<b>Jan. 15, 2021</b>	ARP selects 60	ARP selects 60 most qualified applicants (MQA)
<b>Jan. 16, 2021</b>	City Council receives list	City Council members receive list of 60 MQA
<b>Jan. 21, 2021</b>	City Council strikes	Each City Council member may strike one applicant
<b>Jan. 23, 2021</b>	Selection of 8 Commissioners	City Auditor randomly selects 8 Commissioners from remaining MQA
<b>Feb. 28, 2021</b>	Selection of final 6	Commissioners choose remaining 6 Commissioners from MQA
<b>Mar. 1, 2021</b>	Commission formed	All 14 Commissioners sworn in
Feb.-Mar. 2021	Redistricting Data	Census Bureau releases 2020 P1, P2, P3 and P4 files
Mar.-Aug. 2021	Hearings	At least 10 public hearings before preliminary map adopted
Aug. 2021	Preliminary map	ICRC adopts preliminary map
Sept. 2021	Hearings	At least 4 public hearings before adopting final map
Sept. 2021	Final map	ICRC adopts final map
Oct. 2021	Hearings	2 public hearings, North and South
<b>Nov. 1, 2021</b>	Final map submitted	ICRC submits final map to City Council

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## IV. Public Hearings

**T**he Independent Citizens Redistricting Commission consists of volunteer public servants engaged in consequential work affecting all of Austin. Because its residents are ICRC's constituents, Commissioners must listen to them. Fortunately, our Charter lays out a plan for doing just that.

The first ICRC was required to conduct 14 public hearings throughout the city, specifically for Austinites to share their views about drawing ten districts that each would elect a City Councilor the following year. ICRC also had what Commissioners called "business meetings" to hire and manage staff, set schedules and perform other duties. These meetings were well publicized and each opened with a public testimony period.

Each Commission meeting was recorded so it could fulfill the Charter's mandate that "public records" will be "made available in a manner that ensures immediate and widespread public access." The recordings were posted the next day on Austin's channel ATXN (channel 6) and available on the city's website.

Future ICRCs are required to hold a total of 16 public hearings—one in each of the ten districts before drawing the preliminary map, four total after adopting it, and two after adopting the final map. This is two more hearings than the first ICRC, but future Commissioners have 33 percent more time to accomplish their work.

We offer the following ten initiatives to help hearings succeed.

**1.** Schedule public hearings that don't compete with holidays or important events. It's wiser not to conflict with South by Southwest, Austin City Limits Music Festival, Formula One races and University of Texas home football games, let alone Thanksgiving, Easter and other important holidays, secular and religious.

ICRC decided that Wednesdays and Saturdays were best for holding public hearings. Residents could attend mid-week at 6:30 pm or on Saturday at 10 am. Many public libraries and recreation centers are not available until 10 am on Saturdays and close by 9 pm weekdays. One Saturday hearing starting at 1:00 pm had very good turnout.

ICRC's public hearings often extended beyond the venue's closing time. Expect to be charged a fee to cover overtime pay to the employee who locked up after you left. Fees were also charged when libraries opening at 10 am needed staff to set up the meeting room for a 10 am hearing. Confirm the meeting venue several times between booking it and using it, to avoid unwelcome surprises.

**2.** Assign staff to research and book public hearing venues according to the

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*Future ICRCs must hold 16 public hearings—one in each district before drawing the preliminary map, four after adopting it, and two after adopting the final map.*



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schedule Commissioners set. Ask the City Demographer to pinpoint each district's population center. The resulting map will help locate good public hearing venues. Staff must prepare an information packet to establish their authority to book venues, including an official request form on ICRC letterhead, meeting minutes showing staff given this charge, and the Commission's official website ([AustinRedistricting.org](http://AustinRedistricting.org)) for more information.

Expect lack of communication among venue staff. Availability can be discussed by phone, but plan a visit to explore the site. You may find the phone contact never logged your reservation. Record who you talked to about what, and when. Emphasize the important civic purpose ICRC will accomplish in their venue. Be polite, but ask to see a supervisor if necessary.

The first ICRC learned that the City of Austin created an optional meeting schedule for all 14 public hearings, with venues checked for Charter compliance and already reserved. But this schedule did not allow Commissioners to first get trained and hire initial staff, or to involve residents of more outlying areas. The Commission ended up selecting its own schedule and public hearing venues.

**3.** Select venues that will best meet your needs. Rooms must be open to the public and large enough for a crowd. Venues must be disability accessible, with Wi-Fi allowing off-site Commissioners to participate, and with ample parking. Libraries, recreation centers and county precinct rooms are often the best sites, but make sure meeting rooms are big enough. Elementary schools are better than high schools, whose campuses are larger and more confusing for visitors.

Future ICRCs are encouraged to hold public hearings in areas that will draw minority participation, like the Millennium Youth Entertainment Complex, George Washington Carver Museum and Cultural Center, Asian American Resource Center and Mexican American Cultural Center. The ICRC Commissioner in charge of securing venues booked two good private spaces by calling in personal favors. Ask if your Commissioners can do the same. When the next ICRC is created, a few more community centers may have been remodeled or built. Or the district's City Councilor may know of venues that will accommodate a public hearing.

**4.** Provide sign-up cards so visitors can register to speak at public hearings. These cards should be on a table near the room's entrance, with the meeting agenda and plenty of pens. The sign-up card should solicit the speaker's name and precinct, neighborhood or group represented, topic to be addressed, and disclosure of any relationship to a Commissioner (spouse, relative or business). This data should begin the speaker's comments. Sign-up cards tell speakers their remarks should not exceed three minutes; a signal will indicate when that time has elapsed. Although you may request a speaker's neighborhood affiliation, recognize that when someone says, "I represent XYZ Neighborhood Association," it is not always true.

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*Future ICRCs are encouraged to hold public hearings in areas that will draw minority participation.*

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*ICRC was warned that limiting the time to present maps may risk a lawsuit, since map creation is the Commission's purpose.*

**5.** Make Austin precinct maps available to attendees. Since every public speaker will identify the precinct he or she lives in, audience members may want a map to orient themselves. This is even more important at Commission meetings when preliminary or final maps are being drawn, since Commissioners and staff will be discussing into which districts precincts should be placed.

**6.** Adopt a system allowing groups to display their own maps for viewing by all present. At Austin City Council meetings, residents can enliven comments to councilors by bringing a USB flash drive to provide a presentation, graphic display or photographs. Future Commissions would benefit by adopting this procedure that heightens public outreach and transparency.

**7.** Establish three tiers of testimony. Individuals speak first, for the three-minute limit that allows many to join in. Commissioners can ask questions when the speaker is done. Second are group presentations of maps. These had been called “invited testimony” which implied that ICRC invited the groups, whereas it simply offered a welcoming platform for anyone to show maps. Just call them “group presentations.” ICRC was warned that limiting the time to present maps may risk a lawsuit, since map creation is the Commission’s purpose. Discuss with legal counsel the ramifications of managing group presentations. Third, anyone may respond to group presentations, for three minutes. Whenever she heard the three-minute signal, ICRC’s Chairperson said, “Would you please conclude your final comment?” It’s a tactful and effective way to achieve the desired result.

**8.** Assign staff to take notes on public testimony and prepare summaries. First Commissioners depended on notes each took and sometimes on watching meeting videos, but we believe a better practice would be to have a staffer concisely note the salient points of each speaker’s testimony, summarize the notes and provide them to Commissioners.

The first ICRC received 532 testimonials in three-minute segments, and seven longer group presentations involving 22 speakers submitting maps. ICRC also received 566 emails or letters from Austin residents. The sheer volume of testimony calls for a system to effectively manage it.

**9.** Post at every meeting the Charter’s criteria for mapping districts. This could be accomplished by projection, a large banner or another way, but it should be big enough that when a Commissioner (or speaker) refers to “criteria five and six,” for instance, all present can easily read them. Understanding the demands of these criteria will eliminate some criticism leveled at how districts are being drawn.

**10.** Notify the city’s Communications and Public Information Office of meetings and public hearings well in advance. This is key, for if your meeting cannot be recorded, it cannot be held. Notifying this office in plenty of time will reserve the technicians and equipment needed to record all your gatherings, which then become available for anyone to view at any time. This transparency engages residents and builds trust.

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## V. Mapping the Districts

### A. Redistricting Criteria

**T**he City of Austin Charter Article II, § 3 (E) specifies that the Commission shall establish the boundaries of the ten council districts using the following criteria in order of priority:

1. Districts shall comply with the United States Constitution. Each 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.

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*Communities of interest shall not include relationships with political parties, incumbents or political candidates.*

The City of Austin Charter Article II, § 3 (F) further specifies that the place of residence of any incumbent or potential political candidate shall not be considered in the creation of a plan or of any district. Districts shall not be drawn for the purpose of favoring or discriminating against any incumbent, political candidate or political group.

### B. Creating Ten Districts

The first Commission learned many lessons during redistricting and the most striking occurred June 26, 2013, when ICRC was first fully impaneled.

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*Commissioners  
learned that key  
provisions of the  
Voting Rights Act  
can suddenly be  
rendered moot.*

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The day before, the U.S. Supreme Court struck down the Voting Rights Act's formula determining which states and localities had to submit redistricting plans for preclearance by the U.S. Department of Justice. ICRC's 14 members learned that key provisions of the VRA can suddenly be rendered moot. Members also learned there was an extra three weeks in our schedule, since our map no longer required preclearance.

Attorney Steve Bickerstaff, a redistricting expert who wrote the Charter amendment creating ICRC, gave Commissioners a two-page monograph explaining that court ruling at our June 26 meeting. Delivered two months before ICRC hired its own counsel, this educated the Commission on the ephemeral nature of interpretations of the VRA. Thus, this section seeks not to tell future ICRCs what they should do, but rather describes what the first Austin ICRC did in creating its ten-district map. That our map went unchallenged legally suggests our work was successful. However, your legal counsel can advise whether the measures the first ICRC took will meet future challenges, including new laws and court rulings.

Current GIS software and available databases make drawing districts of equal population relatively easy, and by 2021 it should be even easier. Here are the most important issues.

**1.** ICRC divided Austin's total population by the number of districts (ten) to establish the ideal district population. This ensures representation of all residents regardless of age, disability or citizenship status and meets the requirements of the United States Constitution. Federal courts have determined that variation from the ideal district population should not exceed ten percent, calculated as the difference between the least populated and the most populated districts.

**2.** ICRC avoided using race or ethnicity as the primary consideration in creating districts. In 2013, the Voting Rights Act (VRA) prohibited using race or ethnicity as the "predominant" reason for a district's shape. Considering race and ethnicity as one of many factors, along with other race-neutral redistricting factors, did not violate the VRA. Local communities of interest and the integrity of neighborhoods should be primary considerations, which may include race or ethnicity. During public hearings, listen to residents identify what constitutes the neighborhoods and communities of interest in their districts.

**3.** ICRC did not dilute minority voting strength in creating districts. In 2013, the VRA prohibited creating districts that deny minorities an equal opportunity to participate in the political process and to elect representatives of their choice. This bumped minority opportunity districts to the top of the list, so ICRC redistricted them first to achieve the numbers needed. Understand how changes in those district boundaries affect minority voting strength.

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**4.** ICRC used voting precincts as the principal building blocks to create districts. Voting tabulation districts (VTDs) should be split rarely and then only to achieve a higher priority Charter criterion. That is, achieving equal district populations, complying with the VRA, achieving geographic contiguity, and maintaining communities of interest or neighborhoods are reasons for splitting precincts or VTDs. When precincts are split, the Commission should explain why. The Commission selected individual VTDs to create council districts, a unique and laudable approach to redistricting, rather than relying on a staff-created map.

**5.** Consider fully which set of U.S. Census Bureau redistricting data indicating race you will use (P.L. 94-171). The choice is between two sets of census data: either P1 and P3, or P2 and P4. The first Commission considered the options and made a decision. We strongly recommend an early discussion with the mapping consultant and your legal counsel concerning the advantages and disadvantages of using each set of census data.

### **C. Mapping Consultant Capabilities**

When interviewing mapping consultants in your hiring process, make sure they can meet these requirements.

**1.** Show the effects of each precinct's selection on any council district. As changes are made by adding or deleting voting tabulation districts (VTDs), the mapping consultant should be able to identify the effects on the district in question and adjoining districts.

**2.** Superimpose proposed maps onto Commission maps to see how district population, VRA compliance, and communities of interest/neighborhoods are affected. The first ICRC couldn't show residents how their proposed changes might have bad or even illegal consequences. Future Commissions should require that any mapping applicant have this capability.

**3.** Make the software and the data for each precinct available to the public. Availability of the software allows the public to construct district maps, for which they need precinct data identical to ICRC's.

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*When interviewing mapping consultants, make sure they can show the effects of each precinct's selection on any council district.*

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## VI. The Final Report

**T**he Final Report provides a thorough description of the ten districts created by the Commission, with rationale for where the boundaries were placed. The Charter requires a Final Report, but does not specify when it should be issued. ICRC adopted the Final Report six months after certifying the final map to the Austin City Council.

### A. Final Report Committee

This committee drafts the Final Report and presents it to the Commission.

We recommend the following initiatives.

**1.** Appoint the Final Report Committee early in the redistricting process. Members of the committee should be especially attentive to public opinion about redrawing district lines, noting the justifications for proposed changes. These opinions will be helpful when the Final Report is drafted.

**2.** Choose Commissioners with extensive writing experience for the Final Report Committee. ICRC chose four Commissioners to prepare the Final Report, and a Commissioner with extensive editorial experience edited it. Capable writers and editors will create a Final Report that is readable and coherent.

### B. Organization of the Final Report

ICRC's Final Report contains sections on the Commission's background, an overview of the ten districts, a detailed description of each district with its rationale and major features, and intentions for future annexations.

We recommend the following initiatives.

**1.** Follow the format of the first Commission's Final Report. ICRC followed the examples set by the Redistricting Commissions of California and the City of San Diego. This model will serve future Commissions well.

**2.** Explain why changes were made to current districts and the criteria used to make them. District lines will be altered to accommodate changes in Austin's population by births, net in-migration and annexations, and these changes must be fully explained to those affected. Austin residents deserve a detailed explanation of the Commission's adjustments to district boundaries.

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*Choose Commissioners with extensive writing experience for the Final Report Committee.*



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## VII. Conclusion

*"Never doubt that a small group of thoughtful, committed citizens can change the world. Indeed, it is the only thing that ever has."*

Margaret Mead

Americans are inundated with public opinion polls, and some shine a light on our national mood. In the 2014 Edison Research exit polls, only 20 percent of participants trusted government to do the right thing most of the time. In a 2014 UT/Texas Tribune Poll, only 11 percent of Texans strongly approved or somewhat approved of the job Congress was doing.

Polls are one measure of citizen disconnect, elections another. Voter turnout in the November 2014 midterm elections was abysmal, the lowest since 1942. In the three largest states of California, Texas and New York, less than a third of those eligible voted. Texas was lowest among the 36 states with gubernatorial elections, with only 28 percent of eligible voters casting a ballot.

Yet in Austin, where an average of only 10.1 percent of registered voters voted in the last five City Council elections, 33.8 percent voted for mayor and 32.3 percent cast a ballot for City Councilor. The authors of this report wonder if there is a link between the intense grassroots effort that created Austin's Independent Citizens Redistricting Commission, and higher turnout at the polls.

An organization backed by more than 30 civic groups collected nearly 30,000 signatures to post a ballot amendment in 2012 for an Independent Citizens Redistricting Commission, and 61 percent of Austin voters approved it. Over 500 Austinites applied to be on the Commission, which drew 554 personal testimonials and countless maps at crowded public hearings.

After the Commission drew its ten-district map, a field of 78 candidates ran for office and participated in dozens of candidate forums across Austin. It should surprise no one that the voter turnout was higher than usual, despite a new law requiring a photo I.D. at the polls.

Independent redistricting of electoral boundaries is a grassroots, from-the-ground-up initiative, the backbone of democracy. The Supreme Court on June 29, 2015 affirmed that voters have the right to establish independent redistricting commissions. At a time when politicians elicit distrust, citizen redistricting can provide a transparent—and *transforming*—alternative to "politics as usual." This movement invites the involvement of any and all citizens. We welcome your participation.

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## APPENDIX A: Glossary of Redistricting Terms

*Source: This glossary is an adaptation from the Texas Legislative Council, Texas Redistricting, Glossary ([tlc.state.tx.us/redist/glossary/glossary.html](http://tlc.state.tx.us/redist/glossary/glossary.html)) and NAACP Legal Defense and Educational Fund, Redrawing the Lines ([redrawingthelines.sitewrench.com/](http://redrawingthelines.sitewrench.com/))*

### **American Community Survey (ACS)**

An ongoing census survey sent to a sample of three million housing units annually. The ACS collects detailed demographic and socioeconomic population and housing characteristics, similar to the information collected on the former long form census questionnaire. The data is collected continuously rather than once a decade, so the ACS provides more current data. Single-year estimates are available annually for geographic areas with a population of 65,000 or more. Three-year estimates are available annually for geographic areas with a population of 20,000 or more. In December 2010, the first five-year estimates at the census tract and block group level were made available.

### **Anglo**

Those persons who identified their race on the census form as White only and not Hispanic.

### **Assignment unit**

Any unit of geography that may be used as a building block to draw a redistricting plan. Assignment units may be counties, census tracts, census block groups, census blocks and VTDs (voting tabulation districts).

### **Black**

Those persons who identified their race on the census form as Black, African American or Negro only, or Black and any other race. Black persons can be either Hispanic or non-Hispanic.

### **Black + Hispanic**

A combined population category that includes all persons who identified their race as Black and all persons who identified themselves as Hispanic. The total is adjusted so that those who indicated they were both Black and Hispanic are not counted twice. The category is frequently examined for redistricting purposes in areas in which Black and Hispanic voters may form political coalitions or vote together as a bloc.

### **Census block**

The smallest unit of census geography for which population data are counted and reported. Census blocks are delineated by the Census Bureau and are generally bounded by physical features such as roads, creeks or shorelines, but also may be bounded by nonvisible features such as city, county, school district or voting precinct boundaries.

### **Census block group**

A subdivision of a census tract composed of a group of contiguous census blocks with the same first digit of their four-digit census block number. Block groups generally contain between 600 and 3000 people.

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**Census day**

The date for which census data was collected. The date is April 1st of each decade. For example, April 1, 2020.

**Census Designated Place (CDP)**

A densely settled, unincorporated area locally identified by a name, such as an unincorporated town, for which the Census Bureau reports population. The boundaries of a census designated place are established by the Census Bureau in cooperation with state and local government officials.

**Census (P.L. 94-171) Summary Files**

The Census Bureau issues summary file tables that contain several tabulations. Table P1: Race; Table P2: Hispanic or Latino, and not Hispanic or Latino by Race; Table P3: Race for Population 18 Years and Over; Table P4: Hispanic or Latino, and not Hispanic or Latino by Race for the Population 18 Years and Over.

**Census tract**

A unit of census geography delineated by local committees in accordance with Census Bureau guidelines for the purpose of collecting and presenting decennial census data. Census tracts are made up of block groups. Their boundaries generally follow visible features, though in some circumstances their boundaries may follow governmental unit boundaries or other nonvisible features. In general, census tracts contain between 1200 and 8000 people, with an optimum population size of 4000.

**Citizen Voting Age Population (CVAP)**

The number of persons in a geographic unit who are at least 18 years of age and citizens of the United States. Because some population groups, such as racial or ethnic minorities, tend to be less likely to be United States citizens than the population as a whole, the citizen voting age populations are frequently compared in evaluating the potential voting strength of various ethnic and racial groups.

**Community of interest**

A term sometimes used to describe a grouping of people in a geographical area, such as a specific region or neighborhood, who have common political, social or economic interests.

**Compactness**

Few states define precisely what "compactness" means, but a district in which people generally live near each other is usually more compact than one in which they do not. Most observers look to measures of a district's geometric shape.

**Contiguity**

Adjacency. For redistricting purposes, a district is considered to be contiguous if all parts of the district touch one another at more than a point, so that the entire district is within a continuous boundary. Legal standards governing redistricting for various governmental bodies often require all of the territory in each district to be contiguous.

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**County election precincts**

Also called voting precincts. Geographic units established by county commissioners courts for the purpose of election administration. The voters in an election precinct usually vote at a single polling place, so the votes cast in the precinct may be counted separately from other precincts.

**Cracking**

The division of members of a geographically concentrated group, such as a racial or political group, among different districts for the purpose of minimizing the group's voting strength. (See Packing)

**Deviation**

The amount or percentage by which a district's population differs from the ideal district population for the particular district type.

**Equal Protection Clause**

See "Fourteenth Amendment to the U.S. Constitution."

**Fourteenth Amendment to the U.S. Constitution**

The provision of the U.S. Constitution that includes the Equal Protection Clause, which prohibits the states from denying persons equal protection of the law. The Equal Protection Clause is the primary basis of the one-person, one-vote principle.

**Fifteenth Amendment to the U.S. Constitution**

The provision of the U.S. Constitution that prohibits the right to vote from being denied or abridged on account of race.

**Geographic Information System (GIS)**

A graphics-based computer system that relates geographic features (such as census tracts, cities, VTDs or counties) to data about those features (such as population, race or voting behavior).

**Gerrymander**

(noun) A district or set of districts with unusual boundaries that is drawn to favor one or more groups over others; (verb) To draw a district or set of districts with unusual boundaries that favor one or more groups over others.

**Hispanic**

Those persons who identified themselves on the census form as Hispanic, Latino or Spanish origin. Hispanic persons can be of any race.

**Ideal district population**

A measure calculated by dividing the total population of the state or other jurisdiction being re-districted by the number of districts in the legislative body or board being re-districted.

**Minority opportunity district**

A district that provides minority voters an equal opportunity to elect a candidate of their choice regardless of the racial composition of the district.

**Minority vote dilution**

The creation of districts that either (1) divide members of a racial or ethnic minority group

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among several districts, artificially reducing the group's opportunity to influence elections (see Cracking) or (2) place high percentages of members of a racial or ethnic minority group in one or more districts so that minority voting strength is artificially limited to those districts and is minimized in neighboring districts (see Packing).

**One person, one vote**

The principle that each person's vote should count the same as every other person's vote; it is achieved by the allocation of the same or substantially the same population to each district of a particular type, such as a congressional district. The courts derive the one-person, one-vote standard primarily from the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.

**Other**

Those persons who did not identify themselves on the census form as White only, Black or Hispanic.

**P.L. (Public Law) 94-171**

The federal statute that requires the Census Bureau to provide, by April 1 of each year following a decennial census, the census data necessary for redistricting.

**Packing**

Creating a district with an unnecessarily high concentration of a particular group of voters, such as a racial or political group, which tends to result in the election of the group's candidate of choice in any election in that district while diluting the group's voting strength in neighboring districts due to the "wasting" of votes in the packed district. (See Cracking)

**Population estimates**

An approximation of the population of a geographic unit at a point in the past or present for which an actual population count is not available.

**Population projections**

An approximation of the population of a geographic unit at a point in the future based on specific assumptions regarding future demographic trends in the geographic unit.

**Preclearance**

Approval under Section 5 of the Voting Rights Act of 1965 of a redistricting plan or other change in state or local election procedures by a special three-judge federal district court in Washington, D.C., or by the U.S. Department of Justice. Preclearance is no longer required because of the Supreme Court's decision in *Shelby County v. Holder* (2013).

**Redistricting**

The process of redefining the geographic boundaries of individual election units, such as legislative or congressional districts or county election precincts.

**Registered voters (RV)**

The number of persons in a geographic unit who are registered to vote. Because some population groups, such as racial or ethnic minorities, tend to be less likely to be registered to vote than the population as a whole, the voting age populations are frequently compared in evaluating the potential voting strength of those groups.

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**Retrogression**

The term used to describe a reduction in the voting strength of a racial or ethnic group resulting from a redistricting plan or other change in election procedures. Retrogression was the primary test used for evaluating a change in election procedures for preclearance under Section 5 of the Voting Rights Act of 1965.

**Spanish Surname Voter Registration (SSVR)**

SSVR is reported by the secretary of state using a comparison of state voter registration records and the 1990 Census List of Spanish Surnames. No other estimate of Hispanic voter registration in Texas is available by precinct for the entire state. Most sources agree that the match between people who have Spanish surnames and those who consider themselves Hispanic is relatively good in Texas (the Census Bureau estimates a 90 percent correlation for the state).

**Total range of deviation**

The range over which the populations of all districts in a redistricting plan deviate from the ideal district population, computed by examining the deviations of the most populous and least populous districts.

**Traditional districting principles**

A term often used to refer to criteria, such as compactness and contiguity, that have historically been considered in drawing legislative or other districts.

**Voting age population (VAP)**

The number of persons in a geographic unit who are at least 18 years of age. Because some population groups, such as racial or ethnic minorities, tend to be younger on average than the population as a whole, the voting age populations are frequently compared in evaluating the potential voting strength of those groups.

**Voting Rights Act**

The federal law prohibiting discrimination in voting practices on the basis of race or language group, codified as 42 U.S.C. Section 1973 et seq. The official title of the act is the Voting Rights Act of 1965. Section 2 is important for redistricting. Section 2 prohibits the adoption of voting standards or practices that abridge the right to vote on the basis of race or language group. This section applies to all states and other governmental units and may be used to challenge a redistricting plan that discriminates against a racial or language minority group. The United States Supreme Court in *Shelby County v. Holder* (2013) made Section 5, which required Texas and several other states and parts of states to pre-clear changes in election laws with the U. S. Department of Justice or a District of Columbia three-judge District Court, ineffective by declaring unconstitutional Section 4, which established which states and political subdivisions were subject to Section 5.

**Voting tabulation district (VTD)**

The census geographic equivalent of a county election precinct, created for the purpose of relating election data to census data. VTDs can differ from actual election precincts because election precincts do not always follow census geography. During the approximation process that creates VTDs, county election precinct boundaries that do not follow census geography are assigned to the nearest census block boundary.



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## **APPENDIX B: Advertisements of Staff Positions**

(*Note:* ICRC's want ads for legal counsel and executive director were posted for free on JobScore.com and on AustinRedistricting.org, the Commission's website. The links were shared via Facebook and Twitter. The legal counsel ad was also posted on the State Bar of Texas Career Center website, considered the best way to reach Texas attorneys. The cost was \$551. Ads were posted only about two weeks before the application deadlines, because ICRC's schedule was so tight that staff was needed as soon as possible.)

### **LEGAL COUNSEL**

#### *Independent Citizens Redistricting Commission of Austin*

The Independent Citizens Redistricting Commission of Austin, Texas is seeking Legal Counsel to manage all operational (such as state law and city policies affecting meetings and records) and Redistricting and Compliance matters. Counsel serves as the liaison with City of Austin Staff and the Commission's Executive Director with respect to legal items on redistricting matters and maps; and provides advice on strategies and implementation of maps for redistricting purposes. Counsel will report to the Commission. This is a 6 month temporary position to extend on an as-needed basis. Legal Counsel will work closely with the Commission to defend any action regarding redistricting matters and/or a certified map.

#### Key Areas of Responsibility:

- Analyzing legislation and court rulings relative to the Commission
- Ensuring that the Commission complies with Federal, State, and City codes, ordinances, and regulations
- Prepare operational and administrative reports summarizing activities
- Advise Commission on Open Meetings
- Advise Commission on the federal Voting Rights Act of 1965 and potential impacts
- Serve as primary counsel for the implementation and legal coordination of the creation of 10 single member districts for the City of Austin
- Provide expert legal advice on administration and implementation of redistricting matters

#### **Education**

- Graduation from an American Bar Association (ABA) accredited law school
- Licensed to practice law in Texas

#### **Experience**

- 10 + years of progressively responsible legal experience with redistricting matters
- Extensive experience in open meetings act, and open records
- Demonstrated experience and expertise in implementation and enforcement of the federal Voting Rights Act of 1965
- No ties to City of Austin Council members

#### **Knowledge, Skills and Abilities**

- Superior negotiation, critical and analytical thinking, contract drafting, research, writing, editing, client counseling and organizational skills
- The ability to work well with others

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## **Eligibility Requirements**

Within the five years immediately preceding the date of application, neither the applicant nor their spouse have:

- Been appointed to, elected to, or have been a candidate for state or city office;
- 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;
- Been a registered state or local lobbyist;
- Contributed or bundled \$1000 or more in aggregate to candidates for City of Austin elective office in the last city election

Within the three years immediately preceding the date of application, the applicant has not been 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. (II.3.(I)(3))

## **Application Process**

Employees of the Commission hold non-civil service positions and serve at the pleasure of the Commission, an equal-opportunity employer. Identity of applicants and interview finalists may be subject to disclosure via the Texas Public Information Act.

To apply, first make sure you meet eligibility requirements above. Then submit a cover letter, resume, three professional references, and salary requirement by 5 pm on August 16, 2013. Please be aware you may be required to submit law school transcripts later.

(*Note:* ICRC hired an executive director first, though this report recommends that legal counsel be hired first. See item 5 on page 8 in “Selecting Commission Staff” regarding whether to hire an administrative tech instead of an executive director. The ad below was also posted on the Texas Society of Association Executives Career Center website, for \$125.)

## **EXECUTIVE DIRECTOR**

The Independent Citizens Redistricting Commission of Austin, Texas is seeking an Executive Director. The Commission is responsible for adopting a plan to set boundaries of ten districts, each to elect one Austin City Councilor.

The Executive Director will work closely with the Commission to hire and supervise up to four staff. You must foster cooperation among those involved in the project including legal counsel, and plan, direct and coordinate the work of others, evaluating staff and consultants. This will require superb management and technical skills, and knowledge of the redistricting process. You will schedule and oversee the Commission’s weekly meetings and 14 public hearings throughout Austin in the evenings, and will represent the Commission to the community.

You must also create and administer a budget, secure office space and field media inquiries. Familiarity with mapping software is a plus. You will serve at the pleasure of the Commission until a redistricting plan has been adopted and any challenges to it resolved, estimated to be six months starting August 2013. This full-time position is located in Austin with a salary depending upon expertise.

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You will have at least five years managerial experience including supervision of staff, preferably related to a board or commission. Dedication to transparency, nonpartisanship, and independence from City government is essential, especially since you may work with City staff.

*Other qualities we seek in an Executive Director:*

- Polished communications, oral and written
- Prowess in problem-solving
- Ability to prioritize and dispatch multiple tasks
- Supple negotiating skills
- Making best use of legal counsel, balancing cost versus expertise
- Knowledge of word processing, spreadsheet and mapping programs
- Personable yet professional demeanor working with community groups, government agencies and vendors

Employees of the Commission hold non-civil service positions and serve at the pleasure of the Commission, an equal-opportunity employer. Identity of applicants and interview finalists may be subject to disclosure via the Texas Public Information Act.

To apply, first make sure you meet eligibility requirements below. Then submit a cover letter, resume, three professional references and your answers to the following Application Questions by 5 pm on August 5, 2013.

**Eligibility Requirements** *Within the five years immediately preceding the date of application, neither the applicant nor their spouse have:*

- Been appointed to, elected to, or have been a candidate for state or city office;
- 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;
- Been a registered state or local lobbyist;
- Contributed or bundled \$1000 or more in aggregate to candidates for City of Austin elective office in the last city election.

Within the three years immediately preceding the date of application, the applicant has not been 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. (II.3.(I)(3))

### **Application Questions**

1. Tell us about yourself and why you are interested in the Executive Director position.
2. The Executive Director will assist with hiring legal counsel, a redistricting consultant and administrative assistants. Describe your hiring philosophy and experience.
3. Describe a time you built consensus among team members on a difficult topic.
4. What does “independence” mean to you?
5. ICRC has a tight timeline and is building from the ground up. What assets do you bring re staff, experience or resources that will help you hit the ground running?

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6. What do you see as the biggest challenge to this role? How would you overcome it?
  7. What are your salary expectations? If selected, about how many hours per week do you have to dedicate to this role?
  8. Have you planned any major events/vacations the next 6-9 months that might require absence from Austin or time off more than 5 days in duration? If so, please list.
  9. Describe a time you successfully de-escalated a conflict between two parties.

(Note: This mapping expert want ad appeared as a Request for Qualifications distributed by the City of Austin Purchasing Department, which received responses from four companies. There was no cost to ICRC for using this city service.)

### **MAPPING EXPERT**

The Independent Citizens Redistricting Commission (ICRC) of Austin, Texas is seeking an expert in voting-district mapping. The Commission is responsible for adopting a plan to set boundaries of ten districts, each to elect one Austin City Councilor.

The Mapping Expert will have experience in creating district maps that have met the requirements of the federal Voting Rights Act of 1965. You will help Commissioners and staff to obtain, analyze and present statistics on demographics, voting age population and other pertinent data. You will have expertise with mapping software i.e. geographic information systems (GIS). You will also work closely with Commissioners to gain community input at public hearings throughout Austin as required by the Commission.

### **General Information**

City of Austin voters approved Proposition 3, a City Charter amendment commonly referred to as “10-ONE” in November 2012. The Charter amendment provides for the election of City Council Members from 10 geographic single-member districts with the Mayor elected from the City at-large, beginning with the November 2014 election.

### **The Commission’s Duties**

1. Conduct duties with integrity and fairness;
2. Conduct an open and transparent process to enable full public consideration of and comment on the drawing of district lines to include an open hearing process;
3. Draw district lines in accordance with specific redistricting criteria in the Charter;
4. Adopt a final redistricting plan and certify the plan to the Austin City Council;
5. Issue a report that explains the basis on which the Commission made its decisions.

The contractor for this position will report to the ICRC Executive Director and serve at the pleasure of the Commission until a redistricting plan has been adopted and any challenges to it resolved, estimated to be six months starting no later than Sept. 1, 2013.

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## Scope of Services

The successful firm or organization will provide a full scope of services in order to assist the ICRC with professional and thorough creation of maps. These services include but are not limited to the following:

- Attend all public ICRC meetings and hearings with the same staff.
- Provide expert on-site mapping services with the latest census and voting age statistics.
- Provide the ICRC with mapping software with real-time capability to assess outcomes of changing district boundaries at public hearings and Commission meetings.
- Display maps in format accessible to the public, including internet, print and multi-media.
- Assist Commissioners and ICRC staff to obtain, analyze and present statistics on demographics, voting age population and other pertinent data.
- Advise Commissioners and ICRC staff as to effects of any potential boundary lines on ability to satisfy requirements of the charter.
- Meet and discuss with ICRC Chair and members, ICRC staff and city staff as needed.
- Be able to begin services no later than September 1, 2013.
- Contribute methodology and other information to the Commission's final report.

## Minimum Qualifications

### Eligibility Requirements

Within the five years immediately preceding the date of application, neither the contractor nor its sub-contractor have:

- Been appointed to, elected to, or have been a candidate for state or city office;
- Been a registered state or local lobbyist;
- 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;
- Contributed or bundled \$1000 or more in aggregate to candidates for City of Austin elective office in the last city election.

Within the three years immediately preceding the date of application, neither the contractor nor its sub-contractor has:

- Been a paid employee of the City of Austin;
- Been a 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. (II.3.(1)(3))

The contractor will have five or more years of relevant mapping experience (i.e. with GIS software) with successful outcomes in U.S. Justice Department preclearance (if applicable).

The contractor is dedicated to transparency, nonpartisanship and independence from City government.

The contractor has ample experience in creating maps that are informative, reader-friendly and clearly outline the client's goals.

The contractor will ensure access to mapping software by the Commission to be used on an individual basis to draw and view maps, at no additional cost to the Commission.

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Additional Services for Consideration: Ability to provide mapping demonstrations for the general public during office hours.

### **Selection Criteria**

The ICRC Executive Director will review applicants for minimum qualifications and report finalists to the Commission. The ICRC Executive Director may call an applicant to make a presentation to him/her and the Chair.

The firm and/or organization will be formally selected through a highly public process wherein the Commission will debate the qualifications of all finalists and make a final decision at a public meeting.

### **Identity of Applicants and Interview**

Identity of applicants and interview finalists may be subject to disclosure via the Texas Public Information Act.

At the request of the Commission, finalists may be called upon to make a public presentation.

### **Instructions for Submittal**

Signed letter of transmittal: including express agreement to meet the scope of services requirements in this RFQ.

Description of firm: including organizational structure, business affiliations and total number of professional staff affiliated with this RFQ.

Individuals assigned to this project: including resume for key individual(s).\*

Project experience: Narrative description accompanied by brief example of past deliverables and projects similar in scope to the one covered by this RFQ.

Estimated cost of services as outlined in the scope of work.

Estimated cost, if any, of additional services for consideration.

References: List at least three client references. Include name and contact number for each reference.

*\*Key individual(s) may be subject to public scrutiny and/or background check.*

### **Questions regarding this RFQ may be directed to:**

[insert name], Purchasing Director

[insert contact info]



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## APPENDIX C: 2013 ICRC Budget

### 2013 ICRC Budget

Commission Staff	
Executive Director	\$45,000
Legal Counsel	\$45,000
Mapping Consultant	\$40,000
Meeting Expenses	\$5,000
Communications & Outreach	\$3,000
Miscellaneous	\$2,000
<b>Total</b>	<b>\$140,000</b>

*Note:* At Commission request, the Austin City Council in January 2014 approved a \$40,000 appropriation for ICRC. It went entirely to stipends for legal counsel (\$25,000) and executive director (\$15,000) and is not included in the figures above.

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## **APPENDIX D: Recommendations for Future Applicant Review Panels**

Members of the first Applicant Review Panel (ARP) have identified improvements to the APR that would benefit future panels. These recommendations are listed below.

### **Applications for the ICRC**

1. The application review process would be greatly facilitated by requiring the applicants to disclose their occupations (may be in retired status) and employers for the previous five years. The disclosure of the employers would help the city auditor's office determine if there is a conflict of interest. The disclosure of the occupation would help the ARP determine if the life experience of the applicants involve the analytical skills asserted in the application.
2. The disclosure of race should be check boxes which mirror the U.S. Office of Management and Budget (OMB) standards for the classification of race, combined format. The application should not be considered complete unless a box is checked.
3. Questions regarding why the applicant would like to be on the panel should be added to the application. As stated above, this is a big commitment and the reasons why someone is willing to make this commitment can affect their ability to do a good job on the Commission.

### **Organization of the ARP**

1. The ARP should elect a chairperson with the following powers:
  - Serve as the primary point of contact for all citizen communications and city staff communications in the period between meetings.
  - Provide a summary of these activities to the other panel members at an open meeting.
  - Work with city staff to determine agenda items to be posted in accordance with the Texas Open Meetings Act.
  - Delegate duties as necessary.

### **Work Process of the ARP**

1. The workload of determining the 60 most qualified applicants to the ICRC should be divided as equitably as possible between meetings. The division of workload may be by county precinct, applicant number or alphabetically.
2. The due dates for providing evaluations to city staff, for city staff posting meeting materials on the web site, etc., should be made clear and agreed upon by ARP members.

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## **Work Product of the ARP**

**1.** The ARP should keep in mind they are a sovereign body created by the City Charter and accountable to the voters of Austin. In submitting the list of the most qualified applicants for the ICRC to the City Council, there is no official action of the City Council required or requested. Each individual Council member may inform the ARP in writing of one application to strike within five days of the ARP's approval of the list, but the City Council does not act as a whole.

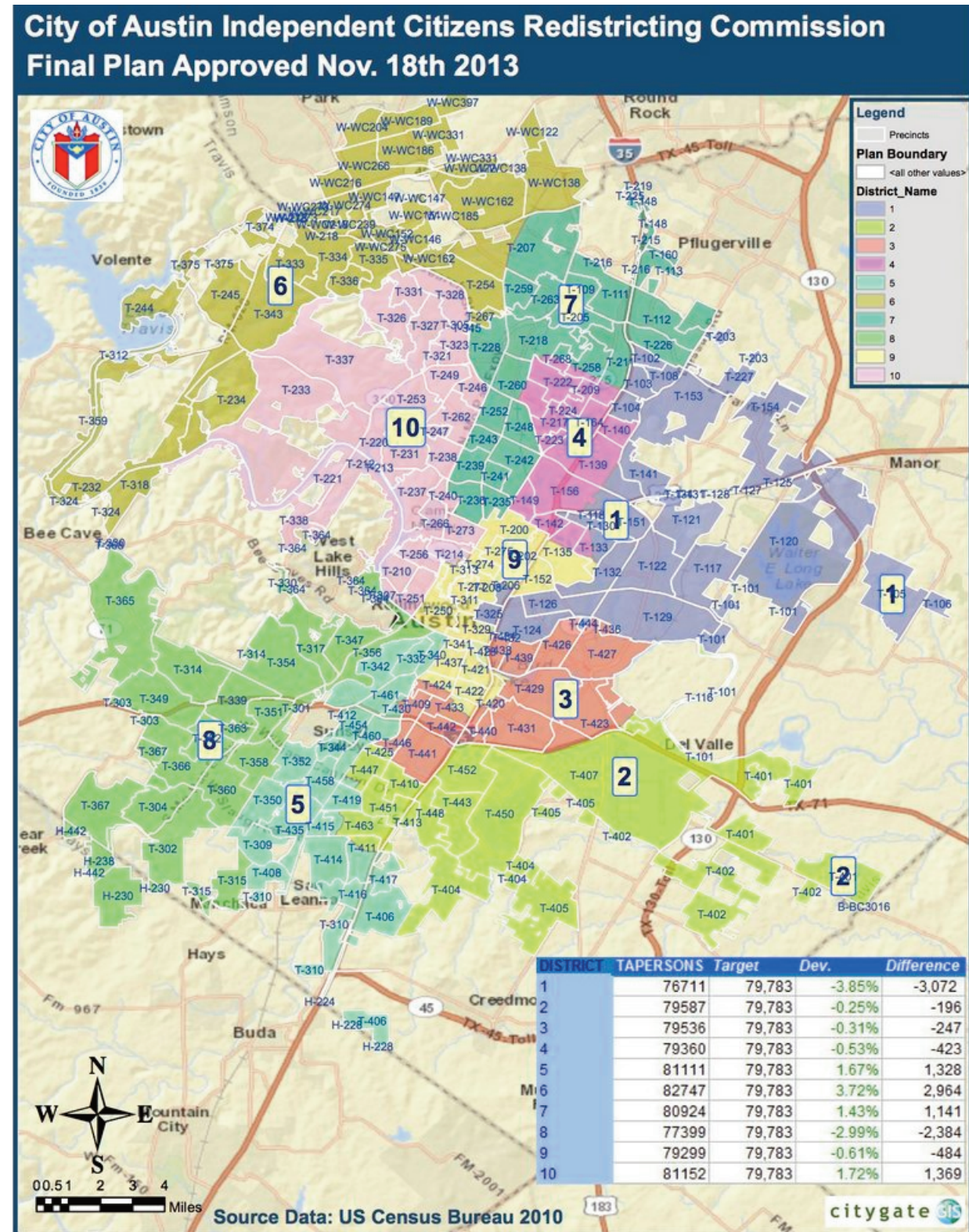
**2.** The ARP has no decision-making duties beyond the action of providing the list of 60 applicants to the City Council. However, they remain responsible for ensuring the correct list of applicants is provided to the city auditor for the random drawing.

*Michelle DeFrance*

*Carol Feller*

*Caroline Limaye*

## APPENDIX E: Final Ten-District Map



ICRC's map spearheaded a change in how Austin, Texas City Councilors are chosen, which redistricting expert Steve Bickerstaff called "a success in democracy."



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## APPENDIX F: About the Authors

**Stefan Haag** moved to Austin in 1979 to accept a position as instructor of government at Austin Community College (ACC). He taught sociology and political science courses at Kaskaskia College in Centralia, Illinois for ten years prior to moving to Austin. During his tenure at ACC, Stefan coauthored two textbooks on Texas politics and government for college-level government courses, chaired a college-wide committee on faculty advising for students, and chaired and served on several departmental committees. Since retiring in 2007, Haag has authored three reports for ACC's Center for Public Policy and Political Studies.

**Harriett Harrow** lived on both coasts before moving to Austin in 1989 when *Inc.* magazine named it “best U.S. city for entrepreneurs.” As a communications consultant, Harriett crafted projects for clients in real estate, high tech, finance, automotive, retailing and many more industries. She served the Summerwood Homeowners' Association in Northwest Austin as president, treasurer and archivist. Earlier, Harriett served on the New Hampshire Commission on the Status of Women. Now retired, she's still writing: her columns in the *Austin American-Statesman* explored the death penalty, child labor, health care and Santa Claus, among other topics.

**William (Phil) Hewitt** lives in South Austin. He is the same kind of Texan as Sam Houston and David Crockett—one from Tennessee. He is a writer, an historian and a collector of Texas tales. He believes that the best representative government is the one that is closest to the citizens—hence his interest in participating in the Austin redistricting process. He raises cactus, kayaks Texas rivers and lakes, and is an avid but mostly inept fisherman. Phil's knowledge of Texas' Big Bend area is on display in his mystery novel, *The Mariscal Canyon Dead*.

**Maria Solis** has been self-employed as a massage therapist since 1990 and owns Massage Concepts in South Austin. Maria obtained an Associate of Arts degree from Texas Southmost College at Brownsville, her hometown. She later attended the University of Texas at Austin. A single parent, Maria arranged her massage practice to enable her to care for her daughter. She participated in numerous school activities, as homeroom Mom and officer in various PTAs. She traveled on many trips with the school band and was Band Booster president while her daughter attended Johnston High School Liberal Arts Academy. Maria served as president of Southwood Neighborhood Association, and on its Traffic Calming Committee and many other committees.