

BY-DISTRICT ELECTIONS MEASURE D

CITY OF SANTA CLARA
OFFICE OF THE CITY CLERK

CITY ATTORNEY'S OFFICE IMPARTIAL ANALYSIS

2022 MAR 18 AM 11:49

In December 2017, the City of Santa Clara was named as a defendant in the matter of *Yumori-Kaku, et al. v. City of Santa Clara* (case no. 17CV319862). The Plaintiffs alleged that the City's at-large method of electing its City Council Members violated the California Voting Rights Act. In June and July 2018, the Santa Clara County Superior Court issued a judgement in favor of the Plaintiffs, and ordered the City to transition to a "by-district" method of electing its City Council Members, with the Mayor continuing to be elected "at-large." This decision was upheld by the Sixth District Court of Appeal in December 2020. Meanwhile, the 2018 and 2020 elections for the position of Council Member were conducted in accordance with the Court's Judgment, with members elected from all six districts.

During this time period, the City's Charter was not amended to reflect the "by-district" method of Council Member election. Therefore, in April 2021, the City and the Plaintiffs entered into a settlement agreement which included a requirement that the City Council place a measure on the ballot to seek voter approval of an amendment to the City Charter that comports with the terms of the Court's Judgment. Measure D proposes the following changes to the City Charter:

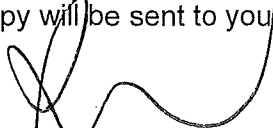
1. Section 600: Candidates for the position of Council Member must reside in the district represented by the office they seek to fill for at least thirty days prior to their filing of nomination papers.
2. Section 700.1: Establishes six single-member districts, with a district map previously adopted by the City Council and periodically amended by a redistricting process following each decennial Census. Order of election for the six districts shall be District 2 and 3 in 2022 (and periodic elections thereafter), and Districts 1, 4, 5 and 6 in 2024 (and periodic elections thereafter).
3. Section 700.2: Incumbent Council Members shall complete the remainder of their elected terms after a redistricting process.

The proposed changes to the City Charter fulfill the requirements of the Court's Judgment and the Settlement Agreement with the Plaintiffs in the *Yumori-Kaku* litigation. In the event the voters do not approve this Measure, the Settlement Agreement allows the Plaintiffs to seek further Court Order(s) to continue the six single-member district election process for future Council Member elections.

A "Yes" vote approves of the proposed changes to the City Charter. The Charter language would then reflect the "by-district" method used to elect the City's Council Members.

A "No" vote disapproves of the proposed changes to the City Charter. The current Charter language describing an "at-large" election system would remain in place.

The above statement is an impartial analysis of Measure D. The full text of the measure is available at www.santaclaraca.gov or by calling the City Clerk's Office at 408-615-2220, and a copy will be sent to you at no cost.



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City of Santa Clara