

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

MIGUEL COCA, et al.,

Plaintiffs,

v.

CITY OF DODGE CITY, et al.,

Defendants.

Case No. 6:22-cv-01274-EFM-RES

STIPULATION OF FACTS AND EXHIBITS

In accordance with the Court's Pretrial Order (Doc. 140), the parties hereby submit the following updated stipulations of facts and exhibits for purposes of trial.

a. FACTS

1. The City of Dodge City Commission ("the Commission") is the governing body for the City of Dodge City ("Dodge City" or the "City").
2. The Commission plays a central role in the City's government. The Commission sets the tax rates, approves the City's budget, appoints members to various boards and commissions, enacts municipal ordinances, and appoints the City Manager.
3. Plaintiff Miguel Coca is Hispanic,¹ a citizen of the United States, and over the age of eighteen.
4. Mr. Coca lives within the city limits of Dodge City, Kansas.
5. Mr. Coca lives in the eastern half of Dodge City.
6. Mr. Coca is registered to vote in Dodge City.
7. Mr. Coca has voted in Commission elections and plans to vote in future elections.

¹ Unless otherwise indicated, the terms "Latine," "Latino," and "Hispanic" are used interchangeably to refer to individuals who self-identify as Latine or Hispanic. Latine is the gender-neutral form of Latino and Latina. When referring to certain population data, the terms "Hispanic" or "Hispanic or Latino" mean non-white persons of "Hispanic" or "Hispanic or Latino" origin as defined by the United States Census Bureau and U.S. Office of Management and Budget ("OMB").

8. Plaintiff Alejandro Rangel-Lopez is Hispanic, a citizen of the United States, and over the age of eighteen.
9. Mr. Rangel-Lopez is registered to vote in Dodge City.
10. Mr. Rangel-Lopez has voted in Commission elections and plans to vote in future elections.
11. Mr. Rangel-Lopez lives within the city limits of Dodge City, Kansas.
12. Mr. Rangel-Lopez lives in the western half of Dodge City.
13. Dodge City is located in Ford County, Kansas.
14. Dodge City is a political subdivision within the meaning of, and subject to the requirements of the Voting Rights Act of 1965 (“VRA”), 52 U.S.C. § 10301.
15. Dodge City, Kansas operates under a commission-manager form of government.
16. The Commission is made up of five Dodge City residents who are elected using an at-large method of election.
17. Every election cycle, three seats on the Commission are up for election. Commissioners serve either four- or two-year terms based on the number of votes that the top three finishers in an election receive. The lowest vote-getter serves a two-year term, while the top two finishers serve four-year terms.
18. Pursuant to Kansas law, Commission elections are conducted by secret ballot.
19. Pursuant to K.S.A. 25-2107, Dodge City elects its Commissioners in November of odd-numbered years.
20. Following a 2015 change to Kansas state law, Dodge City changed the Commission election schedule from April of even-numbered years to November of odd-numbered years. The first election pursuant to the new schedule occurred in 2017.
21. The elections for the Commission are non-partisan.
22. There are primary elections for the Commission when 10 or more candidates run for office.

23. The mayor and vice-mayor of Dodge City are selected by the Commissioners at the first meeting the Commission holds in January of each year.
24. As of the date of the pretrial order, E. Kent Smoll, Michael Burns, Rick Sowers, Chuck Taylor, and Joseph Nuci were Dodge City Commissioners who resided in and performed their official duties in Dodge City, Kansas.
25. Commissioner Joseph Nuci, who was elected in 2019 and re-elected in 2021, identifies as Latino. Joseph Nuci lost re-election in 2023.
26. In February 2021, Blanca Soto was appointed to the Commission after an elected Commission member resigned.
27. Blanca Soto identifies her ethnicity as Latina.
28. Blanca Soto ran for election to the Commission in November 2021 and lost.
29. From 2002 until the 2018 election, one polling location existed for Dodge City. After the 2018 election, Ford County began operating two polling locations in Dodge City.
30. The location and number of polling locations in Dodge City is determined by the Board of County Commissioners of Ford County, Kansas, which administers elections in Ford County.
31. Over the past twenty years, the Hispanic population in Dodge City has grown significantly. According to the 2021 American Community Survey (“ACS”) 5-Year Estimates, Dodge City’s Hispanic or Latino population comprises 65% of the total population, 59% of the Voting Age Population (“VAP”), and 46% of the Citizen Voting Age Population (“CVAP”).
32. According to the 2000 and 2020 Census, the total population of Dodge City increased from 25,065 to 27,788 between 2000 and 2020.
33. According to the 2000 Census, the total Hispanic or Latino population was 10,614, comprising 42.3% of the City’s total population.
34. According to the 2020 Census, the total Hispanic or Latino population in the City was 17,759, comprising 63.9% of the City’s total population.

35. According to the 2000 Census, the white² alone, not Hispanic or Latino population was 13,060, comprising 52.1% of the City's total population.
36. According to the 2020 Census, the white alone, not Hispanic or Latino population in the City was 8,129, comprising 29.3% of the City's total population.
37. From 2000 to 2020, the Hispanic or Latino population in Dodge City grew about 67.3%, while the white alone, not Hispanic or Latino population decreased by 37.8%.
38. According to the 2000 Census, the Hispanic or Latino VAP was 36.78% of the City's total voting age population, or 6,330 residents of voting age, while the white alone, not Hispanic or Latino VAP was 57.76%, or 9,940 residents of voting age.
39. According to the 2021 ACS, the Hispanic or Latino VAP was 59.02% of the City's total voting age population, or 11,160 residents of voting age, while the white alone, not Hispanic or Latino VAP was 34.83% percent, or 6,586 residents of voting age.
40. According to the 2000 Census, the Hispanic or Latino CVAP was about 19.53% of the City's total citizen voting age population, or 2,560 citizens of voting age, while the white alone, not Hispanic or Latino CVAP was 75.6%, or 9,905 citizens of voting age.
41. According to the 2021 ACS, the Hispanic or Latino CVAP was 46.13% of the City's total citizen voting age population, or 6,398 citizens of voting age, while the white alone, not Hispanic or Latino CVAP was 47.24%, or 6,552 citizens of voting age.
42. In 1971, Dodge City enacted Charter Ordinance No. 7, which adopted the at-large system of election for City Commissioners.
43. Dodge City has elected its Commissioners through at-large elections since at least 1971.
44. Commission elections are nonpartisan.
45. In 1998, Ford County consolidated Dodge City's seven polling locations into one location.
46. In 2018, Ford County moved Dodge City's polling site from the Civic Center to the Expo Center.

² Unless otherwise indicated, the term "white" refers to individuals who self-identify as white alone, not Hispanic or Latino.

47. The City established a Cultural Relations Advisory Board, comprised of 11 representatives to advise the Commission on matters related to or affecting communities of color.

b. EXHIBITS

1. The parties agree to preadmit exhibits numbers 7-13, 15-18, 20-24, 26-34, 36, 40, 43, 63, 111, 139, 147-157, 401-403, 405-408, 410, 412-413, 415-419, 421, 424-429, 432-434, 436-438, 441-444, 450-454, 460, 464, 467, 470, 474, 508-511, and 517.

Dated: February 14, 2024

Respectfully submitted,

By: /s/ Kunyu Ching

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CERTIFICATE OF SERVICE

Pursuant to D. Kans. Loc. R. 5.1(f), I hereby certify that on this 14th day of February 2024, a true and correct copy of the foregoing was served via the United State District Court's CM/ECF system on all parties or persons requiring notice, including upon attorneys for defendants:

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