CITY OF SANTA CLARA
MEASURE D

DISTRICT COUNCIL ELECTIONS. Shall the City Charter be amended to elect city council members by district, excepting the mayor, to establish six districts for the election of one council member to represent each district; and to establish a 30-day residency requirement for all elected officials?

YES
NO

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D

In December 2017, the City of Santa Clara was named as a defendant in the matter of *Yumori-Kaku, et al. v. City of Santa Clara* (case no. 17CV319862). The Plaintiffs alleged that the City's at-large method of electing its City Council Members violated the California Voting Rights Act. In June and July 2018, the Santa Clara County Superior Court issued a judgement in favor of the Plaintiffs, and ordered the City to transition to a "by-district" method of electing its City Council Members, with the Mayor continuing to be elected "at-large." This decision was upheld by the Sixth District Court of Appeal in December 2020. Meanwhile, the 2018 and 2020 elections for the position of Council Member were conducted in accordance with the Court's Judgment, with members elected from all six districts.

During this time period, the City's Charter was not amended to reflect the "by-district" method of Council Member election. Therefore, in April 2021, the City and the Plaintiffs entered into a settlement agreement which included a requirement that the City Council place a measure on the ballot to seek voter approval of an amendment to the City Charter that comports with the terms of the Court's Judgment. Measure D proposes the following changes to the City Charter:

1. Section 600: Candidates for the position of Council Member must reside in the district represented by the office they seek to fill for at least thirty days prior to their filing of nomination papers.
2. Section 700.1: Establishes six single-member districts, with a district map previously adopted by the City Council and periodically amended by a redistricting process following each decennial Census. Order of election for the six districts shall be District 2 and 3 in 2022 (and periodic elections thereafter), and Districts 1, 4, 5 and 6 in 2024 (and periodic elections thereafter).
3. Section 700.2: Incumbent Council Members shall complete the remainder of their elected terms after a redistricting process.

The proposed changes to the City Charter fulfill the requirements of the Court's Judgment and the Settlement Agreement with the Plaintiffs in the *Yumori-Kaku* litigation. In the event the voters do not approve this Measure, the Settlement Agreement allows the Plaintiffs to seek further Court Order(s) to continue the six single-member district election process for future Council Member elections.

A "Yes" vote approves of the proposed changes to the City Charter. The Charter language would then reflect the "by-district" method used to elect the City's Council Members.

A "No" vote disapproves of the proposed changes to the City Charter. The current Charter language describing an "at-large" election system would remain in place.

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE D-Continued

The above statement is an impartial analysis of Measure D. The full text of the measure is available at www.santaclaraca.gov or by calling the City Clerk's Office at 408-615-2220, and a copy will be sent to you at no cost.

Sujata Reuter
Office of the City Attorney
City of Santa Clara

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 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 2022 and each election thereafter, 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, as the boundaries of such districts shall be amended through a redistricting process following each decennial United States Census.

Council District elections shall be conducted as follows:

a. Each District shall be represented by one (1) Council Member.

b. In the election to be held in November 2022 and in each Council District election held thereafter the Council District elections shall be conducted as follows:

   1. the voters of District 2 shall nominate and elect one (1) Council Member for a four-year term; and

   2. the voters of District 3 shall nominate and elect one (1) Council Member for a four-year term.

c. In the election to be held in November 2024 and in each Council District election held thereafter 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;

COMPLETE TEXT OF MEASURE D-Continued	ARGUMENT IN FAVOR OF MEASURE D

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COMPLETE TEXT OF MEASURE D-Continued

2. the voters of District 4 shall nominate and elect one (1) Council Member for a four-year term; and

3. the voters of District 5 shall nominate and elect one (1) Council Member for a four-year term.

4. the voters of District 6 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.~~**Election Following Change of 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.

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ARGUMENT IN FAVOR OF MEASURE D

In 2018, Superior Court Judge Thomas Kuhnle ruled in a California Voting Rights Act ("CVRA") lawsuit against the City of Santa Clara that the "at-large" voting system previously used by the City impaired the ability of minorities to elect candidates as result of the dilution and abridgment of their rights as voters. As remediation, the City moved to elect council members in six districts, with the mayor elected at-large. In a unanimous decision in 2020, the State Appellate Court upheld the ruling that allowed the first council member of Asian descent to be elected in the history of the City.

Measure D would update the City Charter to be consistent with the court ruling, protect the city from further litigation, and preserve the quality and diversity of candidates in elected office.

Your YES vote will retain the district system currently in place to ensure that all parts of Santa Clara are fairly represented on city council. In addition to the geographic diversity, the move to districts also enabled minority candidates to have representation proportional to their population in the city.

With Measure D residents of districts will have easier access to council members who live in close proximity to their neighborhoods and understand the local issues.

Having to campaign throughout the entire city gave an inordinate advantage to incumbents and made it harder for new candidates to campaign effectively. Keeping our six-district system will retain diversity of opinions, backgrounds, and neighborhoods as well guard against influence from special interests by keeping campaign costs low.

Vote YES on Measure D for more diverse, locally representative government, council members who care about your community, distribution of political power, and representation for all residents.

Anthony J. Becker
Councilmember, City of Santa Clara

Raj Chahal
Councilmember, City of Santa Clara

Kevin Park
Councilmember, City of Santa Clara

NO ARGUMENT AGAINST MEASURE D WAS SUBMITTED