



**DUBLIN**  
CALIFORNIA

## **Item 8.1**

# **Transition to District-Based Councilmember Elections**

February 15, 2022

# Background

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- **January 4, 2022**
  - City received a letter from Shenkman & Hughes, on behalf of Southwest Voter Registration Education Project, alleging a violation of the CVRA
- **California Voting Rights Act (CVRA)**
  - Prohibits at-large elections from impairing the ability of a protected class (members of a race, color, or language minority group) to elect candidates of its choice or its ability to influence the outcome of an election



# At-Large vs. District Elections

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- **At-Large Elections (current)**
  - All voters in Dublin elect each of the four (4) Councilmembers and Mayor
- **District-Based Elections**
  - Create maps to physically divide City into separate districts of equal population
  - Each district represented by one Councilmember who resides in and is chosen by voters residing in that same district



# Legal and Financial Impacts

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- **CVRA lawsuits**
  - Plaintiff has low bar to prevail in a CVRA lawsuit
  - Even if City prevails, another plaintiff may allege CVRA violation later
- **Costs to litigate**
  - Must pay plaintiff's legal fees if City is unsuccessful
  - Legal fees in past cases have approached \$5 million
  - Court orders district elections & draws maps

# CVRA Safe Harbor

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- Method to expeditiously change to a district-based election system and avoid the high cost of litigation
- Within 45 days of CVRA demand letter:
  - Adopt a resolution of intent to transition to district-based elections
- Prospective plaintiff may not bring a CVRA lawsuit within 90 days after resolution's passage and attorneys' fees capped at \$30,000 (plus inflation)



# Transition Process

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- **Minimum of Five Public Hearings Required**
  - 2 public hearings for input on the composition of the districts before any maps are drawn
  - 2 public hearings on content of the draft maps and the proposed sequence of elections
  - Introduce and adopt ordinance
- **2022 Election Dates**
  - City is committed to engaging in an open and deliberate public process to educate and seek input from the City's various constituencies and communities of interest
  - Insufficient time to meaningfully engage in the public process to adopt and implement the maps for use in 2022 election



# Estimated Timeframe

| Date                    | Event / Action  |
|-------------------------|---|
| January 4, 2022         | City received letter asserting violations of CVRA   |
| February 15, 2022       | City adopts resolution of intent to transition to district-based elections  |
| February - March 2022   | City conducts public outreach to explain the districting process and to encourage public participation  |
| April 2022              | City holds 1st and 2nd public hearings to obtain input regarding the composition of the districts   |
| May - June 2022         | City prepares and posts draft maps and potential sequence of councilmember elections  |
| June - July 2022        | City holds 3rd and 4th public hearings to obtain public input regarding content of the draft maps and potential sequence of councilmember elections |
| August - September 2022 | Introduction and adoption of ordinance establishing district-based elections and a final map  |



# Staff Recommendation

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- Adopt a Resolution of Intent to transition to District-Based Elections outlining the specific steps to be undertaken to facilitate this transition, and establishing the estimated timeframe for doing so
- Authorize the City Manager to enter into agreements necessary to initiate and facilitate this process when those contracts exceed \$45,000

