



CALIFORNIA VOTING RIGHTS ACT:
COMPOSITION OF DISTRICTS FOR
DISTRICT ELECTIONS

SECOND PUBLIC HEARING

City Council Meeting
October 10, 2017

Sue Gallagher, City Attorney

BACKGROUND

- ❖ City currently elects its City Council members through an at-large voting system.
- ❖ On July 17th, the City received a legal challenge, alleging that the at-large voting system violates the California Voting Rights Act.

California Voting Rights Act

- ❖ Prohibits the use of an **at-large election system** if that system, combined with **racially polarized voting**, **impairs** the ability of a **protected class** to elect candidates of its choice or to influence the outcome of an election.
- ❖ **Racially polarized voting**: Voters in the protected class prefer candidates and electoral choices that are different from those preferred by voters in the rest of the electorate
- ❖ **Impairment of voting rights**: The votes of those in the majority non-protected class have the effect of defeating the preferences of the protected class.

Plaintiff's Allegations

- ❖ Alleges that racially polarized voting within the City has combined with the City's at-large election system to impair the ability of Latino voters to elect candidates of their choice or to influence the outcome of an election.
- ❖ Threatens litigation if the City does not voluntarily transition to a district-based election system.

Potential 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

Council Direction

- ❖ On August 29th, the Council adopted a resolution stating its intent to transition the City to a district-based election system.
- ❖ Proceed under Safe Harbor provisions of Elections Code Section 10010

Safe Harbor Provisions

- ❖ 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.
 - Final public hearing when ordinance adopted.

Process for Creation of Districts

- ❖ Maps being drafted in consultation with demographer
- ❖ Extensive public outreach and engagement
- ❖ Final district boundaries to be set by ordinance adopted pursuant to Government Code Section 34886

Criteria for District Maps

State and Federal Requirements:

- ❖ Each council district shall contain a nearly equal population
- ❖ District plan shall comply with the California and Federal Voting Rights Acts and Equal Protection Clause of the U.S. Constitution
- ❖ Race shall not be the predominate factor for district boundaries

Criteria for District Maps

City Charter Requirements:

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

Additional Factors

- ❖ Communities of interest
- ❖ Respect for other jurisdictional boundaries, such as school districts
- ❖ Compact and contiguous
- ❖ Cohesiveness and integrity of the territory
- ❖ Natural and man-made geographical or topographical features

Additional Factors (con't)

- ❖ Each district to include public facilities
- ❖ Each district to include commercial interests
- ❖ How best to incorporate recently annexed Roseland community
- ❖ How to address downtown area

Election Sequencing

How to select which districts will be first to elect their Council members?

- ❖ Districts with no current incumbent
- ❖ Random selection
- ❖ Selection based upon current Council member terms

Election Sequencing (con't)

- ❖ Preference for districts with significant Latino population to address CVRA concerns
- ❖ Consideration of levels of voter turn-out
- ❖ Other options

Next Steps – Phase 1

Receive initial public comment prior to mapping:

- ❖ Website

- ❖ Two public hearings before Council
 - October 3, 2017
 - October 10, 2017

- ❖ Community meeting
 - October 19, 2017

Next Steps – Phase 2

- ❖ Mid-October: Release draft district maps and proposed sequence of elections
- ❖ Two additional public hearings for input on draft maps and proposed sequencing of elections
 - November 1, 2017 (Special Meeting)
 - November 14, 2017
- ❖ Final public hearing and adoption of ordinance
 - November 21, 2017
- ❖ Reserve November 27, 2017 as possible special meeting, if needed.

Recommendation

It is recommended by the City Attorney that the City Council hold its second public hearing to receive input from the community regarding the composition of districts to be established for district-based election of Council members beginning in 2018.

At the close of the public hearing, it is recommended that the Council provide instruction and direction to the City's demographic consultant concerning considerations and criteria to guide the drafting of districting map alternatives and a proposed sequencing of elections for each map alternative.

QUESTIONS?