



CITY OF SOUTH PASADENA

1414 MISSION STREET, SOUTH PASADENA, CA 91030

TEL: (626) 403-7230 • FAX: (626) 403-7211

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Contact: Anthony J. Mejia
Chief City Clerk
Phone: (626) 403-7232

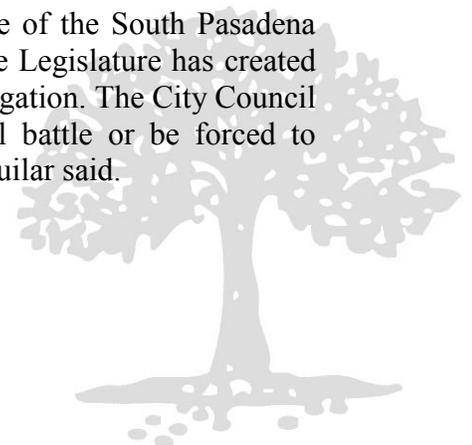
South Pasadena City Council to Consider District Elections

At its regular meeting on Wednesday, July 19, 2017, the South Pasadena City Council will consider whether to initiate steps toward a district-based voting system to replace the current at-large voting system for City Council elections.

The City Council is considering taking this action after receipt of a letter on June 5, 2017, containing unsubstantiated allegations that the City's at-large election system violates the California Voting Rights Act (CVRA). The letter was written by Malibu-based attorney Kevin Shenkman, on behalf of his client, Southwest Voter Registration Education Project. The letter alleged that there is evidence of Latino "polarized voting" in the City of South Pasadena electorate. Under the CVRA, any evidence of racially polarized voting is sufficient to require a court to order a change from at-large voting to district-based voting. Racially polarized voting occurs when there is a difference between the choice of candidates preferred by voters in a protected class and the choice of candidates preferred by voters in the rest of the electorate.

Approximately 20 percent of South Pasadena residents are Latino and unlike other cities where at-large elections have prevented Latinos from electing candidates of their choice, the electoral history for the City Council of the City of South Pasadena demonstrates that Latino candidates have been regularly elected in recent history. Since 2007, Latinos have won 2 of the 3 times they were on the ballot, serving a total of 8 out of 10 years. Today, the South Pasadena City Council is represented by residents from a diverse range of racial and ethnic backgrounds including Asian-American, Latino, Armenian, Italian, and Caucasian.

"It is unfortunate that a Malibu-based attorney with no real knowledge of the South Pasadena electorate can infringe on our electoral system with impunity. The State Legislature has created the conditions in which encourage opportunistic attorneys to threaten litigation. The City Council is left with a very difficult choice – to fight a very expensive legal battle or be forced to transition into district-based elections," Interim City Manager Elaine Aguilar said.



Such a lawsuit would be very costly, whether or not the City was able to successfully defend against it. Even cities that have settled lawsuits brought under the CVRA, including cities that have maintained no violations have occurred, have incurred significant expenses, not only to pay their own attorneys' fees, but to pay the attorneys' fees for the plaintiffs. For example, in February 2015, the City of Santa Barbara reportedly paid \$800,000 in attorneys' fees and expert costs to settle its CVRA lawsuit. The costs are much higher for those cities that have elected to litigate and have not prevailed, as they must bear both their own attorneys' fees as well as those of the plaintiff. For example, the City of Palmdale incurred expenses in excess of \$4.5 million in its unsuccessful attempt to defend against a lawsuit brought under the CVRA. Moreover, what is most concerning is that staff is unaware of any city to date that has prevailed in defending its "at-large" system of election under a claim filed by any individual or group under the CVRA.

In a district-based election system, a candidate must live in the district he or she wishes to represent. The decision whether to establish five voting districts is one of the topics that will be decided upon by the City Council as a result of the minimum of four (4) public hearings that will be held as required by the Elections Code Section 10010 should the City Council adopt a resolution to initiate this process.

One criticism expressed about forcing a district-based election system is that it can actually dilute the voting power of the very minority it seeks to empower, by limiting that group to the selection of one Councilmember within their district once every four years, rather than the opportunity to elect two or three Councilmembers every two years.

"This is a solution looking for a problem that does not exist in South Pasadena. I am concerned that these outside forces coercing our small, diverse City to change to district-based voting will polarize our community and take away our citizens' existing right to elect an entire City Council to represent their interests," stated South Pasadena City Councilmember Diana Mahmud, a Latina elected in 2013 in an at-large election.

Department: Management Services Department

Contact Person: Anthony J. Mejia, Chief City Clerk

Telephone Number: (626) 403-7230

