

Frequently Asked Questions (FAQs) - Moving to Districts

1. Why is the City considering changing the election process?

On October 8, 2019 the City received a [letter from Shenkman & Hughes, PC](#) demanding that the City Council elections transition from the current “at-large” method to by-district” in order to conform to the California Voting Rights Act (CVRA). Mr. Shenkman asserted that the City of Lincoln is in violation of the California Voting Rights Act of 2001 because “racially polarized voting” occurs in the city.

The City Council plans to take advantage of AB 350, California Elections Code 10010, which provides for a short window of opportunity to discuss, invite and receive public input and ultimately decide if the City should adopt a District Based Election Process.

The key provisions of AB 350 affords the City an additional 90 days to comply before a lawsuit can be filed as it is safe harbored from litigation throughout the public hearing and ordinance process.

2. What are the Federal and California Voting Rights Acts?

The Federal Voting Rights Act (FVRA) was adopted in 1965 and is intended to protect the rights of all citizens to participate in the voting process. The CVRA was passed in the California State Legislature in 2001, based on the Legislature’s belief that minorities and other members of protected classes were being denied the opportunity to have representation of their choosing at the local level because of a number of issues associated with at-large elections. Upon a finding of a violation of the CVRA, the act requires that “the court shall implement appropriate remedies, including the imposition of district-based elections that are tailored to remedy the violation.” As such, the default remedy and the clearly identified remedy by the Legislature is district-based elections.

Read about the [FVRA](#) and the [CVRA](#).

3. Have other cities encountered this? What did they do?

Hundreds of cities, school districts and other local agencies in California have faced similar challenges in recent years. Other cities have voluntarily or been forced to adopt changes to their method of electing City Council members. While some cities have settled claims out of court by agreeing to shift to district elections, others have defended at-large elections through the court system and have incurred significant legal costs because the CVRA gives plaintiffs the right to recover attorney fees.

4. What kind of legal costs can be incurred from a CVRA lawsuit?

Settlements are typically in the six, or even seven, figure range. For example:

- Palmdale: \$4.7 million
- Modesto: \$3 million

- Highland \$1.3 million
- Anaheim \$1.1 million
- Whittier: \$1 million
- Santa Barbara: \$600,000

5. Why haven't cities prevailed in challenging these allegations?

The threshold to establish liability under the California Voting Rights Act (CVRA) is considered low. The Federal Voting Rights Act requires four conditions to be met to prove a city is not in compliance. The CVRA makes it significantly easier to force "by-district" elections by eliminating two of these conditions:

- ~~1. Can the protected class constitute the majority of a district?~~
2. Does the protected class vote as a block?
3. Do the voters who are not in the protected class vote in a block to defeat the preferred candidates of the protected class?
- ~~4. Do the "totality of circumstances" indicate race is a factor in elections?~~

6. What are by district elections?

A by-district election process means voters within a designated Council electoral district elect one City Council member who must also reside in and be a registered voter of that district.

7. What are the Pros and Cons of by district elections?

Pros

- Each geographic area of the city is represented
- Viewpoints that might not be citywide can be represented
- Minority candidates (racial or political) have a better opportunity to be elected
- It will likely cost less to run for City Council since citywide campaigning is not required
- Each voter has a specific Council member to contact for assistance
- Voter's choice is simplified with less candidates to learn about

Cons

- Council members may represent only the interests of their districts, not the whole city
- Candidates may be elected with few votes
- Council members may have divergent views, may conflict with each other
- District lines have to be reviewed and redrawn after each census and significant annexation

- Best qualified candidates may be concentrated in one district
- Depending on staggered terms, not all voters may be voting each election, reducing overall turnout

8. What is the City's current City Council election process?

The City of Lincoln currently elects City Council members through an at-large election process, which means that each voter elects all members of the City Council.

9. What criteria are used to create Council electoral districts?

Many factors may be considered, but population equality is the most important. Other factors include:

- Communities of interest
- Be compact
- Be contiguous
- Have visible (natural and man-made) boundaries
- Include respect for past voter selections
- Plan for future growth

City Council approved a resolution of intent to transition to district elections at their November 12, 2019 City Council meeting, and is in the process of holding five public hearings to take public testimony, suggestions, and allow for community input in developing maps meeting these elements.

10. What are communities of interest?

A community of interest is a neighborhood or community that would benefit from being in the same district because of shared interest, view, or characteristics. Possible community features or boundary definitions include:

- School attendance areas
- Natural neighborhood dividing lines such as roads, hills, or highways
- Areas around parks and other landmarks
- City borders
- Common issues, neighborhood activities or legislative/election concerns
- Shared demographic characteristics, such as:
 - Similar levels of income, education or linguistic isolation;
 - Ancestry (not race or ethnicity)
 - Languages spoken at home
 - Percentage of immigrants
 - Single-family and multi-family housing units

11. What is the timeline for the change?

The districting process timeline is prescribed by the California Election Code 10010.

The City has a 45 day period (from the receipt of the letter dated October 4, 2019) to consider if it desires to transition to election by districts and to adopt a resolution indicating so. Once the City Council adopts a resolution indicating its intent to transition to districts, the City has 90 days to transition. This is a total of 135 days for this process.

12. When will the new districts take effect?

City Council adopted a resolution to intent to transition to election by districts at its November 12, 2019 City Council meeting and the ordinance will need to be adopted by February 10, 2019, and will be effective for the 2020 Election.

Under the safe harbor protection of AB 350, the City Council is tasked with making the decision on the map instead of a judge. Should the City go to litigation and lose, Lincoln residents would not be asked to participate by providing input. The judge would determine our district maps.

13. How will the change to by-districts affect me?

Beginning in 2020, voters will only be able to vote for one City Council candidate who resides in the electoral district in which you live. The current City Councilmembers will continue in office until the expiration of their terms and until their successors are elected and qualified. The first district elections will be held in the November 2020 General Election.

14. Who creates district boundaries?

A professional demographer hired by the City will create proposed district boundaries from input from our residents. Tools are now available on the City's website for the public to draw and submit maps. Residents will be able to provide input on boundaries, suggest criteria for creating boundaries, beyond what is legally required and submit maps. **The deadline to submit a map will be January 2, 2019.** The district process will be transparent and accessible to all residents in the City of Lincoln. Ultimately, the City Council adopts an ordinance establishing district boundaries.

15. How can I participate?

Residents in Lincoln can attend upcoming Public Hearings to learn about next steps in determining the process. If you are unable to attend these meetings, the City of Lincoln is pleased to provide you with live and archived public meetings online at <http://www.lincolncalifornia.gov/city-hall/city-council/council-meeting-agendas-minutes-video>. City Council meetings are also broadcast live on WAVE Channel 18. Additionally, the City's website will be updated as new information becomes available.

Here is the schedule of upcoming public hearings:

Date	Topic
November 12, 2019	City Council Meeting <ul style="list-style-type: none"> • Adopt Resolution of Intention.
December 3, 2019 – 4:00pm	City Council Meeting - Public Hearing #1 <ul style="list-style-type: none"> • Discuss process. • Identify neighborhoods and communities of interest. • Consider criteria for the formation of districts.
December 10, 2019 – 6:00pm	City Council Meeting - Public Hearing #2 <ul style="list-style-type: none"> • Discuss process. • Identify neighborhoods and communities of interest. • Consider criteria for the formation of districts.
January 2, 2020 by 5:00pm	Deadline to submit draft District Maps
January 7, 2020	Preliminary District Maps Released
January 14, 2020 – 6:00pm	City Council Meeting - Public Hearing #3 <ul style="list-style-type: none"> • Receive input on proposed district maps. • Final opportunity to provide direction to modify map options.
January 16, 2020 by 5:00pm	Deadline to submit revised draft District Maps
January 21, 2020	Revised District Maps Released (if needed)
January 28, 2020 – 6:00pm	City Council Meeting - Public Hearing #4 <ul style="list-style-type: none"> • Receive input on proposed district maps. • Selection of final district map. • Introduce ordinance to transition to districts.
February 4, 2020 – 4:00pm	City Council Meeting - Public Hearing #5 <ul style="list-style-type: none"> • Second read and adoption of ordinance to transition to districts.
November 2020	First three districts hold elections
2021	Map redrawn to reflect 2020 Census data
November 2022	Remaining two districts hold elections

16. Where can I learn more?

Contact the Lincoln City Clerk’s Office with any comments or questions by calling (916) 434-2490 or emailing City Clerk Gwen Scanlon at gwen.scanlon@lincolncalifornia.gov.

17. RESOLUTION OF INTENT:

On November 12, 2019, the City Council approved a process to engage the community and gain input on the by-district election sequence and district map development. The City has hired a professional demographer to help create proposed district boundaries. In early December, 2019, the community will have access to ‘public mapping tool kits’ to provide feedback on how districts could be drawn. The City’s hired demographer will draft proposed maps that ensure compliance with the Federal Voting Rights Act and the California Voting Rights Act requirements. The transition schedule envisions City Council adoption of an election sequence

and district map on or before February 11, 2020. The first by-district City Council election would be held in November 2020.

18. What happens if no one wants to run in one of the districts?

The California Elections Code authorizes the City Council to solicit applications from interested parties that reside within the district. The applicants would be considered and finalists would be interviewed by the City Council. A nominee would be appointed to serve on the City Council to represent the district in question. If this situation were to occur specific details, deadlines, and the application process would be vetted and approved by the City Council. The Council can also call for a special election.

19. How many districts will the City have?

After receiving public comment at Public Hearing #1 (December 3, 2019) and Public Hearing #2 (December 10, 2019) and a lengthy discussion, City Council gave direction to move forward with five districts.

20. How can I provide input on districts?

Attend the public hearings at upcoming City Council meetings on January 14 and 28, 2020. There are also map-drawing tools on the City's website, go [here](#), that can be submitted by January 2, 2020 to be considered at the January 14, 2020 public hearing.