

What's the difference between "at large" elections and "district" elections?

We currently have an at-large election system, where voters of the entire City of Santee elect all members of the City Council. "By-district" elections divide the jurisdiction into geographic districts. Voters in each district choose their City Councilmember, who must also live in that district.

How have other cities responded to the threat of litigation under the CVRA?

Nearly every other city has changed its election method, voluntarily or by court order. Agencies that have attempted to defend their at-large election systems have incurred significant legal costs. Here are a few examples of the legal costs that other cities paid defending their at-large systems: Palmdale \$4.7 million, Modesto \$3 million, Anaheim \$1.1 million, Santa Barbara \$600,000, and West Covina \$220,000.

How will creating voting districts affect me?

If approved, every four years registered voters in the City of Santee will have the opportunity to vote for a candidate for the City Council that lives in their district. Registered voters will not be able to vote for City Council candidates from districts in which they do not reside.

What are the Federal and California Voting Rights Acts?

The Federal Voting Rights Act (FVRA) was adopted in 1965 and is intended to protect the rights of all citizens to participate in the voting process. The CVRA was passed in the California State Legislature in 2001, based on the Legislature's belief that minorities and other members of protected classes were being denied the opportunity to have representation of their choosing at the local level because of a number of issues associated with at-large elections. Upon a finding of a violation of the CVRA, the act requires that "the court shall implement appropriate remedies, including the imposition of district-based elections that are tailored to remedy the violation." As such, the default remedy and the clearly identified remedy by the Legislature is district-based elections.

What is the CVRA?

The California Voting Rights Act (CVRA) prohibits the use of any election 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." Jurisdictions can be sued if they elect their governing body using an at-large, from-districts, or mixed election system. If the court finds against a jurisdiction, the jurisdiction must change its election system and pay the plaintiff's attorneys, experts, and other expenses.

How is the CVRA different from the FVRA?

The CVRA was adopted in 2002, and is based upon the Federal Voting Rights Act of 1965 ("FVRA") with some important differences that make at-large election systems much more susceptible to legal challenges. For a plaintiff to be successful in a claim of violation under the FVRA relating to at-large elections, the plaintiff must show that: 1) a minority group is sufficiently large and geographically compact to form a majority of the eligible voters in a single-member district; 2) there is racially-polarized voting; and 3) there is "white bloc voting" (the term used by the courts reviewing such cases) sufficient usually to prevent minority voters from electing candidates of their choice. If a plaintiff proves these three elements, then the federal court will consider whether, under the "totality of circumstances," the votes of minority voters are diluted by the at-large election system.

The CVRA removes two of these factors. It eliminates what is known as the "geographically compact" FVRA precondition (e.g., can a majority-minority district be drawn) as well as the "totality

of the circumstances” or “reasonableness” test. Because the CVRA eliminates some of the elements that a plaintiff must prove, defending a lawsuit brought pursuant to the CVRA is more difficult to defend against than a claim under the FVRA. As a result of the lower threshold for proving a claim under the CVRA, many jurisdictions have voluntarily switched to district-based election systems instead of facing litigation.

Why haven't cities prevailed in challenging these allegations?

The threshold to establish liability under the California Voting Rights Act (CVRA) is considered low. The Federal Voting Rights Act requires four conditions to be met to prove a city is not in compliance. The CVRA only has two condition requirements.

What criteria are used to create election districts?

Many factors may be considered, but population equality is the most important. Other factors include:

- Communities of interest
- Be compact
- Be contiguous
- Have visible (natural and man-made) boundaries
- Include respect for past voter selections
- Plan for future growth

What are communities of interest?

A community of interest is a neighborhood or community that would benefit from being in the same district because of shared interest, view or characteristics. Possible community features or boundary definitions include:

- School attendance areas
- Natural neighborhood dividing lines such as roads, hills or highways
- Areas around parks and other landmarks
- City borders
- Common issues, neighborhood activities or legislative/election concerns
- Shared demographic characteristics, such as:
 - Similar levels of income, education or linguistic isolation;
 - Ancestry (not race or ethnicity)
 - Languages spoken at home
 - Percentage of immigrants
 - Single-family and multifamily housing units

If election districts are created, who decides the boundaries?

A professional demographer is hired by the City to create proposed district boundaries, with suggestions and feedback from residents. Residents will be able to provide input on boundaries and suggested criteria for creating boundaries. The districting process will be transparent and accessible to all residents. Ultimately, the City Council adopts an ordinance establishing district boundaries.

Where can I learn more about districting, "Communities of Interest," and other parts of this process?

The Mexican-American Legal Defense Fund (MALDEF), the National Association for the Advancement of Colored People (NAACP) and the Asian American Legal Center co-wrote "The Impact of Redistricting on Your Community."

The Brennan Center for Justice has two useful publications regarding districting and redistricting available at the following links:

- Redistricting 101
- A Citizen's Guide to Redistricting

The California Independent Redistricting Commission put together this collection of "Frequently Asked Questions about Redistricting."

The James Irvine Foundation funded the development of two useful resources on redistricting (though both are focused on state redistricting, most of their advice is useful for City Districting as well):

- What is Redistricting?
- Get Involved

What do the acronyms and categories mean on the demographic sheets?

These are standard categories included in the Census. Not all of the categories are relevant for creating district maps. Acronyms include:

NH: Non-Hispanic

VAP: Voting age population

CVAP: Citizen Voting Age Population

CVRA: California Voting Rights Act

NDC: National Demographics Corporation (the firm hired by the city to create the maps)