



Item 8.I

Transition to District-Based Councilmember Elections

February 15, 2022

Background

- **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

- **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

- **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

- 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

- **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

- 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