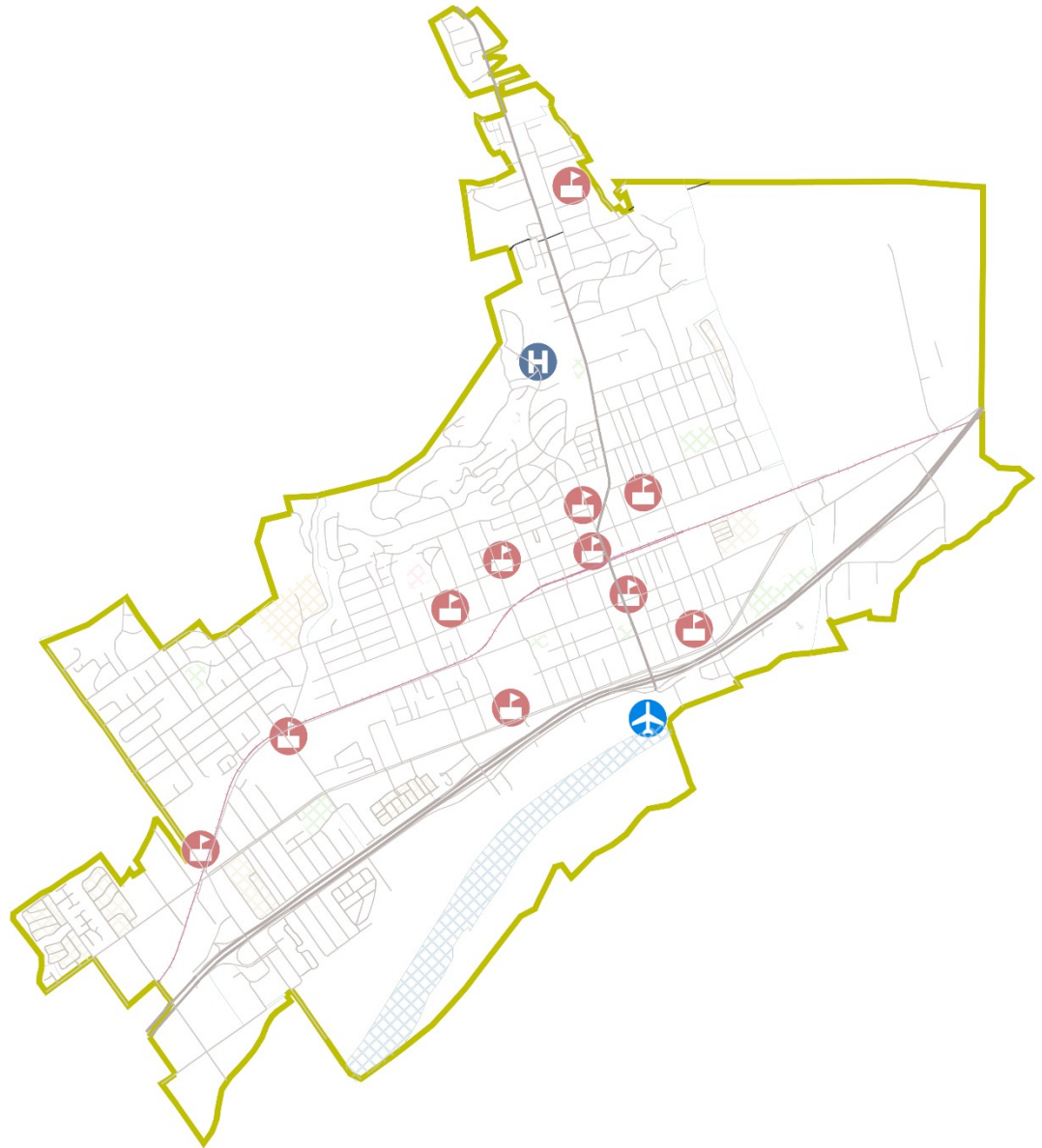


# City of Santa Paula

## CVRA and by- district elections



# Election Systems

1. “At Large”
2. “From District”
3. “By District”

**The California Voting Rights Act  
was written to specifically  
encourage by-district elections**

# California Voting Rights Act (CVRA)

- Under the Federal Voting Rights Act (passed in 1965), a jurisdiction must fail 4 factual tests before it is in violation of the law.
- The California VRA makes it significantly easier for plaintiffs to force jurisdictions into “by-district” election systems by eliminating two of the US Supreme Court Gingles tests:
  - ~~■ Can the protected class constitute the majority of a district?~~
  - Does the protected class vote as a bloc?
  - Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
  - ~~■ Do the “totality of circumstances” indicate race is a factor in elections?~~
- Liability is now determined only by the presence of racially polarized voting

# CVRA Cases

- Cases Fought So Far:
  - Palmdale, Santa Clara and Santa Monica went to trial on the merits of the case. Palmdale and Santa Clara lost. Santa Monica is awaiting a State Supreme Court hearing.
  - Modesto challenged the constitutionality of the law. Highland conceded liability but fought the imposition of districts as the remedy. Both lost.
  - Modesto and Palmdale each spent about \$1.8 million, and Santa Clara spent nearly \$1.5 million, on their defense (in addition to the attorney fee awards in those cases).
  - Santa Monica has spent an estimated \$8 to \$10 million so far. Plaintiffs in Santa Monica requested \$22 million in legal fees after the original trial.
  - A Poway resident's federal challenge to making the switch to by-district elections was summarily dismissed prior to trial.
  
- No jurisdiction has won a CVRA challenge yet.

# CVRA Impact

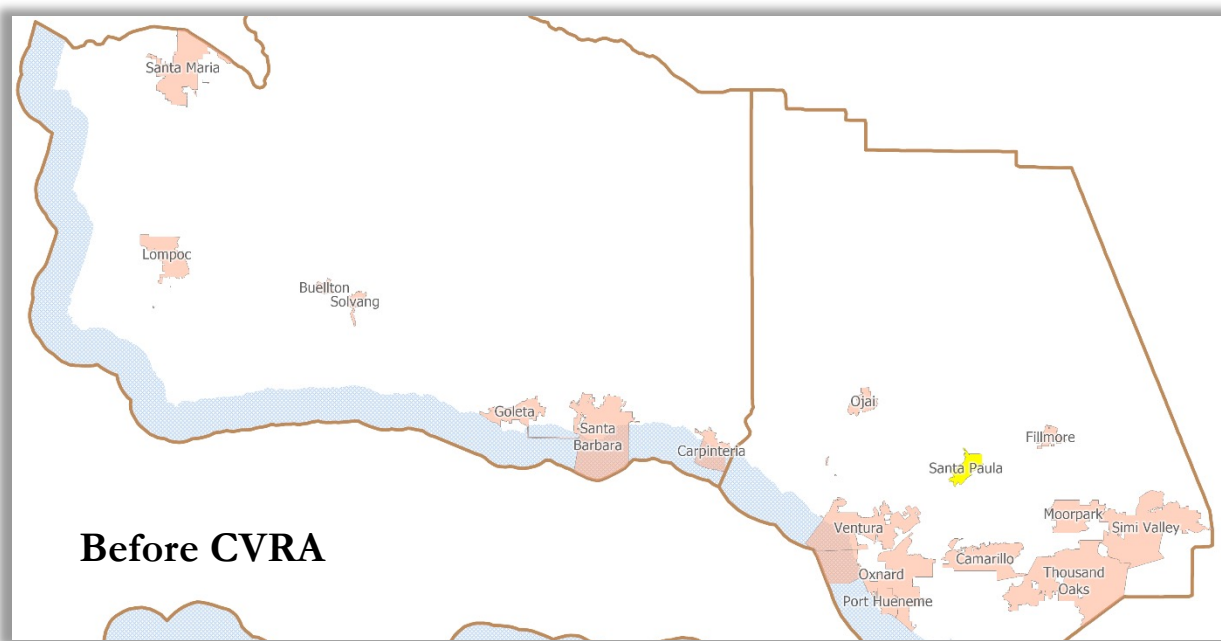
- Switched (or in the process of switching) as a result of CVRA:
  - ▣ At least 275 school districts
  - ▣ 36 Community College Districts
  - ▣ 177 cities
  - ▣ 1 County Board of Supervisors
  - ▣ 53 water and other special districts.
- Sample settlements / plaintiff awards:
  - ▣ Palmdale: \$4.7 million
  - ▣ Santa Clara: \$4.5 million
  - ▣ Modesto: \$3 million
  - ▣ Highland: \$1.3 million
  - ▣ Anaheim: \$1.1 million
  - ▣ Whittier: \$1 million
  - ▣ Santa Barbara: \$600,000
  - ▣ Tulare Hospital: \$500,000
  - ▣ Ontario: \$500,000
  - ▣ Camarillo: \$233,000
  - ▣ Compton Unified: \$200,000
  - ▣ Madera Unified: about \$170,000
  - ▣ Hanford Joint Union Schools: \$118,000
  - ▣ Merced City: \$42,000
- An estimated \$16 million in total settlements and court awards so far.

# Local Impact

## Before CVRA:

17 At Large Cities (orange)

0 By District Cities (purple & yellow)



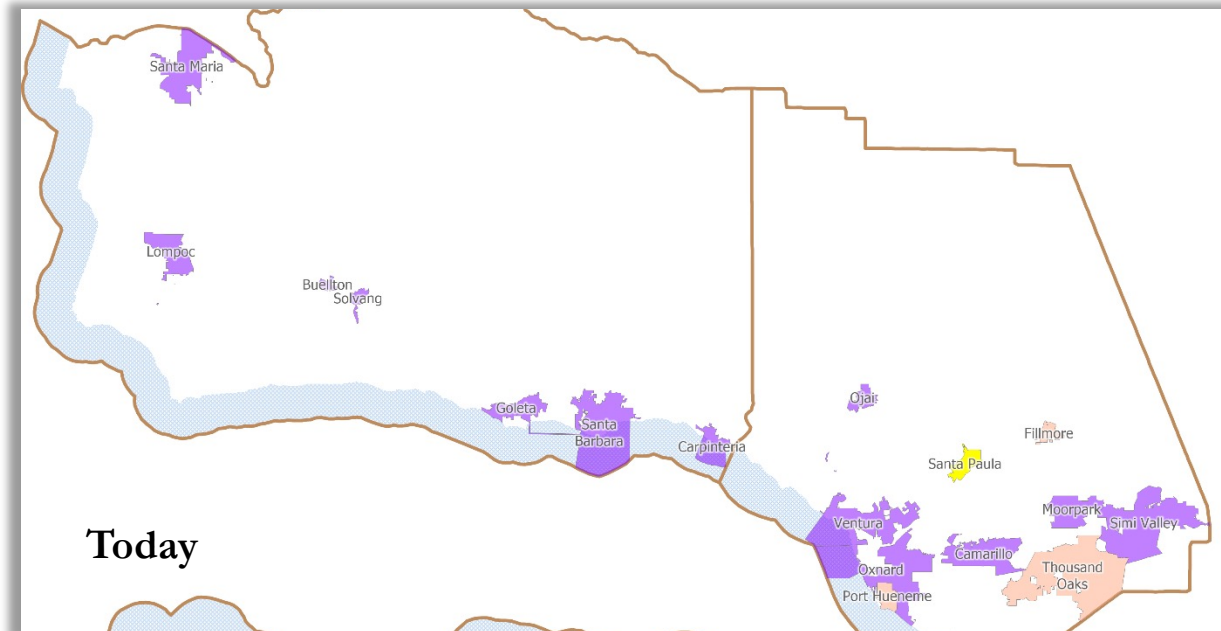
**Before CVRA**

## Today:

3 At Large Cities

13 By District Cities

1 Santa Paula (in transition)



**Today**

*Even tiny Ojai, Buellton and Solvang were forced into by-district elections by CVRA challenges.*

# Why are CVRA cases so expensive?

- CVRA cases are heavily reliant on expert witnesses and extensive data analysis
- Typically need to budget at least \$2 million (in general fund dollars) for a defense against a CVRA challenge
  - ▣ That amount does not include plaintiff's fees if case is lost
  - ▣ Losing a case also means losing control over the selection of the district map
- The day a case is filed, the plaintiff has already hired experts who already wrote their reports, so cases settled on day 1 still cost at least \$250,000 to \$500,000 to settle
- No jurisdiction has won yet, so it is unknown what set of facts would successfully fight a CVRA lawsuit