



CITY OF SIMI VALLEY

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)



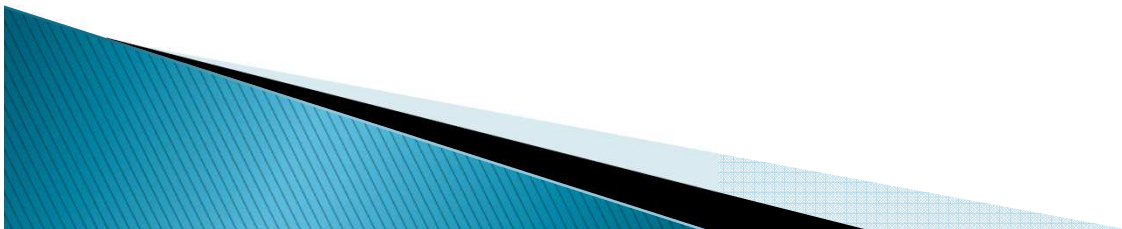
- ▶ Challenge is less burdensome
- ▶ CVRA must only demonstrate :
 - there is racially polarized voting; and
 - there is majority–bloc voting sufficient usually to prevent minority voters from electing candidates of their choice.



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





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Demographer

- ▶ 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





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Questions?



OPTION 1 - Includes Community Meeting in addition to Public Hearings

Meeting date	Action	Publication Date	Deadline to Newspaper
08/27/2018	Regular Meeting: Staff report outlining process to transition to District-based elections and request for Council direction	N/A	N/A
09/17/2018	Regular Meeting: Staff report for adoption of Resolution of Intention to transition to District elections <i>Begins 90-day clock to complete Public Hearing process (if Resolution is adopted on 9/17, Ordinance adoption <u>must occur by 12/17/2018</u>)</i>	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 <i>To receive input from Neighborhood Councils, Council On Aging, Youth Council, and other interested community participants</i>		
10/15/2018	Regular Meeting/Public Hearing #2: Composition of Voting Districts <i>Must take place within 30 days of Public Hearing #1</i>	10/05/2018	10/02/2018
11/14/2018	Special Meeting/Public Hearing #3: Discussion of Maps and Sequence of Elections <i>Must Publish Proposed Maps 7 days prior to Public Hearing #3 (11/7/2018)</i>	11/04/2018	11/01/2018
11/26/2018	Regular Meeting/Public Hearing #4: Adoption of Map, Ordinance introduced <i>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)</i> <i>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.</i>	11/16/2018	11/13/2018
12/10/2018	Regular Meeting: Second reading & adoption of Ordinance (effective 1/9/2019) <i>Summary Ordinance must be published 5 days before second reading</i>	12/05/2018	12/01/2018



OPTION 2 - Does not include separate Community Meeting outside of required hearings

Meeting date	Action	Publication Date	Deadline to Newspaper
08/27/2018	Regular Meeting: Staff report outlining process to transition to District-based elections and request for Council direction	N/A	N/A
09/17/2018	Regular Meeting/Public Hearing #1: Composition of Voting Districts & adoption of Resolution of Intention to transition to District elections <i>Begins 90-day clock to complete Public Hearing process (if Resolution is adopted on 9/17, Ordinance adoption <u>must occur by 12/17/2018</u>)</i>	09/07/2018	09/04/2018
10/15/2018	Regular Meeting/Public Hearing #2: Composition of Voting Districts <i>Must take place within 30 days of Public Hearing #1</i>	10/05/2018	10/02/2018
10/29/2018	Regular Meeting/Public Hearing #3: Discussion of Maps and Sequence of Elections <i>Must Publish Proposed Maps 7 days prior to Public Hearing #3 (10/22/18)</i>	10/19/2018	10/16/2018
11/19/2018	Regular Meeting/Public Hearing #4: Adoption of Map, Ordinance introduced <i>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)</i> <i>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.</i>	11/09/2018	11/06/2018
12/10/2018	Regular Meeting: Second reading & adoption of Ordinance (effective 1/9/2019) <i>Summary Ordinance must be published 5 days before second reading</i>	12/05/2018	12/01/2018

