



CITY OF CARSON
CITY COUNCIL DISTRICT
VOTING PROCESS

Public Workshop Presentation
January, 2020

TO DISCUSS TONIGHT

- Explanation of what Council District Voting is
- The Process of Changing to District Voting – why and how
- Proposed Maps from Demographers and the Public
- Participation Kit and Next Steps





EXPLANATION OF DISTRICT VOTING

History of the Voting Rights Act and the
California Voting Rights Act (CVRA)

HOW THE CITY IS ORGANIZED TODAY

- City has a Mayor and 4 City Council Members, all elected “at large”
- “At large” means that every voter chooses a candidate for every seat
- City Clerk and City Treasurer are also elected at large, and that would not change



WHY CHANGE TO DISTRICTS?

- The Federal Voting Rights Act was enacted in the 1960's as an effort to codify and effectuate the 15th Amendment's guarantee that no person shall be denied the right to vote on account of race or color
- California enacted the California Voting Rights Act (CVRA) in 2002 to further ensure fair elections in the state. The CVRA also creates a private right of action.



WHAT IS THE CVRA'S IMPACT?

- Many cities in California have been challenged or sued over the fairness of their at-large elections, including Carson.
- Since the enactment of the CVRA in 2002, over 130 local governments have switched from at-large to by-district elections, many based on outside challenges.



CALIFORNIA VOTING RIGHTS ACT

- CVRA asserts that certain populations – which may differ from community to community – are marginalized by an at-large voting system.
- CVRA has a relatively low threshold for plaintiffs to demonstrate inequities in the at-large system within a community.
- The remedy is typically to change to districts.



WAS CARSON CHALLENGED?

- Carson was challenged by letter in 2018 by the law firm of Shenkman & Hughes on behalf of the Southwest Voters Registration Education Project (SVREP).
- The lawsuit against the City was filed on September 11, 2019 and served on the City on September 12.



IS THE CITY FIGHTING THE LITIGATION?

- Yes. The city attorney's office raised issues about whether SVREP had standing to be a plaintiff, so on October 23, 2019, SVREP amended the complaint to add 3 local residents as plaintiffs.
- A status conference is scheduled for January 30, 2020. The court may set a trial date at that time.



WHAT IF THE CITY ADOPTS A PLAN?

- If the City Council adopts district voting before the case goes to trial, the case may become moot, although Shenkman would likely still pursue a claim for attorneys fees.
- The “Safe Harbor” period under AB 350, which caps legal fees in a CVRA challenge at \$30,000, was 18 months ago – at the time of the 1st letter.



WHY WOULDN'T CARSON JUST FIGHT?

- The City is fighting the lawsuit on a number of grounds, even while undertaking transition process. Most cities do not litigate when challenged, due to the costs and risks involved.
- In all such cases where cities have been sued, according a legislative analysis for the State Senate, citizens alleging at-large elections who brought a lawsuit that a city violated the CVRA prevailed.



SOMETIMES CITIES PAY LEGAL FEES

- Modesto was sued in 2004 and litigated. Court of Appeals upheld CVRA as constitutional, and U.S. Supreme Court declined review. The City eventually settled the case, paid \$3 million in attorney's fees and switched to districts.
- Palmdale also fought a CVRA case and paid \$4.7 million in legal fees and switched to districts. The judgment also had adverse impacts for sitting Council members.



OTHER CASES

- Anaheim was sued in 2012 under the CVRA and settled the lawsuit in January 2014. City paid \$1.2 million in attorney's fees and agreed to increase the city council from 5 at-large seats to 6 members elected by-district, with a mayor elected at-large.
- Whittier also spent over \$1 million and switched to districts.



SOMETIMES CITIES DON'T GET SUED

- Rialto - threatened with litigation in 2016 by MALDEF, and city responded that it was not presently going to switch to districts, to date no lawsuit filed against city.
- Huntington Beach - threatened with litigation in 2017 by Shenkman, city disagreed there was liability under the CVRA, and to date no litigation.



SOMETIMES CITIES FIGHT AND LOSE

- Highland - sued in 2014 under CVRA. Did not transition to by-district elections, City opted to take it to voters and voters rejected transition. Court ordered transition anyway and **chose plaintiff's map** and also ordered all seats on the city council be contested in November 2016.
- Santa Monica - threatened with CVRA litigation by Shenkman, decided not to switch to districts, Santa Monica fought litigation and lost. Case is currently on appeal and City is at risk of over \$10 million in attorneys fees (plus its own similar costs), and the loss of all sitting Council seats.



FROM CITY OF SANTA MONICA WEBSITE

“On February 15, 2019, the trial court issued its final statement of decision and judgment, **adopting the proposals submitted by the plaintiffs with a few minor changes.** The trial court ruled in favor of plaintiffs on both their CVRA and Equal Protection causes of action. The trial court **ordered as a remedy that the City change to district-based elections using a district map prepared by plaintiffs’ expert** without any of the public hearing process for the drawing of districts set out in California Elections Code Section 10010. The trial court ordered the City to conduct a district-based election on July 2, 2019, and **ordered that no City Council members elected at-large could continue to hold their seats past August 15, 2019.**”



SOMETIMES CITIES SETTLE BEFORE

- Wildomar - threatened with litigation in 2015 under the CVRA, and took steps to move the city to by-district elections.
- Torrance - recently received a CVRA demand letter from Shenkman, decided to switch to districts, and commenced the process of holding state required public hearings for the adoption of district maps.





WHAT IS THE PROCESS OF GOING TO DISTRICT VOTING?

Aside from litigation, what are the steps in the transition?

THE CVRA PROCESS

- City hires demographer to analyze the characteristics of the community and to create maps
- At least two public hearings are held before any maps are published
- At least two public hearings are held after maps are published
- After required hearings, Council may then adopt an Ordinance



WHAT HAS CARSON DONE?

- City held “prior to publishing maps” public hearings on May 21, June 13, June 18
- Demographer published maps on July 29, as required in the statute
- City held “after publishing” public hearings on August 6, August 17, September 17, October 1, October 15, and November 5



ALSO....

- The City hired second demographer on September 12, whose maps were discussed on November 5
- Each demographer prepared a “Participation Kit” posted on the City’s website, making it easy for the public to prepare their own maps
- The Council also discussed each map proposed by the public with districts



WHY ARE WE HERE TODAY?

- Public input on the district boundaries, especially on “communities of interest,” is a crucial part of the mapping process
- The City Council wanted to ensure the public has a real opportunity to have information on the process and the creation of district maps
- The City held at least 12 community workshops in the City’s parks



HOW ARE MAPS PRODUCED?

- Decide on number of districts – Carson would have four (4)
- Another alternative is six (6) districts – mentioned in the Charter
- Each district must be the same size in terms of population as the others – as close as possible
- District boundaries should respect “communities of interest”



CAN THERE BE DEVIATION IN DISTRICT SIZES?

- There can be some deviation, but the rule of thumb is that there should not be more than 10% total deviation
- Example: if one district is 5% less than the ideal size (exactly $\frac{1}{4}$ of the population), another district shouldn't be more than 5% greater, for a combined 10% difference between largest and smallest



OTHER FACTORS

- The demographers also consider ethnic breakdown and other factors of each district as they develop maps
- Two things they look at:
 - Avoid dilution of certain groups' votes by breaking them up, but
 - Be careful of “packing” groups in districts if the effect is to dilute their votes in other districts



DON'T FORGET GEOGRAPHY/LAND USE

- Carson has very unique geography in that large sections of the City have no or almost no population because of industrial parks, refineries, CSUDH (limited population), the Porsche Experience Center, Victoria Golf Course, Sanitation District, and the Cal Compact landfill



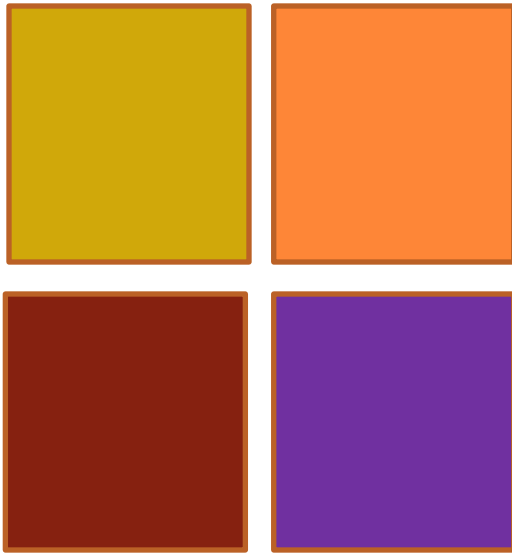


TO RECAP

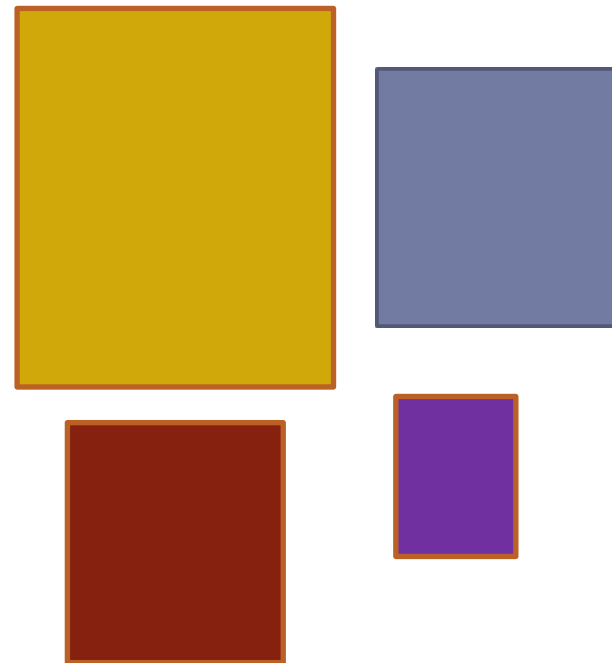
Summary of how District Maps are developed and drawn

SHOULD HAVE EQUAL POPULATION

Good balance



Unbalanced



BUT IN CARSON, GEOGRAPHY

- Because of geography and land use patterns in Carson, the actual size of districts by area will vary greatly, even when districts have the exact same population

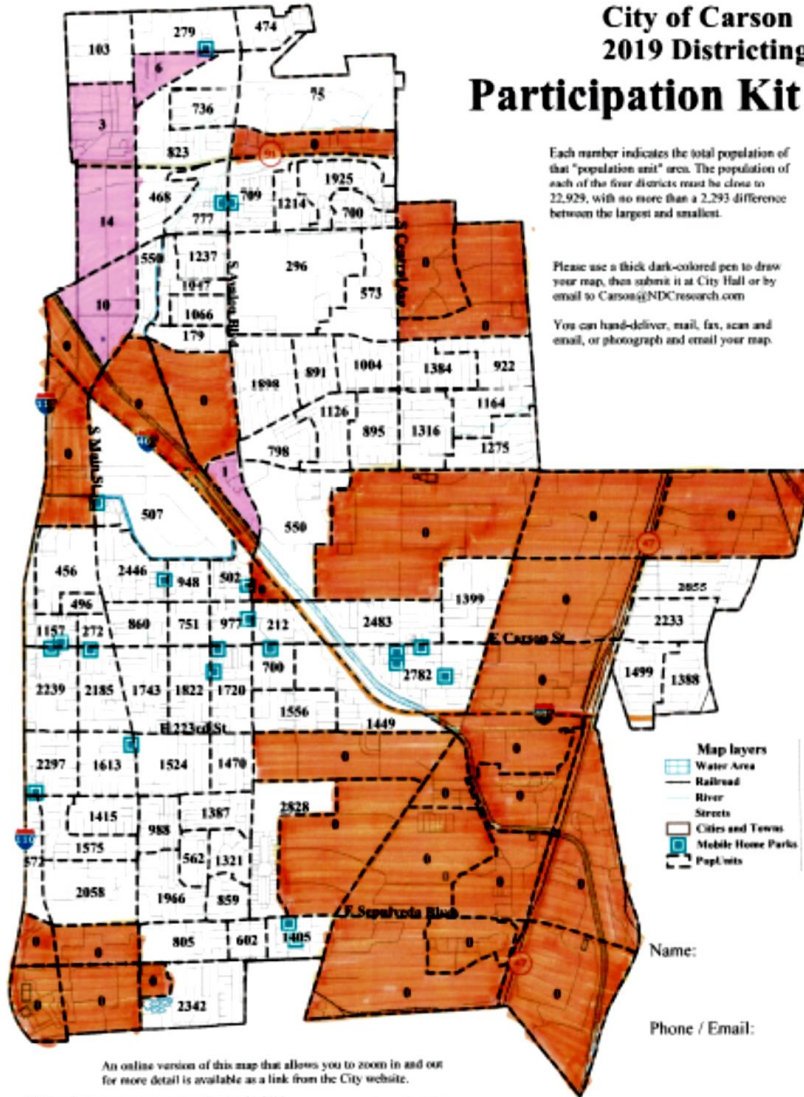


City of Carson 2019 Districting Participation Kit

Each number indicates the total population of that "population unit" area. The population of each of the four districts must be close to 22,929, with no more than a 2,293 difference between the largest and smallest.

Please use a thick dark-colored pen to draw your map, then submit it at City Hall or by email to Carson@NDCresearch.com

You can hand-deliver, mail, fax, scan and email, or photograph and email your map.



An online version of this map that allows you to zoom in and out for more detail is available as a link from the City website.

National Demographics Corporation, October 20, 2019

©2019 CALPER

THIS IS WHAT THAT GEOGRAPHY LOOKS LIKE. THE AREA IN THE BROWNISH HAS ZERO – YES, ZERO – POPULATION. THE AREA IN THE PURPLE HAS A TOTAL COMBINED POPULATION OF 34 PEOPLE. POPULATION IS DENSEST IN THE SOUTHWESTERN PORTION OF THE CITY.



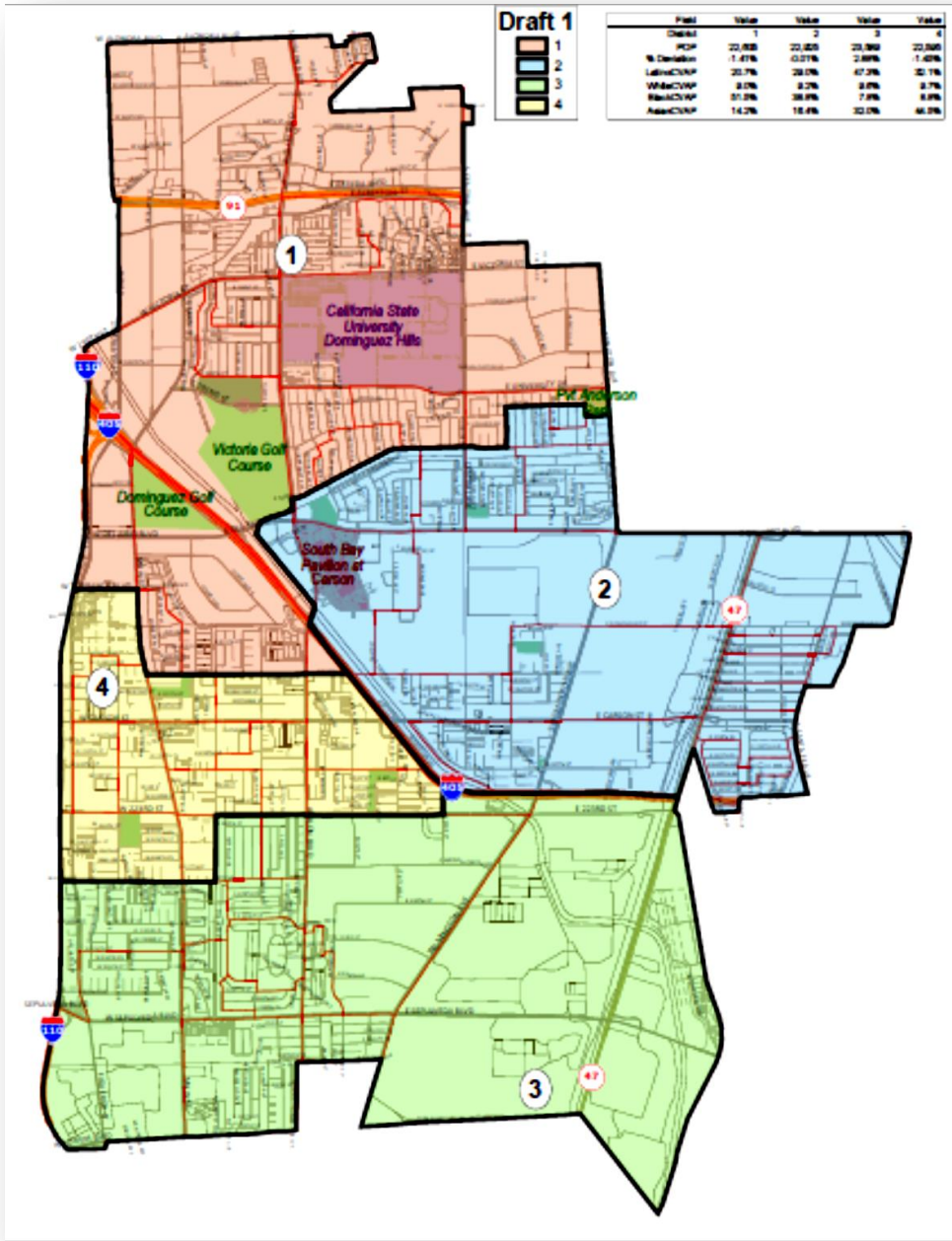


SHOW US SOME MAPS!

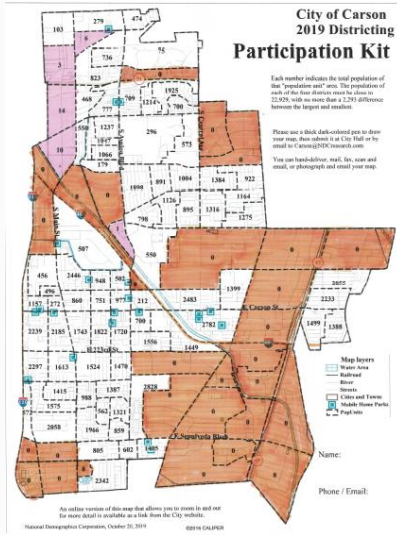
(Remember, the drafts produced by the demographers are for discussion purposes only and to get the Council and community to discuss “communities of interest.”)

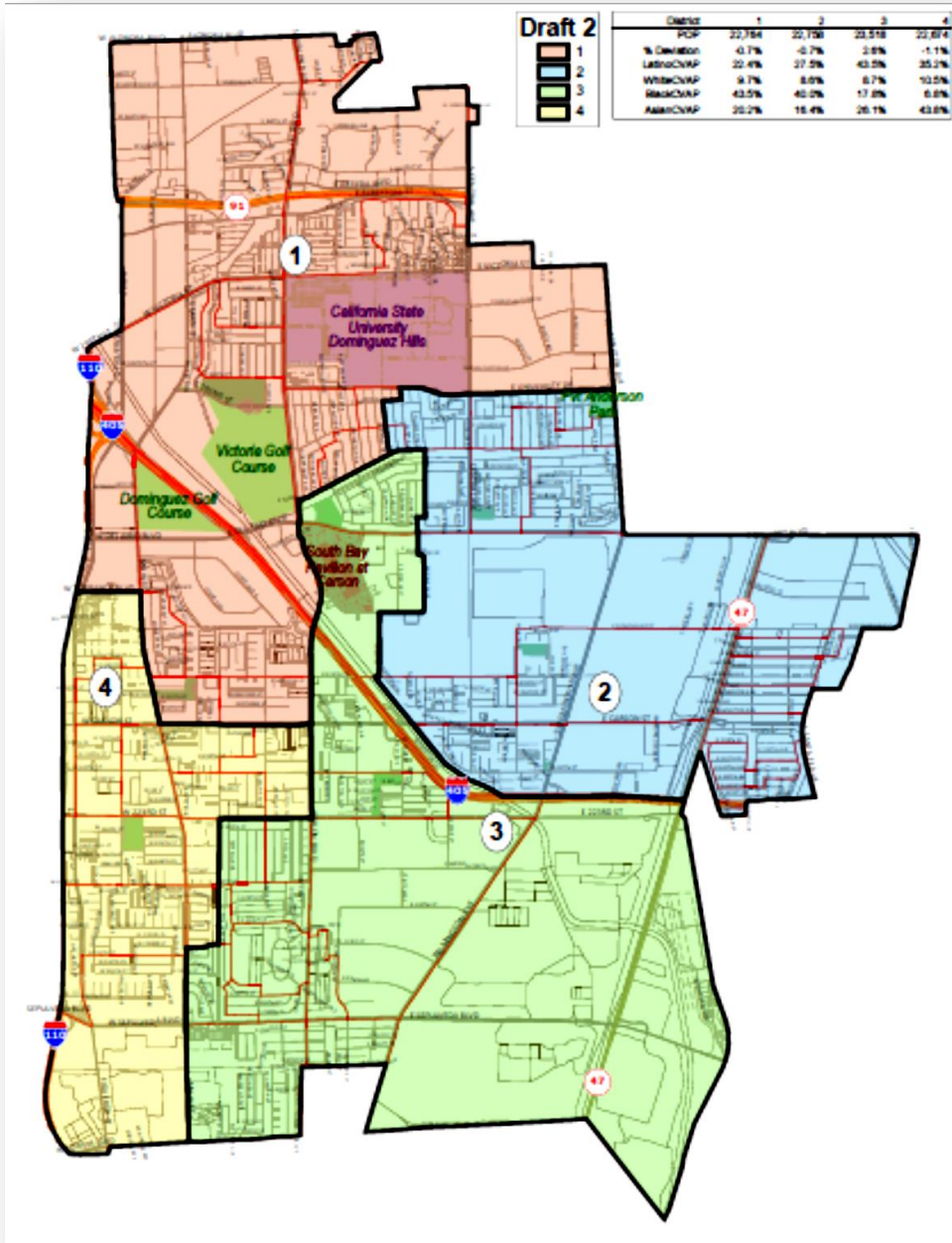


**MAPS PRODUCED BY COMPASS
DEMOGRAPHICS (DAVID ELY)**

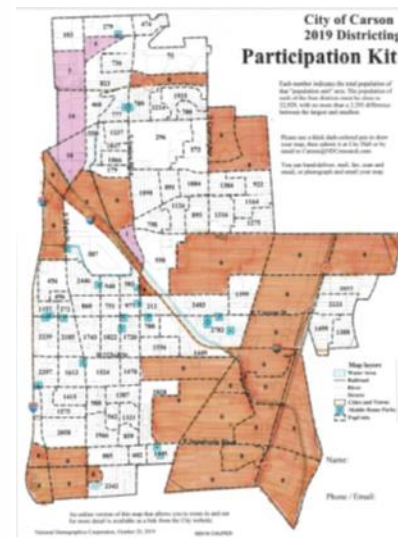


Draft 1. One district in the north, one in the east, one in the south, and one in the central-west. All districts are about the same size.





Draft 2. One district in the north, one in the east, the one in the south extends upward, and one in the southwest. All districts are about the same size.



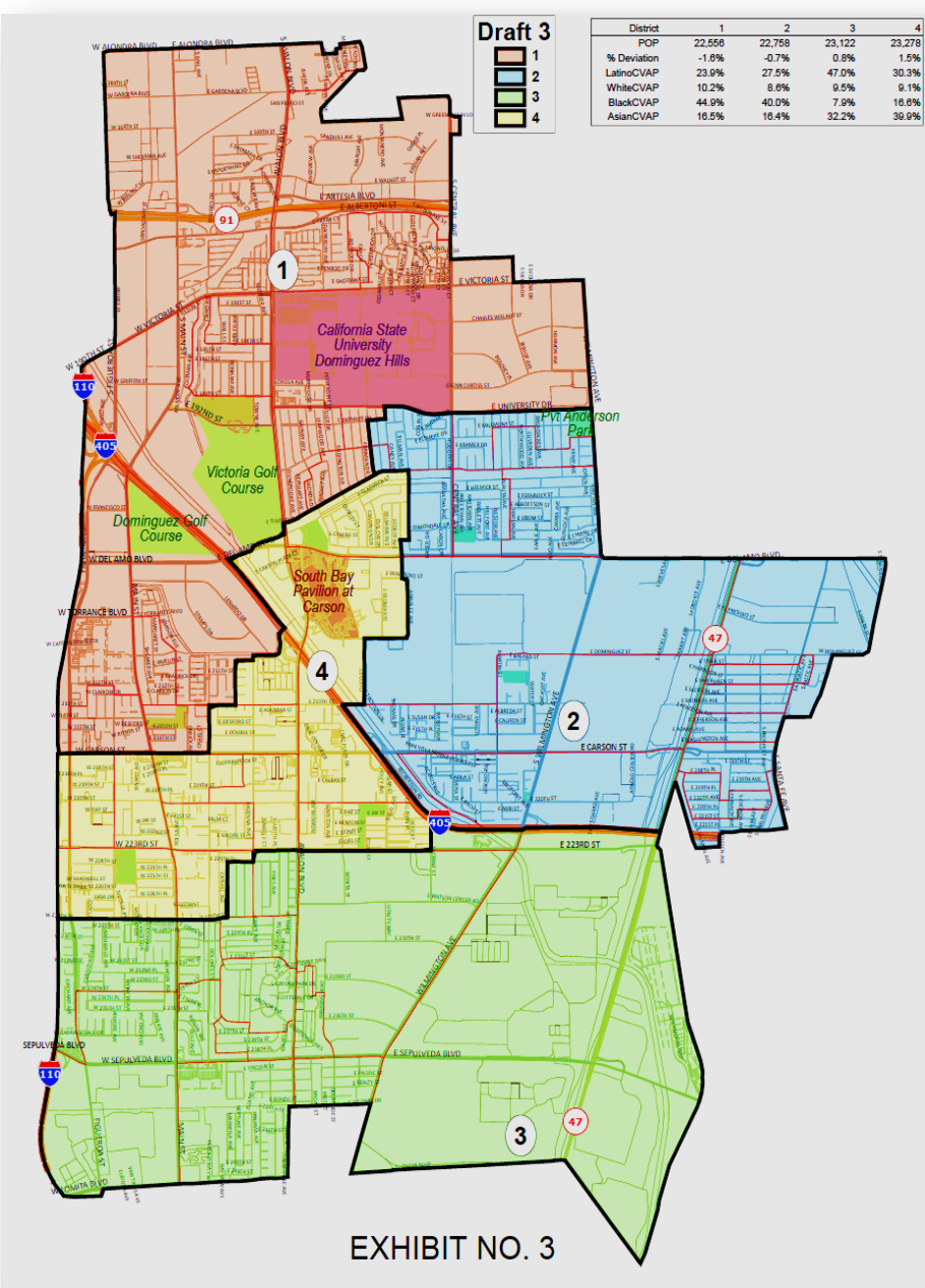
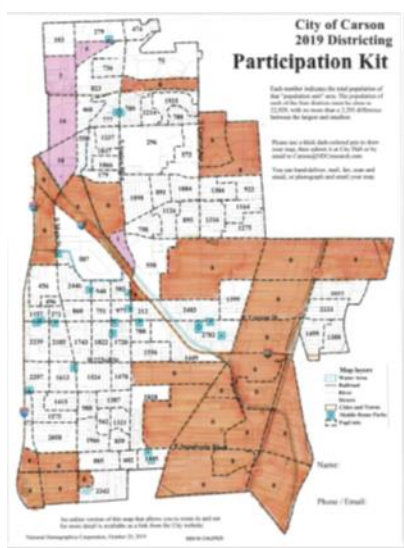
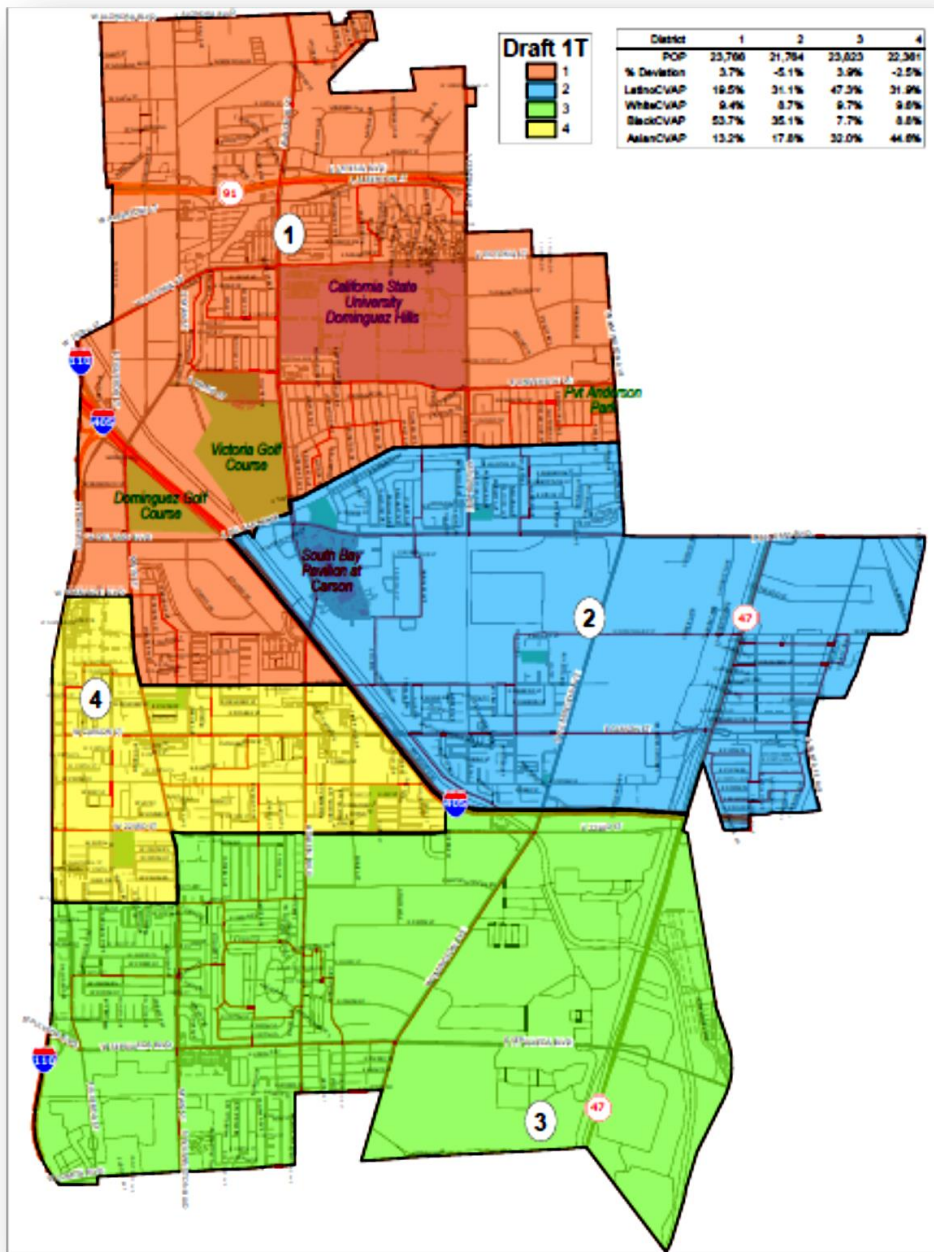
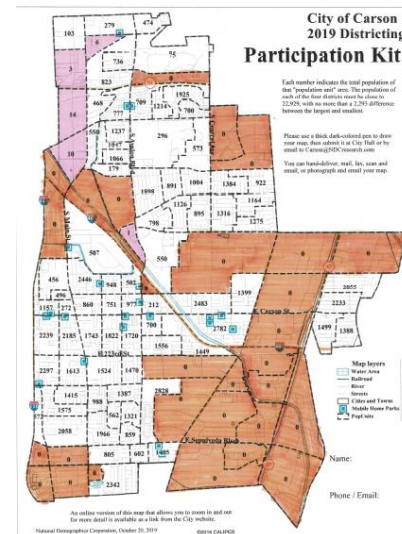


EXHIBIT NO. 3





This district map was created based on Council input, wanting to simplify boundaries and making them all major streets or freeways.

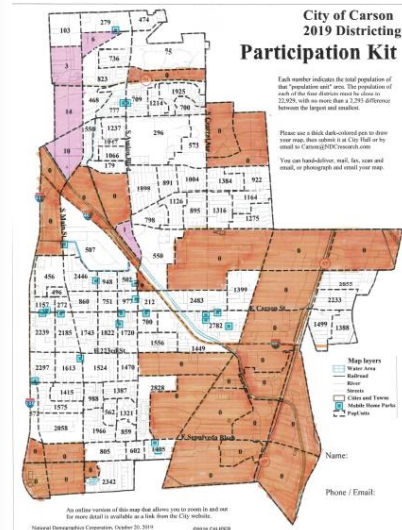
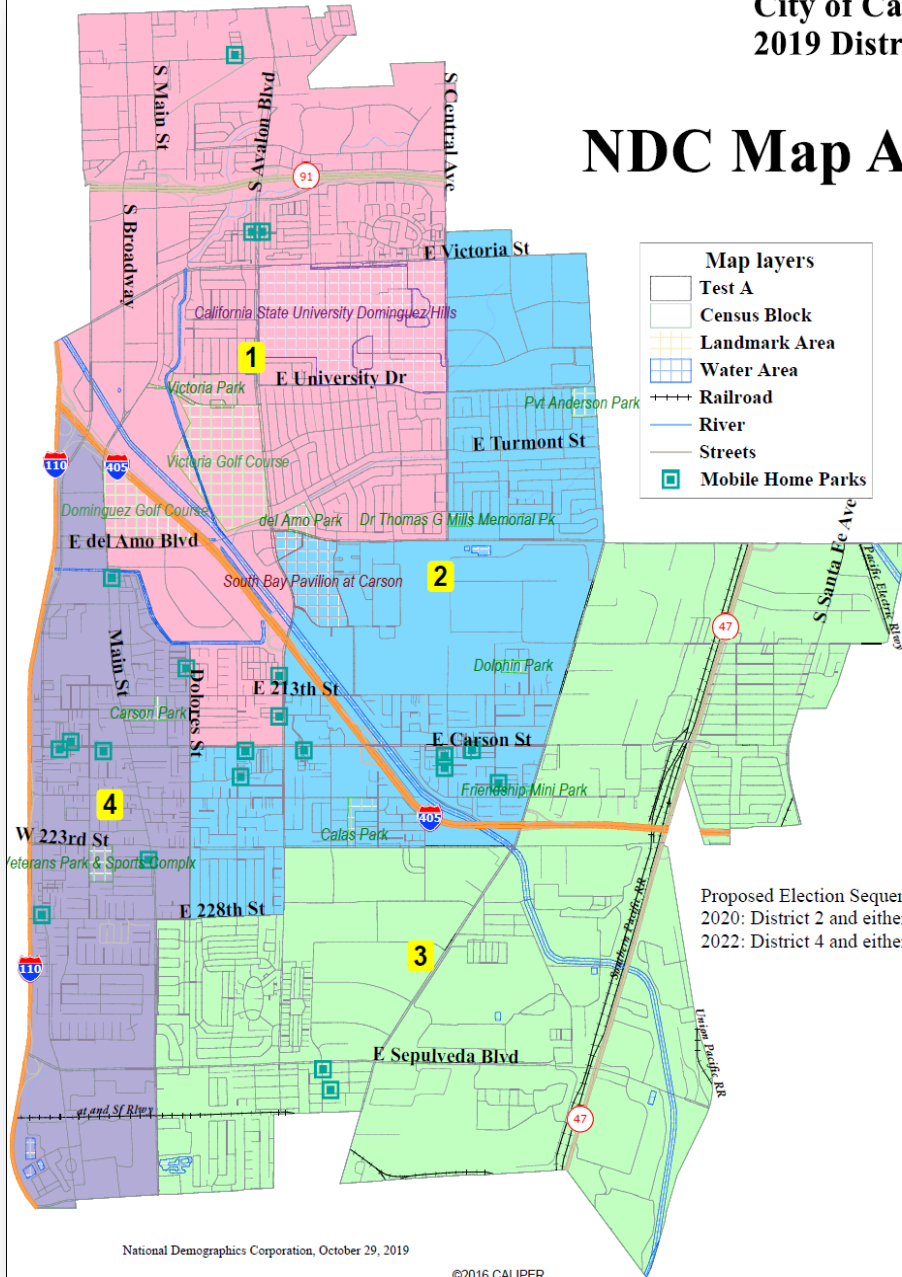


A decorative vertical bar on the left side of the slide, featuring a gradient from dark blue to light orange, with several thin vertical lines and a cluster of five orange circles of varying sizes.

NEW MAPS FROM NDC DEMOGRAPHICS (DOUGLAS JOHNSON)

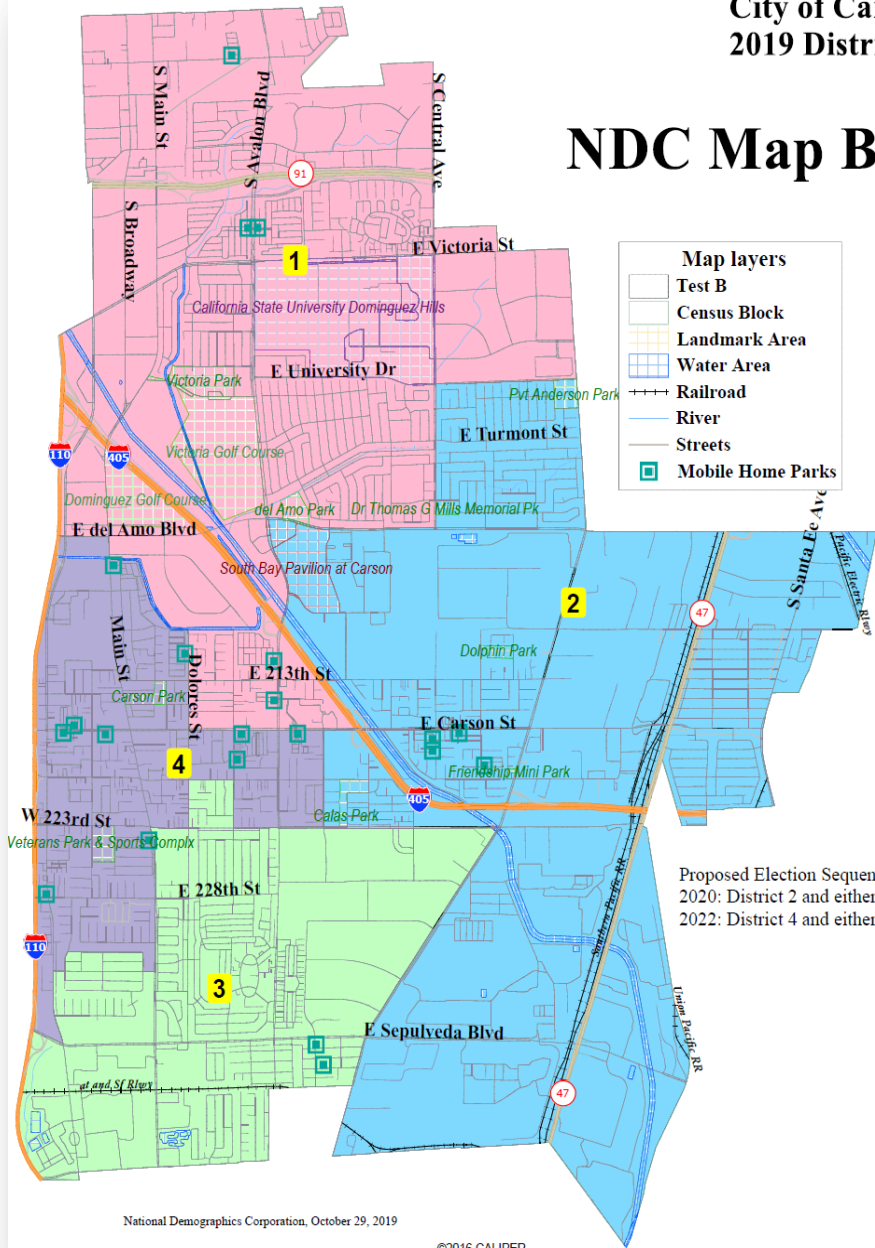
City of Carson
2019 Districting

NDC Map A



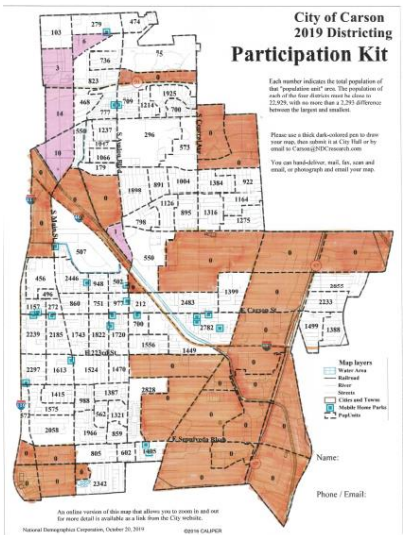
City of Carson 2019 Districting

NDC Map B



- Map layers**
- Test B
 - Census Block
 - Landmark Area
 - Water Area
 - Railroad
 - River
 - Streets
 - Mobile Home Parks

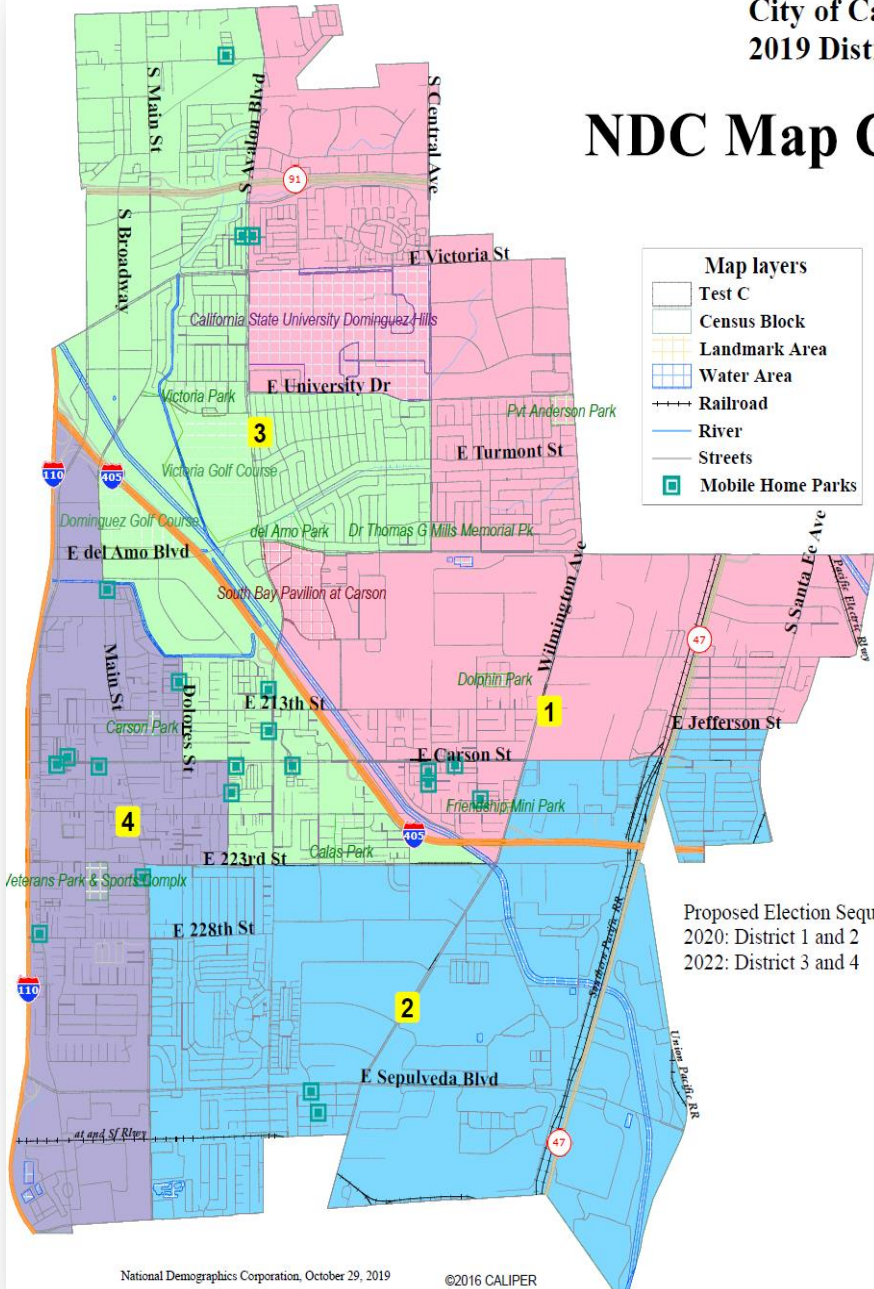
Proposed Election Sequence:
 2020: District 2 and either 1 or 3
 2022: District 4 and either 1 or 3



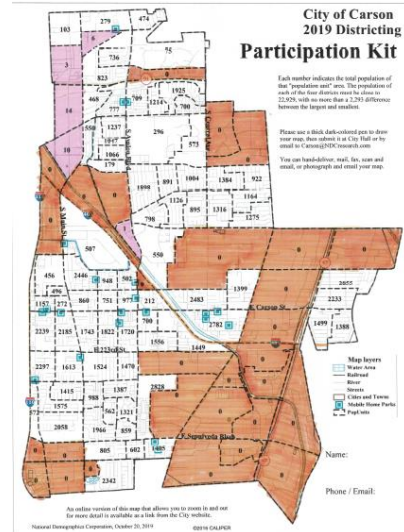
City of Carson
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NDC Map C

- Map layers**
- Test C
 - Census Block
 - Landmark Area
 - Water Area
 - Railroad
 - River
 - Streets
 - Mobile Home Parks

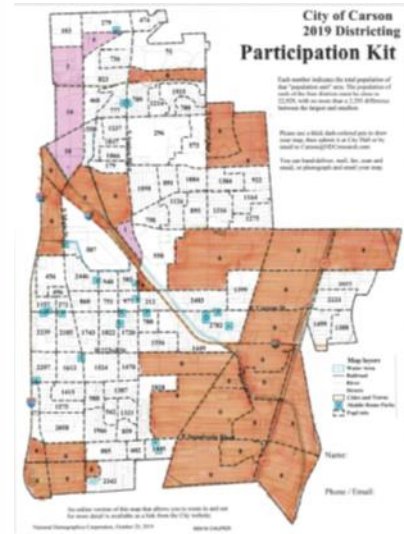
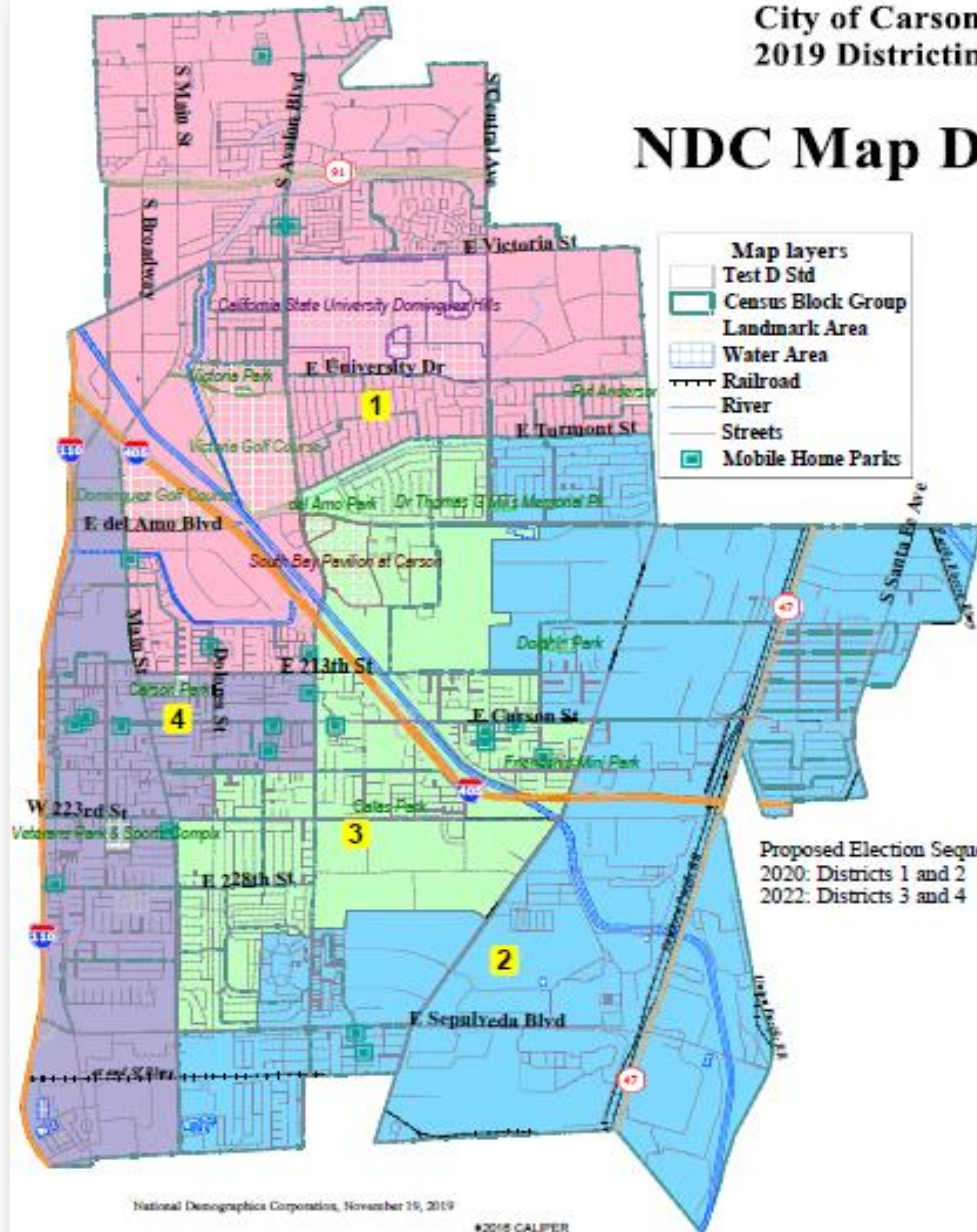


Proposed Election Sequence:
2020: District 1 and 2
2022: District 3 and 4



City of Carson
2019 Districting

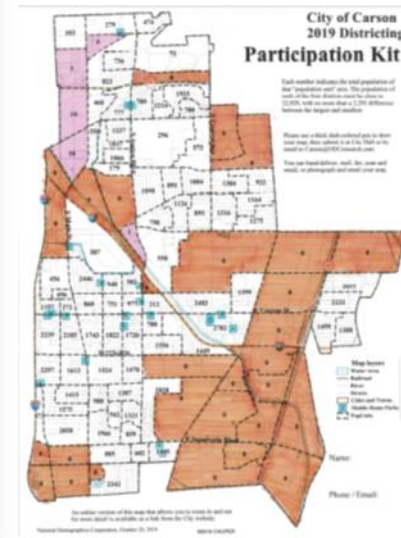
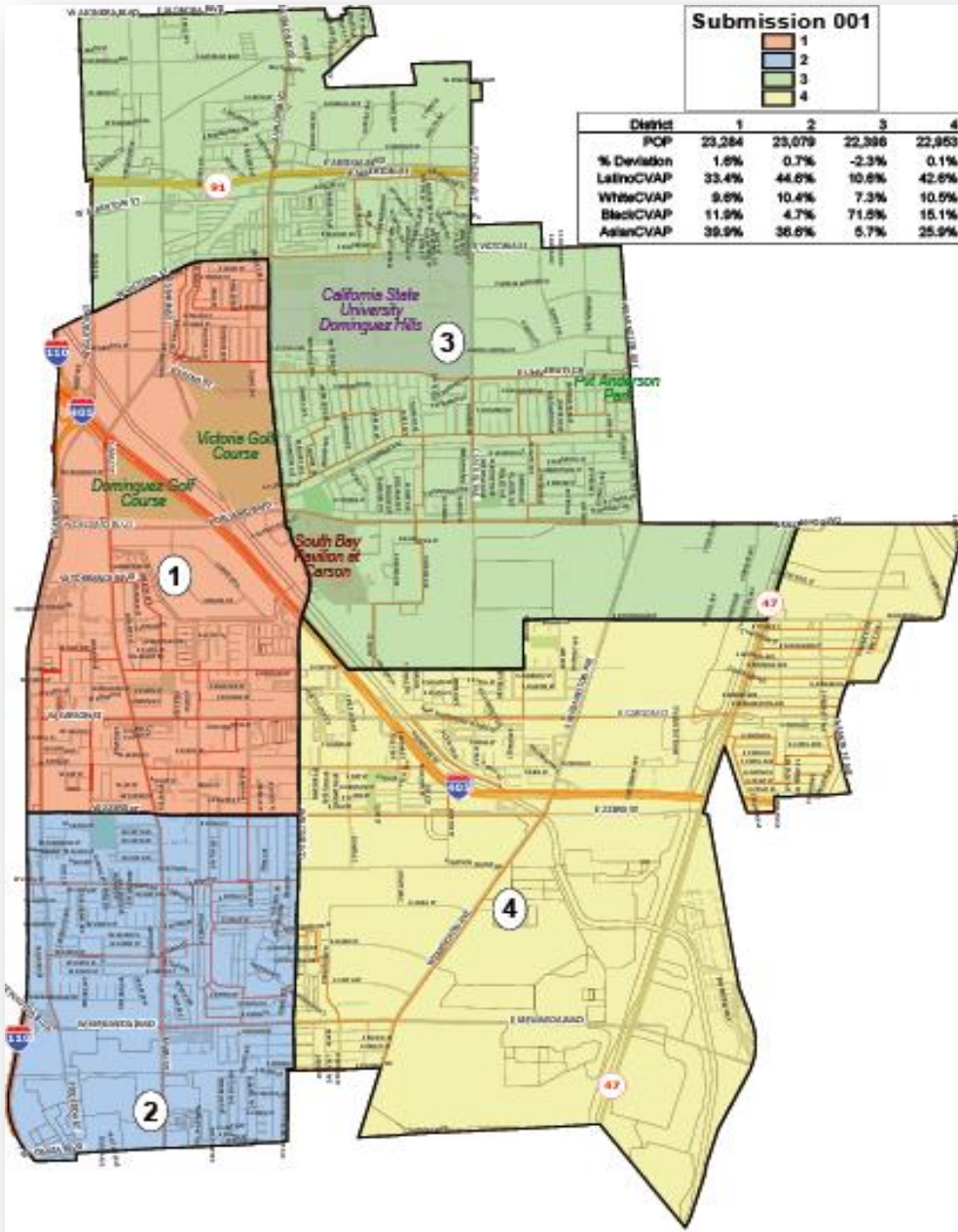
NDC Map D



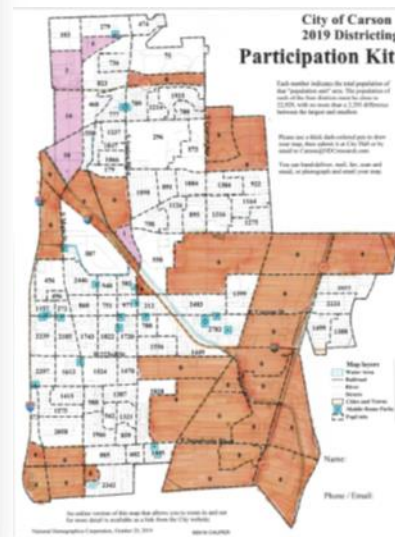
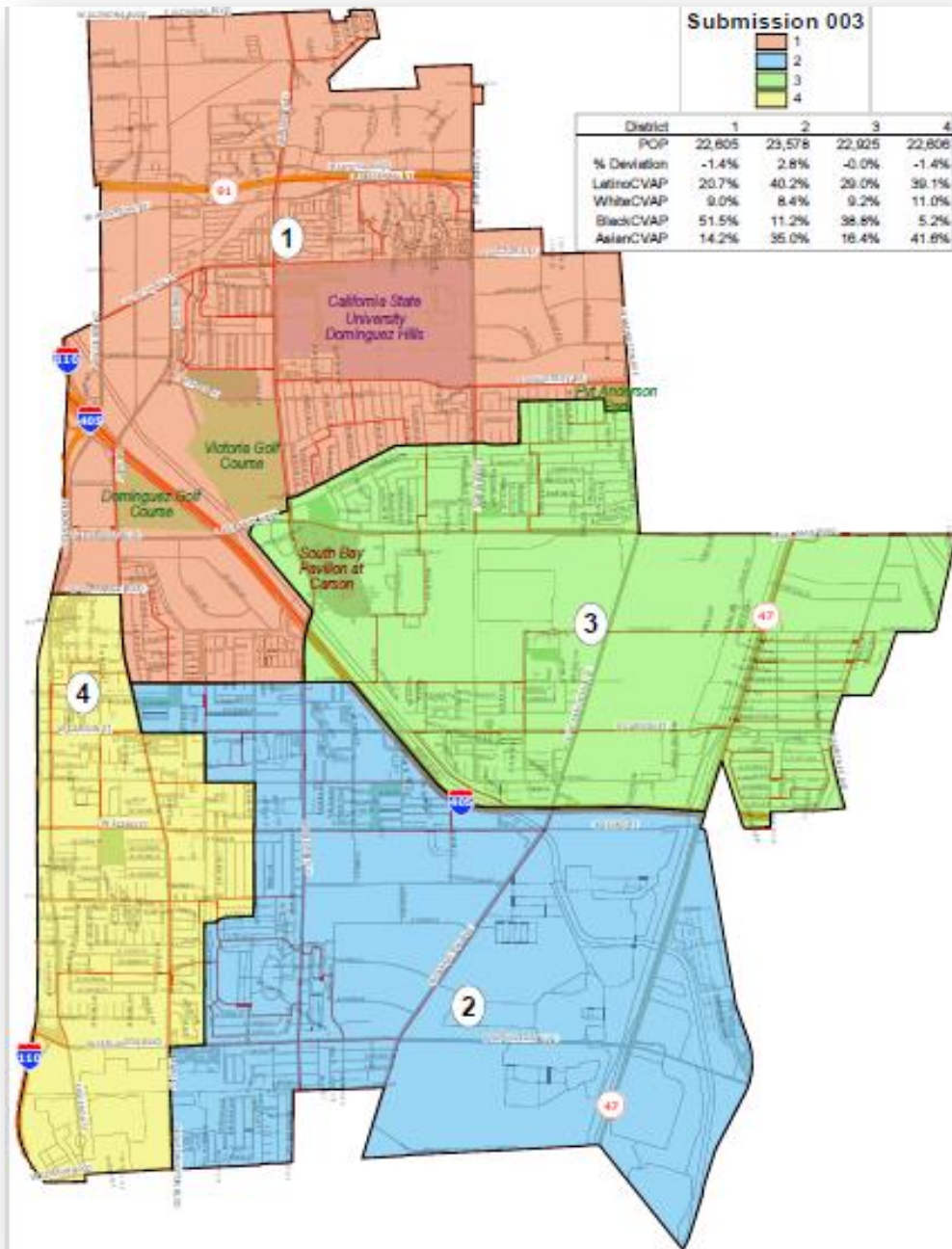
The left side of the slide features a vertical stack of decorative elements. From top to bottom, there is a thin light blue line, a thin light grey line, a thin light orange line, a thin white line, a thin light blue line, a thin light grey line, a thin light orange line, and a thin white line. Below these lines are several orange circles of varying sizes, arranged in a descending pattern from top-left to bottom-right. The largest circle is at the top left, followed by a medium circle, a small circle, and another medium circle at the bottom.

SOME OF THE PUBLIC SUBMISSIONS

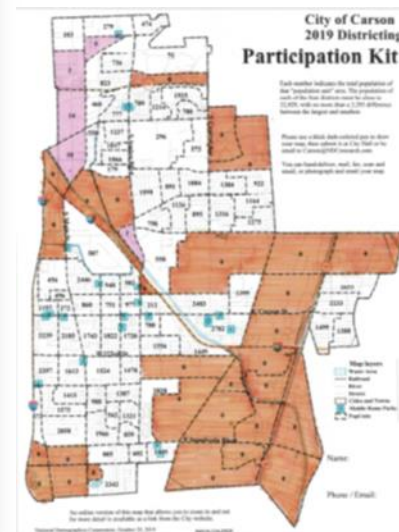
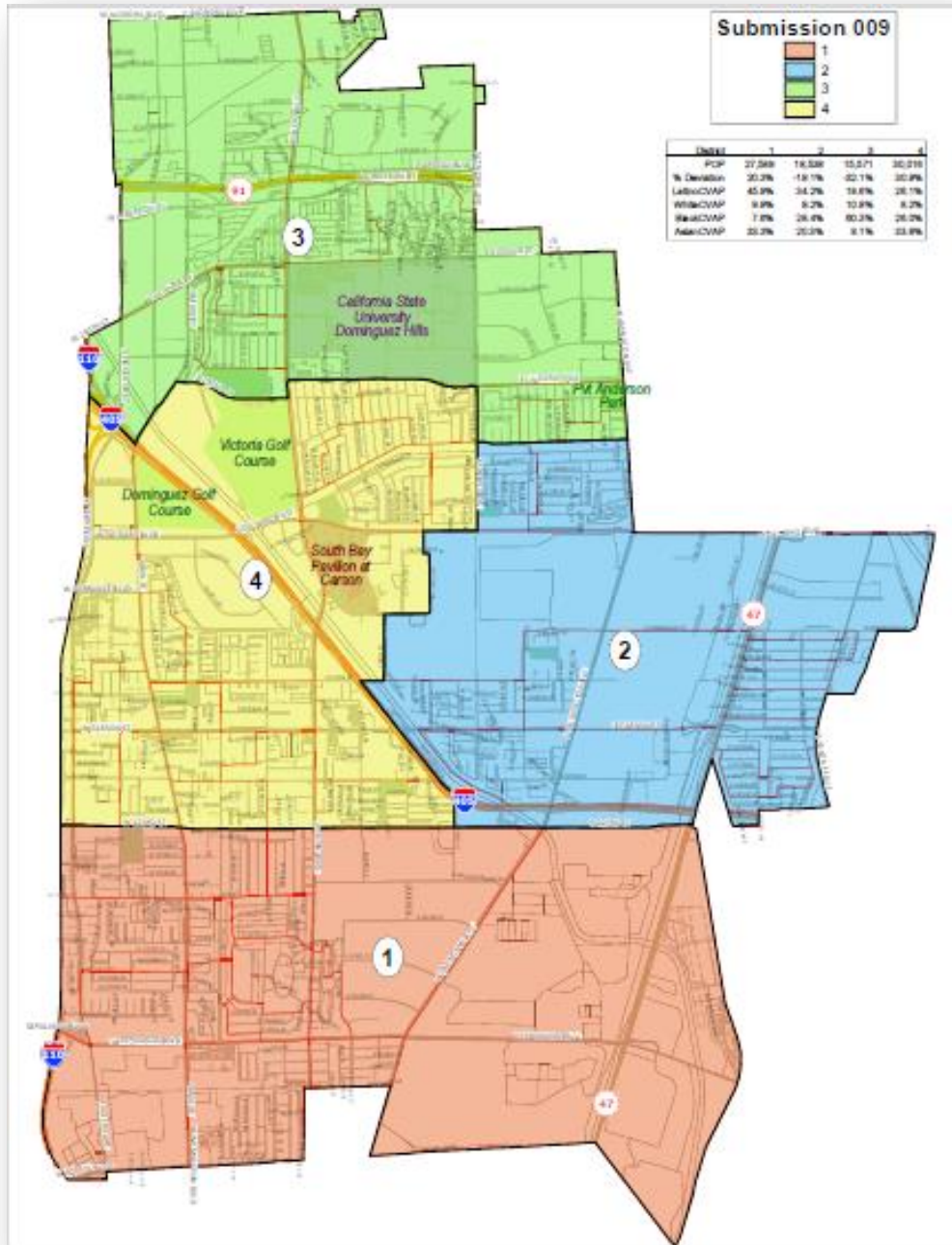
Public Submission 001



Public Submission 003



Public Submission 009





WAYS TO PARTICIPATE

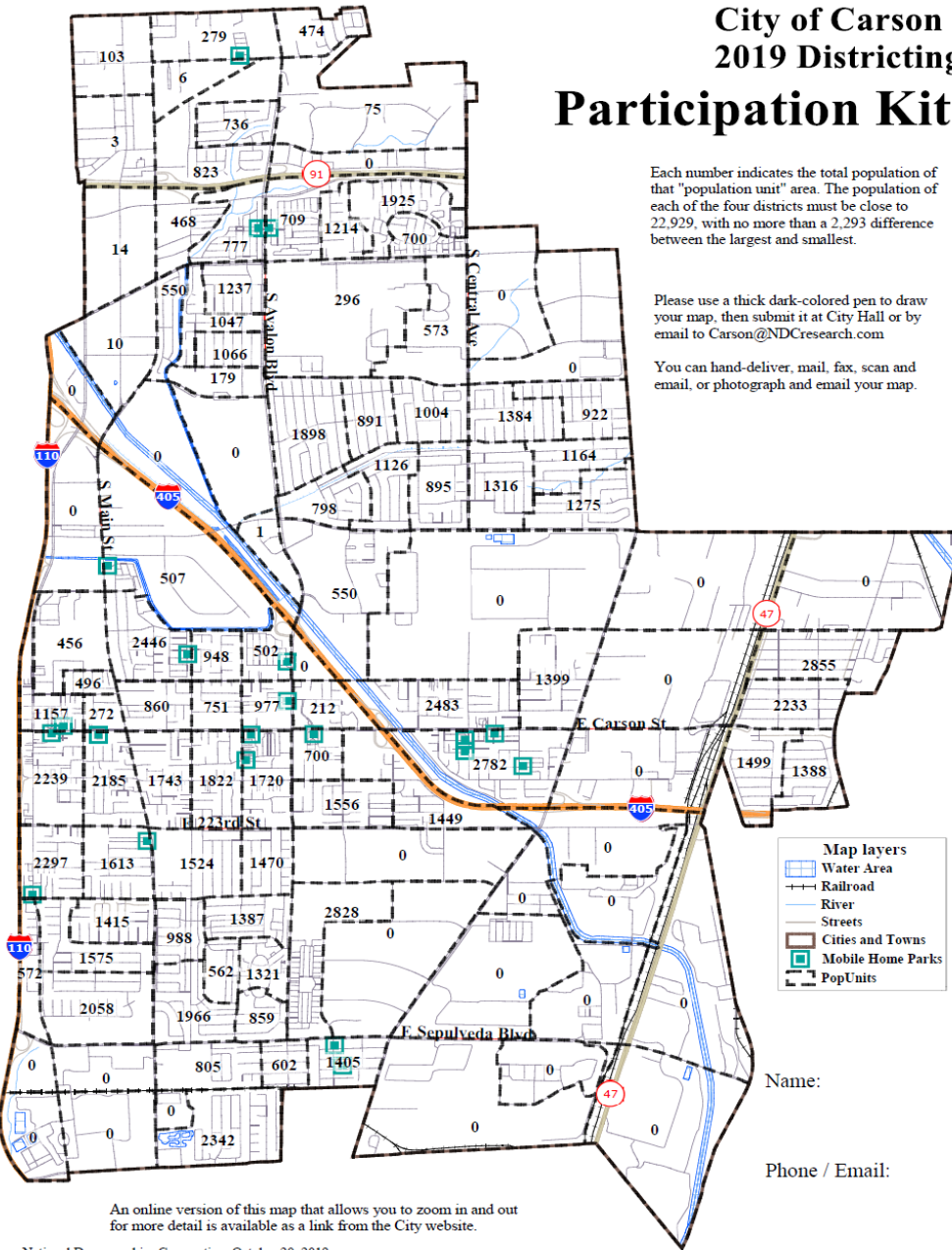
Understanding the Participation Kit and the public's role in upcoming public hearings.

City of Carson 2019 Districting Participation Kit

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Name: _____

Phone / Email: _____

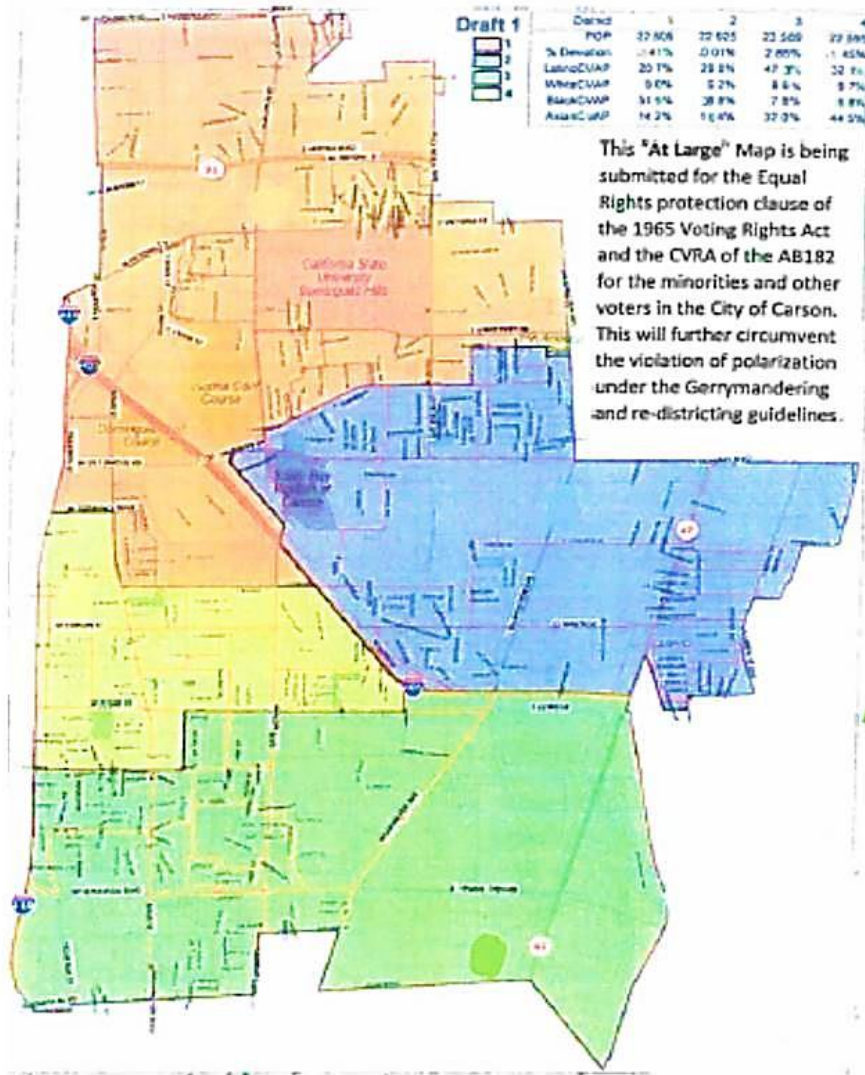
An online version of this map that allows you to zoom in and out for more detail is available as a link from the City website.

WAYS TO PARTICIPATE

The City has had a Participation Kit on its website since July, and to date more than a dozen “alternative” maps have been produced by members of the public. This is the map from the “One Page” Participation Kit created by NDC Demographics.



AT LARGE MAP FOR THE CITY OF CARSON



OTHER WAYS THE PUBLIC HAS BEEN INVOLVED

More than 40 members of the community submitted this "At Large" map as their recommendation for Carson. While it is not considered as one of the "District Maps," it is part of the public record in all the public hearings held. The same is true of letters and testimony.



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