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Quiet Revolution in California Local Government Gains Momentum

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A low-profile revolution in local government is happening this November as twenty-one California cities hold their first by-district city council elections. Prior to the 2002 passage of the California Voting Rights Act, only twenty-nine of California's nearly 500 cities held by-district elections: twenty-seven in purely by-district elections, and Downey and Oakland electing one councilmember "at large" (or citywide) and the rest of the council by-district (in Downey and Oakland the citywide councilmember is not the mayor). Between passage of the Act in 2002 and June of 2016, the CVRA prompted nine more cities to hold their first by-district elections. This November the total number of cities using by-district elections is jumping to fifty-nine.

From statehood in 1850 to passage of CVRA in 2002, all but the very largest cities in California tended to use at-large council election systems. In the fourteen short years since CVRA's passage, the number of cities using by-district elections has more than doubled.

This quiet tectonic shift in local government is accelerating. In eight more cities the voters are deciding in November 2016 whether to make the change; three other cities already made the change and their district elections will begin in 2018; in one city voters will decide in 2018 whether to make the change; and three cities currently are actively working toward changing to by-district elections for 2017 or 2018. If voters approve those changes or the councils follow through on their announced intentions to change, the number of cities electing by-district will increase from twenty-nine before CVRA to at least seventy-four by 2018 - an increase of 155 percent.

The California Voting Rights Act was written to promote the use of by-district elections to encourage the election of candidates preferred by previously "under-represented" voters such as Latinos and Asian-Americans. The law was slow to have effect. Signed by Governor Davis in 2002, it was almost immediately suspended by a superior court ruling that the law was unconstitutional. The law was then restored in a 2006 appeals court ruling. The shift to by-district city council elections began to gain momentum after Modesto agreed to a \$3 million settlement in 2008, and accelerated after Palmdale agreed to a \$4.5 million settlement in 2015.

This report presents the preliminary findings of a long-term Rose Institute research project considering the effects of the California Voting Rights Act. Future research plans include looking at the cities currently making the change to by-district elections; looking at the over 135 school districts that have made the change in election systems; reviewing the Community College and Special District jurisdictions that have made the change; expanding our review to include changes in the number of Asian-American and African-American candidates elected; comparing the changes in the newly by-district cities to those in cities staying at-large or already in districts; and studying what characteristics, demographics or dynamics cause some jurisdictions to see significant gains in Latino representation after the change, while others do not. For more information on the project, contact Douglas Johnson or Justin Levitt at the Rose Institute

Overall, the move to by-district elections has increased the number of Latinos elected to city councils, but that change has been driven by significant gains in a few cities (such as Sanger and Chula Vista) that offset a lack of any increase in others (such as Escondido and Wildomar).

Any analysis of municipal elections in California is challenging due to the independence of the state's nearly 500 cities and the lack of a certified central repository of municipal election results. Our research is indebted to the Center for California Studies at Sacramento State University for its efforts to compile a comprehensive list of local election results. Rose Institute researchers have supplemented the Center's data with reviews of County Registrar and City Clerk online records, and have added data from National Demographics Corporation. The database remains a work in progress and we encourage anyone with additional information to contact the Rose Institute.

Identifying ethnicities of elected officials is a less than perfect art, in no small part because the definition of "Latino" or "Hispanic" is not universally agreed upon and, for that and other reasons, some individuals change their self-identification over time. To identify Latino officeholders, we relied the listing of Latino officeholders compiled each year by the National Association of

Latino Elected and Appointed Officials (NALEO), supplemented by news reports and online biographies of the officeholders. To identify Latino candidates, we relied on news reports and online biographies of those candidates.

This Rose Institute initial analysis reviews ten cities: nine that have held at least one election by district since CVRA prompted them to change their election system, and Wildomar, which is holding its first election in November, but it is included since both seats are uncontested and, thus, already known. This initial review identifies which cities have seen increases in Latino representation.

For each city, the numbers and the citywide Latino percentage of Citizens of Voting Age (CVAP) in the city is provided. We look at CVAP because the courts in Voting Rights Act litigation tend to use the CVAP counts from the Census Bureau as the best available measure of eligible voters. Follow up research will narrow that data to analyze the Latino (and other “protected class” population) percentages of CVAP in each district, but we have not yet compiled that data for all the cities.

Some of the advantages of by-district elections are that they make it easier for candidates to run and get to know voters. Because there are fewer voters in a district than city at large, the cost of putting a candidate statement in the sample ballot decreases significantly and the pool of people who can run against a given candidate is restricted to the others who reside in the district. These advantages of shrinking the voter pool for a given election also come with a risk: with fewer people eligible to run, there is an increase in uncontested elections. In the nine cities that have held new district elections, this review has identified 58 district seats up for election over 22 election cycles (including those held this November in those nine cities). Of those 58 contests, 47 were contested and 11 (19 percent) were uncontested (meaning no more than one candidate ran for that district). It is notable, however, that 8 of the 11 uncontested elections were in the City of Madera. In the eight cities other than Madera, 48 seats have been up for election with 45 contested and 3 (6 percent) uncontested. Among those jurisdictions that changed to by-district elections and that are holding

election this November, our review identified 57 district seats up for election, with 47 contested and 10 (18 percent) uncontested.

Another significant effect of the California Voting Rights Act is the financial cost it has imposed on cities--many challenges so far have resulted in settlements or legal awards over one million dollars. Arguably, these financial risks were a major reason some (and likely most) of the cities made the change to by-district elections, independent of actual or perceived violations of voting rights. The influence of the Act’s penalty provisions on city governments will be part of the Rose Institute’s ongoing research.

In summary, 2016 saw a significant expansion in the number of cities changing their elections from at-large to by-district elections, and we expect that rate of change to accelerate in coming years. It is likely, but far from guaranteed, that the change in election systems will increase the number of Latinos elected, as most, but not all, cities changing previously have seen such increases. While acknowledging that determining the ethnicity of elected officials is difficult, we estimate that number of Latinos elected to city councils in nine cities that have held by-district elections (and the one city where both 2016 districts are uncontested) increased the number of Latinos councilmembers in seven of the ten cities. The total number of Latinos on those ten city councils increased from seven after the last at-large election to eighteen elected by district so far.

The tables below display the CVAP data compiled from the 2010 to 2014 American Community Survey Special Tabulation data, which we have disaggregated to the Census Block level of geography and then aggregated by City.

Table 1: Changes in Latinos Elected in Ten Changed Cities With Election Results
(Listed by Latino % of Citizen Voting Age Population)

City	Population	LatinoCVAP	Latinos_Pre_Change	Latinos_Post_Change	Elections Held	Seats Up	Contested	uncontested
Sanger	24,270	74%	1	4	3 + 2016	9	8	1
Whittier	85,331	60%	0	1	1	2	1	1
Madera	61,416	60%	0	2	2 + 2016	10	2	8
Chula Vista	243,916	51%	1	3	1 + 2016	2	2	0
Compton	96,455	48%	1	2	2	7	7	0
Tulare	59,278	43%	0	1 (+2?)	2 + 2016	8	7	1
Escondido	143,911	30%	1	1	1 + 2016	4	4	0
Wildomar	32,176	29%	1	1	2016	2	0	1
Modesto	201,165	26%	1	1	4	13	13	0
Santa Barbara	88,410	24%	1	2	1	3	3	0

Table 2: Twenty-One Cities Holding Their First District Elections in 2016

Notes: In King City, one Latino is running unopposed, another district has two candidates but both are Latino, and a Latino is running against a non-Latino in the third district that is contested this year. In Turlock, only Latino candidates are running in one district, and a Latino is running against a non-Latino in another district that is up for election this year. Wildomar is in this table because its first election is in 2016, though it is also in Table 1 because both seats are uncontested so the results are already known.

City	Population	LatinoCVAP	Latinos_Pre_Change	Latinos_Post_Change	Seats Up	Contested	Uncontested
King City	12,874	79%	0	2 or 3	3	2	1
Los Banos	35,972	55%	0	Up to 2	2	2	0
Chino	77,983	48%	0	0	2	0	2
Palmdale	152,750	46%	2	Up to 3	4	4	0
Patterson	20,413	45%	1	Up to 1	2	1	1
Riverbank	22,678	44%	3	1	2	1	1
Visalia	124,442	37%	0	0	2	2	0
Merced	78,958	37%	3	Up to 2	3	3	0
Highland	53,104	36%	0	Up to 2	4	4	0
Eastvale	53,683	36%	0	Up to 1	3	3	0
Anaheim	336,265	35%	1	Up to 4	4	4	0
Woodland	55,468	35%	1	Up to 2	3	3	0
Buena Park	80,530	29%	0	Up to 1	2	1	1
Wildomar	32,176	29%	1	1	2	0	1
Turlock	68,549	27%	1	0	2	2	0
Hemet	78,657	27%	0	Up to 1	3	3	0
Dixon	18,351	27%	0	Up to 1	2	2	0
Banning	29,603	26%	0	1	3	1	2
Garden Grove	170,883	24%	0	Up to 2	4	4	0
Yucaipa	51,367	23%	0	0	3	3	0
San Juan Capistrano	34,593	19%	1	Up to 1	2	2	0

Table 3: Eight Cities Voting in 2016 on Whether to Change to By-District Elections

City	Population	Latino CVAP	Wht. CVAP	Blk. CVAP	Asn. CVAP
Bellflower	76,616	44%	28%	16%	11%
Corona	152,374	33%	47%	6%	12%
Costa Mesa	109,960	21%	65%	2%	11%
El Cajon	99,478	22%	63%	7%	4%
Eureka	27,191	6%	80%	3%	4%
Fullerton	135,161	25%	48%	3%	22%
Placentia	50,533	26%	54%	2%	17%
Rancho Cucamonga	165,269	33%	47%	9%	10%

Table 4: Six Cities Already Working to Change to By-District Elections for 2017 or 2018

City	1st Election	Population	Latino CVAP	Wht. CVAP	Blk. CVAP	Asn. CVAP
Ceres	2017	45,417	43%	45%	2%	7%
Hesperia	2018	90,173	39%	50%	7%	2%
La Mirada	2017	48,527	36%	42%	2%	18%
Upland	2018	73,732	31%	54%	6%	9%
Redlands	2018	68,747	24%	61%	6%	7%
San Marcos	2018	83,781	23%	63%	3%	10%

Table 5: Uncontested Elections So Far

City	Population	Latino CVAP	Latinos Pre Change	Latinos Post Change	Elections Held	Seats Up	Contested	Uncontested
Madera	61,416	60%	0	2	2 + 2016	10	2	8
Sanger	24,270	74%	1	4	3 + 2016	9	8	1
Whittier	85,331	60%	0	1	1	2	1	1
Tulare	59,278	43%	0	1 (+2?)	2 + 2016	8	7	1
Chula Vista	243,916	51%	1	3	1 + 2016	2	2	0
Compton	96,455	48%	1	2	2	7	7	0
Escondido	143,911	30%	1	1	1 + 2016	4	4	0
Modesto	201,165	26%	1	1	4	13	13	0
Santa Barbara	88,410	24%	1	2	1	3	3	0

Table 6: Twenty-Seven Cities Holding By-District Elections Prior to Passage of CVRA

City	Population	Latino_CVAP	Wht_CVAP	Blk_CVAP	Asn_CVAP
Los Angeles	3,792,621	33%	41%	13%	13%
San Diego	1,307,402	21%	54%	7%	16%
San Jose	945,942	24%	37%	4%	33%
San Francisco	805,235	11%	48%	6%	32%
Fresno	494,665	37%	40%	9%	12%
Sacramento	466,488	20%	44%	15%	18%
Long Beach	462,257	29%	38%	16%	14%
Bakersfield	347,483	36%	47%	9%	6%
Riverside	303,871	39%	43%	8%	8%
San Bernardino	209,924	48%	27%	18%	5%
Moreno Valley	193,365	45%	26%	21%	7%
Salinas	150,441	56%	30%	3%	10%
Pomona	149,058	57%	20%	11%	11%
Pasadena	137,122	25%	47%	13%	15%
Berkeley	112,580	9%	61%	10%	19%
Inglewood	109,673	35%	5%	57%	2%
San Leandro	84,950	20%	32%	13%	32%
Menifee	77,519	25%	62%	7%	5%
Redondo Beach	66,748	14%	68%	3%	13%
Hanford	53,967	36%	53%	5%	5%
Colton	52,154	64%	20%	10%	5%
Watsonville	51,199	64%	29%	1%	5%
Hollister	34,928	58%	36%	2%	2%
Seal Beach	24,168	11%	78%	1%	10%
Dinuba	21,453	75%	21%	0%	3%
Parlier	14,494	93%	5%	1%	1%
Bradbury	1,048	16%	55%	3%	27%