

## **El Paso County Redistricting Commission**

### **1. CREATION**

- (A) Each year following the year in which the national census is taken, no later than March 31, each county commissioner and the County Judge shall appoint two members to the El Paso County Redistricting Commission.
  - a. At least one of each commissioner's appointees shall be a bona fide constituent who resides within the precinct represented by the appointing commissioner.
  - b. Commissioners court members shall not recommend or suggest prospective commission appointees to their fellow court members.
- (B) The Chair of the El Paso County Ethics Commission, who is serving as chair as of March of the same year, shall serve as an ex-officio member of the El Paso County Redistricting Commission and will continue to serve as such so long as they remain a member of the Ethics Commission. If their term on the Ethics Commission expires, they shall be replaced by the succeeding chair.
- (B) Within two weeks of the appointment of redistricting commissioners, the El Paso County Redistricting Commission shall hold an organizing meeting, at which members shall select a presiding officer and a vice-chair.
- (C) Any provision of this policy found to be in violation of law shall be severed, with all other parts of this policy retaining full effect.

### **2. ELIGIBILITY**

- (A) Only adults who have been continuously registered to vote in El Paso County, Texas, for five years immediately preceding appointment and who have voted in three of the five general elections immediately preceding his or her application are eligible for appointment to the El Paso County Redistricting Commission.
- (B) Employees of El Paso County, or individuals who have been employed by El Paso County within five years of appointment, or their spouses, shall not be eligible for appointment.
- (C) Appointees of any state or local governmental body, or individuals who have held any state or local governmental appointment within five years of appointment to the commission, or their spouses, shall not be eligible for appointment.
- (D) Individuals who currently hold public elective office or who have held or run for public elective office within five years prior to appointment, or their spouses, shall not be eligible for appointment.

- (E) Individuals who currently hold any officer position within a political party, campaign, political action committee, and/or any other partisan organization or other organization affiliated with a specific political party and/or candidate for elective office, or individuals who have held any such position or affiliation within five years of appointment, or the spouse of any such person, shall not be eligible for appointment.
- (F) Individuals who currently are registered as a lobbyist with any local governmental unit within El Paso County and/or as a lobbyist with the State of Texas, or individuals who have been registered as a lobbyist with any local governmental unit within El Paso County or as a lobbyist with the State of Texas within five years of appointment, or the spouse of any such person, shall not be eligible for appointment.
- (G) Individuals who have contributed \$500.00 or more (financially or in-kind) to the political campaign of any current member of the commissioners court or any candidate for any El Paso County Commissioners Court election within five years of appointment shall not be eligible for appointment.
- (H) Individuals who are or were staff or consultants or have any type of business association with a member of commissioners court or a candidate in any El Paso County Commissioners Court election or have had one within three years of appointment, or the spouse of such a person, shall not be eligible for appointment.
- (I) Prior to accepting an appointment, all prospective members of the El Paso County Redistricting Commission shall swear or affirm they meet all eligibility requirements contained in Section 2 by submitting a notarized affidavit to County Administration and to the commissioner nominating them.
- (J) Within two weeks of appointment, all members of the El Paso County Redistricting Commission shall receive ethics and open meetings act training and submit relevant proof of completion to County Administration.

### **3. COMMISSION GUIDELINES**

- (A) The term of office of each member expires upon the appointment of the first member of the succeeding redistricting commission, appointed in the year following the year in which the national census is taken.
- (B) Seven members of the commission shall constitute a quorum. Seven or more affirmative votes shall be required for any official action, including approval of a final plan establishing the boundaries of any precinct.
- (C) All redistricting commissioners shall carry out their duties in a manner that is impartial, entirely nonpartisan, and that reinforces public confidence in the integrity of the process. Beginning with the date of appointment, redistricting commissioners shall be ineligible to hold elective

public office for El Paso County for a period of 5 years. Redistricting commissioners shall be ineligible for appointive public office, paid staff, or paid consulting work with El Paso County, the El Paso County Commissioners Court, or any member of the El Paso County Commissioners Court for a period of five years.

(D) The Redistricting Commission shall establish county commissioner precincts, county election precincts, and Justice of the Peace precincts and/or places as set forth using the principles below, considering each in order:

- a. Districts shall comply with the U.S. Constitution and all relevant state and federal law. Each precinct shall have reasonably 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).
- b. Precincts shall be geographically contiguous.
- c. 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 contiguous populations with shared social and economic interests that should be included within a single precinct for purposes of fair and effective representation. Redistricting commissioners shall not involve relationships with political parties, incumbents, or political candidates in defining and identifying these communities or how they are placed on commission-approved maps.
- d. 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.
- e. To the extent practicable, district boundaries shall be drawn using geographically identifiable boundaries.

(E) Redistricting commissioners shall not consider the residential address of any incumbent or 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.

(F) By November 1 of each year ending in the number one, the redistricting commission shall adopt a final plan for El Paso County, describing the boundaries for the precincts described above. Upon adoption, the commission shall certify the plan and the presiding officer of the commission shall present it at a regular meeting of commissioners court.

- 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.

- b. If the commission does not approve a plan by the deadline, the El Paso County Attorney shall petition state court for an order prescribing boundary lines for the precincts in accordance with the criteria set forth in this policy. Commissioners court shall use the court-provided plan until it is replaced by a commission-approved plan or a new redistricting commission is appointed.
- (G) The El Paso County Attorney shall assign counsel to the commission to advise redistricting commissioners. Counsel to the commission may not also be assigned to the County Attorney's Commissioners Court unit. The commission has sole legal standing to defend actions against the certified final map, and the El Paso County Commissioners Court shall provide adequate funding to defend any legal actions against a final certified map.
- (H) El Paso County Administration shall ensure that necessary information and staffing is made available to the Redistricting Commission to achieve the duties required.
- (I) The commission shall remain inactive except when necessary to carry out its duties as described within this policy. 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.

#### **4. MEETING GUIDELINES**

- (A) Within 21 days of its organizing meeting, the El Paso County Redistricting 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) Subject to public health guidelines or other emergency-driven restrictions imposed by the state or local government, the El Paso County Redistricting Commission may hold meetings virtually.
- (C) In holding monthly meetings, except when conducting virtual meetings under pandemic or emergency conditions, the El Paso County Redistricting Commission shall hold at least one meeting in each of the county's four commissioners court precincts.
- (D) The El Paso County Redistricting 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.

- (E) The El Paso County Redistricting 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 and cost-effective, these meetings should be streamed live.
- (F) 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.
- (G) To ensure transparency, the El Paso County Redistricting Commission shall post a detailed agenda with any necessary backup at least 72 hours before each meeting.
- (H) The commission shall promote meetings and take all reasonable steps to promote broad public participation in commission hearings. The commission shall hold at least one meeting prior to presenting to commissioners court during which final public comment and feedback on the plan is sought. The commission shall accept public comment for a minimum of 14 calendar days following the conclusion of the meeting where the commission presents its maps to the public.
- (I) Redistricting commissioners shall not make or receive communications concerning redistricting matters from anyone outside of the commission, except during an open commission meeting. This does not prohibit communications with staff or legal counsel assigned to assist the commission, as permitted by open meeting requirements, the chair shall also be the designated point of contact with the media/press.

## **5. BINDING EFFECT OF COMMISSION RECOMMENDATIONS**

- (A) It is the intent of the commissioners court to grant the commission the maximum deference permitted by law in defining and drawing El Paso County's precincts.
- (B) When approving final precinct maps, members of the commissioners court may not deviate from the commission's recommended precinct maps unless they state all reasons for disagreement and propose alternatives that address their concerns in an open session of commissioners court.