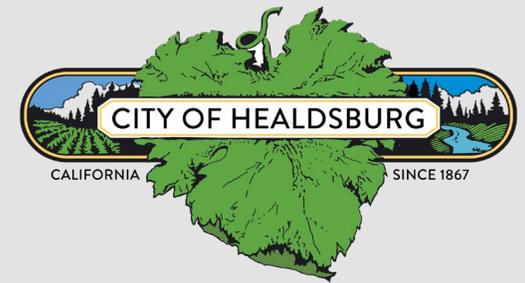


# District-Based Elections

City Council  
November 18, 2024



# Overview

## **The Legal Landscape**

- California Voting Rights Act of 2001
- Racially Polarized Voting
- Safe Harbor Provision

## **Process and Next Steps**

- Timeline to Transition to Districts
- Criteria for Drawing Maps
- Role of Demographer
- Community Outreach and Next Steps

## Recommended Action

Adopt a Resolution declaring the City's intent to initiate procedures to transition from at-large elections to district-based elections pursuant to California Elections Code Section 10010 and approving the tentative timeline and other related actions.

## Background Information

- City currently elects its City Council members through an at-large voting system.
- On October 3rd, the City received a legal challenge, alleging that the at-large voting violates the California Voting Rights Act and threatening litigation unless the City voluntarily transitions to a district-based system.
- The letter, alleges that the at-large election system violates the CVRA because the system allegedly dilutes the power of Latino voters.

## California Voting Rights Act of 2001

- Purpose: “to address ongoing vote dilution and discrimination in voting...in order to enforce the fundamental rights guaranteed to California voters under...the California Constitution.”

## Definitions

- “At-large” elections:
  - Voters of the entire city elect all Councilmembers
  - Candidates live in a particular area, but are elected City-wide
  - Any combination of above
- “District-based” elections: candidate must reside within an election district and is elected only by voters within that district

## Definitions

- “Protected class”: class of voters who are members of a race, color, or language minority group.
- “Racially polarized voting”: voting in which there is a difference in the choice of candidates or other electoral choices that are preferred by voters in a protected class, versus the choices preferred by voters in the rest of the electorate.

## Rule

- The CVRA prohibits an at-large voting system that “impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election.”
- Violation established if racially polarized voting occurs in elections or other matters submitted to the voters.

Racially  
polarized  
voting  
determined  
by:

- Examining results of elections, particularly those in which at least one candidate is a member of a protected class; or
- Elections involving ballot measures that affect the rights of members of a protected class.
- Much lower bar than FVRA: no requirement for intent to discriminate, that protected class be geographically concentrated, or consideration of totality of circumstances.

## Safe harbor provision

- “Safe harbor” provision caps attorneys fees at \$30,000 so long as:
  - Potential plaintiff sends a letter alleging CVRA violation;
  - City adopts a resolution of intent to transition to districts within 45 days of receiving the demand letter; and
  - City transitions to districts within 90 days of resolution’s passage (\*absent a written agreement\*).
- “Safe harbor” does not apply to other “at large” methods of voting (eg ranked choice, cumulative voting).
- If a City adopts anything other than district elections, it is subject to an action under CVRA.

## Does Healdsburg have Racially Polarized Voting?

- We don't know.
- Potential legal fees of fighting an allegation are so high, and legal bar under CVRA is so low, that agencies rarely dispute an allegation and, instead, transition to district-based elections.
- No jurisdiction has successfully defended against a demand to transition to district elections.
- ...despite MILLIONS in attorneys fees.

## Alternatives to Five Districts

- Ranked choice voting
- Cumulative voting
- At-large Mayor
- More districts

## Criteria for Drawing Maps

- Population Balanced based on 2020 Census
- Compliance with the US and State Constitutions, and the FVRA
- Compliance with FAIR MAPS Act for District Boundaries:
  - Geographically contiguous
  - Respect Communities of Interest
  - Bounded by natural and artificial Barriers, etc.
  - Compact
- Cannot favor or discriminate against an incumbent, political candidate, or party.

# Tentative Timeline

| Date                                      | Event  | Description   |
|---|--|---|
| October 3, 2024                           | City received certified demand letter from Shenkman & Hughes |   |
| November 18, 2024                         | Resolution of Intent is considered at a City Council Meeting |   |
| December 16, 2024                         | 1 <sup>st</sup> Public Hearing                               | No maps for review, Intro to CVRA.  |
| January 13, 2025 – <b>Special Meeting</b> | 2 <sup>nd</sup> Public Hearing                               | No maps for review, but take public comments on composition of districts and preference for district lines. |
| End of January/Beginning of February      | Hold Community Meeting                                       |   |
| February 18, 2025                         | 3 <sup>rd</sup> Public Hearing                               | Present maps from demographer & community. Provide feedback.  |
| March 17, 2025                            | 4 <sup>th</sup> Public Hearing                               | Final Feedback and adjustments  |
| April 7, 2025                             | 5 <sup>th</sup> Public Hearing                               | Potential Adoption  |

## Role of Demographer

- Facilitate community input on district boundaries;
- Draw suggested maps;
- Review submitted maps; and
- Attend public hearings and community meetings.

## Community Engagement/ Outreach Plan

- 5 Public Hearings
- Community Meeting
- Online tool for members of the public to draw maps
- Lunch at the Senior Center
- Social Media Channels
- City Website
- City Manager's Bi-Weekly Newsletter
- Email blasts

## Sonoma County Cities who Transitioned to District-Based Elections

- Town of Windsor - 2018
- City of Santa Rosa - 2018
- City of Rohnert Park – 2019
- City of Petaluma – 2021

## Recommended Action

Adopt a Resolution declaring the City's intent to initiate procedures to transition from at-large elections to district-based elections pursuant to California Elections Code Section 10010 and approving the tentative timeline and other related actions.

# Questions

