

Independent Citizen Redistricting Commission for the City of Austin
DRAFT
(March 4, 2011)

Section 1:

Not later than _____ and thereafter in each year following the year in which the national census is taken under the direction of Congress at the beginning of each decade, the Citizens Redistricting Commission described in Section 2 shall adjust the boundary lines of the council districts prescribed in _____ of this charter in conformance with the standards and process set forth in Section 2.

Section 2:

(a) The Citizens Redistricting Commission shall be created no later than _____, and in each year ending in the number zero thereafter.

(b) The commission shall: (1) conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines; (2) draw district lines according to the redistricting criteria specified in this article; and (3) conduct themselves with integrity and fairness.

(c) (1) This selection process is designed to produce a commission that is independent from influence by the city council of the City of Austin and is reasonably representative of this City's diversity.

(2) The commission shall consist of 14 members selected in the manner prescribed by the ordinance implementing this charter amendment.

(3) Each commission member shall be a voter who has been continuously registered in the City of Austin for five or more years immediately preceding the date of his or her appointment. Each commission member shall have voted in at least two of the last three City of Austin general elections immediately preceding his or her application.

(4) The term of office of each member of the commission expires upon the appointment of the first member of the succeeding commission in the year following the year in which the national census is taken. Until such year, vacancies in the commission shall be filled for the remainder of the term of the commission by the council of the City of Austin.

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

(6) Each commission member shall apply this article in a manner that is impartial and that reinforces public confidence in the integrity of the redistricting process. A

commission member shall be ineligible for a period of 10 years beginning from the date of appointment to hold elective public office for the City of Austin. A member of the commission shall be ineligible for a period of five years beginning from the date of appointment to hold appointive public office for the City of Austin, or to serve as paid staff for, or as a paid consultant to, the City of Austin, the council of the City of Austin, or any member of the council of the City of Austin.

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

(1) Districts shall comply with the United States Constitution. Each council district shall have reasonably equal population with other districts for the same office, except where deviation is required 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 subdivisions. A community of interest is a contiguous population which 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 population.

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

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

(f) No later than _____ and by _____ in each year ending in the number one thereafter, the commission shall adopt a plan for the City of Austin specifically describing the district boundaries for each of the council districts prescribed in _____. Upon adoption, the commission shall certify the plan to the council of the City of Austin. The city council may not change the plan. The plan shall have the force and effect of law.

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

(h) If the commission does not adopt a final plan by the dates in subsection (f), the city attorney for the City of Austin shall immediately petition state court for an order prescribing the boundary lines of the council districts in accordance with the redistricting criteria and requirements set forth in subdivisions (d) and (e). The plan prescribed by the court shall be used for all subsequent city council elections until (1) a final plan is adopted by the commission to replace it, or (2) a new commission is appointed under subsection (a).

Section 3:

(a) The city council of the City of Austin shall provide reasonable funds for the operation of the commission.

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