



CALIFORNIA VOTING RIGHTS ACT

Impact on Local Elections



15th Amendment

“The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.”
(1870)

Despite the 15th Amendment, some states actively sought to disenfranchise minority voters.

Voting Rights Act of 1965



- Implements the Constitutional protections that were adopted after the Civil War
- Provides nationwide protections for voting rights
- “Special provisions” that apply only to certain state and local jurisdictions

Voting Rights Act of 1965



Under the Voting Rights Act of 1965, the method for electing local officials can be challenged if:

- **There was a discriminatory intent in creating the election system**
- **The election system has a disparate effect on a protected class of voters**
- **One type of disparate effect is vote dilution**
 - At-large elections dilute the vote of minorities, by limiting their electoral influence
 - But, a plaintiff needs to show that it is possible to create a geographically compact majority-minority district.

California Voting Rights Act of 2001



The CVRA is modeled after the Voting Rights Act of 1965

- But it makes it easier for anyone to challenge at-large elections for local agencies
 - There is no requirement to show that there was a discriminatory intent
 - There is no requirement to show that a change to district elections will result in a majority-minority district

California Voting Rights Act of 2001

A proponent of district elections only has to show that there is a “difference . . . in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate.”

Elections Code § 14026 (e)

Morgan Hill Election Challenge



May 5, 2017 letter challenging at-large elections for City Council

There were some factual errors in the letter, but the key points are:

- Latinos make up 1/3 of the Morgan Hill population
- No Latino/Latina has served on the Morgan Hill City Council since 1996
- The preferred candidates of Latino voters have not been successful

Morgan Hill Election Challenge



The factual allegations in the letter were sufficient to meet the very low threshold under the CVRA

No City has ever successfully defended itself against a CVRA lawsuit.

Safe Harbor Legislation— Elections Code §10010

Cities that voluntarily change to district elections cannot be sued

- Within 45 days of receiving a demand for district elections, the City Council must adopt a resolution of intent
- 90 days after adopting the resolution, the City must adopt an ordinance establishing the districts.
- 4 public hearings
- Publish proposed maps 1 week in advance of Council discussion
- If an ordinance is adopted, the proponents may recover up to \$30,000 from the agency for the work spent preparing the demand
- Morgan Hill City Council adopted a resolution of intent within the 45 day period

Date	Public Meeting	Purpose
June 21, 2017 7:00PM City Council Chamber	City Council Meeting/ Public Hearing #1	Initial Council discussion of process and outreach. First public hearing to gather public input regarding the design of potential draft maps.
June 28, 2017 7:00PM City Council Chamber	City Council Meeting/ Public Hearing #2	Public hearing to gather input regarding the design of potential draft maps and map drawing criteria. Demonstration of and Q&A regarding, map-drawing tools.
July 10, 2017 7:00PM City Council Chamber	Community Workshop	Public forum discussion of process and map-drawing criteria. Demonstration of, and Q&A regarding, map-drawing tools.
July 17, 2017	No meeting	Deadline to submit draft maps

Date	Public Meeting	Purpose
July 26, 2017 5:30 p.m. City Council Chamber	Council Workshop	Council review of draft maps and district options. Public forum discussion of draft maps.
July 26, 2017 7:00PM City Council Chamber	City Council Meeting/ Public Hearing #3	Presentation of draft maps. Public hearing to gather public input regarding the draft maps and election sequencing.
August 23, 2017 7:00PM City Council Chamber	City Council Meeting/ Public Hearing #4	Public hearing and Council vote to introduce ordinance (including selection of a map and election sequence).
September 6, 2017 7:00PM City Council Chamber	City Council Meeting	Second reading of and final adoption of ordinance.

www.drawmh.org

The screenshot shows a web browser window displaying the website for the City of Morgan Hill's 2017 Districting Project. The browser's address bar shows the URL www.drawmh.org. The website has a light beige background with a blue header and a blue sidebar on the left. The sidebar contains a logo for the City of Morgan Hill and a list of navigation links: WELCOME, SCHEDULE, DRAFT MAPS, DRAW A MAP, CONTACT, FAQ, and RESOURCES. The main content area features a title "City of Morgan Hill 2017 Districting Project" and a "Select Language" dropdown menu. The text explains that the City Council is asking for help planning the transition from "at-large" to "by-district" Council elections. It mentions a recent letter demanding this change and notes that the Mayor will continue to be at-large. A "Next Steps" section highlights that draft maps are posted to the website and available at City Hall. It also lists two public hearings: one on Wednesday, July 26, and another on Wednesday, August 23. On the right side of the page, there are two images: a collage of people and a photograph of a street with buildings.

Welcome - Google Chrome

www.drawmh.org

Select Language

City of Morgan Hill 2017 Districting Project

The City Council is asking for your help planning our City's change to by-district Council elections.

As the result of a [recent letter](#) demanding that City Council elections transition from "at-large" to "by-district," Morgan Hill, like the school district and over 55 cities across the state, is making a change in how voters elect the City Council.

Beginning in 2018, City Council members will be elected district by district, instead of the current at-large citywide elections in which all voters have the ability to vote for all City Council seats. The Mayor will continue to be at-large. This means that all voters will continue to vote for the Mayor every two years, but will only vote for one Council Member seat according to the respective districts once every four years.

This change will also protect the City from potential California Voting Rights Act litigation costs that could easily run into the millions of dollars.

Next Steps

Draft Maps Posted!
Initial draft maps are posted to [this website](#) and available at City Hall

Wednesday, July 26:
Public hearing to gather feedback on initial draft maps at regular Council meeting.

Wednesday, August 23
Public hearing to gather feedback on initial draft maps at regular Council meeting. Possible Council vote to select a



2017 Districting

- WELCOME
- SCHEDULE
- DRAFT MAPS
- DRAW A MAP
- CONTACT
- FAQ
- RESOURCES



www.drawmh.org

The screenshot shows a web browser window with the URL www.drawmh.org/draw-a-map.html. The browser's address bar and tabs are visible at the top. The website content includes a navigation menu on the left, a main heading for the 2017 Districting Project, a brief explanation of districting, a list of three map-drawing tools, instructions for comparing maps, and a section on paper-only maps with two options (A and B). There are also two images on the right side of the page: one showing people looking at a map and another showing a street view.

Draw a Map - Google Chrome

www.drawmh.org/draw-a-map.html

Select Language


CITY OF MORGAN HILL

2017 Districting

- WELCOME •
- SCHEDULE •
- DRAFT MAPS •
- DRAW A MAP •
- CONTACT •
- FAQ •
- RESOURCES •

City of Morgan Hill 2017 Districting Project

Districting is different than most issues that come before the City Council. Instead of being limited to saying you support or oppose a City-prepared ordinance or resolution, you can draw a map yourself!

There are three different map-drawing tools available below:


1. Paper-only maps
2. Paper maps with a Microsoft Excel Supplement Kit
3. Online districting tool

After you draw your proposed plan(s), be sure to compare them with the other maps posted to the [Draft Maps page](#).

Paper-Only Maps

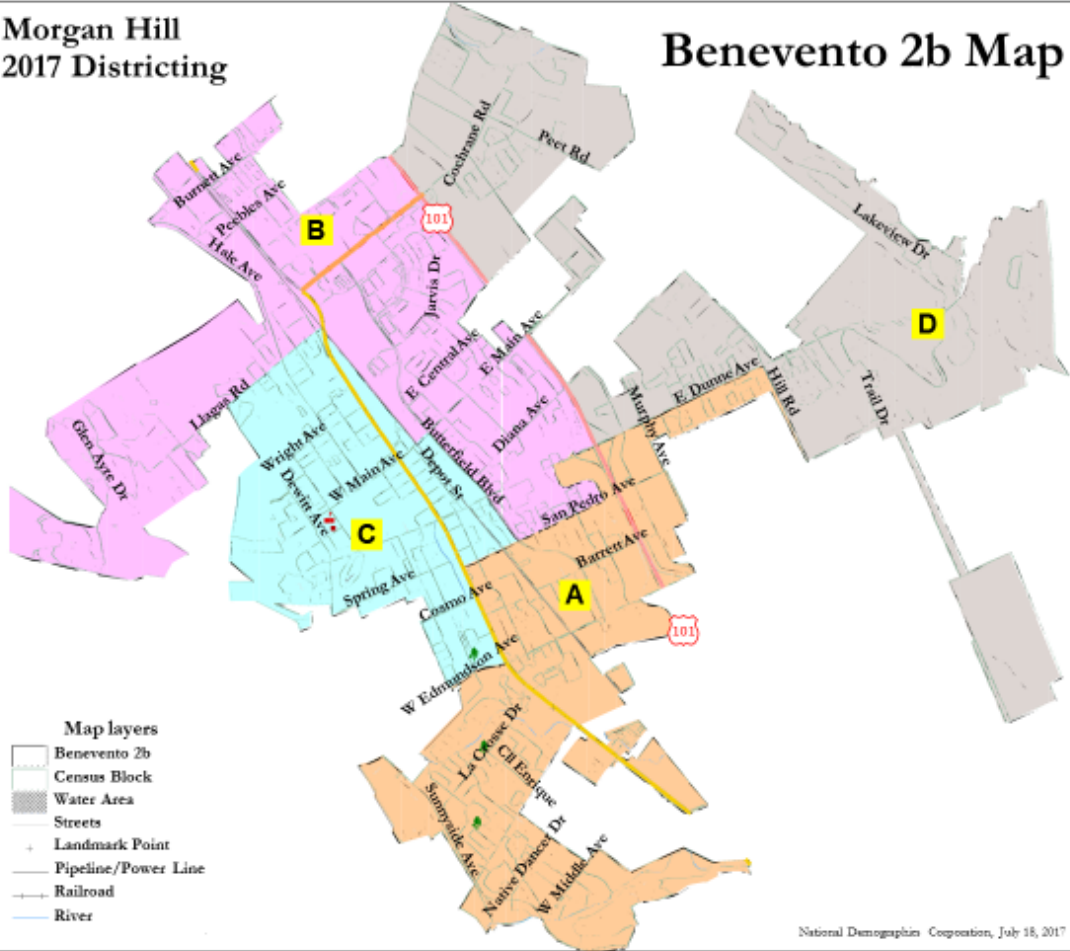
Option A: You can use the simple one-page map (download or print this PDF file by clicking for [English](#) or [Español](#)) to draw your proposed districts and calculate the total population

Option B: You can print and use the more extensive "Public Participation Kit" (download or print this PDF file by clicking for [English](#) or [Español](#)), which contains detailed instructions, the list of line-drawing criteria, demographics for each Population Unit, and blank maps on which you can draw your proposed plan(s)



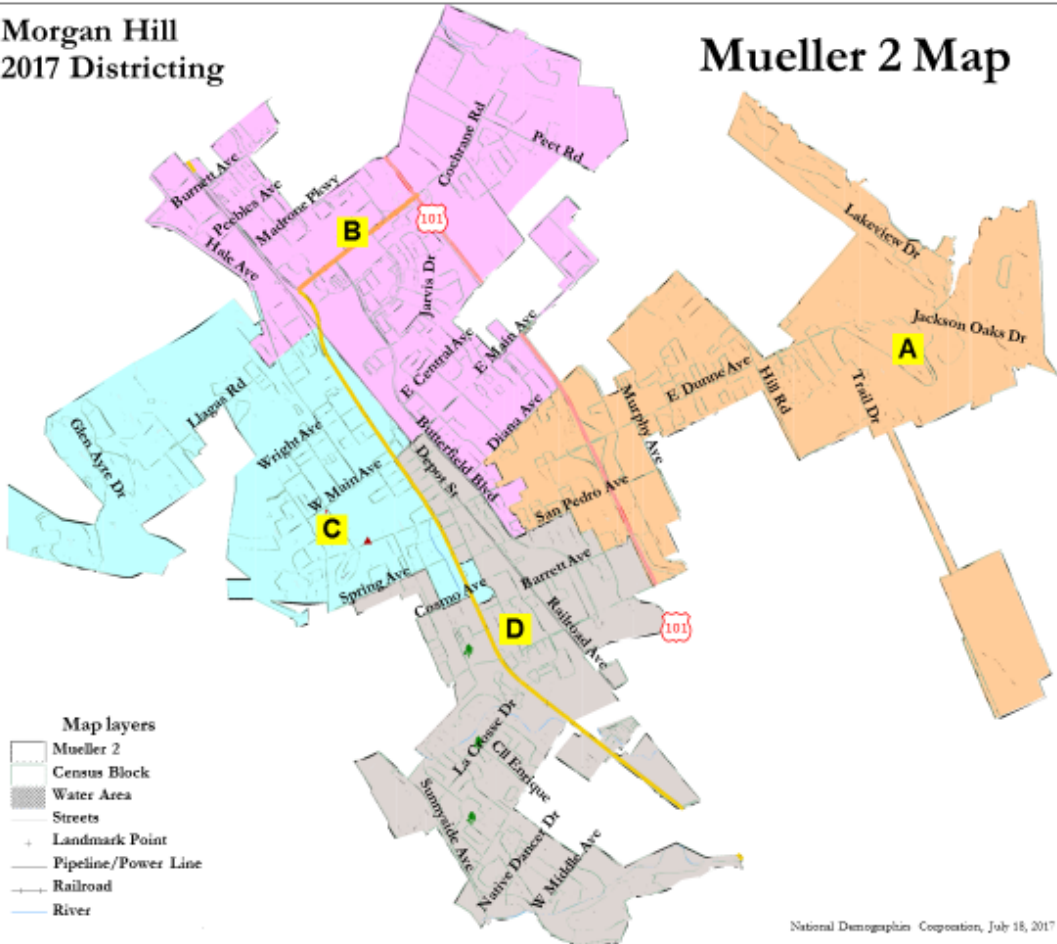
Morgan Hill 2017 Districting

Benevento 2b Map



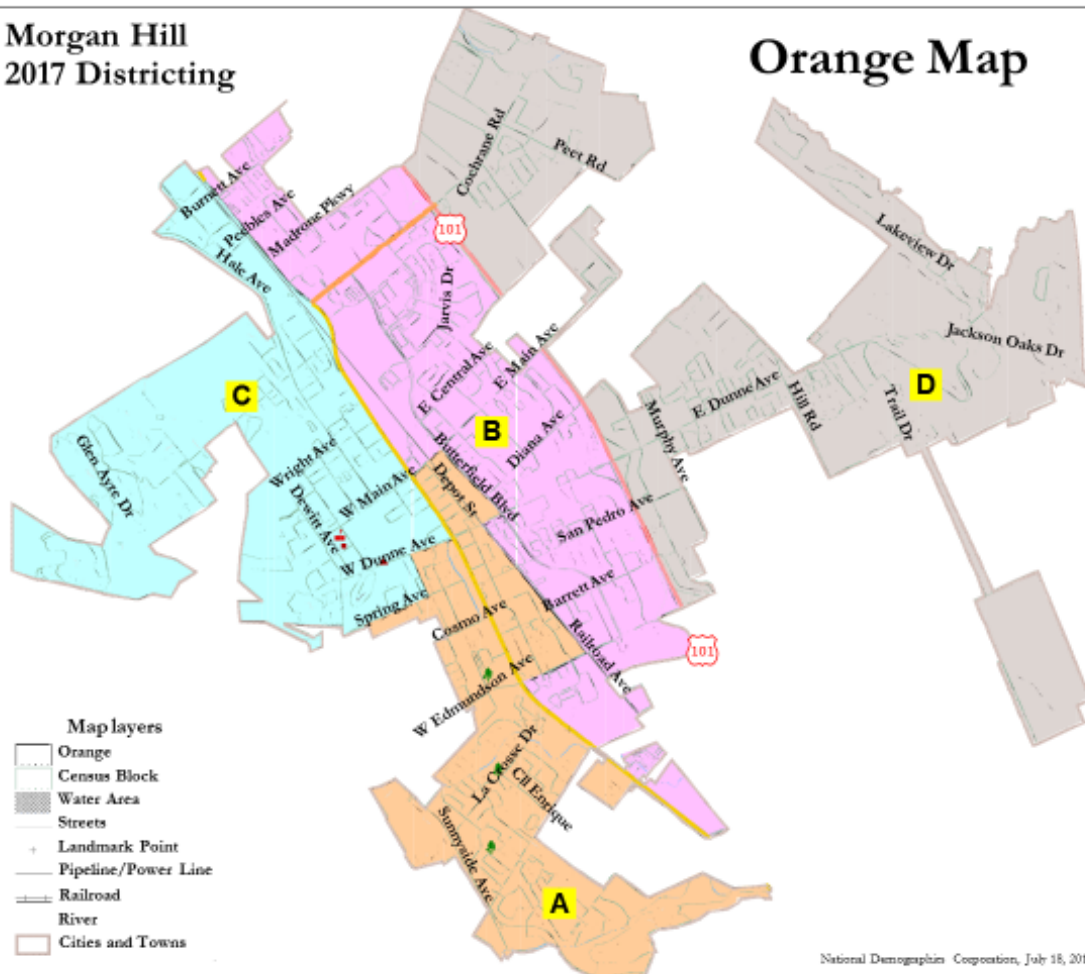
Morgan Hill 2017 Districting

Mueller 2 Map



Morgan Hill 2017 Districting

Orange Map



Questions

