



Outline Of Analysis – District Or At-Large Elections

I. POLICY ANALYSIS (Basic points to be amplified and articulated by advocates.)

A. Benefits of Districts Systems

1. Fewer constituents per representative. (Better access.)
2. Diverse, distinct communities may be represented.
3. Campaigns more affordable. (Easier to walk, community based.)

B. Benefits of At-Large Systems

1. All voters vote for all members of council.
2. Council acts in interest of whole city.
3. Negatives of ward politics (turf, redundancy) absent

II. ANALYSIS OF FEDERAL VOTING RIGHTS ACT VOTE DILUTION

CLAIMS (adapted from *Alabama Legislative Black Caucus v. Alabama* (M.D. Ala. 2013 (3-judge court, argued on appeal to U.S. Supreme Court November 2014)

Does the totality of the circumstances support a claim of vote dilution? I.e., Do “the totality of the facts show that the [at-large system or districts] would deny minority voters equal political opportunity? ”

1. the history of voting-related discrimination in the [city];
2. ***the racial polarization of voting in [city elections];***
3. the extent to which the [city] has used discriminatory voting practices to enhance the opportunity for discrimination against the minority group;
4. the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health;
5. the extent to which political campaigns have included overt or subtle racial appeals;
6. *the extent to which members of the minority have been elected to public office;*
7. the level of responsiveness of elected officials to the needs of a minority group;
8. the proportionality of majority-minority districts. *See League of United Latin Am. Citizens*, 548 U.S. at 437; *Thornburgh v. Gingles*, 478 U.S. at 36– 37.

Under the CVRA, #2 establishes a violation (§ 14208(a)), #6 is a probative circumstance (§ 14208(b)), ## 1,3,4,5 and 6 are probative but not necessary (§ 14208(e)).

Was an invidious discriminatory purpose a motivating factor [in the creation of at-large elections]? (This “demands a sensitive inquiry into such circumstantial and direct evidence of intent as may be available.”)

1. “[t]he impact of the official action,”
2. “[t]he historical background of the decision,”

3. “[t]he specific sequence of events leading up to the challenged decision,”
4. “[d] epartures from the normal procedural sequence,”
5. “[t]he legislative or administrative history.”

Do [Latino] voters have an equal opportunity to participate in the political process the same as everyone else?

Is there evidence of objective, non-racial factors to rebut the claim under the totality of the circumstances standard?”

DISTRICTING PRINCIPLES

Elections Code § 21620. Districts **shall be as nearly equal in population as may be according to the latest federal decennial census.** (City charters may provide for mid-decade or official city census.) The districts **shall comply with the federal voting rights act** of 1965, as amended. In establishing the boundaries of the districts, the **council may [consider]: (1) topography, (2) geography, (3) cohesiveness, contiguity, integrity and compactness of territory, and (4) community of interest of the districts.**

Santa Barbara population 2010 census **88,410**. Non-Hispanic White represents 54.8 % of the City’s population, followed by Hispanic or Latino at 38%, and Asian or Pacific Islander at 3.4%

Target district population would be **14,735**

Per JDL mapping consultants, city precinct data harmonized with census tracts before city started handling its own elections. Start from one corner of city (e.g. South Milpas), create districts of equal size and adjust boundaries.

Public process can include the following: “Road show” in different neighborhoods (explanation and input), appointments with consultant/staff so citizens can draw their own maps, allow publicly submitted maps.

Statute says “council” draws lines. Implied that commission could be established by charter amendment.

OTHER WAYS TO INCREASE PROTECTED CLASS REPRESENTATION

Move to even-year elections (greater turnout, greater Latino %).

Cumulative voting (voter gets 3 votes, can vote for 1,2 or 3 candidates)

“Choice” voting (used in Cambridge, Mass.)

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