



# CALIFORNIA VOTING RIGHTS ACT:

## COMPOSITION OF DISTRICTS FOR DISTRICT ELECTIONS

City Council Meeting  
February 6, 2017

Sue Gallagher, City Attorney

# BACKGROUND

- ❖ City currently elects its City Council members through an at-large voting system.
- ❖ Last July, the City received a certified letter alleging that the at-large voting system impairs the voting strength of the City's Latino voters and thus violates the California Voting Rights Act.
- ❖ Letter threatened litigation if City does not voluntarily convert to district based elections.

# California Voting Rights Act

- ❖ Designed to protect the voting rights of minority voters
- ❖ Expands protections of the Federal Voting Rights Act
- ❖ Applies to Charter Cities
- ❖ Key provision:

Prohibits the use of an at-large election system “in a manner that impairs the ability of a protected class to elect candidates of its choice or to influence the outcome of an election.”

# California Voting Rights Act

Four essential elements:

- ❖ **At-large election system**
- ❖ **Presence of protected class**
- ❖ **Racially polarized voting**
- ❖ **Impairment of voting rights**

# Remedies

If demographic and statistical evidence indicate a violation of the CVRA, the remedies can be substantial:

- ❖ Court-ordered imposition of district elections, among other remedies
- ❖ Costs and attorneys' fees
  - From less than \$50,000 for quick settlement
  - To over \$4.5 million, plus interest, for a case fully litigated

# Safe Harbor Provisions

Under Elections Code Section 10010, litigation will be avoided and attorneys' fees capped at \$30,000 if:

- ❖ Within 45 days of receipt of claim, Council adopts resolution stating its intent to transition to district elections.
- ❖ Within 90 days of resolution of intent, Council adopts ordinance establishing district elections.
- ❖ Five public hearings held within the 90 day period.
  - Two public hearings prior to drafting of maps.
  - Two public hearings to review draft maps.
  - Public hearing when ordinance adopted.

# Creation of Districts

- ❖ Maps to be drafted in consultation with demographer
- ❖ Public outreach and engagement
- ❖ Final district boundaries to be set by ordinance adopted pursuant to Government Code Section 34886
- ❖ District boundaries will be revisited after next census

# Criteria for District Maps

- ❖ Each council district shall contain a nearly equal population
- ❖ District plan shall comply with the California and Federal Voting Rights Acts
- ❖ Race shall not be the predominate factor for district boundaries



# Criteria for District Maps

By Charter:

- ❖ Seven Council members
- ❖ Mayor selected by vote of Council members
- ❖ Four year terms

# Optional Additional Factors

- ❖ Communities of interest
- ❖ Respect for other jurisdictional boundaries, such as school districts
- ❖ Compact and contiguous
- ❖ Natural and man-made geographical or topographical features
- ❖ Each district to include public facilities
- ❖ Each district to include commercial interests

# Additional Local Factors

- ❖ How best to incorporate recently annexed communities
- ❖ How to address downtown area

# Next Steps

- ❖ Receive initial public comment prior to mapping:
  - ❖ Two public hearings before Council
    - February 6, 2017
    - February 13, 2017
  - ❖ Website / Public outreach
- ❖ Working with demographic firm, draft proposed district boundaries and sequence of elections

# Next Steps (con't)

- ❖ Two additional public hearings for input on draft maps and proposed sequencing of elections
  - March 13, 2018
  - April 3, 2018
  
- ❖ Final public hearing and adoption of ordinance
  - April 10, 2018
  
- ❖ Note: Maps will be posted at least 7 days before adoption

# Recommendation

It is recommended by the City Attorney that:

1. The City Council adopt resolution confirming schedule of public hearings and transition to district-based elections; and
2. The City Council hold a public hearing to receive input from the community regarding the composition of districts and sequence of elections to be established for district-based election of Council members beginning in November, 2018.

# QUESTIONS?