ELECTION BOARD

A G E N D A

September 22, 2011 - 2:00 P.M. - City Hall Conference Room - City Hall - City of Dover

1. Agenda Additions/Deletions

2. Reapportionment of Council District Boundaries Based on 2010 Census Data

/dd
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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

CENTRAL DELAWARE BRANCH OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT COLORED PEOPLE (NAACP) AND CECIL C. WILSON,	)	
Plaintiffs,	)	CIVIL ACTION NO. 85-230-JLL
v.	)	
CITY OF DOVER, DELAWARE; DOVER CITY COUNCIL; MAYOR CRAWFORD J. CARROLL; DOVER ELECTION COMMISSION,	)	
Defendants.	)	

CONSENT ORDER

This action challenges the at-large method of electing the City Council of the City of Dover as violative of Section 2 of the Voting Rights Act of 1965, 42 U.S.C. 1973, as amended, and the Fourteenth Amendment.

The parties entered into discussions and agreed to an appropriate resolution of the litigation. The parties stipulate to the existence of the following factual circumstances relevant to this lawsuit:

1. According to the 1980 Census, the population of the City of Dover is 23,512 of whom 6,720 (28.5%) are black persons. The 1980 Census also shows that black citizens comprise 26.43 percent of the city's total number of voting age citizens;

2. Since 1929, the City of Dover has operated under the mayor-council form of government. The city's governing body is composed of a mayor and eight city councilmembers, all elected on an at-large basis. The city is divided into four election districts, and two councilmembers are elected from each district. A candidate must receive a plurality of the votes cast in order to win election. The term of each office is two years and the terms of the eight councilmembers are staggered with four positions being filled each year. All elections for city councilmembers have been conducted on a nonpartisan basis. The city has a dual registration requirement;

3. Black citizens have participated as candidates for the Dover city council in the regular municipal elections of 1970, 1972, 1974, 1976, 1978, 1980, 1982, 1984, 1985, and 1987;

4. The residential patterns of the City of Dover are such that if councilmembers were elected from a single-member district rather than at-large, black citizens would constitute a substantial majority in this district;

5. The City of Dover has determined to change its present at-large election system. The city desires to expand the size of the governing body from eight members plus the mayor to nine members plus the mayor.

In the April 1988 regular municipal election, four councilmembers shall be elected by at-large voting with one

councilmember coming from each of the four election districts now in existence. These four councilmembers shall take office on the second Monday of May of 1988 and their two year term shall expire on the second Monday of May 1990.

In the regular municipal election of April 1989 after the City of Dover has divided the city into four new election districts, five councilmembers shall be elected with one councilmember coming from each of the four newly drawn election districts by district voting, and the fifth councilmember shall be elected by at-large voting by all voters of the City. The two year term of these five councilmembers shall commence on the second Monday of May of 1989 and end on the second Monday of May of 1991. Every two years after April 1989, elections for these five councilmanic seats shall be held in a like manner.

At the regular municipal election held in April of 1990, and every year thereafter, four councilmembers shall be elected by district voting with one councilmember coming from each of the four newly drawn election districts. These four councilmembers shall serve a two year term commencing the second Monday of May 1990 and terminating the second Monday of May 1992.

The mayor shall be elected by at-large voting at all times, and shall have no vote on Council matters of any nature whatsoever. However, after the second Monday in May of 1990 the Council President and Vice-Mayor, even though

he may be a[illegible], as Vice-Mayor, shall [illegible]n his right to vote as a councilmember at all times;

6. One of the four new election districts shall be a black majority district. Such district shall include at least a 65% black population, a majority black voting age population, and equivalent voter registration;

7. For the regular municipal election to be held in April of 1988, a voter must be registered in accordance with the existing city voter registration requirements. For the regular municipal election to be held in April of 1989 and for each year thereafter, a voter will be considered properly registered to vote if he or she is properly registered to vote for State elections in accordance with Title 15 of the Delaware Code as amended;

8. The city desires to implement the voting changes to be occasioned by the new election plan in time for the April 1989 regular municipal elections. Thus, the city shall promptly submit to the Delaware General Assembly for its approval, an Ordinance Proposing Charter Amendments (attached hereto and made a part hereof as Exhibit A). The city shall extend its best efforts toward obtaining approval from the General Assembly to implement the proposed charter amendments;

9. Upon obtaining the state legislature's approval, the City shall finalize configurations for the four new election districts, compatible with paragraph 7 hereof. The city intends to utilize the services of the University

of Delaware Department of Urban Affairs & its agent in finalizing the election districts. The city's agent will consult with plaintiffs' expert witness, Jerry Wilson in arriving at a final plan. The final plan shall be completed by January 1, 1989. Exhibit B, attached hereto and made a part hereof, is a preliminary model of the four new election districts and shall form the conceptual basis for the extant plan;

10. Plaintiffs agree that the new election plan and implementation schedule as fulfilled in accordance with the language herein, and as are more fully described in Exhibits A & B hereof, are racially fair;

11. The court shall decide the issue of plaintiffs' attorney's fees and costs.

ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. The defendants shall immediately submit to the General Assembly for the State of Delaware for its approval, an ordinance proposing the charter amendments that are necessary to implement the new election plan;

2. Upon obtaining the state legislature's approval, the defendants shall finalize the election districts by January 1, 1989;

3. After the regular municipal elections of April 1988, all subsequent regular and special municipal elections shall be held according to the implementation schedule herein, including single voter registration;

4. The court shall retain jurisdiction of this action to determine whether any further remedial action is necessary, and to decide the issue of plaintiffs' attorney's fees and costs.

Entered this _____ day of _____, 1988.

JAMES L. LATCHUM
UNITED STATES DISTRICT JUDGE

Approved as to form and content:

FOR THE PLAINTIFFS
CENTRAL DELAWARE BRANCH
OF THE NAACP and
CECIL C. WILSON:

GROVER G. HANKINS
General Counsel

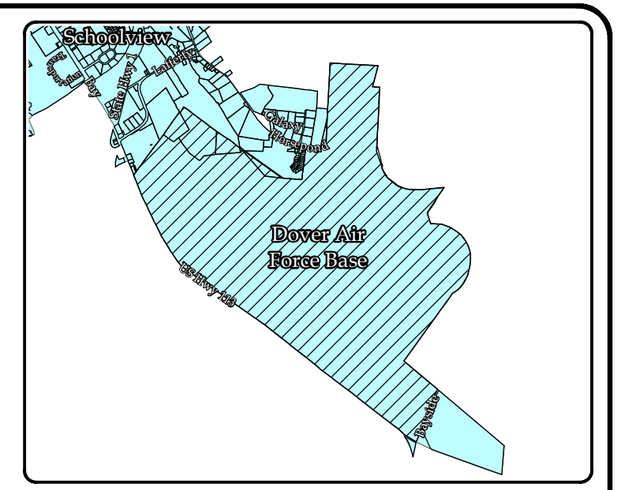
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DOVER CITY COUNCIL,
MAYOR CRAWFORD J. CARROLL,
DOVER ELECTION COMMISSION:

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City of Dover
Proposed Council Districts



Legend

- District1
- District 2
- District 3
- District 4
- Dover Parcels
- Dover Boundary

Council District	Population	Percent
District 1	8933	24.8%
District 2	9027	25.0%
District 3	9029	25.0%
District 4	9058	25.1%
Total	36047	99.9%

Council District	Population Black/African American	Percent Black/African American	Population All Other Races	Percent All Other Races
District 1	3106	34.8%	5827	65.2%
District 2	2997	33.2%	6030	66.7%
District 3	3865	42.8%	5164	57.2%
District 4	6344	70.0%	2714	29.9%

Map Created by: Planning Office
Date Map Created: 9-16-11
Date Map Printed: 9-16-11
File Path: PS Data/Redistricting/Redistricting Map City 11x17

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City of Dover
Exisiting Council Districts
with 2010 US Census Population

Legend

- District 1 - 9250
- District 2 - 8638
- District 3 - 9402
- District 4 - 8757
- Dover Boundary
- 2010 Census Blocks

N

Map Created by: Planning Office
Date Map Created: 9-6-11
Date Map Printed: 9-16-11
File Path: PS Data/Redistricting/ Existing Districts with data

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