

Keith Stattenfield, Vice-chair

1. *On whether there is anything to do, besides adopt any districting model, to make the possibility of a future CVRA lawsuit unlikely*

In response to several claims that “there is no indication that voters in Santa Clara vote along ethnic lines”, the demographer report disputes this.

- a. It says that in 2010, 52% of likely Asian voters cast their ballot for Mohammed Nadeem, compared to 42% for non-likely-asian voters.
- b. In 2004, likely-Asian voters voted 51% for Nam Nguyen compared to 11% for non-likely-asian voters.
- c. Even in the statewide races, voters in Santa Clara assumed to be Hispanic voted almost entirely for Hispanic candidates and more than half of all Asian-likely voters cast their vote for an Asian-identified candidate.
- d. And, most recently, while I don't have the level of data that the demographers had access to (nor the time, and some of the precinct lines were redrawn between 2010 and 2016), in seat #4, Raj Chahal, of Asian-Indian ancestry, won both districts in Rivermark (precinct 4256 and 4269) by significant margins. Rivermark, from the demographer's report, and my own knowledge having spent time with friend there, has a high concentration of Asian and particularly Asian-Indian people. Markus Bracamonte, of Hispanic ancestry, received 21% of the vote in precinct 4208, which was one of the few precincts identified in the 2010 demographic report as having a majority of presumed Hispanic origin registered voters.

2. *Why I think adopting a change next June doesn't leave enough time for the city before the November election to actually implement much at all*

I'd like to think a bit about a timeline and other matters. Imagine that we put this onto the June 5th, 2018 ballot, and that the recommendation is to go to districts, and for this to take effect for the November, 2018 election. Presumably, the council will choose to appoint a citizen committee to draw the districts, much like the independent committee that draws districts based on Prop 11 (since 2010). (District lines would likely need to be re-drawn in 3 years, after the 2020 Census)

If the measure passes, it would be certified by 30 days after the election, or so around July 1, 2018.

The City of Santa Clara (really, the state of California) requires candidates to file a Form 501 before accepting or spending any money in a campaign. If we recommend and adopt districts, candidates would need to know where those districts are before they could file (since they have to live in the districts), and they likely would want to know whether they were running at-large or in districts while planning the campaigns. The form 501 requires candidates to say what district or seat they are running for elections like a city council election. So, technically, nobody can file a correct Form 501 before knowing whether they're running in an at-large seat or in a particular district.

The current city ordinance prohibits donations to a candidate campaign before 5/1 of an election year; but this implies candidates might be a month into a campaign filing period for November before they even know if they can run or not (since two seats will be open for 11/2018, but we could draw 3 districts, a candidate may not live in a district with an election, or may discover that the district they land in is in competition to another candidate they also support).

The city almost certainly needs to amend various ordinances (for example: campaign contribution and expenditure limits) if we adopt districts; these can't be officially started before the election is certified (around 7/1/2018) and would need to have a public hearing before the council, then be approved at two council meetings. The council generally doesn't meet in July. Candidates (at present) must file ("pull papers") with the City Clerk for a particular seat in the election by the third week of August; it's likely with districts this date wouldn't move, so candidates need to have begun the campaign before September (including things like ordering signs, purchasing and designing a website, other literature). Successful candidates generally have been active lining up support, meeting with groups, raising money, and answering questions over the summer.

All of which is a long way to say that I don't think there is enough time for either candidates for office in Fall of 2018 or for the city to accomplish all of the things necessary to switch from an at-large system to a district-based system, regardless of whether we also recommend a change to the method of voting. I also don't like amending the city charter in non-general elections, because so many fewer people come out to vote. If we just put this onto the November of 2018 election, to take effect in 2020, by then the Registrar of Voters office would have an updated system which could utilize most of the methods of voting we have talked about, including ranked choice, instant-runoff, possibly single transferable, etc. The city doesn't need to quickly draw district lines; doesn't need to quickly develop new materials to describe the districts and how voting is changed, etc. Overall, I think taking the time to do this correctly is more important than rushing to do something 'only good enough to defer a lawsuit, for a while.'

I also think there's a chance that the city could be sued, if someone files to run in a seat before the 6/4 election, and collects and spends money, then discovers that their campaign is no longer valid, which could throw a further wrench into whatever the city does.

3. So, my proposal: **I would suggest that we recommend two districts with three members each.** Based on my memory and looking at the 2010 demographics, it looks like there are multiple ways to divide the city into two equal parts (I'm guessing horizontally, somewhere between El Camino Real and Central would result in two equally sized districts; splitting vertically seems a bit harder). Two districts means that every 2 years, a bit less than half of the council is up for election.

I prefer the single-transferrable vote mechanism for voting; my (distant) second choice is the limited voting system. I have heard claims that this is "too complicated", but a voter just ranks all the candidates (or, the candidates they like) in order, just like they'd say what ice cream flavors they prefer or what baseball team they like.

I would recommend that we ask for this to be put onto the Fall of 2018 ballot, in the general election, when I think charter amendments should usually be, and have it take effect for the next municipal election, which will be the Fall 2020 election. This gives the County Registrar of Voters time to adopt a new voting system, which they say will support the methods of election which I believe are more likely to actually lead to better representation of CVRA protected class members (my preference of single transferrable vote, or ranked choice, or even instant runoff voting if we don't recommend multi-member districts). This allows the City Clerk to have two years to create new voter education materials, update other information and for candidates, and

My reasoning for this recommendation follows. I prefer multi-member districts, because they allow for voting mechanisms that can reflect the views of pluralities of the population. Asian-Americans are the largest CVRA protected class in the city; in 2010 they were 20% plus of the overall city population and today it's higher than that. In a district with three members, using several of the voting mechanisms we have discussed (such as single transferable vote, cumulative voting, et al), a candidate appealing to more than 25% of the population would likely be elected. Two districts should cut the cost of campaigns; probably not by 50%, but it does reduce the number of people that need to be contacted in half.

4. *Other options for consideration*

If we don't believe we can put this off implementation until the 2020 election, then with two districts, each should have 3 members, but for 2018 the city could draw the districts, call them A and B, and elect one member from each district. Then, starting in 2020, we can have one of these districts, "A", vote for three candidates, and the other, "B", vote for three candidates in 2022. This means that one of the seats elected in 2018, for the "A" district, would only be for two years. Or, we could put both seats into the same district, "A", in 2018, then in 2020 have an election for 1 seat in that district, "A", who would serve for 2 years, while the other district, "B", would elect three candidates.

For 2018, there are two seats up for election, #2 and #5, one without an incumbent because of term limits and the other likely open because the current member is running for county supervisor). Thus, even going to districts in 2018 we won't force anyone currently serving to be unable to continue because they don't live in whatever districts gets created. In 2020, seats #3 and #7 are 'open', without an incumbent because of term limits, while seats #4 and #6 are also up. However, by going with two districts, neither incumbent in seat #4 or #6 would be unable to run for a seat in 2020 because they don't live in the district.

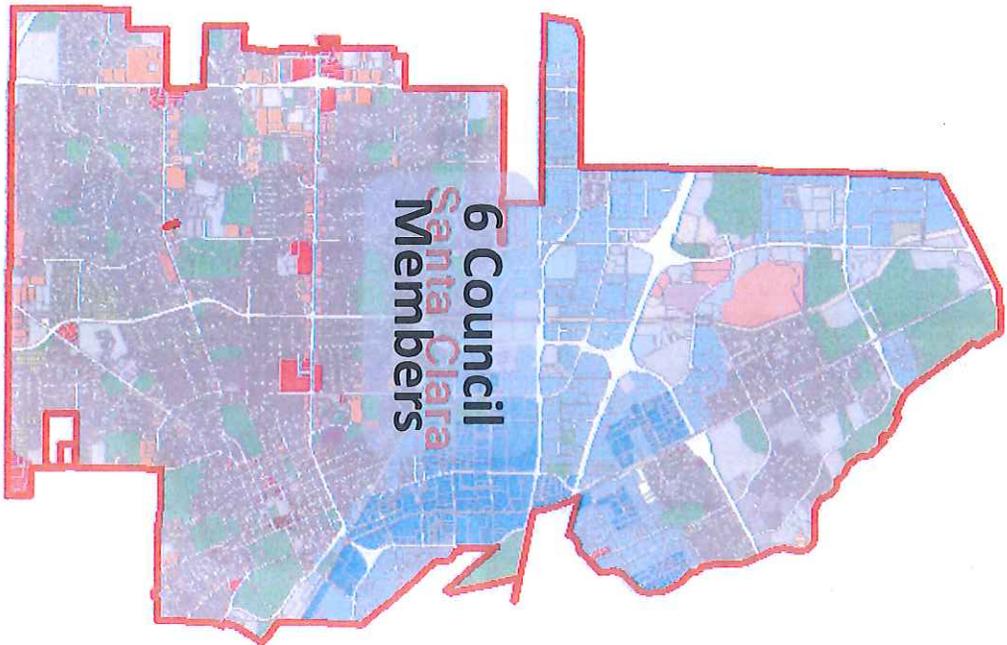
I could also support three districts, each with two members (elected in the same election), but I prefer two. Drawing three districts seems a bit harder (and I think it would come down to "north-of-Central Expressway", "west-side, south of Central Expressway" and "east-side, south of Central Expressway"). I do not support three districts if each district elects someone every two years, because I don't think such elections would be more likely to elect a CVRA protected class member than our current system. With three districts, every four years a majority of the council is elected and the other two years less than 1/3 of the council changes, so these 'off-elections' are less likely to attract attention to the issues and candidates and so may not lead to good results. But, three districts does let the city somewhat easily make a 2018 election be one district only (which would limit the cost of voter education). Three elections would also reduce the cost of campaigns, again probably not by 66%, and would make it somewhat easier than two districts to 'walk' and contact voters (but, only 33% easier than two districts)

I do not think and likely would not support six districts, because I don't think any plausible districts would be more likely to elect a CVRA protected class member. Santa Clara is not geographically divided into distinct CVRA-class areas. But if we did adopt six districts, I would only support that if that something like instant-runoff voting was adopted so that whomever does win has support of a majority of the district (as opposed to the current system, where with multiple candidates the winner often only has 30%+ of the vote).

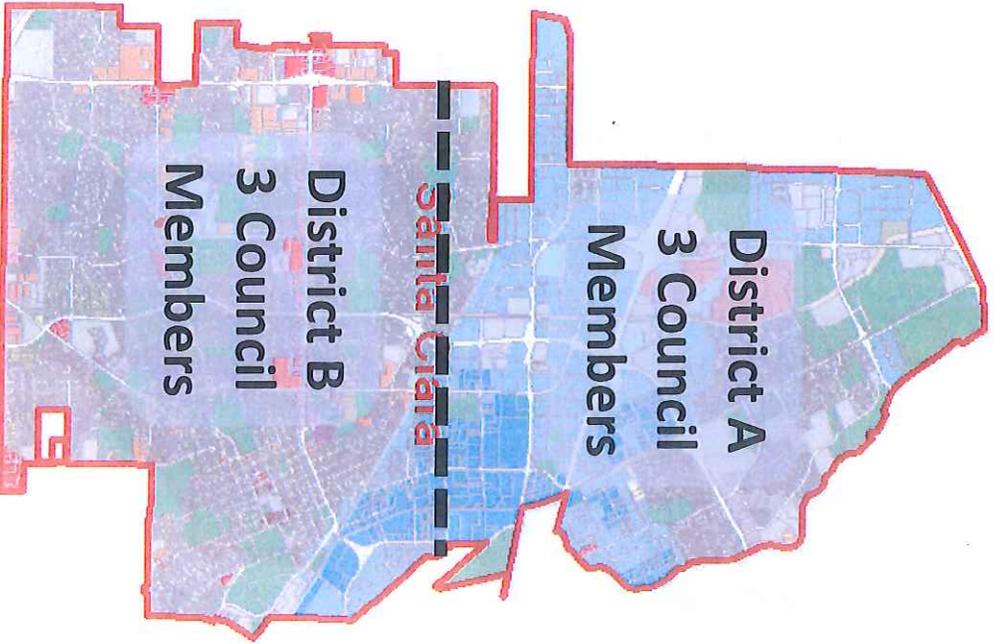
4. *Mayoral Election / City Clerk / Police Chief*

So far, we have only discussed the election of city council members, but we should also discuss the election of the mayor. I think most people like a directly elected mayor (as opposed to having the council select the mayor from its own members, like Sunnyvale does), and would like to retain this. However, single transferrable vote doesn't work on single seat elections, but instant-runoff voting does, and I would like to suggest that we recommend this for the mayoral race.

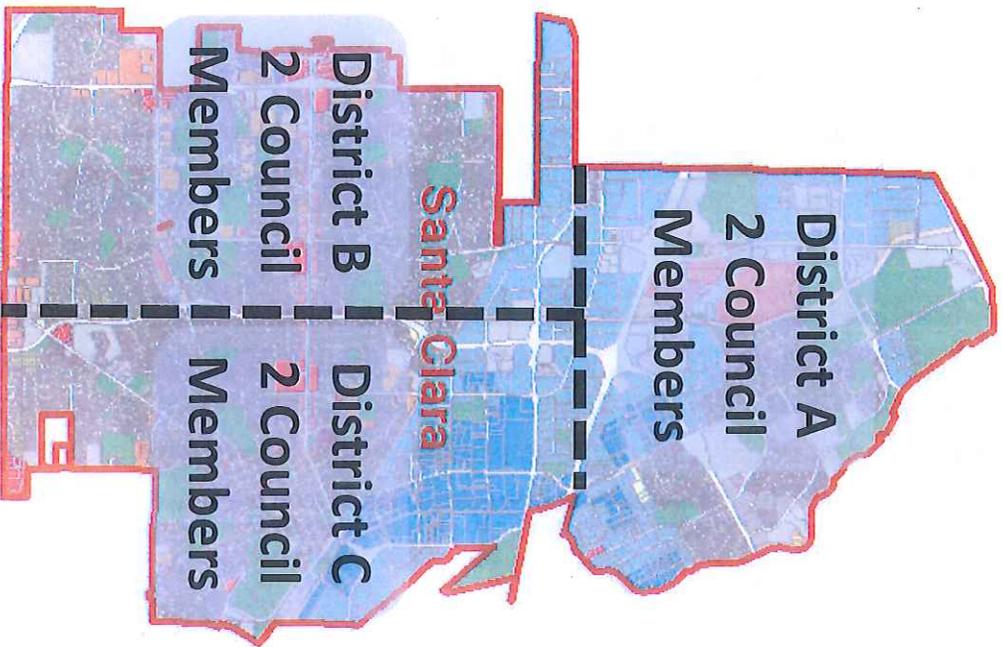
From the point of view of a voter, both IRV and STV look very similar — you see all the candidates on your ballot, and you rank them in the order you support them (or, don't rank any candidate you do not support). So, for mayor, if four candidates run, I as a voter would get to say "X is my first choice, Y is my second choice, and W is my third choice." Using IRV, if my first choice got the least votes, my second choice candidate would then get my vote, until someone achieved majority support.



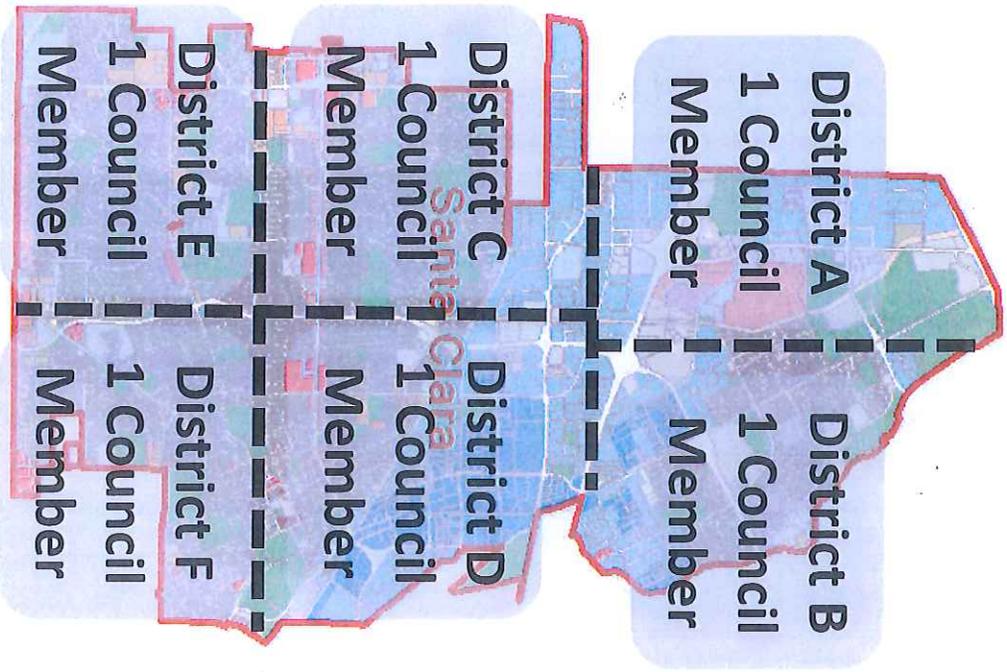
Voting System	Presidential	Gubernatorial
By Seat	Council: 1 vote per seat (3) – highest vote getter per seat wins	Council: 1 vote per seat (3) – highest vote getter per seat wins Mayor: 1 vote – highest vote getter wins
At Large	Council: 1 vote – 3 highest vote getters win	Council: 1 vote – 3 highest vote getters win Mayor: 1 vote – highest vote getter wins
Cumulative	Council: 3 votes (can stack votes) – 3 highest vote getters win	Council: 3 votes (can stack votes) – 3 highest vote getters win Mayor: 1 vote – highest vote getter wins
Instant Runoff (Ranked Choice)	Council: Ranked Votes – 3 highest vote getters win	Council: Ranked Votes – 3 highest vote getters win Mayor: Ranked Vote – highest vote getter wins
Single Transferable Vote (Ranked Choice)	Council: Ranked Votes – 3 highest vote getters win	Council: Ranked Votes – 3 highest vote getters win Mayor: Ranked Vote – highest vote getter wins



Voting System	Presidential	Gubernatorial
By Seat	Council - any mix of District A/B: 1 vote per seat (3) – highest vote getter per seat wins	Council - any mix of District A/B: 1 vote per seat (3) – highest vote getter per seat wins Mayor: 1 vote – highest vote getter wins
At Large	Council - any mix of District A/B: 1 vote – highest vote getters per district win	Council - any mix of District A/B: 1 vote – highest vote getters per district win Mayor: 1 vote – highest vote getter wins
Cumulative	Council – District A: 3 votes (can stack votes) – 3 highest vote getters win	Council – District B: 3 votes (can stack votes) – 3 highest vote getters win Mayor: 1 vote – highest vote getter wins
Instant Runoff (Ranked Choice)	Council – District A: Ranked Votes – 3 highest vote getters win	Council – District B: Ranked Votes – 3 highest vote getters win Mayor: Ranked Vote – highest vote getter wins
Single Transferable Vote (Ranked Choice)	Council – District A: Ranked Votes – 3 highest vote getters win	Council – District B: Ranked Votes – 3 highest vote getters win Mayor: Ranked Vote – highest vote getter wins



Voting System	Presidential	Gubernatorial
By Seat / At Large (same effect)	Council – 1 from each District A/B/C: 1 vote per seat (3) – highest vote getter per seat wins	Council – 1 from each District A/B/C: 1 vote per seat (3) – highest vote getter per seat wins Mayor: 1 vote – highest vote getter wins
Cumulative	Council – 1 from each District A/B/C: DOESN'T WORK Council – District A/B: 2 votes (can stack votes) – 2 highest vote getters per district win	Council – 1 from each District A/B/C: DOESN'T WORK Council – District C: 2 votes (can stack votes) – 2 highest vote getters win Mayor: 1 vote – highest vote getter wins
Instant Runoff (Ranked Choice)	Council – 1 from each District A/B/C: Ranked Votes – highest vote getter per district wins (not proportional representation – only ensures that a winner gets >50% of vote)	Council – 1 from each District A/B/C: Ranked Votes – highest vote getter per district wins (not proportional representation – only ensures that a winner gets >50% of vote) Mayor: Ranked Vote – highest vote getter wins
Single Transferable Vote (Ranked Choice)	Council – 1 from each District A/B/C: DOESN'T WORK Council – District A/B: Ranked Votes – 2 highest vote getters win	Council – 1 from each District A/B/C: DOESN'T WORK Council – District B: Ranked Votes – 2 highest vote getters win Mayor: Ranked Vote – highest vote getter wins



Voting System	Presidential	Gubernatorial
By Seat / At Large (same effect)	Council – 1 from each District A/B/C: 1 vote per seat (3) – highest vote getter per seat wins	Council – 1 from each District D/E/F: 1 vote per seat (3) – highest vote getter per seat wins Mayor: 1 vote – highest vote getter wins
Cumulative	DOESN'T WORK	DOESN'T WORK
Instant Runoff (Ranked Choice)	Council – 1 from each District A/B/C: Ranked Votes – highest vote getter per district wins (not proportional representation – only ensures that a winner gets >50% of vote)	Council – 1 from each District D/E/F: Ranked Votes – highest vote getter per district wins (not proportional representation – only ensures that a winner gets >50% of vote) Mayor: Ranked Vote – highest vote getter wins
Single Transferable Vote (Ranked Choice)	DOESN'T WORK	DOESN'T WORK

June 26, 2017

To: Santa Clara's 2017 Charter Review Committee Members

From: Rex McIntosh

During April, 2017, 13 members were selected to serve as a Charter Review Committee for the purpose of a "review of Charter sections relating to At-Large elections of City Council members".

Previous Charter Review Committees have offered similar reviews of voting methods for potential use by the electorate of the City of Santa Clara in its municipal elections. This 2017 Committee received a copy of a January 12, 2011, "Agenda Report" to the City Council for Action, from City Manager, Jennifer Sparacino.

This "Agenda Report" indicated that six election options were considered; presenting five recommendations for City Council action; from the 2011 Charter Review Committee, as passed by motion, as listed in the Charter Review Committee's minutes for November 17, 2011.

The 2011 Charter Review Committee recommended that the charter be changed to allow At-Large elections, and to consider the Proportional Representation election system for possible implementation by 2014. The minutes of the November 17, 2011 Charter Review Committee shows that a motion to reopen discussions concerning "District" elections failed by a vote of 6 to 9; as did a motion to recommend to the City Council that they preserve the current At-Large by Seat voting system; by a vote of 4 to 11. No actions resulting in a change to the City of Santa Clara's municipal election methods has since, occurred.

Later Charter Review Committees apparently did not offer recommendations to change the At-Large, By Seat voting system.

On March 30, 2017, a "COMPLAINT FOR VIOLATION OF THE CALIFORNIA VOTING RIGHTS ACT OF 2001, ELECTION CODE §§ 14025 et seq., was filed against the City of Santa Clara, in Santa Clara County Superior Court.

The present Charter Review Committee convened April 24, 2017. This Committee is charged with developing a "change to the City of Santa Clara Charter", in reference to changing Santa Clara's municipal elections method. The Committee has received a series of presentations and documents intended for evaluation of potential election methods. On June 12, 2017, a presentation by Matt Moreles and Phillip Chantri of the Santa Clara County Registrar of Voters' office offered discussions of several election methods and their potential implementation in Santa Clara County. Of the discussed election methods, only At-Large election methods, By-District" election methods, and Limited-Voting election methods can be handled by Santa Clara County's elections office; through their present Sequoia WinEDS 3.1.012 voting system technology. Future upgrade plans are not currently scheduled until 2019 or beyond. This status leaves this Committee, primarily only one election system option is recommended; By-District" elections, to satisfy its instructions from the Santa Clara City Council.

A "Staff Report" issued to the City of Fremont City Council, concerning their transition from an "At-Large" election system to a "By-District" election system summarizes the financial and legal

POST MEETING MATERIAL

situation that the City of Santa Clara faces. The City of Fremont has completed their election system transition within its 135 day "Safe Harbor" period, limiting their plaintiff attorney fee costs to a maximum of \$30,000.

"Cities that have attempted to defend their existing "at-large" system of City Council elections in court have incurred significant legal costs, including attorneys' fees incurred by plaintiffs. Awards in these cases have reportedly reached \$3,500,000 and beyond. When sued, the settlements entered into by cities typically have included paying plaintiff's attorneys' fees. For example, in February 2015, the City of Santa Barbara reportedly paid \$900,000 in attorneys' fees and expert costs to settle their CVRA lawsuit. Another example is the City of Palmdale that incurred expenses in excess of \$4,500,000 in its unsuccessful attempt to defend against a lawsuit brought under CVRA. To date, staff is unaware of any city that has prevailed in defending its "at-large" system of elections under a claim filed by any individual or group under the CVRA."

Following the June 22, 2017 recommendation suggestions by Interim City Attorney, Brian Doyle, I recommend that Committee members arrive at a desired recommendation, soon.

The Committee's recommendation to the Santa Clara City Council should suggest that the Council "place on the June, 2018 ballot a Charter amendment that would elect City Council Members by district".

Cursory examination of Santa Clara's "protected class" demographics suggests that a "Single Member, By-District" election system should easily be designed, which would provide "protected class" electorates sufficient opportunity to elect candidates of their choice, or significantly influence the outcome of future municipal elections; therefore, I recommend a seven member city council, with city council member elected, "By-district", from six geographical districts, and a mayor elected "At-Large".

Follows is a potential change to the City of Santa Clara's Charter Article V, Article VI, and Article VII, referencing a six district system.

Any other changes to Santa Clara's municipal election method should appear as a separate ballot measure on the 2020 election, or later.

Article V. Form of Government

Sec. 500. Form of Government

The municipal government provided by this Charter shall be known as the "Council Manager" form of government.

Article VI. The Elective Officers.

Sec. 600. City elected officers.

No person shall be eligible to hold elective office in the City including Mayor, City Council, chief of Police Department and City Clerk, unless he or she is a resident and a qualified registered elector of the City.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of Police and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City at times and in a manner provided by this Charter. The Mayor, the Police Chief, and the City Clerk shall be elected from the City at-large. The City Council members shall be elected by specified District elections in the City, and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term, shall serve the term for four years, and shall serve until a successor is elected and qualified. The term shall commence on the date the City council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

The person receiving the most votes cast for a particular elective City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a mayor and as a member of the Council. As a member of the Council, his or her election makes the number of Council members to be seven.

No person shall be a candidate for both Mayor and a City council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any District numbered Council seat other than one which he or she holds. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 600.01. Municipal elections.

Commencing with the year 2000, a regular election shall be held in the City of Santa Clara on the first Tuesday following the first Monday in November of even number years. The regular election shall be held for the election of each municipal elective officer whose term of office regularly expires at that time, and for such other purposes as the Council; may prescribe. Each such regular election shall be known as the general municipal election of the City, and shall be in lieu of all others previously so called. All municipal elections that may be called under the authority of this Charter, or the California Election Code, shall be known as special elections. (Amendment ratified 4-5-77; Amendment ratified 11-6-79; Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Chapter V. Consolidation of elections

Sec. 600.02. Consolidation of elections.

Any special election may be consolidated with a general municipal election and any municipal election may be consolidated with any State, County, or School District election held in the City or part thereof, in which case only one ballot need be printed for such consolidated election.

(Amendment ratified 4-5-77)

Sec. 600.1. Time of taking office – Term.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 601. Eligibility.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 601. Eligibility.

“No person shall be eligible to hold office as the Mayor or a member of the City Council, unless he or she is shall have been a resident and qualified elector of the City, and with respect to members of the City Council, elected by-District, of the District of which he or she seeks office at the time of, and for the thirty-day period immediately preceding the filing of his or her nominating papers or such other equivalent declaration of candidacy as may be required or aauthorized by law, or at the time of and for the thirty-day period immediately preceding his or her appointment to such office.

Every member of the City Council or candidate for City Council shall be and remain a qualified voter of the District from which he or she seeks office from the time of filing nomination papers or such other equivalent declaration of candidacy, as may be required or authorized by law, throughout the full term of his or her office. If elected or appointed in lieu of election. No creation of a District or change in the boundary or location of any District shall abolish or terminate the term of office of any City Council member prior to the expiration of the term of office for which the member was elected or appointed in lieu of election.”

Article VII. The Council

Sec. 700. Term – Method of holding elections.

Except as specifically provided otherwise in this Charter with respect to City elections, the provisions of the State Elections Code, as amended from time to time, are hereby adopted. The City expressly reserves its rights with respect to the conduct of City elections pursuant to Section 5 of Article XI of the California Constitution. Any changes made by the City Council in the City elections procedure shall be by ordinance and shall not be in conflict with any other sections of this Charter.

There are, hereby reserved to the electors of the City, the powers of the initiative and referendum and of the recall of municipal elective officers. No primary election shall be held for municipal officers. No error, omission or defect in the notice of elections shall be cause to invalidate any election held under the provisions of this Charter. (Amended by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 700.1. Offices separately filled.

(Repealed by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec. 700.1. Elections – Designation of seats.

For purposes of City Council elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as “Mayor”. Each of the other six seats, respectively, shall be designated as “Council District Member Seat No. 1,” “Council District Member Seat No. 2” “Council District Member Seat No. 3,” “Council District Member Seat No. 4,” “Council District Member Seat No. 5” and “Council District Member Seat No. 6” respectively, and shall continue to be designated by the respective designation. The designation so given to each such office shall thereafter be used in all election, nomination papers, certificates of election, and other election papers pertaining or referring to such office, and to designate incumbency in such office. (Added by electors at election held November 7, 1972, approved by Senate Concurrent Resolution (1973 Stats., Res. Ch. 10); Amended and renumbered from § 700.2 by electors at an election held March 7, 2000, Charter Chapter 11 of the State *Statutes of 2000*)

Sec.700. City Council Terms and Election Methods

“The elective officers of the City’s legislative arm shall consist of a Mayor and six City Council members. Commencing with the general municipal election of November, 2018 (or November, 2020, depending upon feasibility), as established pursuant to Section 700.1, and nominated, and elected only by the voters of their respective Districts; the City Council shall not submit to the voters any City Council – sponsored Charter amendment (as described in Election Code section 9255(b)(1)) repealing Charter provisions requiring that City Council members be elected by voters of their respective Districts earlier than after the November 2020 general municipal election.

The Mayor shall be elected from the City at-large. The elective officers shall be elected at the times and in the manner provided in this Charter who shall serve for a term of four years and until their respective successor qualifies. The term “City Council”, legislative body”, or other similar terms as used in this Charter or any provision of law shall be deemed to refer to the collective body composed of the Mayor and six City Council members, unless such other provisions of this charter or other provision of the law expressly provides to the contrary, or unless such interpretation would be clearly contrary to the interest and context of each other provision.

The Mayor and members of the City Council in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified. The Mayor and two members of the City Council will be elected in the November, 2018 election, as their present term will expire. The Mayor shall be elected at the general municipal election held in November, 2018, and each fourth year thereafter. Two members of the City Council shall be elected at the general municipal election held in November, 2018, and each fourth year thereafter. Four members of the City Council shall be elected at the general municipal election held in November, 2020, and each fourth year thereafter.”

Section 700.1. Districts

“For the purpose of electing the members of the City Council commencing with the November, 2018 (2020) general municipal election, the City shall be divided into single-member districts equal in number to the number of City Council members, *exclusive of the Mayor* (each such “District” and collectively “Districts”). The City Council shall by amended Charter, ordinance or resolution adopted on or before July 6, 2018 (2020) establish the names (District Number 1

through District Number 6) and respective boundaries of each District that shall be used in the election of Council members, and the transition plan from at-large elections to District elections. Said Districts shall be in compliance with applicable laws and such other permissible criteria as the City Council may specify by ordinance or resolution. "These criteria may include:

1. Each council district shall contain a nearly equal number of inhabitants.
2. Council District borders shall be drawn in a manner that complies with the Federal Voting Rights Act of 1965, and all appropriate amendments to this law.
3. Council Districts shall consist of contiguous territory, in as compact form as possible, without irregular design.
4. Council Districts shall respect "communities of interest", as much as possible.
5. Council District borders shall follow visible natural, man-made, geographical and topological features, as much as possible.
6. In adjusting boundaries following their initial establishment, each new Council District shall preserve the corresponding existing Council District's population and territory, as much as possible; and
7. Council Districts known to be areas of higher-than-average population growth in the two to five years following boundary line adjustment may be under populated within the population deviation amounts allowed by law.'

Following each decennial federal census, and at other such times that the City Council by at least two-thirds vote determines that a sufficient change in population has occurred, the City Council shall, by ordinance or resolution, adjust the boundaries of any or all the Districts of the City so that the Districts shall be as nearly equal as may be, consistent with the law applicable to the creation and arrangement of the boundaries of local districts. No ordinance or resolution authorized by this section that would change District boundaries created by a prior ordinance or resolution may be adopted within 180 days prior to any general election.

Any territory annexed to or consolidated with the City shall prior to concurrently with completion of the proceedings therefore, to be added to an adjacent District or Districts by the City Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings not withstanding any other provision of the Charter to the contrary."

Sec. 700.2. Elections: Designation of seats.

(Section Number repealed – text amended and renumbered to 700.1 by electors at an election held March 7, 2000, Chapter 11 of the State *Statutes of 2000*)

Sec.701. Term limits of mayor and council members.

A member of the Council shall not serve more than two consecutive elective terms as such, and shall be ineligible for reelection or appointment to fill a vacancy in the Council until two years after such service. The office of elected Mayor, to be filled from the City at-large, is a separate office from the Council and sole for the purpose of this term limit disqualification, is not a Council office nor the Council. Consequently, time served in such office of elected Mayor is not time served on the Council and time served on the Council is not time served in such office of elected Mayor. (As amended by electors at election held November 5, 1968, approved by Joint Resolution of the Legislature filed with the Secretary of State January 15, 1969; Amended by electors at an election held March 7, 2000, Chapter 11 of the State *Statutes of 2000*)

References: City of Anaheim Charter 2015, City of El Cajon Charter Change Process, 2017

Raania Mohsen

From: Steve Chessin <steve.chessin@gmail.com> on behalf of Steve Chessin <steve.chessin@cfer.org>
Sent: Wednesday, June 21, 2017 4:30 PM
To: Charter review
Subject: A two-district proposal for the City of Santa Clara
Attachments: 2-district.proposal.pdf

Hi Ms. Mohsen. Please forward this email, including the attachment, to each of the CRC members, as an email communication from a member of the public, prior to the June 26th meeting.

Dear members of the City of Santa Clara Charter Review Committee:

Please find attached a proposal for Santa Clara City Council elections, involving two districts of three members each, elected using either a proportional or semi-proportional method.

I submit this proposal to you for three reasons:

1. It provides a concrete proposal that should help you focus your discussion. (This proposal satisfies both the letter and the spirit of the Californian Voting Rights Act.)
2. It provides a template for competing proposals. Any proposal you adopt has to specify the following:
 - the steady-state condition (points 1, 2, and 3 in the attached)
 - how to transition to the steady-state condition (point 4 in the attached), including any implications of the transition method
 - the voting method(s) to be used (the "Voting Method" section of the attached)

For example, I believe at least one member of the CRC is a proponent of six single-member districts, and at least one other member is a proponent of three two-member districts, with one member elected each election cycle. It would aid your discussion if those proponents structured their proposals in a fashion similar to the attached. (For those alternatives, among the voting methods available are plurality, two-round runoff, top-two runoff, and instant runoff.)

3. It provides a framework for your decision-making. The first decision you have to make is on the steady-state condition, selected from among the competing proposals. Once you've decided on that, you then have to decide on the form of the transition for that proposal (if there is more than one possibility), and the voting method(s) to be used. (You'll note that voting methods are related to both the steady-state condition and the transition measure.)

I hope you find all of this useful. Please feel free to contact me if you have any questions.

Sincerely,

--Steve Chessin

President, Californians for Electoral Reform www.cfer.org steve.chessin@cfer.org
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Proposal for Santa Clara City Council Elections
2 districts, 3 seats per district, using PR or semi-PR
Steve Chessin, President
Dave Kadlecek, Board Member
Californians for Electoral Reform
15 June 2017

1. The City of Santa Clara shall be divided into two districts of 3 City Councilmembers each. Call the districts A and B.
2. In 2020, and every 4 years thereafter, District B elects 3 members for a four year term (see "Voting Method" below). [Threshold of election is 25%.]
3. In 2022, and every 4 years thereafter, District A elects 3 members for a four year term (see "Voting Method" below). [Threshold of election is 25%.]
4. As a transition measure, choose one of the following options (or create another):
 - A. In 2018, District A elects 2 members for a four year term, using limited or cumulative voting (see "Voting Method" below) [threshold of election is 33-1/3%], and in 2020, District A elects 1 member for a two year term, using plurality or IRV [threshold of election is 50%].
 - B. In 2018, District A elects 3 members for a four year term, using limited or cumulative voting (see "Voting Method" below) [threshold of election is 25%], with a temporary increase in council size to eight (including the Mayor). [This means 5 votes would be needed to pass legislation.]
 - C. In 2018, District A elects 4 members, using limited or cumulative voting (see "Voting Method" below) [threshold of election is 20%], with a temporary increase in council size to nine (including the Mayor). The top three vote-getters serve a four year term, and the fourth-highest vote-getter serves a two-year term.
 - D. In 2018, District A elects 2 members for a two year term, using limited or cumulative voting (see "Voting Method" below) [threshold of election is 33-1/3%], and in 2020, District A elects 3 members for a two year term [threshold of election is 25%].
 - E. In 2018, District B elects 2 members to a two year term, using limited or cumulative voting (see "Voting Method" below) [threshold of election is 33-1/3%], and in 2020, District A elects 3 members to a two year term [threshold of election is 25%].

(The above assumes no permanent increase in council size. If the council were permanently increased to a size of nine, then in 2018 and every 4 years thereafter District A would elect 4 members for a four year term, and in 2020 and every 4 years thereafter District B would elect 4 members for a four year term. The threshold of election would be 20%. A minimum of eight rankings would be needed for effective STV.)

Voting Method:

(a) If and when Santa Clara County can conduct the City's elections using the single transferable vote (STV) with at least six rankings, multi-seat elections shall be conducted using STV and single-seat elections shall be conducted using instant runoff voting (IRV, aka ranked choice voting (RCV)).

(b) Prior to the condition in (a), if and when Santa Clara County can conduct the City's elections using cumulative voting, multi-seat elections shall be conducted using cumulative voting and single-seat elections shall be conducted using simple plurality.

(c) Prior to the conditions in (a) and (b), multi-seat elections shall be conducted using limited voting, with the limit set to one, and single-seat elections shall be conducted using simple plurality.

Raania Mohsen

From: Dolphin <stardolphin@gmail.com>
Sent: Friday, June 23, 2017 8:27 PM
To: Charter review
Subject: Comments on June 12th 2017 Charter Review Committee Meeting

Hello, I watched the June 12th meeting online and had some comments I would like to send to the committee. Is this the right email to send this to? Can it get forwarded correctly? If not, can you let me know who it is appropriate to send this too?

Thanks,

- Ben

To: The 2017 Santa Clara Charter Review Committee
Re: June 12th 2017 Charter Review Committee meeting

Hello, I am Benjamin Cooley, a resident of Santa Clara. I have been doing my best to attend your (very interesting) charter review meetings, but was unfortunately double-booked on the June 12th Meeting and was unable to attend. After watching the recording of the meeting, I had some concerns that I wanted to give.

My comments are on:

- * City Attorney Brian Doyle comments suggestion that not knowing if alternative voting systems would change the result in California reduces their value.
- * Committee Member Steve Lodge concerns on 'kicking the can down the road'
- * The concerns around state approval being needed for use of a voting system.

First, City Attorney Brian Doyle suggested during the discussion (that was later tabled) that since we didn't know if adopting an alternative voting system would change the results of our election, that it reduces the value of swapping over to one of those systems. I cannot state strongly enough how wrong this line of logic is. The goal here must be to ensure a fair election, where all voters are represented and not marginalized by the system. It is completely fair to say that a certain result defies the demographics of the area and constitutes prima facie evidence that there is something wrong with the voting system. However, by its very nature, it is a reputable statement. There are several places where disenfranchisement could happen in an at-large system like ours. Issues like strategic voting (where voters don't vote for their primary choice) or lack of proportional representation (Where a 49% minority gets 0 votes in government) exist there and could be a contributing factor to disenfranchisement. However, these are resolved by several of the alternative voting systems being discussed. Any proportional system solves the need for proportional representation (1 Vote Multiple Seats or STV do it well). Ranked systems solve the strategic voting issue (Ranked choice or STV). The idea that these do not add value because they don't change the outcome of the election is poisonous. If you adopt a system that eliminate these possible ways voters can be disenfranchised, and those voters still vote for the same candidates, that is affirmative evidence refuting the original problem. That in itself holds immense value.

Deciding that only a certain type of result would be acceptable is not only repulsive to the entire concept of democracy, it defies the entire concept of voter enfranchisement. If voters are enfranchised then you must accept the results they give you. If you truly believe there is a problem with our current voting system, then resolving those problems will give you changed results. If that doesn't happen, it refutes your earlier belief. The

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concept of 'crafting' a voting system to get a particular set of results is horrifying and is something to avoid at all costs.

Honestly, when this committee first started meeting I was cautiously optimistic about the districting plans. But given how laser focused some of this has been at avoiding a particular legal quagmire, I have little confidence that the drawing of districts would not be abused. While it is true that a well drawn districting system can achieve some level of proportionality, it is nowhere near as good as proportional systems. Districting comes with its own (major) set of voter enfranchisement problems. These include packing (Putting everyone in a particular group into a single district, to minimize their representation) or cracking (splitting the particular group up so they have no voting power). It will just make it easier for someone to attempt to bend the voting system to achieve whatever goals they are after. This is something we should be designing voting systems to avoid, instead of creating more opportunities for them to happen. At this point, I think I would vote against a pure districting proposal and advise my friends and family to do the same.

I'm sure the City Attorney wasn't intending his comments to be construed as a recommendation to 'engineer' the city to have certain results, but this was how it came off and it is something that must be avoided at all costs.

Second, Committee Member Steve Lodge mentioned that that adopting a multi-year plan would be effectively 'kicking the can' down the road. I think this is underestimating the value of a decision to proceed with a path that can't be resolved in one year. I don't wish to discount the value of recommendations that can result in immediate action, it is important to note that deciding to commit to even far-off systems has immense value. Without the city asking for it, a 'implementation is 2-3 years off' is likely to still be 2-3 years off when a future committee meets. The gentlemen from the county pretty much said the process wouldn't really start until the city had a plan in place already. Passively waiting for the technology to be the first before the city considers it is a trap that will find all sides waiting on the other to take the first move. At the very least, something that will take 2 years with the city actively pushing for it will take much longer for it to happen without that. Most likely it will be because some other city takes the initiative to making it work.

It is important to not let the perfect be the enemy of the good, and not find yourself always waiting for the better system that is coming down the road. But it is also important to strive to be the best, even if that is a more complicated and difficult task, and not shy away from dreaming big because it would require more time. If you can get far enough that it actually gets the ball rolling, that is a very good thing.

The third point I wanted to address was the concern that the state would need to approve certain voting system changes. I just wanted to say the secretary of states website they explicitly say that charter cities are allowed to use ranked choice and STV systems. (See Instant Runoff Voting: FAQ at <http://www.sos.ca.gov/elections/voting-systems/vendors/sequoia-voting-systems/> Explicitly, it states that charter cities are allowed to seek approval for systems to do STV/Ranked or do them by hand without approval). I know there is complexity there, particularly for the county, but this is approval from the city that the voting system is fair, not that the voting method is what they want. (The SOS job is to approve voting systems, not voting methods, for charter cities). They have also approved the system under discussion for SF, so its not unreasonable to expect this to be doable.

A would like to thank any of you who bothered to read though my thoughts, as well as to thank you all for the work you do. I think this is a very important issue, and I find your guy's meetings to be great.

- Benjamin Cooley
Santa Clara Resident

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