

CITY OF SANTA CLARA

MEASURE C

DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to elect city council members by district, excepting the mayor, as follows: for the 2020 election to establish six districts for the election of one council member to represent each district; and, beginning in 2022 to establish three districts for the election of two council members to represent each district; and to require an independent redistricting committee?

YES
NO

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C

If approved by the voters on March 3, 2020, this ballot measure would amend existing Santa Clara City Charter Sections 600 and 700.1, and add a new Section 700.2, to establish a by-district election system for the election of Council Members. Voters could vote only for the candidates running in the Council District in which they reside. The Mayor, City Clerk and Chief of Police would continue to be elected at-large.

After a trial under the California Voting Rights Act, the Santa Clara County Superior Court entered a judgment requiring the City to hold single-member district elections under a court-ordered six-district map for both the 2018 and 2020 elections. The City of Santa Clara's Charter currently provides for the voters to elect Council Members from the entire City at-large. Each candidate must designate which numbered seat they are running for. If approved, the ballot measure would amend the City Charter to require that the 2020 election be held for the four open Council offices in Districts 1, 4, 5 and 6 appearing on the court-ordered six-district map.

The charter amendment would further require that after the 2020 United States census the Council would appoint an independent districting committee to draw district boundaries to create three Council Districts that would each be represented by two Council Members.

The charter amendment also contains a transition plan to ensure that all voters are able to elect one Council Member in each election. The transition plan would operate as follows:

- In the November 8, 2022 election, the voters in the two Council Districts where there is one open seat would each elect one Council Member to a 4-year term.
- In the November 5, 2024 election, the voters of the two Council Districts where there is one open seat would each elect a Council Member to a 4-year term, and the voters of the Council District that has two open seats would elect two Council Members: one for a 4-year term and one for a 2-year term. The candidate who receives the most votes in that District would be elected for the 4-year term; and the candidate who receives the second most votes would be elected for the 2-year term.
- Beginning with the 2026 election, and each election thereafter, each Council Member would serve a 4-year term.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE C-Continued

If approved, the ballot measure would also amend the Charter to require a 30-day residency requirement for all candidates to City elective offices, such that a candidate would have to show that he or she has resided in the City, and in the case of Council candidates in the District, for at least 30 days prior to the last date to file for the candidacy.

A "Yes" vote would establish Council district elections in the City Charter. There would be three districts with two council members elected by the voters in each district.

A "No" vote would leave in place the existing City Charter provisions, requiring that all City Council Members be elected at-large by seat number.

Brian Doyle
City Attorney

COMPLETE TEXT OF MEASURE C

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any the~~ elective office in the City including of Mayor, City Council, or Chief of the Police Department and or City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member, excepting the Mayor, unless he or she is a qualified registered elector of the City and a resident in the district represented by the Council Member office.

In order to hold the elective office of Mayor, Chief of the Police Department or City Clerk a person must have been a resident of the City of Santa Clara for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

In order to hold the elective office of Council Member, excepting the Mayor, a person must have been a resident of the City of Santa Clara and of the District represented by the person as a Council Member for at least thirty (30) days immediately preceding the last day specified by law for the filing of nomination papers with the City Clerk for such office or, if appointed, preceding the date of the person's appointment to fill a vacancy.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. ~~The members of the City Council, (which includes the office of the Mayor)~~ and the Chief of the Police Department and the City Clerk shall be elected from the City at large at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term shall serve a term of four years and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council office ~~seat~~ at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as

COMPLETE TEXT OF MEASURE C-Continued

otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any ~~numbered~~ Council office ~~seat~~ other than the one which he or she holds.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

~~Sec. 700.1 Elections—Designation of seats.~~

~~For purposes of City Council elections, each Council office shall be designated by an appropriate descriptive designation, as follows: The Council seat which on the effective date of this Section is occupied by the Mayor shall continue to be designated as "Mayor"; each of the other six seats, respectively, shall be designated as "Council Member Seat No. 2," "Council Member Seat No. 3," "Council Member Seat No. 4," "Council Member Seat No. 5," "Council Member Seat No. 6" and "Council Member Seat No. 7" respectively, and shall continue to be designated by the respective designation. The designation so given to each such office shall thereafter be used in all election, nomination papers, certificates of election, and other election papers pertaining or referring to such office, and to designate incumbency in such office.~~

Sec. 700.1 Elections—City Council Districts.

Members of the City Council, excepting the Mayor, shall be elected by district.

For the election to be held in November 2020, there shall be 6 (six) districts as such districts are designated on that certain map adopted by judgment of the Superior Court dated July 24, 2018, as set forth in Resolution No. 18-8585 of the City Council.

For the elections to be held beginning in November 2022 and thereafter, there shall be three districts to be known as District 1, District 2 and District 3, as such districts shall be drawn by an independent redistricting committee following the 2020 United States Census, with elections to be conducted as follows:

- a. Each District shall be represented by two (2) Council Members.
- b. In the election to be held in November 2022 the Council District elections shall be conducted as follows:
 1. the voters of District 1 shall nominate and elect one (1) Council Member for a four-year term; and
 2. the voters of District 2 shall nominate and elect one (1) Council Member for a four-year term.
- c. In the election to be held in November 2024 the Council District elections shall be conducted as follows:
 1. the voters of District 1 shall nominate and elect one (1) Council Member for a four-year term;
 2. the voters of District 2 shall nominate and elect one (1) Council Member for a four-year term; and

COMPLETE TEXT OF MEASURE C-Continued

3. the voters of District 3 shall nominate and elect two (2) Council Members. The candidate who receives the greatest number of votes shall be elected to a four-year term, and the candidate who receives the second greatest number of votes shall be elected to a two-year term.
- d. In the election to be held in November 2026 and in each Council District election held thereafter, the voters of each District shall nominate and elect one (1) Council Member for a four-year term.

Section 700.2 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.2 Elections: Designation of Seats. Establishment of Independent Redistricting Committee

The City Council shall enact an ordinance to establish an independent redistricting committee in accordance with Elections Code Sections 23001 and 23003 to make changes to the City Council District boundaries.

Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

ARGUMENT IN FAVOR OF MEASURE C

We're proud that our elections have always been clean and open to all types of candidates. Now we can improve our system with a plan created by Santa Clarans for Santa Clarans.

We strongly urge you to support a new proposal for three council districts. It's superior to the current six-district plan imposed upon our city.

In 2018, Santa Clara was sued by a group that argued we had a history of racially polarized voting. A judge agreed and created six council districts.

We disagreed. The City--on behalf of all Santa Clarans--is appealing the ruling. Furthermore, we strongly believe that Santa Clara residents should determine what's best for Santa Clara.

This year, a diverse group of Santa Clarans on the Charter Review Committee convened to identify the best plan. The Committee recommended three districts to replace the current system after 2020. The three-district plan ensures that in each election after 2020 all Santa Clara neighborhoods will vote--not just a few.

With three districts, it will be cheaper to run for office. Candidates won't have to communicate across the entire city. Candidates won't need to raise large amounts of money from developers and special interests. Therefore, elections will be more accessible to all people, especially candidates from neighborhoods and ethnic groups that may be underrepresented.

It's fair representation for all. With three districts, every Santa Claran will be represented by two Councilmembers, not just one.

So, if one representative can't find time to help a resident, another could. Finally, this three-district plan preserves the right of Santa Clara voters to directly elect our Mayor now and in the future. Other proposals sought to eliminate this power.

We strongly urge you to support the plan created by Santa Clarans for Santa Clarans.

Lisa M. Gillmor
Mayor, City of Santa Clara

Teresa O'Neill
Santa Clara City Councilmember

Kathy Watanabe
Santa Clara City Councilmember

Kathy Almazol
Charter Review Committee Member, Educator

Richard Wang
Northside Resident, Small Business Owner

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE C

Santa Clara currently elects six Councilmembers in six districts, giving our community true neighborhood representation. Measure C reduces six districts to just three. Voters rejected a similar two-district scheme in 2018. Measure C was crafted by a narrow council majority desperate to retain political control. Voters said NO once and should say NO again on Measure C.

State law and California courts demand fair neighborhood elections—one seat for one district. Makes sense. Candidates can campaign with smaller budgets and grassroots efforts, protecting our city from special interests and outside money influences.

Six Council districts (keeping the city-wide elected mayor) equalizes political power more effectively than three, which concentrates it unfairly. Vote NO.

No city has ever successfully defied California's voting laws in court. Courts consistently uphold 6 districts for 6 council seats—it's critical to fair elections. Taxpayers have already spent \$4 million fighting district elections, and the city lost. Measure C could subject us to another expensive lawsuit, wasting city resources much better used for fire, police, parks, libraries and city services.

Voters' rights are advanced by six district elections. Maintaining six districts avoids costly lawsuits, encourages campaigns without big money influence, reflects the diversity of our community in council elections, and improves communication to residents—all important reasons to keep six districts. Vote NO on Measure C.

Please protect our community, our city services, taxpayers' dollars, and all of our residents. VOTE NO ON MEASURE C.

Raj Chahal
Councilmember, City of Santa Clara

Paul Fong
Former State Assembly Member

Jeannie MahanVisger
Retired Educator

Kevin Park
Santa Clara Resident

Sudhanshu Jain
Chair, Charter Review Committee

ARGUMENT AGAINST MEASURE C

Santa Clarans already voted NO on a **two-district election plan** in 2018, a failed attempt to avoid a Voters' Rights lawsuit.

We urge you to say **NO again on Measure C another flawed scheme to defeat voters' rights.**

Measure C is a repackaged plan denying residents real district elections and keeping political power in the hands of a few.

Measure C creates three districts for 6 seats. In 2018, it was two districts for 6 seats—voters rejected that plan. We trust voters will reject **Measure C as another unfair plan.**

Santa Clara County Superior Court ordered Santa Clara to have one Council district with one Councilmember. Simple—six districts, six representatives. **Measure C isn't a district election plan that Courts will accept. Vote No.**

Under Court order, six districts were used in 2018. Newly elected Councilmembers were from different neighborhoods, were ethnically and gender diverse. It worked.

Don't go back to the old way of having a few neighborhoods control what happens in our city. Measure C will NOT safeguard voters' rights and will **result in another expensive lawsuit.** It will cost taxpayers millions more, above the **\$3.3 million we have been ordered to pay.** Those funds should go to public safety, parks, and road repairs, not lawyers.

Keeping our six-district system beyond 2020 will result in diversity of opinions, backgrounds, and neighborhoods on our Council. It means less costs to run for office, less influence from special interests, Councilmembers who care about our community, and distribution of political power for all residents.

Thousands voted against 2018's deficient plan. Please join the thousands who will vote against this repackaged plan. **No on Measure C.**

We urge **No on Measure C.** It's expensive, defies Voters' Rights, and is just plain wrong. Thank you.

Patricia Mahan
Vice Mayor, City of Santa Clara

Karen Hardy
Councilmember, City of Santa Clara

Jethroe Moore, II
Rev., President, San Jose/Silicon Valley NAACP

Evan Low
California State Assemblymember, District 28

Anna Song
Governing Board Member, Santa Clara County Board of Education

REBUTTAL TO ARGUMENT AGAINST MEASURE C

We believe residents should determine Santa Clara's future—not outsiders, judges, or lawsuits. That's why we ask you to support a three-district plan.

A yes vote will:

- Approve a plan written by Santa Clarans for Santa Clarans.
- Allow voters to select council candidates in each election.
- **Retain our directly elected mayor.**
- Give neighborhoods more representation—two councilmembers to help residents instead of one who may be unwilling or unavailable.
- Create districts so candidates don't have to run citywide, reducing the need for developer and special-interest money.

"A 'No' vote would leave in place the existing City Charter provisions, requiring that all City Council Members be elected at-large by seat number."

That's the last line of the City Attorney's legally-required impartial analysis.

So voting no will make Santa Clara vulnerable to another lawsuit from the people who are urging you to vote no.

- **They sued our "at-large by seat number" elections in 2018.**
- **They've asked for millions and charged that we engage in "racially polarized voting."**

The City is fighting this in court on behalf of all Santa Clarans. We believe we'll win.

By voting YES, you can help create a good plan for Santa Clara. It was created by a diverse Charter Review Committee of Santa Clarans.

By voting YES, we can avoid yet another lawsuit by the opposition who is urging you to vote no.

Karl Watanabe
Trustee, West Valley-Mission Community College District

Louis Samara
Santa Clara Cultural Commissioner

Steve Silva
Charter Review Committee Member

Richard Bonito
Charter Review Committee Member

John Chung
Santa Clara Sister Cities Board Member