

INFORMATIONAL BRIEF

Ex Parte Communications

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Core Question

Should the commissioners be allowed to initiate or receive Ex-Parte Communications?

Summary of Topline Findings

This report finds that city elected officials and their staff regularly contacted commissioners to discuss commission-related business, including redistricting. City elected officials and their staff were also more likely to contact commissioners they appointed. Finally, *Ex-Parte* communications became more frequent as draft maps were introduced and the deadline to submit the final draft proposal drew closer. To move toward a redistricting commission that is independent of political influence, therefore, this report offers the following recommendations:

- **Elected city officials, including staff and surrogates working on behalf of elected officials, must be restricted from contacting commissioners. (Jason note: perhaps eliminate the word, “surrogates” since this can expand the scope of the ex-parte definition.)**
- **Similarly, commissioners should be restricted from contacting elected city officials, including staff and surrogates working on behalf of elected officials.**
- **Commissioners and elected officials should be held accountable for engaging in *Ex-Parte* communications through rules or regulations (e.g. fines, removal from office, barred from serving as a commissioner in the future) that serve as institutional checks on their authority. This report does not provide recommendations regarding which institutional body would be responsible for enforcing rules governing the commission and city elected officials.**

However, it is important to note that these recommendations do not pertain to other outside political actors, such as interest groups, lobbyists, political parties, and other elected officials, given the city’s definition of *Ex-Parte* communications. Although one could potentially restrict commissioners from communicating with elected and non-elected actors, it is not likely feasible since commission meetings are open to the public and because such actors can serve as advocates on behalf of constituent’s interests.

Background

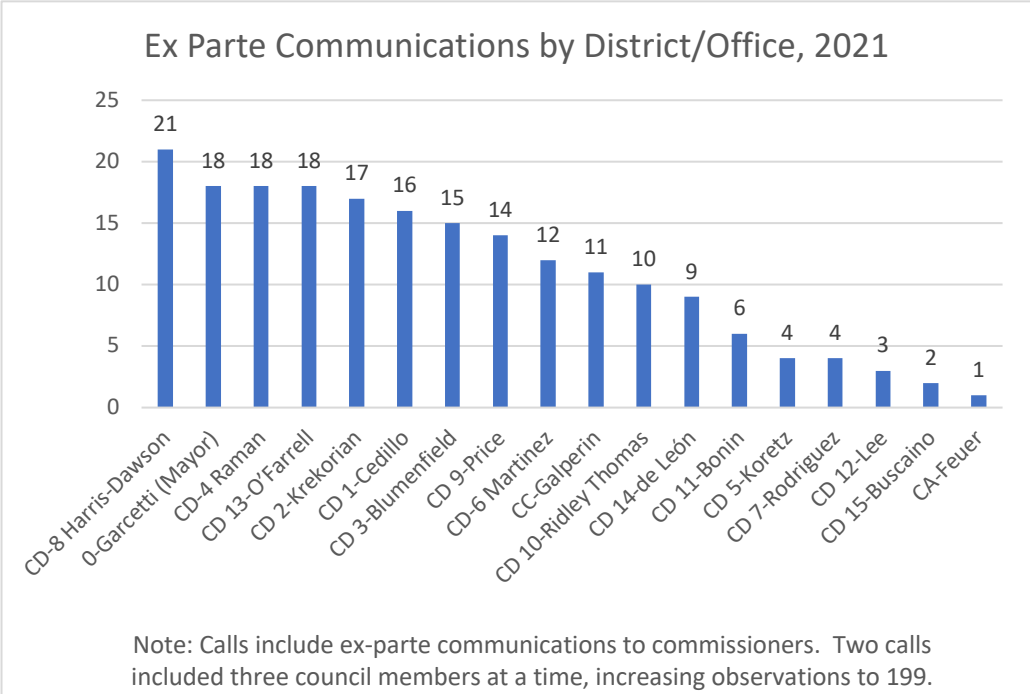
All recommendations are based on reported Ex-Parte communications that took place in 2021.¹

¹ A list of all Ex Parte Communications can be found here:

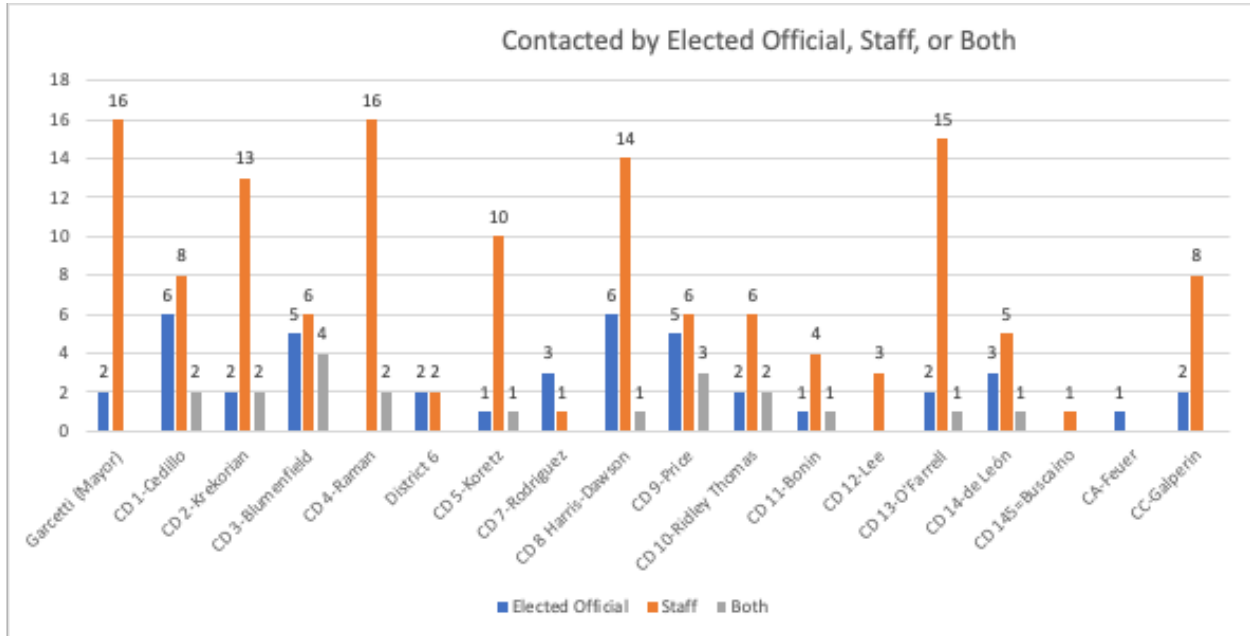
<https://docs.google.com/spreadsheets/d/1Po1fVhjNasW8EG6Ax9NYmMo64k0Z5J1M/edit#gid=2114953016>

Number of Communications by City Elected officials and Staff Members

In 2021, the commission reported a total of 195 communications, overwhelmingly with the mayor’s office, city councilors, and city councilor’s staff. Every city councilor or their respective representatives contacted a commissioner at least twice. City councilor’s contacted representatives eleven times on average with a maximum and minimum range of 21 and 2 communications, respectively.

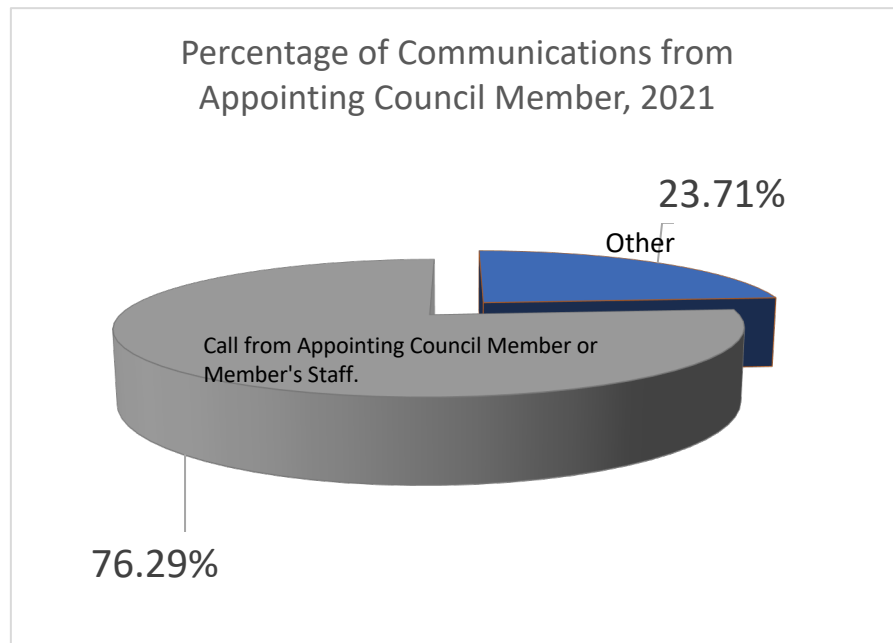


However, there were many instances in which representatives of the city attorney’s office and city controller’s office contacted commission members. In fact, staff members were more likely to contact commissioners than elected officials.



Communications by Appointing Council Member

In addition to frequently communicating with commission members, city councilors overwhelmingly contacted commission members she/he/they appointed.



Timing of Communications

Finally, city councilors were more likely to contact commissioners when the commission met to discuss redistricting proposals. On September 20, 2001, the commission met for the first time to review publicly submitted maps as well as maps created by the commission. This led to a

substantial increase in the number of *Ex-Parte* communications between the months of August (25) and September (66).

