



Date: June 22, 2017
To: Charter Review Committee
From: Interim City Attorney
Subject: City of Santa Clara Elections

BACKGROUND

This Committee has conducted 4 sessions and received extensive amounts of information on various possibilities to changes in how Santa Clara elects its six at-large-by-seat council members. This is all in addition to two previous committees who have looked at the issue. The current timeline for the charter amendment is to have the amendment on the June 2018 ballot in time for an election under the new term at the November 2018 election.

The Registrar of Voters office has informed the Committee that given this timeline the only realistic alternatives for you to consider are:

1. At-Large
2. District
3. Cumulative
4. Limited

Staff is requesting that you make a decision regarding a recommendation at this Committee meeting and leave the rest of the schedule for separate discussion of possible future amendments to the Charter.

ANALYSIS

The attorneys for the plaintiffs have made it clear that the California Voting Rights Act lawsuit will continue if there is no Council action to move to some type of district elections. The Committee discussion so far has not indicated any wholesale objection to moving to district elections. Therefore staff recommends against keeping an **at-large** type of election of council members.

There is no American precedent for moving to a **limited** voting system. Therefore there are no court cases on whether such a system would be allowed under the constitutional rule of "one-person, one-vote." Staff would not recommend further consideration of a limited vote type of election.


The Committee has considered some arguments in favor and against moving to an election based upon **cumulative** voting. There has been some public input that cumulative voting has

been used in other jurisdictions with substantially different demographic and political patterns to achieve a lesser disparate impact in voting results. On the other hand, there is no evidence introduced demonstrating that such a system would have similar results given the demographics and political history of Santa Clara. In addition, the system would be new to Santa Clara and it would take substantial educational efforts for voters to come up to speed. For these reasons, staff is not recommending cumulative voting for the November 2018 election.

RECOMMENDATION

It is recommended that the Committee consider and take action on the following:

1. Recommend to the City Council that they place on the June 2018 ballot a Charter amendment that would elect City Council Members by district.
2. Recommend the number of Districts that such a Charter provision would include, either: 2, 3 or 6.
3. Recommend that any changes to the system of election that the Committee might recommend, such as cumulative or ranked-choice, be a separate ballot measure that would not go into effect until at least the November 2020 election.



Brian Doyle
Interim City Attorney

cc: Rajeev Batra, City Manager

I:\COUNCIL\Charter Review Committee 2017\Memo from CA to Cmtee re Elections 06-22-17.doc