

EL PASO COUNTY COMMISSIONERS COURT ORDER



El Paso County Redistricting Advisory Commission

Adopted Date: June 14, 2021

Revised Date: July 19, 2021

PURPOSE

Each year following the year in which the national census is taken, the El Paso County Commissioners Court (“Commissioners Court”) shall appoint an El Paso County Redistricting Advisory Commission (“Commission”). The Commission shall consists of 11 members with each Commissioners Court member appointing two members. The 11th member will be the chair, or their alternate, of the El Paso County Ethics Commission.

The Commission will draw precincts for the County Commissioner districts and the Justice of the Peace (“JP”) districts based on population, traditional districting principles, and public input. This Commission’s role in redrawing and recommending precinct lines does not supersede or limit the County’s authority as granted by law.¹

The Commission will submit a report with the recommended precinct map. If the Commission’s recommendation is not unanimous, the minority map shall also be submitted to the Commissioners Court. The report submitted to the Commissioners Court should reference the benefits of the minority map but explain why the majority map was ultimately recommended by the majority of the Commission.

The Commission will be activated and seated in February of calendar years ending in the number one.²

¹ Each county in the State with a population of 50,000 or more, according to the most recent federal census, from time to time, for the convenience of the people, shall be divided into not less than four and not more than eight precincts. Tex. Const. Art. V, § 18. In a County with a population of 150,000 or more, according to the most recent federal census, each precinct may contain more than one Justice of the Peace Court.

² In the event the U.S. Census count is not released by April 1st of a calendar year ending in one, the Commissioners Court may delay the activation of the Commission to four months prior to the scheduled release of Public Law 94-171 data.

I. COMMISSION MEMBERSHIP

- A. The Commission shall initially consist of 11 members.
- B. Each Commissioner shall appoint two members from their precinct.
- C. The County Judge shall appoint two members from the County-at-large.
- D. The Chair of the El Paso County Ethics Commission (or an Ethics Commission member if the Chair is unable or unwilling to serve) serves as an ex-officio member who only votes in the event of a tie.
- E. The El Paso County Ethics Commission will name an alternate in case the original Ethics Commission appointee (Chair or other member) is unable to serve.
- F. Commissioners Court members cannot recommend appointees or suggest prospective Commission appointees to fellow Commissioners Court members.
- G. County Administration will develop an application for Commission candidates. The application shall be approved by the Commissioners Court.
- H. County Administration will vet all final nominations to ensure eligibility prior to appointment.
- I. In the event, an appointed Commission member becomes unable or unwilling to serve or is removed prior to the end of their term of office, the respective appointing Commissioner or County Judge may nominate a replacement appointee.
- J. When a member of the Commission is absent from three consecutive meetings of the Commission, the chairman or vice-chairman of the Commission shall report this fact to the County Judge and Commissioners so that consideration may be given to removal of such member.
- K. The resignation or removal of a Commission member(s), does not preclude the Commission from continuing its work pursuant to this Policy.

II. ELIGIBILITY

- A. All members must reside in El Paso County.
- B. Must be registered to vote in El Paso County.
- C. Cannot be or have been a public elected official, or have worked as a paid staff member on a public office election campaign in the past year.
- D. Cannot be or have been an officer, employee or consultant of a political party, or lobbyist in the past year.
- E. Cannot be or have been a County employee, or serve(d) as a County board member in the past year.
- F. Cannot be or have been a contractor or subcontractor for the County in the past year; this includes having an interest in a Company that has a contract with the County for the paid provision of goods or services.
- G. Cannot have made a financial contribution greater than \$500, in the aggregate, in the past year to a County office.
- H. Provisions C-G above also apply to the candidate's spouse and family members within the first degree of consanguinity.
- I. In the event a Redistricting Advisory Commissioner and/or spouse or family member within the first degree of consanguinity engages in any of the items in provisions C-

G above during the Commissioner's term, the Commissioner is rendered automatically ineligible and is removed from his or her position.

Prior to accepting an appointment, all prospective members of the El Paso County Redistricting Advisory Commission shall affirm that they meet all eligibility requirements contained in Section 2 by submitting an application through County Administration or their corresponding County Commissioner or County Judge.

Additionally, the El Paso County Redistricting Advisory Commission is subject to and must comply with El Paso County's Code of Ethics. Therefore, members must submit all documentation necessary to comply with the Code of Ethics, including but not limited to a sworn financial disclosure statement.

Within two weeks of appointment, all members of the El Paso County Redistricting Advisory Commission shall receive County Code of Ethics, Texas Open Meetings Act, and Texas Public Information Act training and must submit relevant proof of completion to County Administration.

III. COMMISSION GUIDELINES

- A. The term of office of each member expires when the Commissioners Court adopts a Redistricting Plan for Commissioners Court and JP external district boundary lines following a decennial census.
- B. All members will perform their duties in a manner that is impartial, nonpartisan, and that reinforces public confidence in the integrity of the redistricting process.

IV. PRECINCT MAP GUIDELINES

- A. Districts shall comply with the U.S. Constitution, the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution, and all relevant state and federal laws. Each precinct shall have substantially equal population with other precincts for the same office, except where deviation is required to comply with the Voting Rights Act (42 U.S.C. 1971, et seq). For the purpose of this guideline, "substantially equal population" means a total deviation of less than 10%.
- B. The Commission should modify existing external boundaries only to the extent necessary to comply with subsection A above and in consideration of the guidelines contained below.
- C. Race should not be a dominant or controlling consideration when drawing district boundaries.
- D. Precincts shall be geographically contiguous.

- E. Redistricting commissioners, in assembling all precincts, shall respect the geographic integrity of neighborhoods and communities of interest in a manner that minimizes their division to the extent possible without violating other parts of this section. Communities of interest are populations with actual shared interests that should be included within a single precinct for purposes of fair and effective representation.
- F. 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.
- G. To the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.
- H. Fort Bliss, if possible, should be in one precinct.
- I. All maps developed by the Commission must be published on the redistricting page of the County's website, epcounty.com, as they are prepared.
- J. The final proposed maps must be published in at least one local newspaper prior to the Commission's final vote.
- K. The final recommended map must be approved by majority vote.

Redistricting Commissioners shall not attempt to dislodge an incumbent in order to favor a person they know to be or become a political candidate in planning any precinct. Redistricting Commissioners shall not draw precincts for the purpose of favoring or discriminating against any incumbent, political candidate, or political group, in whole or in part. Redistricting Commissioners shall follow all applicable redistricting laws, and use the attached legal frequently asked questions as a guide.

V. TIMELINE

No later than November 1 of each year ending in the number one, or on the dates recommended by the state in regards to the primary elections and general elections in Texas, the Commission shall adopt a final plan for the Commissioners Court's review, describing the boundaries for the precincts described herein. Upon adoption, the Commission shall certify the plan and the Chair of the Commission shall present it at a regular meeting of Commissioners Court for consideration.

- A. The Commission shall prepare a written report to explain the basis of precinct boundaries as they were chosen, explaining compliance with the guiding principles discussed above and providing summaries of any public or invited testimony given at Commission meetings. The written report shall also include

the map voted upon by the minority of the Commission and explain why the recommended map was ultimately selected.

The El Paso County Attorney shall assign counsel to the Commission to advise redistricting advisory commissioners. The El Paso County Attorney may enlist the assistance of outside counsel, as needed.

VI. El Paso County Administration shall ensure that necessary information and staffing is made available to the Commission to achieve the duties required.

VII. Redistricting commissioners shall not use their affiliation with the Commission for any kind of self-promotion. Redistricting commissioners shall not communicate or allow any of their own personal views to be attributed to the Commission or imply that they are speaking on behalf of the Commission. Redistricting commissioners shall not be compensated for their service.

VIII. MEETING GUIDELINES

- A. Upon the appointment of at least 7 members of the Redistricting Advisory Commission, the El Paso County Redistricting Advisory Commission shall begin holding regular public meetings, gathering at least once per month until making final approval of recommended precinct maps to be presented to the Commissioners Court.
- B. The Commission will adopt bylaws that include but are not limited to the selection of a Chair and vice-chair.
- C. Subject to public health guidelines or other emergency-driven restrictions imposed by the State or local government, the Commission may hold meetings virtually.
- D. In holding monthly meetings, except when conducting virtual meetings under pandemic or emergency conditions, the Commission shall hold at least one meeting in each of the County's four Commissioners Court precincts.
- E. The Commission should prioritize County-owned buildings to host its meetings, but to ensure maximum outreach to citizens, other public and private facilities may be used if sufficiently accessible to the public.
- F. The Commission shall coordinate with County Administration to ensure that all monthly meetings are filmed or recorded and stored in an online archive. To the maximum extent feasible, these meetings should be streamed live.

- G. The Commission shall coordinate with County Administration to ensure that all monthly meetings have translation available, and a recorder present to transcribe the meeting minutes. Meeting minutes will be posted on the County's website.
- H. The Commission shall comply with state and county requirements for open meetings. All records of the Commission and of redistricting commissioners that pertain to the process of redistricting shall be treated as public information subject to all relevant state and local laws concerning transparency and access to public information. Redistricting Advisory Commissioners shall only use assigned County emails for e-mail correspondence related to the Commission's redistricting work.
- I. To ensure transparency, the El Paso County Redistricting Advisory Commission shall post a detailed agenda with any necessary backup at least 72 hours before each meeting.
- J. The Commission shall promote meetings and take all reasonable steps to promote broad public participation in Commission hearings. The Commission shall allow for public comment at each meeting. The Commission shall post in at least one local newspaper, the maps it intends to vote on during its final meeting, and subsequently publish in at least one local newspaper, the map it votes to recommend to the Commissioners Court.
- K. Redistricting commissioners may receive written communication regarding the Commission's work, and subject to Texas Open Meetings rules, through their designated County e-mail. Redistricting commissioners shall limit oral communications with individuals holding public office, lobbyists, and their respective staff, concerning redistricting matters to open commission meetings. This does not prohibit communications with staff or legal counsel assigned to assist the Commission, as permitted by open meeting requirements. The Commission chair shall be the designated point of contact with the media/press.

IX. COMMISSION RECOMMENDATIONS

- A. It is the intent of the Commissioners Court to grant the Commission the maximum deference permitted by law in developing and drawing El Paso County's precincts for the Commissioners Court review and consideration.
- B. When approving final precinct maps, members of the Commissioners Court that wish to adopt a map other than that recommended by the Redistricting Advisory Commission shall state all reasons for disagreement and propose alternatives that address their concerns in an open session of Commissioners Court.