

**Committee of the Proposed City Charter**  
**By: Lum Fobi, Deputy City Attorney**  
**Date: June 4, 2018, amended June 7, 2018**

## **COUNCIL DISTRICTS**

The system of electing the city council in an at-large election or by or from districts, is a municipal affair that the proposed city charter may expressly control. The Committee has requested information in regards to establishing council districts.

In an at-large election, voters may vote for any candidate on the ballot. Pursuant to state law, a system of electing the city council by or from districts must be established by an ordinance of the city council or a citizen initiative. (Gov. Code § 34871.) A municipal or special election may be held “by districts” or “from districts” in four, six, or eight districts, with the mayor elected at-large. An election “by districts” means that the members of the city council are elected by voters from the district represented by that member alone. A election “from districts” means that the members of the city council are residents of the district represented by are elected by the voters of the entire city. A city charter may establish a structure for the election of council members at-large without regard to where in the city they reside or by geographic district.

General law and charter cities with at-large electoral systems have been challenged under the federal and state voting rights acts (FVRA - 52 USC § 10301(b); CVRA - Cal. Elec. Code § 14025 *et seq.*) on the premise that the at-large systems dilutes minority voting strength. This may be based on a minority group being sufficiently larger and geographically compact to constitute a majority in a single-member district; a minority group being politically cohesive; and/or a majority group that votes as a bloc to enable preferred minority group candidates. An at-large election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or abridgment of the rights of voters who are members of the protected class.

On the other hand, election of council members by district, raises equal protection issues under the 14<sup>th</sup> Amendment to the US Constitution and the Federal Voting Rights Act. The 14<sup>th</sup> Amendment can be violated when districts are not reasonably equal in population or through gerrymandering. The FVRA can be violated by packing minority voters into districts in excess of the number needed to elect a candidate or choice or dividing their numbers among districts to dilute their voting strength.

Upon adoption of district-based election system by the provisions of an adopted city charter, the Council will, with public input, prepare a draft map that describes the boundaries and numbers of the districts, and hold public hearings at which the public is invited to provide input regarding the content of the draft map and the sequence of elections for the staggered terms of office, pursuant to Elec. Code § 10010.