Potential authorization initiating the process of District Elections

August 27, 2018
Simi Valley’s Election System

- Simi Valley elections have been “at-large” since incorporation in 1969
- Four City Council Members elected to staggered terms four-year terms
- Directly elects a Mayor every two years since 1982
Challenge to Election System

- Letter received alleging violation of the California Voting Rights Act (CVRA)

- Requests voluntary transition to voting “by district”
Options

- Challenge the alleged violation of the California Voting Rights Act (CVRA)
  - Outcomes of other challenges

- Initiate the transition to voting “by district” as requested
  - Two schedules developed for consideration
  - Strict Election Code timeframes (“Safe Harbor”)
No Impact On November Election

- Process to transition to District Elections will take the balance of the year to complete
- First District Election would take place in 2020
Federal & California Voting Rights Act

- Federal Voting Rights Act (FVRA) and CA Voting Rights Act (CVRA) allow a “plaintiff” to challenge at-large voting systems.

- Must demonstrate that certain conditions exist.
Federal Voting Rights Act (FVRA)

- **FVRA pre-conditions:**
  1. a minority group be sufficiently large and geographically compact to form a majority of eligible voters in a single-member district;
  2. there is racially polarized voting; and
  3. there is majority-bloc voting sufficient usually to prevent minority voters from electing candidates of their choice.

Only then can the Court:

- (4) consider whether under the “totality of the circumstances” the votes of minority voters are diluted.
California Voting Rights Act (CVRA)

- Challenge is less burdensome
- CVRA must only demonstrate:
  - there is racially polarized voting; and
  - there is majority–bloc voting sufficient usually to prevent minority voters from electing candidates of their choice.
Challenges to Other Jurisdictions

- More than 40 agencies have been challenged
- Net result: more than $16 million awarded in settlements and attorney’s fees
- No local agency has successfully defended against a CVRA challenge
Challenges to Other Jurisdictions

Other cities include:

- City of Palmdale, $4.5M (2015)
- City of Modesto, $3M (2007)
- City of Anaheim, $1.2M (2014)
- City of Highland, $1.3M (2014)
- City of Garden Grove, $290K (2015)
- City of Santa Clarita, $600K (2017)
- City of Santa Barbara, $599K (2015)
Transition Timing Requirements

- 135 days to complete the process

Requirements:
- Adoption of Resolution of Intention
- Two Public Hearings (within 30 days) for input on voting district composition
- Two Public Hearings (within 45 days) for development of district maps and election sequencing
- Map and Ordinance adopted at a Public Hearing
Options for Transition Schedules

- First Schedule Option includes and additional Community Meeting to receive input

- This option requires a Special City Council meeting
Options for Transition Schedules

- Second Schedule Option only includes Public Hearings required under the Elections Code

- Both Options meet the “Safe Harbor” timeframe requirements
A demographer will be needed with either scenario – challenge or transition

Scope of services will depend on the Schedule Option selected

Demographer will provide resources and tools needed to develop maps and determine election sequencing
Demographer

- Will facilitate Public Hearings and Community Meetings as desired

- Will ensure timely publication/posting of district maps per Election Code requirements
In Closing

- The City Council can choose to refute the challenge to the City’s at-large election system OR
- The City Council can choose to voluntarily transition to a by district election system
- Ordinance must be adopted by December
Questions?
**OPTION 1 - Includes Community Meeting in addition to Public Hearings**

<table>
<thead>
<tr>
<th>Meeting date</th>
<th>Action</th>
<th>Publication Date</th>
<th>Deadline to Newspaper</th>
</tr>
</thead>
<tbody>
<tr>
<td>08/27/2018</td>
<td><strong>Regular Meeting:</strong> Staff report outlining process to transition to District-based elections and request for Council direction</td>
<td>N/A</td>
<td>N/A</td>
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</tbody>
</table>
| 09/17/2018   | **Regular Meeting:** Staff report for adoption of Resolution of Intention to transition to District elections  
Begin 90-day clock to complete Public Hearing process (if Resolution is adopted on 9/17, Ordinance adoption must occur by 12/17/2018) | N/A | N/A |
| 09/17/2018   | **Regular Meeting/Public Hearing #1:** Composition of Voting Districts | 09/07/2018 | 09/04/2018 |
| 09/25/2018   | **Community Meeting**  
To receive input from Neighborhood Councils, Council On Aging, Youth Council, and other interested community participants | | |
| 10/15/2018   | **Regular Meeting/Public Hearing #2:** Composition of Voting Districts  
Must take place within 30 days of Public Hearing #1 | 10/05/2018 | 10/02/2018 |
| 11/14/2018   | **Special Meeting/Public Hearing #3:** Discussion of Maps and Sequence of Elections  
*Must Publish Proposed Maps 7 days prior to Public Hearing #3 (11/7/2018)* | 11/04/2018 | 11/01/2018 |
| 11/26/2018   | **Regular Meeting/Public Hearing #4:** Adoption of Map, Ordinance introduced  
*Note 1:* If changes to District Map are made at this Public Hearing, the revised Map must be published 7 days prior to meeting where adoption is considered  
*Note 2:* The meeting would include two separate hearings; one to adopt the District Map, and a second to introduce the Ordinance. If District Map is changed, hearings to adopt Map and introduce Ordinance would need to be continued. | 11/16/2018 | 11/13/2018 |
| 12/10/2018   | **Regular Meeting:** Second reading & adoption of Ordinance (effective 1/9/2019)  
*Summary Ordinance must be published 5 days before second reading* | 12/05/2018 | 12/01/2018 |
## OPTION 2 - Does not include separate Community Meeting outside of required hearings

<table>
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<th>Publication Deadline to Date</th>
<th>Newspaper</th>
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<tbody>
<tr>
<td>08/27/2018</td>
<td><strong>Regular Meeting</strong>: Staff report outlining process to transition to District-based elections and request for Council direction</td>
<td>N/A</td>
<td>N/A</td>
</tr>
</tbody>
</table>
| 09/17/2018   | **Regular Meeting/Public Hearing #1**: Composition of Voting Districts & adoption of Resolution of Intention to transition to District elections  
  *Begin 90-day clock to complete Public Hearing process (if Resolution is adopted on 9/17, Ordinance adoption must occur by 12/17/2018)* | 09/07/2018 09/04/2018        |           |
| 10/15/2018   | **Regular Meeting/Public Hearing #2**: Composition of Voting Districts  
  *Must take place within 30 days of Public Hearing #1* | 10/05/2018 10/02/2018         |           |
| 10/29/2018   | **Regular Meeting/Public Hearing #3**: Discussion of Maps and Sequence of Elections  
  *Must Publish Proposed Maps 7 days prior to Public Hearing #3 (10/22/18)* | 10/19/2018 10/16/2018         |           |
| 11/19/2018   | **Regular Meeting/Public Hearing #4**: Adoption of Map, Ordinance introduced  
  **Note 1**: If changes to District Map are made at this Public Hearing, the revised Map must be published 7 days prior to meeting where adoption is considered  
  **Note 2**: The meeting would include two separate hearings; one to adopt the District Map, and a second to introduce the Ordinance. If District Map is changed, hearings to adopt Map and introduce Ordinance would need to be continued.  
  | 11/09/2018 11/06/2018        |           |
| 12/10/2018   | **Regular Meeting**: Second reading & adoption of Ordinance (effective 1/9/2019)  
  *Summary Ordinance must be published 5 days before second reading* | 12/05/2018 12/01/2018         |           |