



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: July 22, 2014

TO: Mayor and Councilmembers

FROM: Ariel Pierre Calonne, City Attorney

SUBJECT: California Voting Rights Act And District Elections Presentation
From National Demographics Corporation

RECOMMENDATION:

That Council consider a presentation concerning District Elections and the California Voting Rights Act, receive public comment, and provide direction to staff regarding possible Charter amendments.

DISCUSSION:

On May 29, 2014, Council considered District Elections and other voting systems. Council directed staff to retain a demographics consultant to provide further information on District Elections and the California Voting Rights Act.

A presentation from Douglas Johnson of National Demographics Corporation is intended to provide background information to facilitate Council's discussion.

PREPARED BY: Ariel Pierre Calonne, City Attorney

SUBMITTED BY: Ariel Pierre Calonne, City Attorney

APPROVED BY: City Administrator's Office



City of Santa Barbara

California Voting Rights Act Analysis I

7/22/2014

Douglas Johnson, President, NDC

Introduction

Background information on election systems and the Federal and California Voting Rights Acts

1. **“At Large”**

- ❑ Candidates can reside anywhere in the jurisdiction
- ❑ All voters vote for all elected officials
- ❑ Can be “by post” or “top 2/3/4 win”

2. **“From District” or “Residence” Districts**

- ❑ A candidate must reside in the district he/she wishes to represent
- ❑ All voters vote for all elected officials
- ❑ Each district rep is elected individually

3. **“By District”**

- ❑ A candidate must reside in the district he/she wishes to represent
- ❑ Only voters in the given district vote on the person to represent them
- ❑ Voters only vote for a single elected official

4. **Cumulative or limited voting**

Federal Voting Rights Act

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- Gingles v Thornburg tests
 1. Can the protected class constitute the majority of a district?
 2. Does the protected class vote as a bloc?
 3. Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 4. Do the “totality of circumstances” indicate race is a factor in elections?

What does the California VRA Do?

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- Makes it significantly easier for plaintiffs to force jurisdictions into “by-district” election systems
 - ▣ Eliminates two of the US Supreme Court *Gingles* tests
 - ~~1. Can the protected class constitute the majority of a district?~~
 2. Does the protected class vote as a bloc?
 3. Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 - ~~4. Do the “totality of circumstances” indicate race is a factor in elections?~~
 - ▣ Guilt determined only by the presence of racially polarized voting

- While other systems may be defensible, only by-district elections provide a “safe harbor”

Lack of Clarity in CVRA

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- 14027. An at-large method of 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 . . .
- 14028. (a) A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision . . .
 - Does polarization have to “impair the ability . . . to elect,” or not?
- 14028. (b) The occurrence of racially polarized voting shall be determined from examining results of elections in which at least one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the rights and privileges of members of a protected class. . . .
 - Puts focus on elections where “protected class” candidates are running for office.
 - Who counts as a member of the “protected class”?

Tools for Measuring Voter Preferences

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- Homogeneous Precinct Analysis
 - Overwhelmingly-protected class and near-zero protected class precincts
- Ecological Regression
 - Statistical regression analysis comparing precinct by precinct election results relative to the percentage of each precinct comprised of each protected class
- Surveys and Exit Polls
 - Useful but surveys are flawed and exit polls are expensive
- Note: “polarized voting analysis” does not measure prejudice or discrimination: it looks for a difference in preferred candidates, not the reason for the difference.

Ecological Regression

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- ❑ Originally intended to “fill in the blanks” between the homogeneous precincts
- ❑ Different mathematical methods can provide different results
- ❑ Results often are not scientifically significant or otherwise specific enough to give a clear answer
- ❑ Analysis relies on accuracy of often-imprecise data, and on assumptions about voting behavior that we know are almost always incorrect

CVRA Analysis

Level 1 analysis of demographics, election history, and test districts.

Level I CVRA Key Questions

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1. Is there a significant “protected class” population?
2. Have protected class-preferred candidates been elected?
3. Can a majority-protected class district be drawn?

Current Election System

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1. “At Large”
 - ▣ Candidates can reside anywhere in the jurisdiction
 - ▣ All voters vote for all elected officials



CM Francisco, Mayor Pro Tempore Murillo, CM Hotchkiss, Mayor Schneider, CM Rowse, CM Hart, CM Hotchkiss

City Demographics

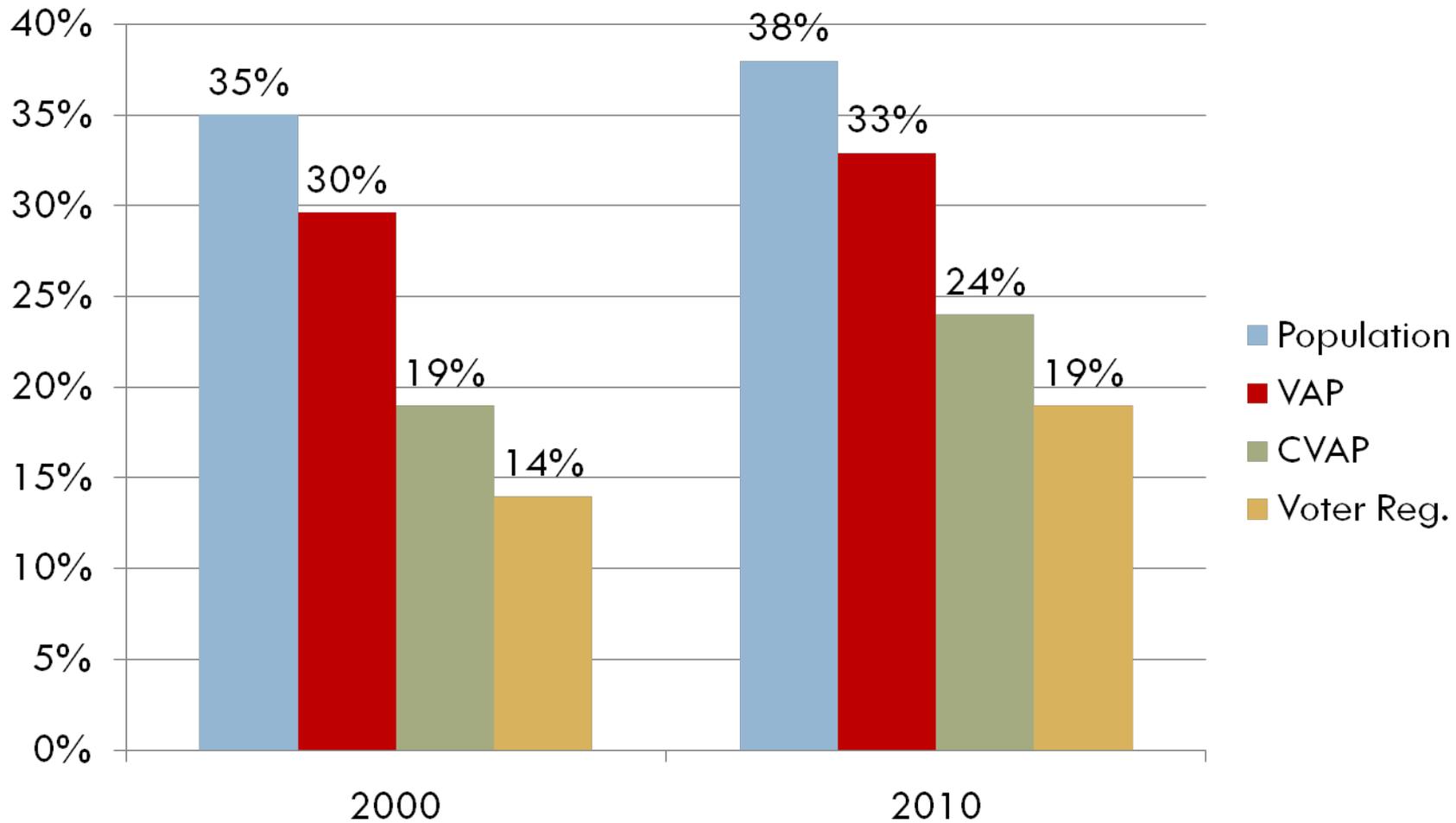
City of Santa Barbara

Race/Ethnic Profile	Count	Percent	ACS Profile	Count	Percent
Population	88,410		ACS Total Population	88,662	
[Hispanic Origin]	33,591	38%	Age 0 - 19	19,431	22%
NH_Wht	48,417	55%	Age 20 - 60	51,338	58%
NH_DOJ_Blkl	1,375	2%	Age 60+	17,893	20%
NH_DOJ_Ind	621	1%	Age 65+	12,842	14%
NH_DOJ_Asn	3,741	4%	Immigrant	21,996	25%
NH_DOJ_Hwn	147	0%	Citizen	7,132	8%
NH_DOJ_Oth	238	0%	Age 5+	83,877	
NH_DOJ_OthMR	280	0%	Speaks English at home	52,045	62%
[18+_Pop]	71,942	81%	Speaks Spanish at home	25,811	31%
[H18+_Pop]	23,678	33%	Speaks an Asian language at home	2,060	2%
[NH18+_Wht]	42,928	60%	Speaks other language at home	3,961	5%
[NH18+_DOJ_Blkl]	1,163	2%	Speaks English only "well" or less	14,342	17%
[NH18+_DOJ_Ind]	538	1%	Age 25+	60,983	
[NH18+_DOJ_Asn]	3,114	4%	Age 25+, no HS degree	9,108	15%
[NH18+_DOJ_Hwn]	127	0%	Age 25+, HS degree (only)	26,142	43%
[NH18+_DOJ_Oth]	176	0%	Age 25+, bachelor degree (only)	14,794	24%
[NH18+_DOJ_OthMR]	218	0%	Age 25+, graduate degree (only)	10,939	18%
st_0812_m2_tot	57,829		Households	34,841	
st_0812_m2_h	13,603	24%	HH Income \$0-25k	6,375	18%
st_0812_m2_nhw	39,966	69%	HH Income \$25-50k	7,334	21%
st_0812_m2_nhb	1,242	2%	HH Income \$50-75k	6,032	17%
st_0812_m2_nhi	261	0%	HH Income \$75-200k	12,010	34%
st_0812_m2_nha	1,655	3%	HH Income \$200k+	3,090	9%
st_0812_m2_nhpi	110	0%	Housing units	38,191	
st_0812_m2_nhoth	883	2%	Vacant	3,350	9%
Nov. 2012 Registration	46,782		Occupied	34,841	91%
Nov. 2012 Latino Reg	9,060	19%	Rented	19,983	57%
Nov. 2012 Asian-Surnamed Reg.	840	2%	Owned	14,858	43%
Nov. 2012 Filipino-Surnamed Reg.	377	1%	Single-Family	22,683	59%
Nov. 2012 total voters	38,067	81%	Multi-Family	15,508	41%
Nov. 2012 Latino voters	6,752	18%			
Nov. 2012 Asian-Surnamed voters	637	2%			
Nov. 2012 Filipino-Surnamed voters	273	1%			

Population Trend

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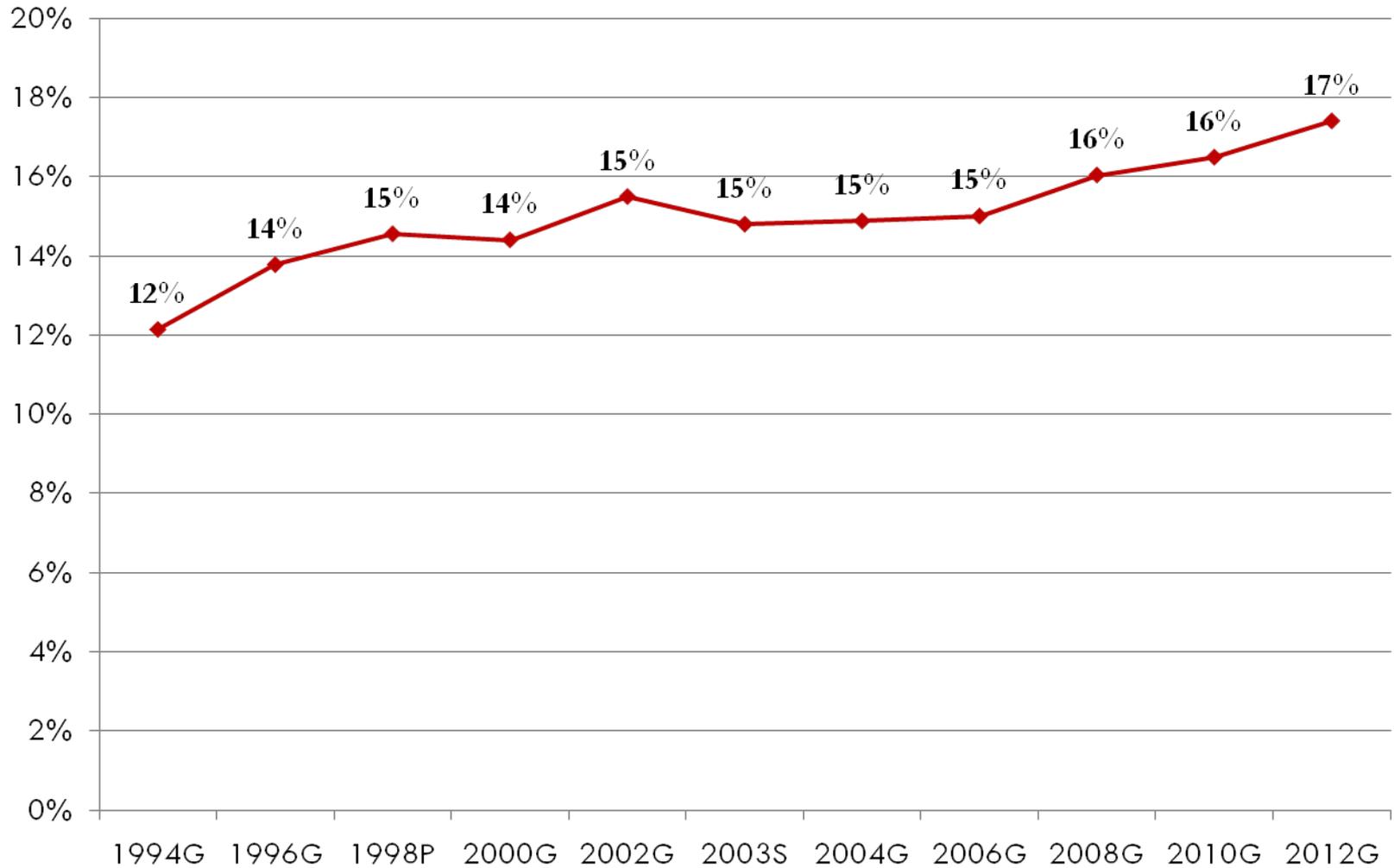
Latinos in Santa Barbara



Registration Trend, 1994 – 2012

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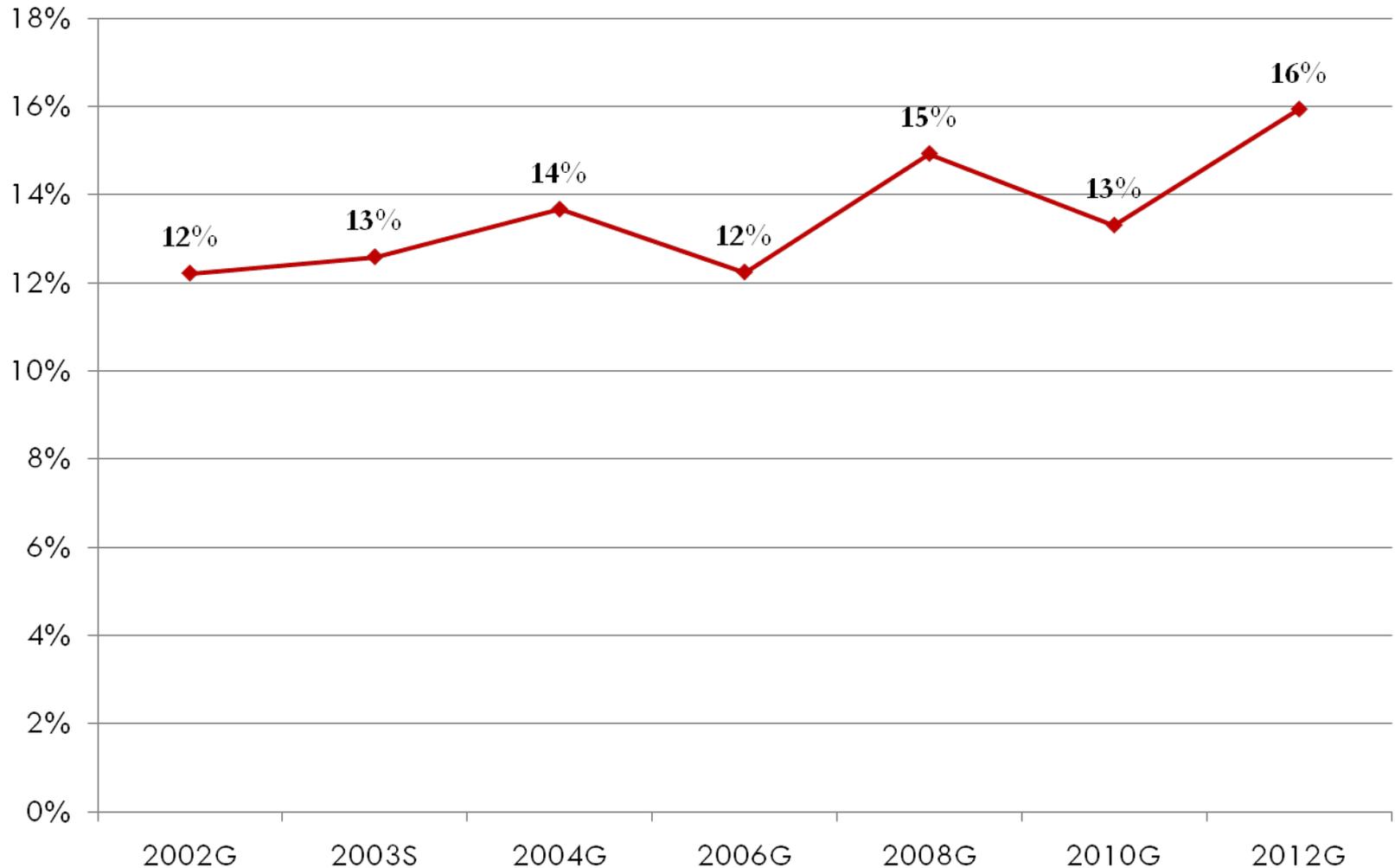
Spanish-Surname % of Registered Voters



Voter Turnout Trend, 2002 – 2012

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Spanish-Surname % of Voters Casting Ballots



Protected Class Candidates, 1997-2013

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□ Latinos:

- 1997: Garcia **re-elected** to Council (originally elected in 1993)
- 2001: Quintero defeated for Council
- 2001: Garcia defeated for Mayor
- 2003: Quintero defeated for Council
- 2005: Quintero defeated for Council
- 2009: Cruz defeated for Council
- 2011: Murillo **elected** to Council
- 2011: Aldana defeated for Council
- 2011: Cruz defeated for Council
- 2013: Diaz Alley defeated for Council
- 2013: Cruz defeated for Council

□ African Americans:

- 2001: Folayemi defeated for Council (later appointed)
- 2001: Garrett defeated for Council
- 2003: Folayemi defeated for Council
- 2009: Garrett defeated for Mayor

□ Asian Americans:

- 2003: Williams **elected** to Council
- 2007: Williams **re-elected** to Council

DATE	OFFICE	VOTES	LASTNAME	FIRSTNAME	INC	VOTES	PERCENT	Win?	Ethnicity
11/4/1997	Council	3	Garcia	Gil	Y	11,235	22%	Yes	Latino
11/4/1997	Council	3	Roberts	Tom	Y	10,760	21%	Yes	
11/4/1997	Council	3	Secord	Dan B.	N	8,759	17%	Yes	
11/4/1997	Council	3	Lodge	Sheila	N	7,274	14%	No	
11/4/1997	Council	3	Guzzardi	Joseph	N	5,745	11%	No	
11/4/1997	Council	3	Allen	Christopher W.	N	2,753	5%	No	
11/4/1997	Council	3	Hansen	Bob	N	2,245	4%	No	
11/4/1997	Council	3	Gray	Aaron Henderson	N	1,645	3%	No	
11/4/1997	Mayor	1	Miller	Harriet	Y	12,025	66%	Yes	
11/4/1997	Mayor	1	Beaver	Helene	N	5,268	29%	No	
11/4/1997	Mayor	1	Hackett	Bill	N	977	5%	No	
11/2/1999	Council	3	Blum	Marty	Yes	11,977	22%	Yes	
11/2/1999	Council	3	Hart	Gregg	Yes	11,037	20%	Yes	
11/2/1999	Council	3	Fairly	Rusty	No	8,564	16%	Yes	
11/2/1999	Council	3	Strawn	John C.	No	7,533	14%	No	
11/2/1999	Council	3	Guzzardi	Joseph	No	7,521	14%	No	
11/2/1999	Council	3	Rittenhouse	Bruce A.	No	5,809	11%	No	
11/2/1999	Council	3	Hansen	Bob	No	2,786	5%	No	
11/06/01	Council	3	Falcone	Iya	No	8,359	17%	Yes	
11/06/01	Council	3	Horton	Roger L.	No	7,954	17%	Yes	
11/06/01	Council	3	Secord	Dan B.	Yes	6,982	15%	Yes	
11/06/01	Council	3	Folayemi	Babatunde	No	6,755	14%	No *	African-Amer.
11/06/01	Council	3	Purvis	Michael	No	3,419	7%	No	
11/06/01	Council	3	Coffman-Grey	Keith J.	No	2,717	6%	No	
11/06/01	Council	3	Garrett	Issac J.	No	2,596	5%	No	African-Amer.
11/06/01	Council	3	Appleton	Joseph Luke	No	2,579	5%	No	
11/06/01	Council	3	Esparza, Jr.	David	No	2,142	4%	No	
11/06/01	Council	3	Quintero	Charles R. "Carlos"	No	1,840	4%	No	Latino
11/06/01	Council	3	Sherman	Marcia C.	No	1,410	3%	No	
11/06/01	Council	3	Faeth	Michael	No	1,339	3%	No	
11/06/01	Mayor	1	Blum	Marty	No	5,280	30%	Yes	
11/06/01	Mayor	1	Garcia	Gilbert "Gil"	No	4,772	27%	No	Latino
11/06/01	Mayor	1	Rittenhouse	Bruce A.	No	4,206	24%	No	
11/06/01	Mayor	1	Langer	Elinor G. A. "Elly"	No	3,197	18%	No	
11/06/01	Mayor	1	Hackett	Bill	No	146	1%	No	
11/06/01	Mayor	1	Jennings	William Brian	No	134	1%	No	
11/06/01	Mayor	1	Heimbaugh	Ken	No	62	0%	No	

Green highlights the winner(s) in each election.

Election History I: 1997 – 2001

Election History II: 2003 – 2009

DATE	OFFICE	VOTES	LASTNAME	FIRSTNAME	INC	VOTES	PERCENT	Win?	Ethnicity
11/04/03	Council	3	Schneider	Helene	N	8,597	18%	Yes	
11/04/03	Council	3	Williams	Das	N	8,169	17%	Yes	Asian Pacific Islander
11/04/03	Council	3	Barnwell	Brian B.	N	7,955	17%	Yes	
11/04/03	Council	3	Folayemi	Babatunde	Y	6,933	14%	No	African-Amer.
11/04/03	Council	3	Burns	Scott	N	6,622	14%	No	
11/04/03	Council	3	Magne	Michael	N	6,557	14%	No	
11/04/03	Council	3	Quintero	Charles "Carlos"	N	1,337	3%	No	Latino
11/04/03	Council	3	Hansen	Bob	N	1,011	2%	No	
11/04/03	Council	3	Cawley	Robert B.	N	721	2%	No	
11/8/2005	Council	3	Horton	Roger L.	Y	13,070	20%	Yes	
11/8/2005	Council	3	Falcone	Iya	Y	12,318	19%	Yes	
11/8/2005	Council	3	House	Grant	N	10,914	17%	Yes	
11/8/2005	Council	3	Redd	Loretta	N	9,316	14%	No	
11/8/2005	Council	3	Channing	Dianne	N	7,075	11%	No	
11/8/2005	Council	3	Tyler	Terry J.	N	6,574	10%	No	
11/8/2005	Council	3	Quintero	Charles "Carlos"	N	3,091	5%	No	Latino
11/8/2005	Council	3	Hansen	Bob	N	2,565	4%	No	
11/8/2005	Mayor	1	Blum	Marty	Y	15,355	60%	Yes	
11/8/2005	Mayor	1	Ebenstein	Alan "Lanny"	N	8,891	34%	No	
11/8/2005	Mayor	1	Kramer	Matthew Hunter	N	975	4%	No	
11/8/2005	Mayor	1	Hackett	Thinker Bill	N	306	1%	No	
11/8/2005	Mayor	1	Heimbaugh	Ken "Leo"	N	248	1%	No	
11/6/2007	Council	3	Williams	Das	Y	8,415	18%	Yes	Asian Pacific Islander
11/6/2007	Council	3	Schneider	Helene	Y	7,521	16%	Yes	
11/6/2007	Council	3	Francisco	Dale	N	7,058	15%	Yes	
11/6/2007	Council	3	Barnwell	Brian B.	Y	6,558	14%	No	
11/6/2007	Council	3	Giddens	Michelle	N	6,520	14%	No	
11/6/2007	Council	3	Hotchkiss	Frank	N	5,935	13%	No	
11/6/2007	Council	3	Litten	Daniel	N	2,109	5%	No	
11/6/2007	Council	3	Hansen	Robert	N	828	2%	No	
11/6/2007	Council	3	Cooper	Michael	N	756	2%	No	
11/3/2009	Council	3	House	Grant	Y	9,679	15%	Yes	
11/3/2009	Council	3	White	Harwood "Bendy"	N	8,893	14%	Yes	
11/3/2009	Council	3	Hotchkiss	Frank	N	7,560	12%	Yes	
11/3/2009	Council	3	Self	Michael Kathleen	N	7,513	12%	No	
11/3/2009	Council	3	Channing	Dianne	N	6,765	11%	No	
11/3/2009	Council	3	Pritchett	David	N	5,580	9%	No	
11/3/2009	Council	3	McCammon	Catherine G. "Cathie"	N	3,912	6%	No	
11/3/2009	Council	3	Thyne, III	John J.	N	3,753	6%	No	
11/3/2009	Council	3	Tevis	Justin	N	2,765	4%	No	
11/3/2009	Council	3	Cruz	Cruzito Herrera	N	2,098	3%	No	Latino
11/3/2009	Council	3	Gibbs, Jr.	John W.	N	2,072	3%	No	
11/3/2009	Council	3	Anderson	R.Lane	N	1,414	2%	No	
11/3/2009	Council	3	Raisin	Bonnie	N	926	1%	No	

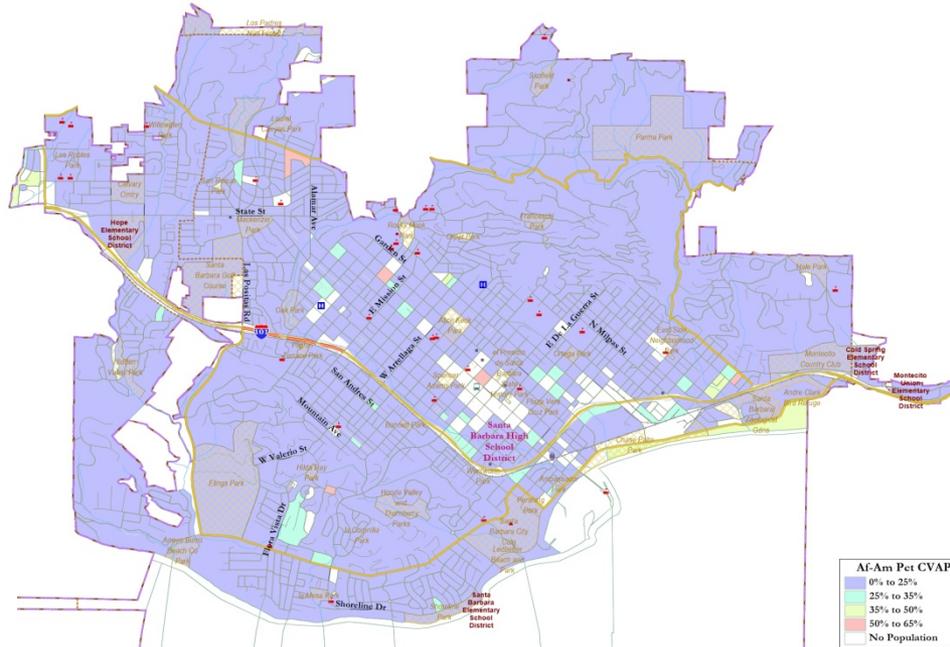
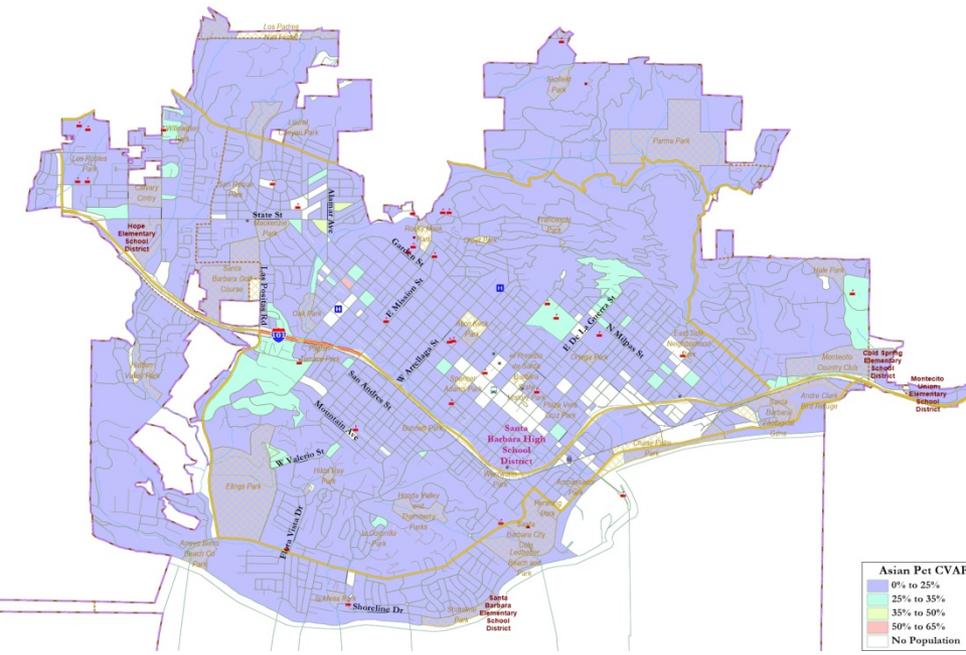
Election History III: 2009 – 2013

DATE	OFFICE	VOTES	LASTNAME	FIRSTNAME	INC	VOTES	PERCENT	Win?	Ethnicity
11/3/2009	Mayor	1	Schneider	Helene	N	10,433	46%	Yes	
11/3/2009	Mayor	1	Francisco	Dale	N	7,684	34%	No	
11/3/2009	Mayor	1	Cushman	Stephen M.	N	3,696	16%	No	
11/3/2009	Mayor	1	Garrett	Isaac	N	484	2%	No	African-Amer.
11/3/2009	Mayor	1	Hansen	Bob	N	420	2%	No	
11/8/2011	Council	3	Francisco	Dale	Y	8,334	16%	Yes	
11/8/2011	Council	3	Murillo	Cathy	N	8,289	16%	Yes	Latina
11/8/2011	Council	3	Rowse	Randy	N	8,092	15%	Yes	
11/8/2011	Council	3	Falcone	Iya	N	7,874	15%	No	
11/8/2011	Council	3	Self	Michael	Y	7,381	14%	No	
11/8/2011	Council	3	Schwartz	Deborah	N	7,142	14%	No	
11/8/2011	Council	3	Byrne	Sharon	N	2,927	6%	No	
11/8/2011	Council	3	Aldana, Jr.	Sebastian	N	1,084	2%	No	Latino
11/8/2011	Council	3	Cruz	Cruzito H.	N	981	2%	No	Latino
11/8/2011	Council	3	Matteo	Gerald "Jerry" E.	N	449	1%	No	
11/5/2013	Council	3	White	Harwood "Bendy"	Y	8,884	18%	Yes	
11/5/2013	Council	3	Hart	Gregg	N	7,829	16%	Yes	
11/5/2013	Council	3	Hotchkiss	Frank	N	6,570	13%	Yes	
11/5/2013	Council	3	Landedker	David	N	5,642	12%	No	
11/5/2013	Council	3	Diaz Alley	Megan	N	5,489	11%	No	Latina
11/5/2013	Council	3	Wiscomb	Lesley	N	5,472	11%	No	
11/5/2013	Council	3	Nelson	Jason	N	5,274	11%	No	
11/5/2013	Council	3	Jordan	Michael	N	1,725	4%	No	
11/5/2013	Council	3	Herrera Cruz	Cruzito	N	1,227	3%	No	Latino
11/5/2013	Council	3	Kramer	Matthew Hunter	N	584	1%	No	
11/5/2013	Mayor	1	Schneider	Helene	Y	12,259	73%	Yes	
11/5/2013	Mayor	1	Scoles	Wayne David	N	4,461	27%	No	

Latino Gil Garcia was elected in 1993 and 1997, and served until term limits removed him in 2002.

* Babatunde Fodayemi was appointed to the Council on 11/27/01 to fill a vacancy. Per the charter, he was appointed because he was the unelected candidate who received the highest number of votes.

African- and Asian-Americans



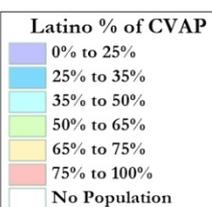
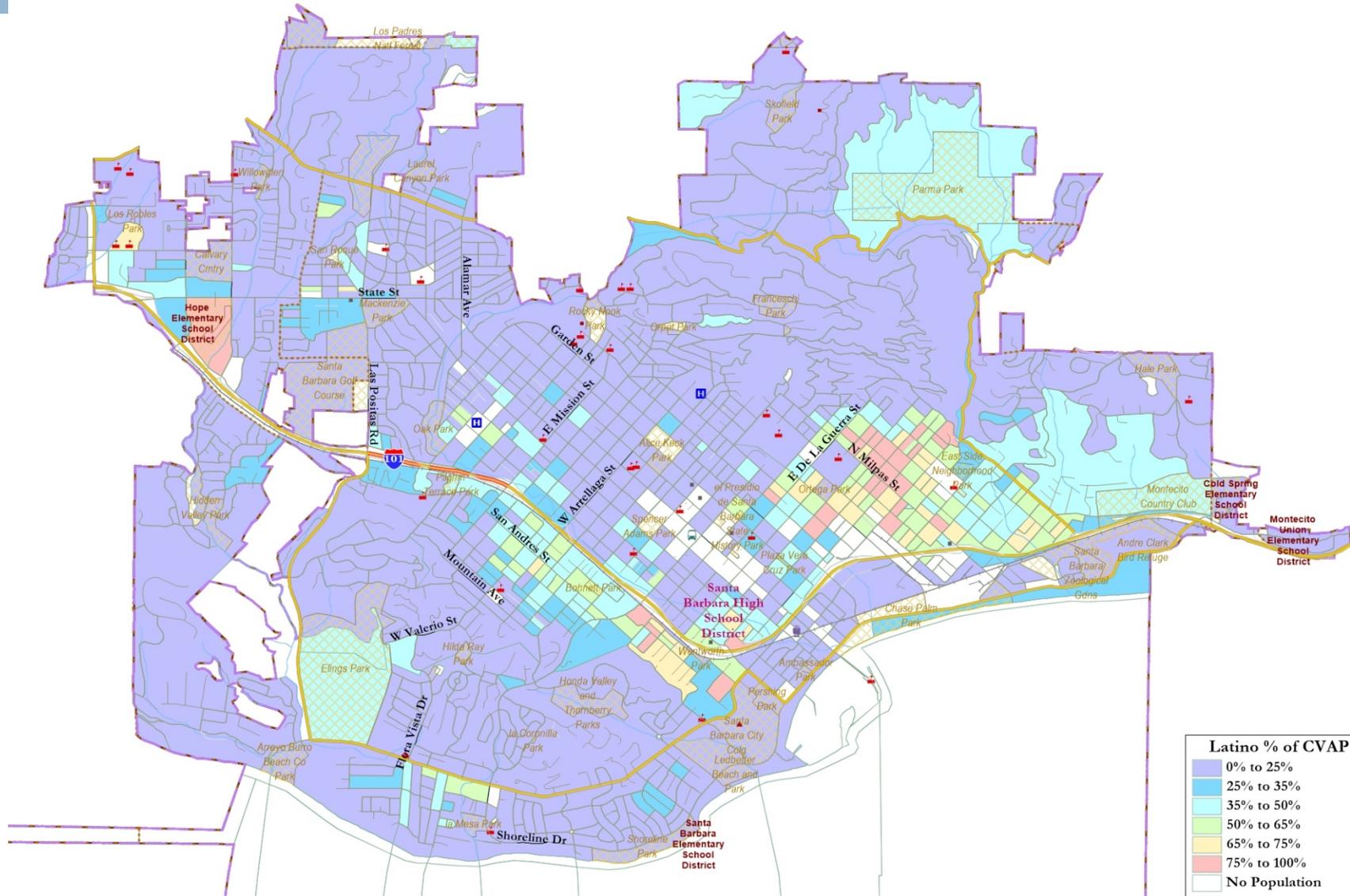
Asian Pet CVAP

CVAP Range	Color
0% to 25%	Blue
25% to 35%	Light Green
35% to 50%	Yellow
50% to 65%	Red
No Population	White

AF-Am Pet CVAP

CVAP Range	Color
0% to 25%	Blue
25% to 35%	Light Green
35% to 50%	Yellow
50% to 65%	Red
No Population	White

Latino Population Distribution



Level I CVRA Key Questions

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1. Is there a significant “protected class” population?
 - ▣ Yes: Latinos.
2. Have protected class-preferred candidates been elected?
 - ▣ Latino elected in 1997 and 2011. Latinos lost in 2001, 2003, 2005, 2009, 2011 and 2013.
 - ▣ African-American appointed, but candidates defeated in 2001, 2003 and 2009.
 - ▣ Asian-American elected in 2003 and re-elected in 2007.
3. Can a majority-protected class district be drawn?
 - ▣ Not yet analyzed, but likely.
- ▣ Options:
 1. Proceed with additional analysis, looking at whether a majority-protected-class district can be drawn and/or whether there is polarized voting in Council elections.
 2. Decide whether to move to district elections.