

Unresolved Issues and Questions: Implementing Districts

Various paths

Election Commission (EC)	City Council (CtyC)	Charter Commission (ChCm)
<ul style="list-style-type: none"> Clarify whether EC meets all legal requirements to perform assigned responsibility regarding drafting district lines and periodically reviewing same. 	<ul style="list-style-type: none"> Confirmed history raises concern Historically the Newton ward councilors have formed the committee of the CtyC to review ward & precinct lines every 10 years. Their practice has been to ensure sitting councilors are protected from being redistricted when population shifts force ward lines to be redrawn. Manipulation of ward lines following the 2000 census were very controversial. 	<p style="text-align: center;">Permanent setting of districts</p> <ul style="list-style-type: none"> No flexibility to meet any major changes or unanticipated problems without going through cumbersome charter changes – is this a wise limitation for a new structure? Does the ChCm have the time, experience, and resources to draft, put out for comment and finalize an acceptable district scheme?
<ul style="list-style-type: none"> Commission’s composition does not reflect the composition of the Newton electorate. As of Nov., 2016 Newton electorate is 49% unenrolled, 43% Democratic, 7% Republican, 1% “Other”. The EC consists of 2 democrats and 2 republicans appointed by the mayor for set terms from lists of recommendations created and approved by the Democratic and Republican City Committees. These district lines are for local non-partisan elections only. 	<ul style="list-style-type: none"> Is setting district lines for 2019 when the size of the council will be cut by 50% a task the CtyC can handle without prejudice since most all the decision makers potentially have a personal stake in the outcomes? The opportunity for mischief, conflict of interest, and high tension is enormous with councilors deciding which pairing of wards or precincts would create each of the 4 districts. 	<p style="text-align: center;">Transition districts: future authority to EC or CtyC</p> <ul style="list-style-type: none"> A transition provision needs to be done with the same rigor and standards as a permanent solution. It sets a precedent that will influence future action. Do we have the experience and time to draft and vet viable options? Is there time for a public hearing, review of comments and finalization of district lines?
<ul style="list-style-type: none"> The City Clerk who oversees the EC strongly advises that the same body oversee drawing of ward & precinct lines and district lines. To have the EC set ward and precinct lines would require Special Home Rule Legislation. 	<ul style="list-style-type: none"> How might we prevent gerrymandering of ward or precinct combinations that favor certain sections of the city over others when any future recombining of precincts or wards take place 	<ul style="list-style-type: none"> Time to draft, discuss and get feedback on criteria used to establish districts (e.g., demographic political or other characteristics.) To date no other city has been identified that has created districts to ensure geographical dispersion of councilors who are to be voted on at large. All other districts have been set up for district voters to elect a district representative.

Initial Creation of Districts

1. Articulate agreed upon purpose for creating districts. Determine criteria for decisions on districts. Craft process for any future review of districts after initial setup. Determine any restrictions or limitations on future districting authority (might change with various paths)
2. Determine a path to follow - options:
 - Place specific districts in the charter;
 - Put a transition provision in the charter setting up first drawing of districts and assignment to EC or CtyC to take responsibility after initial setup
 - Set guidelines, but leave specifics to EC
 - Set guidelines, but leave specifics to CtyC
3. Key elements of a process
 - Guidelines for setting district lines, including what should trigger review of district formations.
 - If districts follow precinct/ward lines and therefore are up for adjusting every decade following the federal census, would/should there be other opportunities to re-consider which wards or precincts are clustered together to form districts. If so, what might trigger such a reconfiguration? Is there a proxy that might be used to measure an option's ability to prevent clustering of councilors in any neighborhood?
 - Research for examples of best practices – if no fully comparable examples can be identified, use closest examples and discuss what if anything might be added to help meet our unique purpose.
 - **Utilize an impartial elected or appointed body to set the guidelines according to the criteria – straw vote**
 - **Disseminate draft of straw vote – hold public hearing**
 - **Following hearing, with reasonable time for review of feedback, discuss feedback and finalize district lines**

Purpose of districts

To address concern that too many (a critical mass) councilors may come from one section of the city if a group of council seats are not restricted geographically

Perceived extra benefit

Provides for all head to head contests, a structure some voters and potential candidates prefer.

THE BIG QUESTIONS

- Will voters accept a proposal with districts if the districts are to be determined later? Is it reasonable to ask them to do so?
- Is there enough time and information to approve, put out for comment and finalize a transitional district plan before May 3rd?
- Is the City Council in the position to handle impartially setting up district lines for 2019 when the shape of the new districts impact which of them will be advantaged or disadvantaged to compete for a reduced number of council seats?
- Is the Elections Commission representative enough of the Newton electorate and equipped to handle