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CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE N
[ADVISORY VOTE: BY DISTRICT COUNCIL ELECTIONS]

START

The Santa Clara City Council placed Measure N on the ballot which, if approved by the voters, would advise the City Council to engage City voters and residents in a public process to draft a Charter Amendment ballot measure to elect its council members, other than the Mayor, by district.

Approval of the advisory Measure would advise the City Council to initiate a process that would involve voters and other members of the public to examine changing how council members are elected. As a result of a lawsuit filed under the California Voting Rights Act, the Santa Clara County Superior Court ordered the City to create six districts with each district to be represented by one council member. Candidates for a district must be residents and qualified registered voters of the district; and only voters in the district may vote for the council member who represents the district. This court order changed how Santa Clara elects its council members, who were previously elected at-large by the voters of the entire City. The order did not change the language of the City Charter, but instead directly requires elections to be held in a manner that is not consistent with the City Charter.

The court order did not change the way Santa Clara elects the Mayor. The Mayor is still elected at-large by the entire City.

The purpose of the advisory Measure is to provide the City Council with direction on whether the City Charter should be amended to require the election of council members by district. If approved, the City Council would establish a commission of Santa Clara residents to draft a Charter Amendment to be placed on a future ballot.

If the advisory Measure is not approved, the City Council is not precluded from seeking further advisement from residents on a Charter Amendment related to the election of council members. Until any such Charter Amendment is approved by the voters, elections would proceed in accordance with the court order.

A "Yes" vote on Measure N would advise the City Council to proceed with a future Charter Amendment to elect council members by district. A "No" vote would advise the City Council to not proceed with such a plan.

This measure was placed on the ballot by action of the Santa Clara City Council on July 16, 2018.


BRIAN DOYLE
City Attorney

F I L E D

AUG 21 2018

REGISTRAR OF VOTERS
COUNTY OF SANTA CLARA
By PN Deputy

END