

About Bradbury

The City of Bradbury is a small, residential/equestrian-orientated community of approximately 1,000 nestled at the base of the San Gabriel Mountains below Angeles National Forest in Los Angeles County. Incorporated since July 26, 1957, the City is a true “contract city.” It has a small full-time staff and contracts for many of the services provided to its residents. The community encompasses 1.9 square miles, and includes 3.2 miles of public streets and roads. Bradbury is bordered on the west by the City of Monrovia, on the south and east by the City of Duarte. The city includes communities within the Bradbury Estates, along Woodlyn Lane, and in non-gated areas. Much of the city is zoned for agriculture and maintains open-space in the foothills through two and five acre minimums. Other areas of the city enjoy quiet residential streets which preserve the rural feeling that led to the city's founding. It is a General Law City operating under the City Council/City Manager form of government. The City Manager oversees all city functions.

The City Council strives to provide the very highest level of service to its residents and is very responsive to resident concerns.



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City Council

The City of Bradbury operates under the City Council-City Manager form of government. The City Council is responsible to the electorate to be the policy-making body of the City. **The City's five Council members are elected by District for four-year, staggered terms of office.** Each member of the City Council serves without financial compensation. The City Council reorganizes every year and elects one of its members to serve as Mayor. The Mayor presides over all the City Council meetings and is the ceremonial head of the City for official functions. The City Manager is the administrative head of the City under the direction of the City Council. The City Manager is responsible for carrying out policy and the efficient administration of the City's affairs.

The City Council formulates policy, approves programs, appropriates funds and establishes local taxes and assessments. The decisions of the City Council are reached by a majority vote. The City Council enacts local laws (ordinances) and regulations for governing of the City. The local ordinances adopted by the City Council are compiled in the Municipal Code. Other City Council directives and policies are recorded in resolutions or minutes.

The City Council meets on the third Tuesday of each month at 7:00 pm in the Council Chambers in City Hall at 600 Winston Avenue. All meetings are open to the public and attendance from the community is encouraged.

- District Four - Mayor [Bruce Lathrop](#)
- District Five - Mayor Pro tem [Richard Pycz](#)
- District Two - Council Member [D. Montgomery Lewis](#)
- District One - Council Member [Richard T. Hale, Jr.](#)
- District Three - Councilmember [Richard G. Barakat](#)

[Changes to the Councilmanic Districts for the City of Bradbury 2012](#)

During a Special City Council Meeting held on July 26, 2011 the City Council reviewed the Bradbury Counts population data. As a result of the data, some minor adjustments were made to Councilmanic boundary lines in order to balance district populations as required by law.

Formerly District 1 (Hale) now in District 5 (Pycz): 534 Old Ranch Road & 460 Old Ranch Road

Formerly District 5 (Pycz) now in District 3 (Barakat): 1550 Lemon, 1524 Lemon, 1512 Lemon & 1484 Lemon

Formerly District 4 (Lathrop) now in District 3 (Barakat): 2227 Gardi, 2238 Gardi & 2254 Gardi

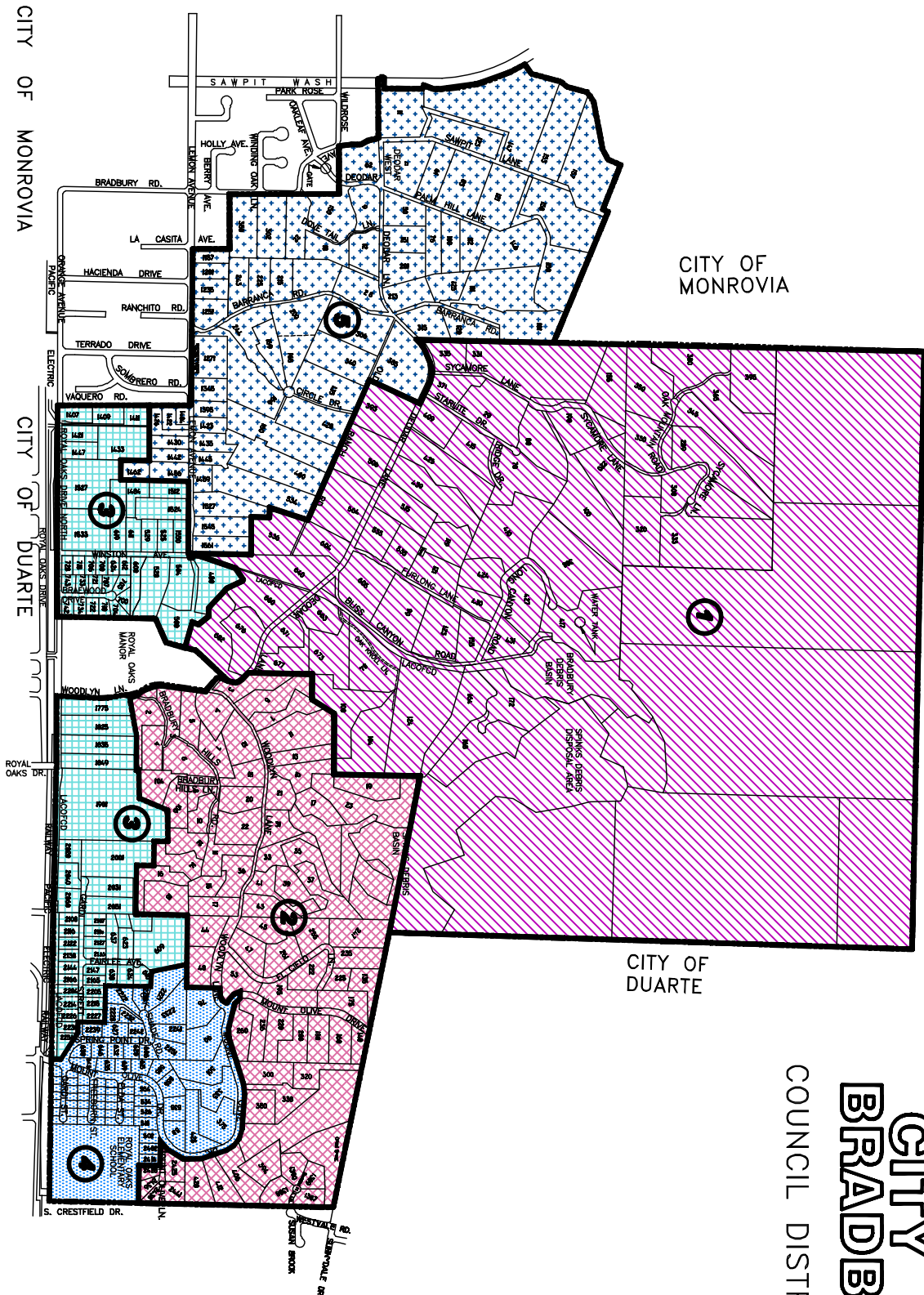
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CITY OF BRADBURY



Revised: 01-17-12





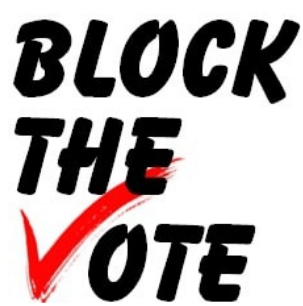
The Bias of At-Large Elections: How it Works

August 16, 2017. By: George Pillsbury

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The Bias of At-Large Elections: How it Works

“The Oldest Trick in the Book”



If you want to rig a local election, there’s an easier way than stuffing a ballot box, gerrymandering a district, or amassing a campaign war chest to scare off challengers.

Have your city or county adopt winner-take-all “At-Large” voting, where, instead of using districts, all or most council or school committee candidates must run “at large, city or countywide.

At-Large block voting—also known as the “[plurality-At-Large voting method](#)”^[1]—has been called the oldest trick in the book.^[2] Supreme Court [Justice Ginsberg](#) cited this method, along racial gerrymandering, as a preeminent second-generation way to deny equal opportunity for minority voters and candidates.

Congress has [banned At-Large voting](#) for all federal elections. It’s been discarded by most states. No voting method has been subject to more litigation for its discriminatory impact on local elections. Yet, while the covers are off the discriminatory impact and intent of At-Large voting, it persists in hundreds of local jurisdictions.

History

With no direction from the U.S. Constitution on voting systems, in 1788 the first states elected their members of Congress At-Large, or statewide. Most soon saw how this left significant regions of their states without local representation and so they started using regionally based districts. By 1842, 6 of the 28 states—the ones typically dominated by one party—clung to the At-Large voting method to control all the seats. That year, Congress banned this voting method, a ban that was several times canceled and then reinstated until the passage of the 1965 Voting Rights Act, when Congress made the ban permanent.^[3] Most states, by law or in practice, followed suit eliminating it for use in all state elections.^[4] At-Large voting still held a firm grip on local elections, however.

After the Civil War, local jurisdictions across the South adopted At-Large elections to ensure white-only governments. Northern cities did the same to advantage ethnic groups or parties, such as Lowell, Massachusetts, in the 1950s. In 1957, Lowell’s majority, largely Irish, voting block changed its proportional voting method to plurality-At-Large for municipal elections, stating at the time that, “a ‘majority rule’ . . . would limit ‘minority rule’ of ethnic and national groups like the French, Greeks, Irish, Poles, Jews, Syrians, Armenians, and Lithuanians.”^[5]

What Are At-Large Elections

In At-large elections candidates run jurisdiction wide – citywide, countywide, etc. – not in single winner districts. At-Large elections are mostly multi-seat contests. All or some of the seats are contested at-large. Voters elect several candidates at once to the same office like a nine person city council or seven person school committee. All At-Large elections where all seats are contested jurisdiction wide are the most common. It is also the most problematic with the potential for one voting block to win them all and not just their proportionate share.

At-Large Voting’s Monopoly Math

Under the standard plurality rules used in multi-seat elections, voters are allotted as many votes as there are seats. For example, nine votes to elect a city council of nine members. Voters are not required to use all their votes. But they may only give one vote to each the candidates they do vote for.

Using plurality rules, fifty percent of the voters can, if they mostly support the same candidates, win all the seats. In fact, the majority block doesn’t even have to compose 50 percent of the electorate. All that’s needed is for one large

California: Increasing Community Voices Through Voting Districts

by Hillary Davis/News21 / Aug.23.2016 / 5:19 AM ET



In 2002, the California Voting Rights Act became the first state law that strengthened a provision of the Voting Rights Act of 1965 that prohibits racial discrimination. Roman Knertser

Editor's Note: This report is part of a project on voting rights in America produced by the Carnegie-Knight [News21](#) program.

MADERA, Calif. — Ed Gonzales has seen his city's demographics shift since he started working as a teacher here in 1982.

Madera, a Central Valley town beaded with vineyards and almond groves, now has nearly 50 percent more Latino residents than it did 25 years ago, according to [U.S. Census data](#). Incomes have dropped by about a third. Fewer people speak English.

For Gonzales, who oversees the town's school district as superintendent, the area has undergone another significant shift. The local election system, driven by a change in state law, now seats members of the school board by district rather than at-large.

The result? Latinos now fill four of the board's seven seats, compared with just one or two prior to the district system.

For decades, many Californians elected their representatives in at-large systems – like cities and towns across the United States. But an at-large voting system can lead to racially polarized voting – when politically powerful racial groups vote as a bloc, they can drown out the minority vote even if the minorities make up a considerable share of the population.

In 2002, the [California Voting Rights Act](#) became the first, and as yet only, state law in the country to strengthen a provision of the federal Voting Rights Act of 1965 that prohibits racial discrimination. California's law has enabled plaintiffs to sue jurisdictions to switch to districts, which advocates say helps ensure minorities have a better chance at electing people who understand their neighborhoods. From Redding in the Cascade Mountains to Monterey along the central coast to the San Bernardino desert, more than 200 jurisdictions have switched to district systems since 2004.

Some communities have fought the changes, saying the system isn't necessary, promotes division or encourages reverse discrimination.

Gonzales said some people don't like the district setup adopted in Madera in 2008, and some think the quality of the board has suffered. He doesn't agree.

RELATED: [For Latinos, 1965 Voting Rights Act Impact Came A Decade Later](#)

"You have a little bit more of a connection to somebody that actually lives in your neighborhood rather than the way it used to be, when five or seven people could live on the same two-block stretch of an upper-middle class part of town, and they're the ones that called the shots," he said.

Combined with the schools' efforts at outreach and transparency, Gonzalez said families feel much more a part of the process, and board members feel more responsive to their constituents.

"And they should be."



The California Voting Rights Act enabled residents to pursue lawsuits to force jurisdictions to switch from an at-large voting to a district system. Roman Knertser

Voting rights attorney fought for decades to pass law

The law was Joaquin Avila's brainchild.

In 1985, the longtime voting rights attorney and East Los Angeles native started authoring predecessors to the California Voting Rights Act, advancing bills that would ultimately face vetoes by the Republican governors of the 1980s and '90s.

By the early 2000s, with the installment of Democratic Gov. Gray Davis, Avila tried again. In 2002, the law went into effect.

Avila didn't stop the fight, representing early plaintiffs who wanted to change their systems into districts. Avila said he learned right and wrong from his late father, a Mexican immigrant and foundry laborer.

RELATED: [Tougher Voting Laws Will Heavily Impact Latinos in 2016: Report](#)

The elder Avila came to the United States around 1946, but kept a green card for more than 40 years because he wanted to one day return to his native country. Avila's father changed his mind in the 1990s during Gov. Pete Wilson's reelection campaign.

Wilson took a hard line against illegal immigration with his staunch support of [Proposition 187](#), a state law that would have denied public services to undocumented immigrants. Avila's father was a legal resident, but would ask his son, "Why is he picking on us?" The campaign galvanized him.

"He became a U.S. citizen," Avila said, "and voted."



Madera South High School, where 90 percent of the student population is Latino, has an agriculture program to prepare students. Alejandra Armstrong

When the Mexican American Legal Defense and Education Fund hired Avila in 1974, one of his first assignments as a rookie lawyer was a voting rights case. In 1985, he went solo as a voting rights specialist.

Avila, with colleague Robert Rubin, filed the [first suit](#) to enforce the law against the city of Modesto in 2004. The Central Valley city, in Stanislaus County about an hour south of Sacramento, fought the case in county court and initially succeeded on the argument that the new law favored minorities – as "reverse racial discrimination" and "unconstitutional affirmative action benefiting only certain racial groups," according to a state appeals court decision reversing the county's verdict. The California Supreme Court declined the city's appeal.

The case took about four years to settle, with Modesto on the hook for \$3 million.

Avila had a message for defendants: These are expensive cases to lose, and it's cheaper to settle early.

Does race matter when it comes to representation?

Denise Hulett, national senior counsel for the Mexican American Legal Defense and Education Fund, said minority candidates have a hard time winning votes from white voters, and no law can address that. But, she said, governments can do something about an at-large system that enables the polarization.

The California law says plaintiffs only need to show that racially polarized voting exists in at-large systems to force the change to districts. This is a lower threshold than the [federal law](#) requires.



Since 2011, attorneys have filed about 20 lawsuits in Los Angeles County to force government entities to switch from at-large to district voting systems. Pam Ortega

Since 2004, attorneys have filed about 30 lawsuits and issued dozens of threats to try to institute districts, according to data collected by districting experts. About 210 jurisdictions, from community college boards to city councils, have either voluntarily converted to district elections, lost or settled in court, or sent the question to a referendum. More than three-quarters of these have been school boards.

Morgan Kousser, a history and social science professor at the California Institute of Technology, studies the California Voting Rights Act. He said cash-strapped school districts began switching en masse, intimidated by Modesto's multimillion-dollar liability.

Having a Latino on a school board is a breakthrough, Kousser said.

"You can imagine that for a bunch of Hispanic parents in that situation, it really makes a hell of a big difference if you've suddenly got somebody where you feel like this is not just a faceless Anglo bureaucracy. These are people that you can relate to."

In Madera, a heavily agricultural town near Fresno where streets have names like Pecan and Merlot, about 90 percent of the more than 20,000 public schoolchildren are Latino, and about as many qualify for free or reduced lunch. More than a third are English-language learners.

School board President Al Galvez, who has lived in Madera for 35 years and served on its school board for almost two years, said that when the board was elected at-large, members paid more attention to the schools in affluent neighborhoods. It wasn't that they didn't care about the needs of other families, he said, they just didn't have firsthand experience with the problems.

Galvez grew up in a poor migrant laborer family, spending his youth picking grapes, plums and cotton along the San Joaquin Valley. He worked the fields into college.

He eventually moved into the middle class. But he remembers the needs of families like his.

"I know that side of the street. I've been there. I know that," he said. "My passion is to try to help."

Almond trees give way to palm trees heading south into Fullerton. Kitty Jaramillo has lived in this Orange County city for all of her 62 years, raised in the barrio on the east side, and calls an ethnically mixed, middle-class neighborhood on the southwest side home.



More than 62 percent of Madera residents live in homes where the language spoken at home is not English. Alejandra Armstrong / News21

Jaramillo, along with a Korean-American resident, sued the city last year. One of the complaints describes a compartmentalized city, with Latinos concentrated to the south, Asian-Americans to the northwest, and whites to the north, particularly the northeast. Jaramillo said council members almost always come from the well-heeled north side.

She described a popular Latina city councilwoman in the 2000s who, although also a resident of north Fullerton, engaged with southside Latinos, even drawing immigrants who couldn't vote out to council and community events. Otherwise, Jaramillo said, residents on the south side haven't felt close to a council member or felt they had a champion in city hall.

In a settlement, the city agreed to put the question of districts on the November ballot.

She said Latinos need other Latinos to represent them in Fullerton.

"There's a certain familiarity or comfort level: 'Wow, there's somebody on city council that really cares about us,'" she said.



As of mid-July, at least 26 cities and school districts, mostly in Southern California, had been sued or threatened to force jurisdictions to switch from an at-large voting to a district system. Roman Knertser

About two-and-a-half hours to the north, in the coastal city of Santa Barbara, Frank Bañales, 70, remembers when the city switched to an at-large system in the 1960s. He said the change made it hard for minorities to become involved in city politics.

He joined a lawsuit against Santa Barbara in 2014. The city settled and carved out six districts. The next year, voters elected a pair of Latinos.

Today, Latinos make up about [40 percent](#) of the population, concentrated in two of the new districts – the ones that produced the Latino representatives. Bañales said "as long as they do the work for the neighborhood," it doesn't matter if representatives are from the same race or ethnicity.

"That's what district elections is about. It's about getting your streetlights," he said. "It's about getting your streets fixed. It's about taking care of crime in your neighborhood."

Other communities that have switched to a district system have experienced changes in power as well. Compton, which African-Americans dominated for years but has a growing Latino population, elected its first Latino to the City Council in 2013. The school district in Cerritos, in the Long Beach area, now has a multi-ethnic school board of Latinos, Asian-Americans and whites.



In 2002, the California Voting Rights Act became the first state law that strengthened a provision of the Voting Rights Act of 1965 that prohibits racial discrimination. Roman Knertser

John Dobard, manager of political voice for the Advancement Project's California office, said there might be a direct relationship between the racial compositions of the boards and electorates after a law-induced conversion, but not necessarily.

Dobard said it can take time to see long-term change.

"It's one way in which we can try to get fair representation and also try to encourage more participation," he said. "(But) it's unreasonable to expect a conversion to happen and then immediately to see mind-blowing results because you're dealing with historical factors that have created particular conditions."

Some communities push back

Roger Clegg, CEO of the Center for Equal Opportunity, a Virginia-based conservative think tank devoted to issues of race and ethnicity, said any racially based treatment is problematic.

"It's still requiring the government to zig rather than zag when it's drawing district lines," Clegg said. "And basically, it is requiring racial gerrymandering and to some extent the racial segregation of voting districts."

[Santa Monica](#), outside of Los Angeles, is an affluent, mostly white seaside city. And it's also defending itself against a lawsuit to force it to adopt district elections for city council.



Santa Monica is pushing back against a lawsuit filed earlier this year. The plaintiffs argue that the city's at-large system, which dates to the 1940s, is a relic of its racist past. The city says local voters rejected districts in 1975 and 2002, and the lawsuit is frivolous. Hillary Davis

It declared the lawsuit frivolous, citing two previous local elections that rejected districts by wide margins. It also said that Latinos are a minority even in some of the more ethnically diverse neighborhoods.

And other elected bodies within city limits – school, rent control and community college boards – all have at least one minority. In addition: Santa Monica's current mayor, Tony Vazquez, and a councilwoman, Glean Davis, are Latino.

A Los Angeles County Superior Court judge is scheduled to set a trial date in August.

Potential for spread in the West

Avila, who now lives in Seattle, still assists other attorneys with voting rights cases. He said he hopes to bring similar laws to Colorado, Texas and Arizona.

Hulett, from the [Mexican American Legal Defense and Educational Fund](#), said she hasn't studied all 50 states enough to know whether a California-style law would work nationwide. Some states might have such small and dispersed minority populations that districts might not make a difference, she added.

However, Hulett said her organization has been working on similar legislation in Illinois. She also pointed to efforts in Washington state, where district advocates scored a major victory in the city of Yakima.

Voters, led by the state chapter of the American Civil Liberties Union, won a lawsuit against the city in 2014 under the federal Voting Rights Act. The next year, three Latinas won seats on the Yakima City Council under newly drawn district lines.

RELATED: [Scholars: Latinos Face Tactics to Dilute, Discourage Their Vote](#)

The civil rights group points to the California law to show that it's possible for states to have their own legal remedy, said Doug Honig, a spokesman for Washington's ACLU.

But [California](#) also is a bit of an outlier compared with the rest of the country – 62 percent of its population is nonwhite, and registered Democrats far outnumber Republicans and independents. Outside of California, some jurisdictions have moved the opposite way. In Pasadena, Texas, outside Houston, the City Council converted two largely Latino districts to at-large seats in 2013. (Latino voters have [sued](#) to reverse the change.)

Nonetheless, California chips away at at-large voting. Just the number of jurisdictions that have transitioned to district elections shows that the law has been “a tremendous success,” Avila said.

“Political power is never given away, and you have very substantial economic interests at the local level that want to have a vested interest in making sure that the political status quo does not change,” Avila said. “For that reason, you have to have federal intervention and that's why you have state intervention to level the playing field.”

This report is part of the project titled “[Voting Wars – Rights | Power | Privilege](#),” produced by the Carnegie-Knight News21 initiative, a national investigative reporting project by top college journalism students across the country and headquartered at the Walter Cronkite School of Journalism and Mass Communication at Arizona State University.

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Their favored candidates will pick up plenty of other votes as a secondary choice of voters who'd really prefer other candidates. As a result, the majority of voters can see all their favored candidates lose election after election. In an At-Large, jurisdiction-wide field, it's easier than one might think to have the vote totals of the candidates preferred by a city's largest and most cohesive voting block outpace all others and claim all the seats. Sixty years after Lowell switched to At-Large voting, the school committee remains all white and almost all the city council members come from one neighborhood—even as more than half the city is now "minority," and Latino, Asian, and other students of color make up 75 percent of the school population.

[See here for two examples of using At-Large voting method in non-election settings. Choosing Music for a Prom or a Setting Organizational Goals at Meeting](#)

Common Questions

How often does a single voting block vote cohesively for all the same candidates?

Fairly often. Expert analysis of voting pattern preferences in voting rights cases frequently show high vote cohesion by the dominant voting block. In the Lowell example, white voters in a few neighborhoods cohesively cast their highest number of votes for the 9 city council candidates who won in a field of 18 candidates. They ranked the two Asian American candidates 17th and 18th. By contrast the two leading candidates of color were highest or among the top three choices of a third of the city's more diverse precincts.

Isn't it about voter turnout?

No. If it were just voter turnout, the federal government may not have banned At-Large voting from federal elections, states would not have rejected it, and the courts would not have declared hundreds of local At-Large systems illegal. First, the majority voting block starts with a large advantage in eligible voters and their votes alone can determine all nine winners. Second, minority voters hoping to elect one or two candidates still have nine votes. Beyond their top choices, they'll often end up voting for the majority block candidates to use more of their allotted votes, pushing up the total votes cast for the majority candidates. Over time this results in a lower voter turnout in these neighborhoods, a byproduct of a stacked system where voters see their favored candidates lose election after election.

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For smaller voting blocks "bullet voting," using only one of their nine votes and casting it for their top choice, can give that candidate a better chance, but this rarely succeeds. But more important to equal representation, why should some voters be forced to limit themselves to a fraction of their voting power while the majority block finds strength in using all of theirs?

Wouldn't using a proportional representation solve the problem?

Some jurisdictions use a proportional voting method for their multi-winner at-large elections such as Limited Voting, Cumulative Voting or Ranked Choice (preference) voting. Ranked Choice Voting, while the fairest, is easier to use in single winner elections like mayor, governor or legislative seats. The other two are subject to vote splitting. Outside of a party driven system that simplify and narrow the choices for voters and reduce costs for candidates campaigning in large jurisdictions, they have inherent challenges that favor candidates with more time and money and more experienced and educated voters that only increase with population growth.

The Added Challenge of Running Citywide

At-Large voting could be seen as workable in the small-town scale of the 19th century. Today, beyond the inherent bias of At-Large block voting, the challenge of running across an entire city or county is compounded by the following:

- The high cost of running—staff, communications, mail (still needed), database management, and media;
- The burden of fund-raising to run citywide;
- The need to contact voters and gain name recognition in a jurisdiction that can often be larger than a state senate or even congressional district; and
- Added time away from work and family to campaign and raise funds.

What's more, the focus of jurisdiction-wide campaigns inevitably requires spending time and resources in neighborhoods that already hold the greatest voting power, thereby reinforcing a cycle of higher turnout there and lower turnout in the places where it's already low. Voters outside the perennial winner neighborhoods struggle to come up with a slate of choices from a long list of names they've never met and have little time to research.

The Advantage of Districts

By contrast, neighborhood-based election districts make it easier for both voters and candidates. Voters are more likely to

seek to represent. Local election districts also do a better job of representing those not yet eligible to vote who also have easier access to a local rep and, as residents, get counted for the purposes of how districts are created.

A drawback is that district lines can be gerrymandered to favor one group. But on balance districts have provided not only more opportunity for underrepresented groups but also, because they're neighborhood based, better access to local representatives post-election. District systems do benefit from having some At-Large seats to ensure a jurisdiction-wide perspective.

Enter the Voting Rights Act

The 1965 Voting Rights Act (VRA) advanced the constitutional principle of equal opportunity to register and participate in elections. In 1982, when the VRA was extended by Congress, its amendments gave teeth and standards for legal challenges to At-Large voting methods. Soon after, the Supreme Court (*Thornburg v. Gingles*) set a three-prong test for a legal challenge to At-Large systems, the most important prong being the ability of minorities to demonstrate that the majority group votes with sufficient cohesion to defeat their preferred candidates and deny them and others an equal opportunity to elect candidates of their choice.

Hundreds of cases followed. Almost all jurisdictions that were taken to court or threatened with legal action replaced the At-Large voting system. Most jurisdictions did so by introducing district elections. In some cases the jurisdiction retained a few At-Large seats. A handful of others opted to use one of three semi-proportional methods common in the United States—ranked choice voting, cumulative voting, or limited voting. (The relative advantages of districts or a voting method designed for At-Large or multi-winner elections will be discussed in a subsequent blog post.) One action we have *not* seen is a jurisdiction that changed to go back to At-Large voting. [Pasadena, Texas](#), tried this in 2015 and received a stinging rebuke by the Federal court for its transparent attempt to limit the voting power of an increasing Latino population.

Conclusion

At-Large voting systems may be appropriate for multi-winner elections in small jurisdictions where everyone knows the candidates and one segment of the population can't be routinely outvoted. This is not true in larger jurisdictions that are more susceptible to the discriminatory effects of block voting—add to this the problems for candidates facing the high costs of running citywide and for voters of deciding among a long list of candidates on the ballot, most of whom they don't know or have never met. With higher stakes for policy outcomes and the need to represent and engage all neighborhoods, At-Large voting results in under representation for the majority of neighborhoods.

In spite of the bans, the disuse, and lawsuits, At-Large systems remain in many local jurisdictions. Incumbents elected At-Large are rarely the ones to call for a more democratic system. The challenge is most often led by the affected voters themselves with the help of civic groups, legal partners, or government willing to enforce equal opportunity voting rights found in the VRA and the Constitution itself. In the process, the pillars of democratic participation are uplifted and reinforced, and a more effective system for long-term voter engagement emerges.

[1] The top finishers need only a plurality, not a majority of votes cast, to win. The voter may only use one of his or her allotted votes for each candidate. Unlike semi-proportional methods like ranked choice or cumulative voting, there is no option the voter can show a preference among the list of candidates they vote for.

[2] Chris Hayes, "[The most important election you haven't heard of](#)," NBC News, November 8, 2013.

[3] Tory Mast, Fair Vote, The History of Single Member Districts, 1994, <http://archive.fairvote.org/?page=526>

[4] Fair Vote, <http://www.fairvote.org/>.

[5] William C. Geary, Political Advertisement, "An Open Letter to the Voters of the City of Lowell," *Lowell Sunday Sun* (Nov. 3, 1957). Quoted in complaint filed in lawsuit challenging At-Large voting in Lowell, Massachusetts, Chanmony Huot, et al v. City of Lowell Massachusetts, et al), <http://lawyerscom.org/wp-content/uploads/2017/05/Huot v Lowell Complaint 05-18-17 As Filed.pdf>, page 28.

Tags: [At-Large Voting](#)

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2464 Massachusetts Ave., Suite 210
Cambridge, MA 02140
Email: info@nonprofitvote.org
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Quiet Revolution in California Local Government Gains Momentum

Justin Levitt, Ph.D.
Douglas Johnson, Ph.D.
Tyler Finn'17
Tim Plummer'17
Ellen Lempres'18
Shivani Pandya'18
Skip Wiltshire-Gordon'19

November 3, 2016

850 Columbia Avenue,
Kravis Center 436
Claremont, CA 91711-6420
P: (909) 621-8159
E: roseinstitute@cmc.edu

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 to 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%

***CALIFORNIA VOTING RIGHTS ACT -
PUTTING THE 2016 LEGISLATION
INTO PRACTICE***

Speakers

Randi Johl, MMC, CCAC Legislative Director/Temecula City Clerk
Shalice Tilton, MMC, City Clerk, Buena Park
Dane Hutchings, Lobbyist, League of California Cities
Doug Johnson, Principal, National Demographics Corp.

CCAC Annual Conference
April 13, 2017



The Foundation

**What is the California
Voting Rights Act (CVRA)?**

- Enacted in 2002 (S.B. 976) - Governor Davis
- Took effect January 1, 2003
- Elections Code §§ 14025 to 14032
- Based on Federal Voting Rights Act of 1965



The CVRA prohibits the use of an at-large election system if racially polarized voting and the at-large election system combine to either impair the ability of protected class voters to elect candidates of their choice or impair their ability to influence the outcome of an election.

(Elections Code § 14027)

At-Large election system is where voters of the entire city elect all members to the city council.

From District election system is where each council member is elected by voters from the entire city, but the city is divided into districts and each council member must reside within a particular district.

By District election system is where a city is divided into districts and one council member is elected by only the registered voters in that particular district.

Protected Class: Class of voters who are members of a race, color, or language minority group, as defined by the federal Voting Rights Act.

Racially Polarized Voting: Voting where there is a difference in the choice of candidates, or other electoral issues, preferred by voters in a protected class and the choice of candidates, or other electoral issues, preferred by voters in the rest of the electorate.

(Elections Code § 14026; 42 U.S.C. § 1973 et seq.)

Key Difference Between Federal and State VRA

Thornburg v. Gingles, 478 U.S. 30 (1986)

(All Four Needed for Violation)

- *Can the protected class constitute the majority of a district?
- *Does the protected class vote as a bloc?
- *Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
- *Do the "totality of circumstances" indicate race is a factor in elections?

Key Difference Between Federal and State VRA

Only Two Needed for Violation Under CVRA

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

PRACTICAL RESULT?

LIABILITY DETERMINED ONLY BY THE PRESENCE OF RACIALLY POLARIZED VOTING



The Legislation

What is the new legislation and why was it needed?



- Number of Challenges / Low Threshold
- Limited Options Based on Population Size
- Costly Elections
- Costly Litigation / Settlements



The Problems

- Legislative Latino Caucus "Priority".
- Prior versions of AB 350 (Alejo) AB 278 (Hernandez) close to the finish line.
- Multiple Players: Legislative Minority Caucuses, Civil rights/ open government groups, the Governors Office Etc.
- The League was the "outsider" and needed to control our own destiny.



The Politics

*Any general law city and any charter city whose charter is silent on the election system, regardless of population, may voluntarily switch from an at-large election system to district election system via the ordinance process without voter approval



*AB 2220

*Limited safe-harbor provisions for cities voluntarily switching from at-large to district election system (45 Days + 90 Days)

*Public hearings / publications both before and after drawing preliminary map(s) of district boundaries

*Establishes \$30,000 cap and procedures for reimbursement to first of prospective plaintiff whose notice prompted change



*AB 350

*Repeals 100,000 population limitation for ordinances

*Repeals requirement for boundary map inclusion for voters (if applicable)

Note: Both AB 278 and AB 350 also have hearing, sequencing and timing requirements.

*AB 278

The Demography

What is the Science
Behind it All?



Data Measurements for Majority / Minority

- *Total Population
- *Voting Age Population
- *Citizen Voting Age Population
- *Registration by Surname
- *Turnout by Surname



Tools for Measuring Voter Preferences

*Homogeneous Precinct Analysis

Overwhelmingly-protected class and near-zero protected class precincts

*Ecological Regression

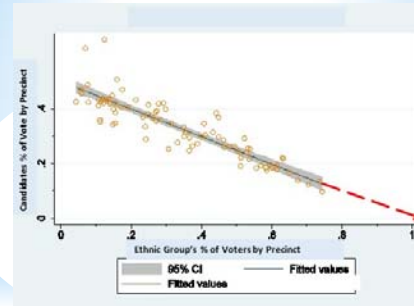
Statistical regression analysis comparing precinct by precinct election results relative to the percentage of each precinct comprised of each protected class

*Surveys and Exit Polls

Useful but surveys are flawed and exit polls are expensive

Regression Analysis Methodology

1. On a scattergram, plot dots for each precinct according to the precinct demographics and the percentage of the vote for a given candidate.
2. Find the line that best matches the pattern of the dots.
3. Extend the line to a theoretical precinct made up of 100% of that ethnic group's voters - the point where the regression line intercepts the 100% vertical is the estimated vote of that ethnic group for a given candidate.
4. Review the related confidence interval.
5. Repeat for each candidate and each ethnic group.



The Case Studies

The Ideal Situation



Not-So-Ideal Situation

The Ideal Situation

You Have Time!



*Buena Park


The Website

<http://www.drawbp.org/district-maps/>

The YouTube Video

<https://www.youtube.com/watch?v=wsUc5ncpyFY>






*The Timeline

The Not-So-Ideal Situation

You Don't Have Time!



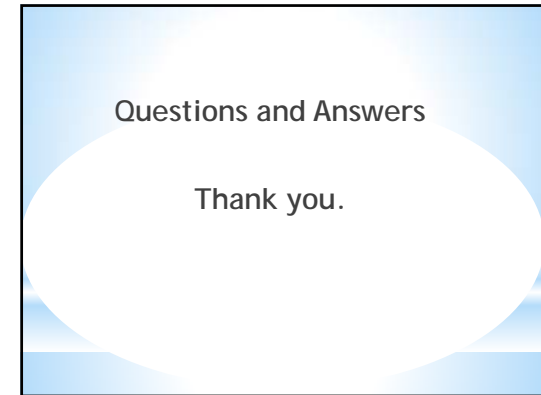
Letter Received:
May 1, 2017

45-Day Deadline (Resolution on Intention):
June 15, 2017

90-Day Deadline (Adoption of Ordinance):
September 11, 2017

*The Timeline

No.	Task	Date / Timeline	Notes
1	Closed Session	May 9, 2017	
2	Council Meeting - Initial Consideration of Topic - Item to Introduce Topic, Seek Council Direction on How to Proceed	May 23, 2017	
3	Council Meeting to Adopt Resolution / Public Hearing #1	June 13, 2017	Before Map(s) Drawn - E.C. 10010(a)(1)
4	Council Meeting / Public Hearing #2	June 27, 2017	Before Map(s) Drawn - E.C. 10010(a)(1), within 30 days of Public Hearing #1
5	Draft Map(s) Drawn	June 28 - July 10, 2017	
6	Publish Draft Map(s) and Sequencing	July 15, 2017	E.C. 10010(a)(2), Published Once at Least 7 Days Prior to Public Hearing #3
7	Council Meeting / Public Hearing #3	July 25, 2017	After Map(s) and Sequencing Published E.C. 10010(a)(2), More than 7 Days After Draft Map(s) and Sequencing Publication
8	Council Meeting / Public Hearing #4 - Introduction / First Reading of Ordinance	August 8, 2017	After Map(s) and Sequencing Published E.C. 10010(a)(2), within 45 days of Public Hearing #3
9	Council Meeting - Second Reading of Ordinance	August 22, 2017	
10	Ordinance Effective 30 Days After Adoption	September 22, 2017	
11	Council Members Transition to Representing Their Respective Districts via Ordinance	November 2018 November 2020	



CCAC Annual Conference
Doubletree by Hilton Hotel Golf Resort
Thursday, April 13, 2017
8 a.m. to 10 a.m.



Presenters:

Randi Johl, MMC, CCAC Legislative Director/Temecula City Clerk
Shalice Tilton, MMC, City Clerk, Buena Park
Dane Hutchings, Lobbyist, League of California Cities
Doug Johnson, Principal, National Demographics Corp.

randi.johl@temeculaca.gov
stilton@buenapark.com
dhutchings@cacities.org
djohnson@ndcresearch.com

CALIFORNIA VOTING RIGHTS ACT – PUTTING THE 2016 LEGISLATION INTO PRACTICE

In 2016, after years of meetings, committee hearings, testimony and negotiations, a group of unlikely coalition members came together to work on a solution to prevent costly litigation for cities while retaining local control in their cities. AB 278, AB 350 and AB 2220 were a package of California Voting Rights Act (CVRA) bills that passed in 2016 and went into effective January 1, 2017. This session will allow participants to fully understand the political and technical intricacies of the CVRA bills individually and collectively. Participants will learn how to practically implement this bill package in their jurisdiction.

INTRODUCTION

The California Voting Rights Act of 2001 (Election Code §§ 14025 et seq.) establishes criteria in state law through which the validity of at-large election systems can be challenged in court. At-large election systems are the most common methods of electing council members. With at-large election systems, voters of the entire jurisdiction elect the members. With a by-district election system, only the voters in a given district vote to choose the council member. Advocates of by-district elections say they improve the chances for an historically under-represented group to elect one of their members to a council. In just ten years, the California Voting Rights Act has nearly tripled the number of California cities using by-district elections.

THE CALIFORNIA VOTING RIGHTS ACT OF 2001

ELECTIONS CODE

DIVISION 14. ELECTION DAY PROCEDURES [14000 - 14443]

CHAPTER 1.5. Rights of Voters [14025 - 14032]

14025.

This act shall be known and may be cited as the California Voting Rights Act of 2001. *(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)*

14026.

As used in this chapter:

(a) “At-large method of election” means any of the following methods of electing members to the governing body of a political subdivision:

- (1) One in which the voters of the entire jurisdiction elect the members to the governing body.
- (2) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body.
- (3) One that combines at-large elections with district-based elections.

(b) “District-based elections” means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(c) “Political subdivision” means a geographic area of representation created for the provision of government services, including, but not limited to, a general law city, general law county, charter city, charter county, charter city and county, school district, community college district, or other district organized pursuant to state law.

(d) “Protected class” means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(e) “Racially polarized voting” means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate. The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.

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, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class, as defined pursuant to Section 14026.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

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. Elections conducted prior to the filing of an action pursuant to Section 14027 and this section are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.

(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. One circumstance that may be considered in determining a violation of Section 14027 and this section is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action based on Section 14027 and this section. In

multiseat at-large election districts, where the number of candidates who are members of a protected class is fewer than the number of seats available, the relative groupwide support received by candidates from members of a protected class shall be the basis for the racial polarization analysis.

(c) The fact that members of a protected class are not geographically compact or concentrated may not preclude a finding of racially polarized voting, or a violation of Section 14027 and this section, but may be a factor in determining an appropriate remedy.

(d) Proof of an intent on the part of the voters or elected officials to discriminate against a protected class is not required.

(e) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors to establish a violation of Section 14027 and this section.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14029.

Upon a finding of a violation of Section 14027 and Section 14028, the court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14030.

In any action to enforce Section 14027 and Section 14028, the court shall allow the prevailing plaintiff party, other than the state or political subdivision thereof, a reasonable attorney's fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. Prevailing defendant parties shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14031.

This chapter is enacted to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14032.

Any voter who is a member of a protected class and who resides in a political subdivision where a violation of Sections 14027 and 14028 is alleged may file an action pursuant to those sections in the superior court of the county in which the political subdivision is located.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

ELECTION OF LEGISLATIVE BODY BY OR FROM DISTRICTS IN CITIES

GOVERNMENT CODE

TITLE 4. GOVERNMENT OF CITIES [34000 - 45345]

DIVISION 2. ORGANIZATION AND BOUNDARIES [34400 - 34906]

PART 1. ORGANIZATION [34400 - 34906]

CHAPTER 4. Alternative Forms of Government [34851 - 34906]

ARTICLE 2. Election of Legislative Body By or From Districts in Cities [34870 – 34886]

34870.

This article applies only to cities.

(Repealed and added by Stats. 1970, Ch. 278.)

34871.

At any municipal election, or special election held for that purpose, the legislative body may submit to the registered voters an ordinance providing for the election of members of the legislative body in any of the following ways:

- (a) By districts in five, seven, or nine districts.
- (b) From districts in five, seven, or nine districts.
- (c) By districts in four, six, or eight districts, with an elective mayor pursuant to Article 5 (commencing with Section 34900).
- (d) From districts in four, six, or eight districts, with an elective mayor pursuant to Article 5 (commencing with Section 34900).

The term “by districts” as used in this article shall mean election of members of the legislative body by voters of the district alone. The term “from districts” shall mean election of members of the legislative body who are residents of the district from which they are elected by the voters of the entire city. “Geographical area making up the district” shall in the case of elections by district mean the district, and in the case of elections from districts shall mean the entire city except with respect to the residence requirements imposed by Section 34882.

That ordinance may also be qualified for the ballot by means of an initiative measure in accordance with Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code.

(Amended by Stats. 1994, Ch. 923, Sec. 68. Effective January 1, 1995.)

34872.

An ordinance shall state the number of legislative districts and whether members of the legislative body shall be elected by districts, from districts, by districts with an elective mayor, or from districts with an elective mayor.

(Amended by Stats. 2016, Ch. 736, Sec. 1. Effective January 1, 2017.)

34873.

An ordinance enacted pursuant to this article may be amended or repealed in the same manner; provided, the term of office of any council member elected shall not be affected.

(Amended by Stats. 2010, Ch. 699, Sec. 7. Effective January 1, 2011.)

34874.

No amendatory ordinance altering the boundaries of the legislative districts established pursuant to this article shall be submitted to the registered voters until the ordinance has been submitted to the planning commission of the city or, in absence of a planning commission, to the legislative body of said city for an examination as to the definiteness and certainty of the boundaries of the legislative districts proposed.

(Amended by Stats. 1978, Ch. 745.)

34875.

The amendatory ordinance shall not be submitted to the voters if (a) one or more of the legislative districts do not close, (b) one or more entire legislative districts are eliminated prior to the termination of the term of office of the council member of or from the district, (c) the effect is that a greater number of council members will be qualified to hold office concurrently than are authorized by this article or the amendatory ordinance.

(Amended by Stats. 2010, Ch. 699, Sec. 8. Effective January 1, 2011.)

34876.

The planning commission of the city or, in absence of such body, the legislative body of the city shall make findings as to the matters set forth in Section 34875 by resolution within 90 days after submission of the amendatory ordinance to the city clerk. Failure to make findings shall be constituted as a finding of compliance with Section 34875.

(Repealed and added by Stats. 1970, Ch. 278.)

34876.5.

(a) If an ordinance is submitted to the voters pursuant to Section 34871, there shall be printed on the ballots substantially as follows:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts?”

or, if applicable:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts, and the Mayor of the City of ____ be elected on a citywide basis by the voters of the entire city?”

followed by the words “Yes” and “No,” so printed that the voters may express their choice.

(b) If a majority of the voters voting on the proposed ordinance vote in its favor, members of the legislative body shall be elected in the manner approved by the voters beginning at the first election following approval of the district boundaries pursuant to Section 34877.5, and for which the election consolidation deadlines established in the Elections Code have not passed.

(Added by Stats. 2016, Ch. 736, Sec. 2. Effective January 1, 2017.)

34877.

The proposition of altering legislative districts shall be printed on the ballots substantially as follows:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts described in Ordinance No. ____?”

or, if applicable:

“Shall members of the legislative body of the City of ____ be elected by (or from) districts described in Ordinance No. ____, and the Mayor of the City of ____ be elected on a citywide basis by the voters of the entire city?”

followed by the words “Yes” and “No,” so printed that the voters may express their choice.

(Amended by Stats. 2016, Ch. 736, Sec. 3. Effective January 1, 2017.)

34877.5.

(a) After an ordinance is passed by the voters pursuant to Section 34876.5, or after an ordinance is enacted by the legislative body pursuant to Section 34886, the legislative body shall prepare a proposed map that describes the boundaries and numbers of the districts for the legislative body. In preparing the proposed map, the legislative body may seek public input, including accepting proposed maps submitted by the public.

(b) If the legislative body is changing from an at-large method of election to a district-based election, as those terms are defined in Section 14026 of the Elections Code, the legislative body shall hold public hearings pursuant to Section 10010 of the Elections Code. If the legislative body is otherwise adjusting the district boundaries, the legislative body shall hold public hearings on the proposed district boundaries pursuant to Section 21607 of the Elections Code.

(Added by Stats. 2016, Ch. 736, Sec. 4. Effective January 1, 2017.)

34878.

If a majority of the registered voters of the city, who vote, vote in favor of the ordinance, at the expiration of the terms of office of the members of the legislative body, or as provided by ordinance, members of the legislative body shall be elected by (or from) the districts described, or by or from districts with an elective mayor, and in the manner provided.

(Amended by Stats. 1978, Ch. 745.)

34879.

The term of office of members of the legislative body elected pursuant to the provisions of this article shall be four years, unless otherwise expressly provided.

(Repealed and added by Stats. 1970, Ch. 278.)

34880.

(a) If the petition or proposal developed by the commission for submission to the electorate for incorporation or special reorganization of a city provides for the election of members of the legislative body by (or from) districts and includes substantially the provisions required to be included in an ordinance providing for that election, including Section 34871, the members of the legislative body shall be elected in the manner provided in the petition or proposal.

(b) The members of the legislative body shall hold office until the next general municipal election. At the next general municipal election the members elected by or from the even-numbered districts shall hold office for four years and the members elected by or from the odd-numbered districts shall hold office for two years. Thereafter the term of office is four years.

(Amended by Stats. 2000, Ch. 761, Sec. 3. Effective January 1, 2001.)

34881.

One member of the legislative body shall be elected by or from each district, or, if applicable, one member of the legislative body shall be elected by or from each district constituting a geographical division of the city, and the mayor shall be elected on a citywide basis. With the possible exception as to the number of members of the legislative body, the officers of the city remain the same.

(Amended by Stats. 1975, Ch. 652.)

34882.

A person is not eligible to hold office as a member of a municipal legislative body unless he or she is otherwise qualified, resides in the district and both resided in the geographical area making up the district from which he or she is elected and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 10227 of the Elections Code.

(Amended by Stats. 1994, Ch. 923, Sec. 69. Effective January 1, 1995.)

34883.

Registered voters signing nomination petitions or voting for a member of the legislative body shall be residents of the geographical area making up the district from which the member is to be elected.

(Amended by Stats. 1978, Ch. 745.)

34884.

(a) If, at the time a vote is held on the subject of incorporation of a new city, a majority of the votes cast is for incorporation and, if, in accordance with Section 57116, a majority of the votes cast on the question of whether members of the city council in future elections are to be elected by district or at large is in favor of election by district, all of the following procedures apply:

(1) Before the first day on which voters may nominate candidates for election at the next regular municipal election, the legislative body shall, by ordinance or resolution, establish the boundaries of the districts of the legislative body. The districts shall be as nearly equal in population as may be. The districts shall comply with applicable provisions of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), as amended. In establishing the boundaries of the districts, the legislative body may consider the following factors:

(A) Topography.

(B) Geography.

(C) Cohesiveness, contiguity, integrity, and compactness of territory.

(D) Community of interests of the districts.

(2) The terms of office of the two members elected with the lowest vote shall expire on the Tuesday succeeding the next regular municipal election. At that election, members shall be elected by district in the even-numbered districts and shall hold office for four years.

(3) The terms of office of the three members elected with the highest vote shall expire on the Tuesday succeeding the second regular municipal election following the incorporation. At that election, members shall be elected by district in the odd-numbered districts and shall hold office for four years.

(b) The result of the vote cast on the question of whether members of the city council in future elections are to be elected by district or at large shall not preclude the submission to the voters at any future election of a measure in accordance with Section 34871.

(Amended by Stats. 2016, Ch. 736, Sec. 5. Effective January 1, 2017.)

34886.

Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

(Amended by Stats. 2016, Ch. 751, Sec. 1. Effective January 1, 2017.)

DISTRICT BOUNDARIES

ELECTIONS CODE

DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS [10000 - 10735]

PART 1. GENERAL PROVISIONS [10000 - 10010]

CHAPTER 2. District Boundaries [10010 - 10010.]

10010.

(a) A political subdivision that changes from an at-large method of election to a district-based election, or that establishes district-based elections, shall do all of the following before a public hearing at which the governing body of the political subdivision votes to approve or defeat an ordinance establishing district-based elections:

(1) Before drawing a draft map or maps of the proposed boundaries of the districts, the political subdivision shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts. Before these hearings, the political subdivision may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.

(2) After all draft maps are drawn, the political subdivision shall publish and make available for release at least one draft map and, if members of the governing body of the political subdivision will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections. The political subdivision shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven days before being adopted.

(b) In determining the final sequence of the district elections conducted in a political subdivision in which members of the governing body will be elected at different times to provide for staggered terms of office, the governing body shall give special consideration to the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of this code), and it shall take into account the preferences expressed by members of the districts.

(c) This section applies to, but is not limited to, a proposal that is required due to a court-imposed change from an at-large method of election to a district-based election.

(d) For purposes of this section, the following terms have the following meanings:

(1) "At-large method of election" has the same meaning as set forth in subdivision (a) of Section 14026.

(2) "District-based election" has the same meaning as set forth in subdivision (b) of Section 14026.

(3) "Political subdivision" has the same meaning as set forth in subdivision (c) of Section 14026.

(e) (1) Before commencing an action to enforce Sections 14027 and 14028, a prospective plaintiff shall send by certified mail a written notice to the clerk of the political subdivision against which the action would be brought asserting that the political subdivision's method of conducting elections may violate the California Voting Rights Act.

(2) A prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 45 days of the political subdivision's receipt of the written notice described in paragraph (1).

(3) (A) Before receiving a written notice described in paragraph (1), or within 45 days of receipt of a notice, a political subdivision may pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so.

(B) If a political subdivision passes a resolution pursuant to subparagraph (A), a prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 90 days of the resolution's passage.

(f) (1) If a political subdivision adopts an ordinance establishing district-based elections pursuant to subdivision (a), a prospective plaintiff who sent a written notice pursuant to subdivision (e) before the political subdivision passed its resolution of intention may, within 30 days of the ordinance's adoption, demand reimbursement for the cost of the work product generated to support the notice. A prospective plaintiff shall make the demand in writing and shall substantiate the demand with financial documentation, such as a detailed invoice for demography services. A political subdivision may request additional documentation if the provided documentation is insufficient to corroborate the claimed costs. A political subdivision shall reimburse a prospective plaintiff for reasonable costs claimed, or in an amount to which the parties mutually agree, within 45 days of receiving the written demand, except as provided in paragraph (2). In all cases, the amount of the reimbursement shall not exceed the cap described in paragraph (3).

(2) If more than one prospective plaintiff is entitled to reimbursement, the political subdivision shall reimburse the prospective plaintiffs in the order in which they sent a written notice pursuant to paragraph (1) of subdivision (e), and the 45-day time period described in paragraph (1) shall apply only to reimbursement of the first prospective plaintiff who sent a written notice. The cumulative amount of reimbursements to all prospective plaintiffs shall not exceed the cap described in paragraph (3).

(3) The amount of reimbursement required by this section is capped at \$30,000, as adjusted annually to the Consumer Price Index for All Urban Consumers, U.S. city average, as published by the United States Department of Labor.

(Amended by Stats. 2016, Ch. 737, Sec. 1. Effective January 1, 2017.)

The Differential Impact of Single-Member and At-Large Voting Districts on Local Democracy: New Tests and Evidence*

Carolyn Abbott[†]
Asya Magazinnik[‡]

May 29, 2017

Abstract

In many local elections throughout the United States, multiple candidates can compete for and win the same public office (“at-large districts”). This is in contrast to the classic majoritarian electoral scheme in which one candidate is chosen to represent a single geographical subunit (“single-member districts”). Although at-large voting systems have historically been used to suppress minority representation, as a bare majority of a district can dictate the composition of the entire governing body, scholars remain divided over the contemporary implications for the interests of underrepresented groups. A recent wave of litigation against school districts with at-large elections under California’s 2001 Voting Rights Act (CVRA) provides a unique opportunity to identify the causal effects of at-large versus single-member districts on local representation and accountability. Taking advantage of a rich new dataset on school district elections, local voter participation, and school finance and educational achievement outcomes, we find that exogenous variation in the way in which school board members are elected exerts a strong influence over descriptive representation, while the link between voting rules and substantive representation remains unclear.

*Prepared for the 2017 CSAP Annual American Politics Conference at Yale University, New Haven. This work would not have been possible without a grant from the Spencer Foundation that allowed us to collect this data for the Education Governance and Accountability Project at The Ohio State University. Additional thanks go to Vlad Kogan and Stéphane Lavertu who have already provided helpful feedback on this project.

[†]Department of Political Science and John Glenn College of Public Affairs, The Ohio State University; abott.1@osu.edu

[‡]Department of Politics, Princeton University; asyam@princeton.edu.

1 Introduction

Free and fair elections are the very essence of modern democracy. The way in which this exercise of popular will is translated into governance is no less important. While the United States’ track record on this issue vis-à-vis non-white and non-male Americans has been egregious for much of its history, the past half century has seen a number of attempts to correct historical political inequities. One example of these reforms to the electoral-representation link has been the elimination of at-large voting districts where it has been often claimed that the minority vote is diluted by majority interests voting as a bloc across the entire district. If minorities tend to be segregated into specific portions of a district, as they have been historically, switching to a system in which individual portions or wards of the district elect their own representative can serve to increase the voice of the minority voter.

The empirical effect of switching from at-large to single-member electoral schemes, however, has been debated in the political science literature for decades. For instance, while some work has found that single-member district elections for local school boards result in greater representation for Latino voters (Molina Jr. & Meier 2016; Meier *et al.* 2005; Leal *et al.* 2004), other work has found no effect (Welch 1990). The documented effects of single-member districts on black representation are similar, with recent research actually uncovering a negative association between single-member elections and minority electoral success (Meier & Rutherford 2014). While a great deal of scholarly attention has been devoted to the subject of at-large versus single-member representation, no study in this literature has produced convincing causal estimates of the differential impacts of the two systems. Even after controlling for covariates, crucial unobserved differences remain between areas with long histories under each rule, and those that choose to switch to single-member districts are fundamentally different from those that do not. We correct this shortcoming by taking advantage of a wave of litigation filed under California’s Voting Rights Act (CVRA) directed at a number school districts with at-large elections. This litigation not only compelled those targeted districts to switch to single-member elections but also had the effect of encouraging other nearby school districts to do so voluntarily. By leveraging this exogenous variation in voting rules and utilizing a rich new dataset on school district elections compiled by the Education Governance and Accountability Project at The Ohio State University we are able to confidently isolate the causal effect of single-member electoral districts on descriptive and substantive minority representation.

It has become increasingly important that we understand the causal impact of at-large versus single-member districts on representation – not only as a matter of theoretical interest, but also because it has recently become a focus of the energies of civil rights groups aiming to amplify the voice of minorities in

local politics. At the time the CVRA was passed in 2001, 88% of California’s school board elections were held at large; around the country, governing bodies elected at large make decisions about how schools are funded, where roads are built, and how water and sanitation services are delivered; they determine housing, economic development, transportation, and urban planning policies that profoundly affect their constituents’ daily lives. If extending participation in these decisions to disadvantaged groups is just a matter of changing how votes are aggregated – a relatively simple, low-cost reform – then it is essential to equal rights that we do so; on the other hand, if this institutional feature has no bearing on minority representation, civil rights advocates should turn their energies – and the attention of the courts – to a different arena.

The present study makes two key contributions to the study of how electoral structures shape political outcomes, and specifically how minority interests are represented under at-large and single-member systems. First, it employs a novel research design based on litigation under the CVRA to identify plausibly causal effects of the electoral rule rather than simply comparing districts that use different voting systems. Second, we take a broader view than previous studies that have mainly focused on descriptive representation. Although we begin by assessing the impact of voting rules on the ethnic composition of school boards, our rich new dataset also allows us to explore whether substantive representation is responsive to electoral institutions, as measured by district-level educational performance data that indicate whether students have experienced tangible improvements in the years after a rule change.

The reforms to at-large voting in local California elections appear to be well-intentioned across the board and genuinely considered effective by advocates (Gobalet & Lapkoff 1991), and our results support these sentiments by documenting a strong causal relationship between single-member voting districts and minority representation. While there are a number of reasons for why the CVRA should *not* be effective in increasing minority representation, including the likelihood that the earlier federal Voting Rights Act picked off all of the low-hanging fruit before the CVRA was passed – forcing school districts with the most egregious demonstrations of racially polarized voting and housing segregation to switch to single-member voting districts – we nevertheless find strong evidence to suggest that electoral reform is still effective, even in the 21st century, in strengthening the political voice of minorities in local government.

2 Background

In 1985, three Mexican-Americans filed suit against the city of Watsonville, California, alleging that its practice of electing city council members at large hindered the representation of its Latino residents and violated the Voting Rights Act of 1965. According to the 1980 Census, people of Hispanic or Latino origin comprised 49% of Watsonville’s total population and 37% of its citizens, but no Hispanic or Latino had

ever been elected mayor or to a city council position prior to the trial; eight Hispanic candidates had run unsuccessfully for city council positions from 1971 to 1985, and one had run for mayor in 1979 (Leagle n.d.).

The plaintiffs in *Gomez v. City of Watsonville* were petitioning to replace the city’s at-large electoral system, in which the entire constituency voted on every seat in the governing body (also called “multimember districts”), with single-member districts (also called a “trustee-area” system) whereby the constituency would be carved into smaller geographical subunits and able to individually elect its own representative. There are clear reasons to expect that minority candidates will perform better in trustee-area versus at-large elections. If voting is racially polarized — that is, if voters are more likely to elect representatives from their own racial group — and if minorities live in concentrated areas, then majority-minority districts may be constructed to ensure that their preferred candidates are elected to the governing body. Even politically disadvantaged groups that are geographically dispersed and cannot be packed into a contiguous space may benefit from the kind of politics that characterizes single-member district elections: to win the support of a subunit rather than the entire constituency, candidates for local office need not be well-resourced or politically connected if they are successful at mobilizing their communities and knocking on doors (Fleming n.d.).

In practice, at-large systems have a mixed record of democratic representation. They have been used as a tactic to dilute Black voting power under Jim Crow, but also as a measure to curb corruption and weaken local political machines during the Progressive Era (and to weaken the poor and immigrant population’s political control). A sizable academic literature attempting to quantify the differential impacts of the two systems has failed to arrive at a consensus. Several studies have found that Blacks are more likely to be elected in single-member districts than at large (Davidson & Korbel 1981; Engstrom & McDonald 1981; Karnig & Welch 1982; Lublin 1999; Marschall & Ruhil 2006; Moncrief & Thompson 1992; Polinard 1994; Robinson & England 1981; Trounstine & Valdini 2008), though only one, to our knowledge, has documented the effect of a change within the same district (Davidson & Korbel 1981). This is at least partly due to a lack of available data. Others have found no evidence of a detrimental effect of at-large elections (MacManus 1978; Cole 1974; Fraga 2009), and a third set has argued that, while such an effect may have existed in the past, it has diminished over time because the subset of places where at-large elections were being used to suppress minority representation has already been targeted by the Justice Department and eliminated from the sample, and because successful minority candidates have adapted to the realities of at-large elections (Sass 1995; Welch 1990). A recent study even concludes that at-large elections help African-American candidates get elected to school boards in majority-Democratic counties (Meier & Rutherford 2014), though the mechanism is not well understood.

Legal Context: From *Thornburg v. Gingles* to the CVRA

The district court that first heard the Watsonville case in 1987 ruled in favor of the city, finding that while voting was polarized along racial lines, the Latino population was neither politically cohesive nor geographically compact enough to reasonably expect that outcomes would be different under an alternative districting scheme. At that point, the legal standard for evaluating claims of vote dilution in multimember districts had been set by *Thornburg v. Gingles*, a 1986 Supreme Court case involving a challenge to a redistricting plan adopted by the North Carolina General Assembly under Section 2 of the federal Voting Rights Act. The ruling of the Court reduced the long list of “typical” but not conclusive factors that had previously been considered in such cases to a simple three-pronged test. First, said the ruling, a plaintiff challenging a multimember districting plan under Section 2 must demonstrate that the group in question is “sufficiently large and geographically compact to constitute a majority in a single-member district” (*Thornburg v. Gingles* 1986), because unless that is the case, the districting plan cannot reasonably be responsible for any barriers to equal participation. Second, the minority group must be “politically cohesive” – that is, its interests must be somehow distinct from those of the majority, or else it cannot be said that they have been thwarted. Third, plaintiffs have to demonstrate that “the white majority votes sufficiently as a bloc” to enable it to defeat the minority – that is, they must establish a causal link between the multimember district structure and the structural inability of the minority group to elect its chosen representatives. Applying this standard, the district court in *Gomez v. Watsonville* found that Latinos failed to meet the geographical compactness and political cohesion tests, so it ruled in favor of the city and awarded to it all costs and attorneys’ fees.

The defendants appealed, and the district court’s ruling was ultimately reversed “because of its legal misunderstandings and erroneous findings of insufficient geographical insularity and political cohesiveness” (*Thornburg v. Gingles* 1986). The U.S. Court of Appeals ruled that “based on the totality of the circumstances, the at-large scheme of mayoral and city council elections in Watsonville impermissibly dilutes the voting strength of Hispanics,” and remanded to the lower courts the implementation of a new plan that would satisfy Section 2. Even so, plaintiffs in California and around the country continued having trouble bringing voting rights cases because of the compactness and cohesiveness requirements. Then, in 2001, the California legislature passed its own, stronger version of the Voting Rights Act, eliminating these requirements altogether and thereby setting a much lower bar for petitioners to demonstrate minority vote dilution under at-large electoral systems in the state. Under the CVRA, the sole requirement that constitutes grounds for conversion from at-large to single-member districts is evidence of “racially polarized voting” – essentially, that voting patterns correlate with the race of the candidate and the voter. Moreover, the CVRA mandated

that all legal costs in these cases be shouldered by the defendant, even if the parties settle before going to court.

The first case to be brought under the CVRA was *Gomez v. Hanford Joint Union School District*, which settled out of court but resulted in the district having to pay \$110,000 in legal fees. Then came *Sanchez v. City of Modesto*, which bounced around the courts before settling and cost the city over \$3 million in legal fees. The first case to be decided by a judge was *Rey v. Madera Unified School District* in 2008, and the ruling was also in the plaintiff's favor. These early victories made clear to civil rights advocates across the state that the CVRA was a powerful, low-cost tool for calling attention to and potentially redressing shortfalls in Latino representation on California's school boards and city councils. If a case went all the way to trial, the low standard set by the CVRA almost assured that the plaintiff would win; even if it settled, the prospect of shouldering the legal fees was enough to make many school districts immediately convert at the mere threat of legal action.

The vulnerability of cash-strapped school districts to costly legal action meant that the CVRA's reach extended far beyond what was taking place in the courts. Legal advocacy groups such as the Mexican-American Legal Defense Fund (MALDEF), the San Francisco Bay Area chapter of the Lawyers' Committee for Civil Rights (LCCR), and local chapters of the American Civil Liberties Union (ACLU) became active in both filing lawsuits and sending threat letters to multimember districts with large Latino populations but poor Latino representation.¹ Many districts proactively consulted attorneys, who told them that "the only safe harbor" is to shift to trustee-area elections.² Those that did not want to wait to be contacted by a lawyer either put the decision to convert to a popular vote in the district - the legally mandated procedure - or appealed to higher authorities for permission to bypass this process.³ Most preferred the latter route, not wanting to risk the measure being defeated in a way that would deliver to potential plaintiffs their "Exhibit A" of racially polarized voting in the district.⁴ The state Board of Education even offered a streamlined procedure for doing so in the form of waivers to the sections of the California Education Code that required changes to the election method to be approved by districtwide elections.⁵ Overall, between 2001 and 2016, 21 lawsuits were filed under the CVRA (4 of them against school districts);⁶ 23 converted after receiving a legal threat; and 75 converted voluntarily, either by districtwide vote or by waiver.

¹An example of a threat letter is provided in the Appendix.

²Peter Fagen, a partner in Fagen, Friedman, & Fulfrost, a Los Angeles-based firm that provided legal counsel to over half of the school districts in the state. Quoted in "Districts Abandoning At-Large Elections," *Education Week*, http://www.edweek.org/ew/articles/2013/02/27/22schoolboards_ep.h32.html.

³An example of a school board resolution appealing to the county districting authority is provided in the Appendix.

⁴Conversation with a source centrally involved in CVRA litigation.

⁵An example of a waiver is provided in the Appendix.

⁶Lawyers' Committee on Civil Rights Fact Sheet, https://www.lccr.com/wp-content/uploads/2014_CVRA_Fact_Sheet.pdf.

3 Identifying the Causal Effects of Single-Member Districts on Latino Representation

Litigation under the CVRA, according to one of the prominent attorneys involved in these cases, has heralded “a quiet revolution” with the potential to transform “the literal face of California politics.”⁷ Yet, describing the plaintiff in *Lopez v. Madera Unified*, the Los Angeles Times writes,

You would never mistake Jesse Lopez Jr. for a revolutionary. Soft-spoken, with a shy smile beneath his gray mustache, the retired school custodian and amateur mariachi singer hardly seems like an instigator. Yet if Latinos come to dominate California politics someday, Lopez will have helped make it happen.⁸

This description is not accidental. While plaintiffs in early cases like Watsonville exercised the initiative in bringing districts to court, after the passage of CVRA it was organizations like the LCCR – which has represented the plaintiffs in almost all post-2001 litigation – and MALDEF that have initiated legal action. Rather than plaintiffs approaching lawyers, lawyers have recruited plaintiffs in districts that their organizations have identified as good candidates for litigation.

To gain a better understanding of the selection process into conversion to single-member districts, we spoke to a lawyer who was involved in a large number of the cases tried under the CVRA. He described the process as follows. First, his organization identified all of the at-large districts across the state where there was a misalignment between the size of the Latino population and representation: as a rule of thumb, places that were at least 30% Latino but had fewer than one out of five Latino board members. Next, his associates would arrange meetings with local organizations within these districts to inform the communities that their representatives were elected at-large, and to explain how this system might make it more difficult for minority candidates to get into office. They would ask whether community members felt that minority interests could be better represented in local government, and whether they thought their districts would benefit from single-member representation; invariably, the answer was yes.⁹ The organization also hired statistical consultants to assess whether there was evidence of “racial polarization” in the selected districts, but given the low standard set by the CVRA and the demographic realities on the ground, this step did not eliminate any candidates.

⁷Robert Rubin, an attorney with the Lawyers’ Committee for Civil Rights. Quoted in “Districts Abandoning At-Large Elections,” *Education Week*, http://www.edweek.org/ew/articles/2013/02/27/22schoolboards_ep.h32.html.

⁸*Los Angeles Times*, “Madera Unified case is changing elections throughout California,” <http://articles.latimes.com/2009/jan/04/local/me-madera4>.

⁹One community member recounted how the city council decided to build a sewer that ran directly through the Latino part of the district, and at some point it started leaking into the ground; unsurprisingly, no members of the board lived in this part of the district.

It is the next step - identifying someone willing to act as the petitioner - that is the most difficult, according to the attorney involved in the cases, because “you’re asking a member of a disenfranchised community to fight the establishment.” Usually, it would be an older person, likely a retiree, who does not work for the city and “has less to lose.” On occasion, plaintiffs experienced threats and intimidation from their communities, and, to be sure, those who were nonetheless willing to move forward do not represent a random sample of *individuals*; importantly, however, the ability of civil rights lawyers to identify such people with limited time and resources was not systematically related to the *district-level* outcomes in which we are interested: Latino electoral participation and performance or student performance. Our contact described the communities he represented as ranging very widely in “political sophistication.” Sometimes, he said, they were not “ready” for a legal victory: though they would win the case, “they were not sufficiently organized to put up any candidate, or, worse yet, they put up a bad one.”

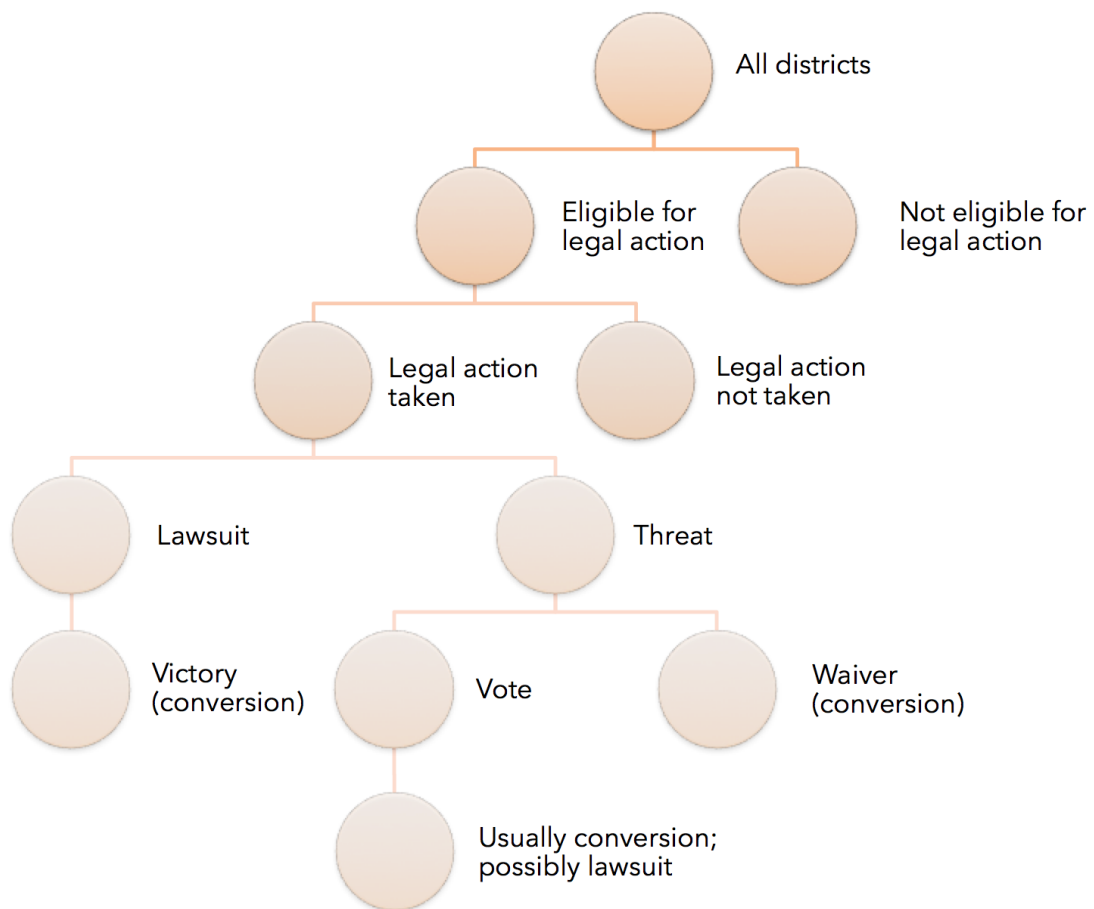
In short, we can characterize the selection process as follows (Figure 1). Selection into the pool of potential litigants is perfectly observable: we know the organization’s rule of thumb for identifying districts, and have obtained the spreadsheet of Latino population and school board representation data that was used for this express purpose. Conditional on having a petitioner, selection into conversion is deterministic - to date, no case has lost under the CVRA. It is the step in the middle - randomness in the plaintiff recruitment process and in the timing of legal action - that we exploit to get causal identification.

Specifically, our knowledge of the CVRA conversion process yields at least three identification strategies. First, under the assumption that districts with legal cases or threats represent a random sample of the pool of potential litigants, a linear regression within this larger sample with year and either county or school district fixed effects yields plausibly causal estimates of the effect of conversion. We estimate the model:

$$Y_{it} = \alpha_0 + \beta_1 singleleg_{it} * prophis_{it} + \beta_2 singlevol_{it} * prophis_{it} + \gamma \mathbf{X}_{it} + \eta_i + \rho_t + \varepsilon_{it}$$

where Y is a political or educational outcome measured at the district-year level; *singleleg* is a binary identifier for districts (i) that have single-member elections in year t , and had been forced to convert to that system by legal action (lawsuit or other legal threat); *singlevol* is a binary identifier for districts with single-member elections that converted to that system voluntarily (by vote or waiver); *prophis* is the proportion of Hispanic students enrolled in the school district; \mathbf{X} is a vector of additional district-level demographic and education-related controls; η is a county or district fixed effect; and ρ is a year fixed effect. We also conduct the analysis by restricting the sample to just those districts that would eventually be forced to convert by legal action (by 2016). We therefore assume that threats filed later are no different on the merits than those brought earlier, and leverage the variation in timing to get maximally comparable control units for districts

Figure 1: Process of conversion from at-large to single-member districts under the CVRA



that forcibly converted.

Next, we employ two matching strategies using a set of lagged demographic and education finance covariates to eliminate any lingering sources of selection bias. First, we take the sample of litigation-eligible districts (30% or more Latino with less than 20% Latino school boards) and match those that had been forced to convert to single-member systems at any point over the study period of 2001 to 2016 to those that remained at-large, within year. In our first analysis, we again exclude districts that converted voluntarily (by vote or waiver), and those that were always single-member over the sample period. In our second analysis we include those districts that chose to convert to by-trustee elections voluntarily. As in the fixed effects regression, identification of a causal effect under these approaches relies on being able to control for any important differences between at-large and single-member districts. We believe this to be a reasonable assumption and justifiable approach given our rich set of covariates and the highly random selection process into treatment.

As a third identification strategy, we employ an instrumental variables approach motivated by a media report describing how some districts chose to convert to single-member systems after hearing about litigation in a neighboring school district:

Other jurisdictions are paying heed. In the wake of Oakley’s order, the Madera City Council decided to switch to district elections, City Councilman Robert Poythress said. And in neighboring Fresno County, where 28 of 32 school boards use at-large elections, all 28 decided to follow Madera’s lead and switch to district elections, county schools Supt. Larry Powell said.

“I’ve had no chafing on the part of anybody,” he said. “They said, ‘It’s the right thing to do. Let’s do it.’”¹⁰

Litigation nearby, it seems, has served as an exogenous shock to some districts that were either amenable to reform or fearful of costly litigation, but were unaware of the potential problems with at-large representation, lacked the political will to restructure their elections, or did not know of the legal threat the CVRA posed. In this analysis, the treatment is voluntary conversion to single-member districts, with litigation or other legal action in the same county acting as a binary instrument.

Data

School board election data comes from the Education Governance and Accountability Project at The Ohio State University while educational outcomes are drawn from the California Department of Education. Public finance data was provided by the California Department of Education and the Census. Although

¹⁰*Los Angeles Times*, “Madera Unified case is changing elections throughout California,”

our election data can tell us whether each race was single-member or multi-member,¹¹ we have constructed our own panel tracking every district’s electoral system from 2001 to 2016, including the method by which the district switched (legal coercion or voluntary conversion). These data were constructed from media reports, online research, and records of waiver requests from the California Department of Education. We cross-checked and supplemented these records with data provided to us by the Lawyers’ Committee on Civil Rights, which has independently tracked this outcome for its own work. In most cases, our records agreed; in a few cases, the date of a switch differed by one or two years, in which case we took the latter date.

We begin our analysis with three outcomes relating to descriptive representation. The first variable measures the number of school board candidates with Latino last names¹² who won office, relative to the number of vacant seats in the district in a given year. The second outcome variable summarizes the extent of political participation by and the availability of Latino candidates in school board elections. This is measured by the proportion of Latino candidates relative to the number of seats up for election in a school district in a given year, capped at 1. The construction of the indicator in this way allows us to know how many school board seats Latino candidates could *possibly* win, *given how many ran for office*. For example, if two Latino candidates ran in an at-large election in which three seats were vacant, no more than two-thirds of the school district’s seats could be filled by Latinos. If, on the other hand, there were two different single-member elections in a school district in a given year, and at least one Latino ran in one of them but not the other, no more than one-half of the district’s school board seats could possibly be filled by Latinos. Lastly, the third descriptive representation outcome we utilize is the vote share received by candidates with Latino last names in each election, averaged across all races within a district-year. Descriptive statistics of these variables are contained in the appendix.

Results

Fixed Effects

Our first identification strategy leverages the random nature of assignment of a school district-year to the treatment of being legally threatened and forcibly converted into a trustee-area voting district from an at-

¹¹Whether a race is single-member or multi-member does not, technically, indicate whether an election was conducted at large or on a trustee-area or ward basis. It is possible to have at-large races with only one seat up for election in a given year and, alternatively, for there to be multiple seats vacant in a ward-based election. The latter, however, is very rare in California school board elections (and may possibly be a result of measurement error) and were removed from the sample.

¹²Our election data only gives us names, not ethnicities, of candidates, so we identified Latinos using the `wru` package in R (Imai and Khanna 2016). This package employs a Bayesian prediction procedure that uses data from the U.S. Census to compute the probabilities that a person is of a given ethnicity, given his last name and geolocation at the county level. We used high probabilities of Latino origin as a starting point, then manually recoded a few records that seemed to be misclassified; overall, probably due to residential patterns in California and the distinctiveness of Latino last names, the package seemed to perform extremely well. To the extent that we misclassified any people with Latino-sounding last names who are not of Latino origin, this should simply introduce some random noise on the dependent variable.

large voting district, as required by the California Voting Rights Act. We additionally control for a number of factors that might influence the success or failure of Latino political participation, including the proportion of students who are receiving Free and Reduced Price Lunch, the amount and sources of scaled revenue for the school, the partisanship of the district,¹³ and the racial composition of enrolled students. Following much of the literature on this topic, we interact our treatment variable with the proportion of Latino students currently enrolled in the school district;¹⁴ in this way we can determine not only whether single-member districts serve to increase or decrease minority political participation and representation across the board but also whether they are better or worse at fostering representation of their individual constituencies. We also split the sample into minority-only districts (i.e., where the proportion of Latino students is less than 50%) based on the idea that moving from at-large to single-member districts will serve to benefit ethnic non-minority minorities (i.e., whites living in a majority Latino ward) rather than ethnic minorities.

Table 1: Effect of by-trustee elections on proportion of vacant board seats won by Latinos

	Full data	< 50% Latino	Targeted districts
	(1)	(2)	(3)
By-trustee, legal conversion	-0.464** (0.224)	-0.216 (0.389)	-0.861* (0.472)
By-trustee, voluntary conversion	0.009 (0.042)	-0.004 (0.041)	
Proportion of students who are Latino	0.486*** (0.044)	0.204*** (0.062)	1.245 (0.964)
Legal conversion * Latino students	0.776* (0.407)	0.200 (0.871)	1.510* (0.792)
Voluntary conversion * Latino students	-0.002 (0.084)	0.066 (0.137)	
Unit FE	County	County	School District
Year FE	Yes	Yes	Yes
Controls	Yes	Yes	Yes
Observations	2,435	1,472	79
R ²	0.405	0.052	0.133

Table 1: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.

*p<0.1; **p<0.05; ***p<0.01

Forced conversion to trustee-area voting systems do not, according to the fixed effects regressions pre-

¹³Vlad Kogan kindly provided data on 2008 Democratic presidential voteshare across California school districts.

¹⁴Though the literature typically uses overall Latino population, data limitations would force us to use a time-invariant variable. (This is not typically a problem for other studies as fixed effects are rarely used). Average Latino enrollment rates across years within school districts has a 0.97 ($p < 0.000$) correlation with our time-invariant measure of Latino population.

sented in Table 1, appear to have a any sort of statistically significant relationship to the percentage of school board seats won by Latino candidates. In the first model, the combination of the effect of legal conversion and the interaction between legal conversion and proportion of Latino students is statistically indistinguishable from zero across the full range of student enrollment. In the second model where we limited our analysis to districts in which Latinos comprise less than half of students, no variables other than the sheer population of Latinos matter to the likelihood of winning school board seats. In the last model, where we restrict our sample to only those districts that were eventually targeted by civil rights groups, we again find that legal conversion has no statistical impact on Latino electoral success when taking into account both the intercept and slope effects. Tables 2 and 3 depict the results of analyses of the proportion of school board seats that could possibly be won by Latinos, given their pattern of candidacy participation, and the average share of votes received by Latino candidates across elections, respectively. The findings are as equally disappointing as of those in Table 1. We improve upon these analyses in the following two sections.

Table 2: Effect of by-trustee elections on frequency of Latino candidacies relative to vacant board seats

	Full data	< 50% Latino	Targeted districts
	(1)	(2)	(3)
By-trustee, legal conversion	-0.046 (0.355)	1.84 (1.160)	-0.864* (0.508)
By-trustee, voluntary conversion	-0.035 (0.047)	-0.019 (0.051)	
Proportion of students who are Latino	0.784*** (0.051)	0.398*** (0.095)	3.127* (1.657)
Legal conversion * Latino students	0.173 (0.561)	-4.369* (2.474)	1.737** (0.831)
Voluntary conversion * Latino students	-0.102 (0.078)	0.103 (0.203)	
Unit FE	County	County	School District
Year FE	Yes	Yes	Yes
Controls	Yes	Yes	Yes
Observations	2,441	1,477	79
R ²	0.405	0.094	0.171

Table 2: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.

*p<0.1; **p<0.05; ***p<0.01

Table 3: Effect of by-trustee elections on Latino voteshare

	Full data	< 50% Latino	Targeted districts
	(1)	(2)	(3)
By-trustee, legal conversion	-0.200 (0.235)	0.629 (0.438)	-0.718** (0.351)
By-trustee, voluntary conversion	-0.013 (0.032)	-0.019 (0.027)	
Proportion of students who are Latino	0.496*** (0.036)	0.214*** (0.051)	1.717*** (0.634)
Legal conversion * Latino students	0.347 (0.407)	-1.615* (0.961)	1.298** (0.575)
Voluntary conversion * Latino students	0.052 (0.064)	0.096 (0.101)	
Unit FE	County	County	School District
Year FE	Yes	Yes	Yes
Controls	Yes	Yes	Yes
Observations	2,440	1,476	79
R ²	0.534	0.100	0.133

Table 3: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.

*p<0.1; **p<0.05; ***p<0.01

Matching

Balance checks

Before proceeding to the main analysis, we probe our assumption that districts that were threatened with litigation represent a random sample of all districts identified as candidates for legal action based on their Latino population and underrepresentation on the school board. While we have qualitative evidence from our interviews with Robert Rubin¹⁵ that this was the case, we find even more compelling empirical support for this claim in Figure 2, which compares districts that would eventually switch by legal threat to those that were never threatened over the study period but were in the identified as eligible under the CVRA in the years before the treatment group was treated - that is, when they all still had at-large systems. We define the eligible pool throughout our analyses as districts with over 30% Latino populations¹⁶ but with less than 20% Latino school board members, in accordance with the data we obtained from Rubin.

The results show a striking similarity between treated and control observations across a number of pre-treatment outcomes.¹⁷ In Figure 2, we see our three political outcome variables of interest plotted against year by treatment group, with loess curves fitted through the data. These curves and their confidence intervals are perfectly overlapping in every panel, suggesting excellent balance on pre-treatment covariates in the analysis sample, even before matching. Though the confidence bands are relatively wide in these panels, the treatment and control groups do not statistically significantly diverge at any point over the study period. Nevertheless, we match on a host of pre-treatment variables to ensure an accurate comparison of treated and control observations. These variables include the proportion of ELL students, the racial composition of student enrollment, the proportion of students receiving Free and Reduced Price Lunch, the partisanship of the district, and a host of district-level finance variables.

Analysis

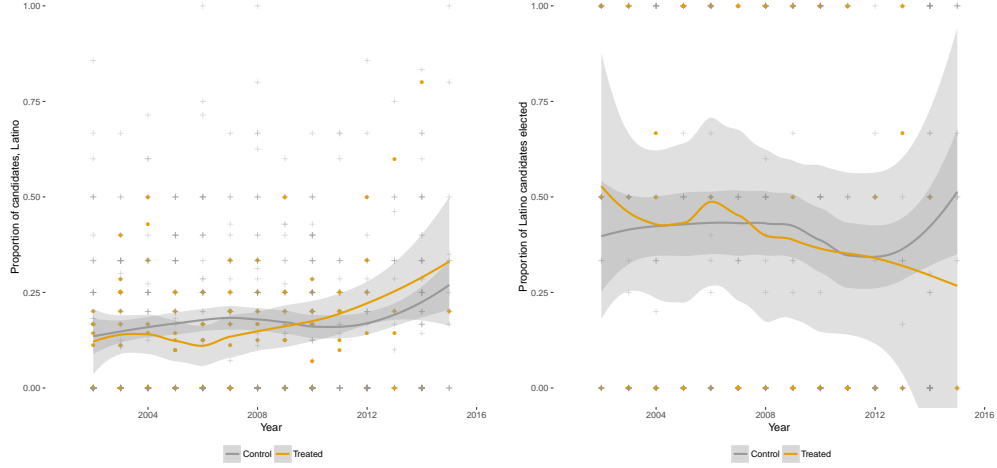
We conduct two matching analyses using a large set of political, demographic, and financial covariates. In the first analysis, we are interested in the causal effect of conversion to a trustee system by legal action on political and educational outcomes. This effect is identified under the assumption that lawyers taking action under the CVRA were equally likely to file suit against targeted districts as those that were not targeted but had the same observable characteristics – a claim supported by our qualitative research into the legal process. However, we are also interested in the broader effects of the CVRA: whereas only a few districts

¹⁵The attorney responsible for the vast majority of litigation under the CVRA.

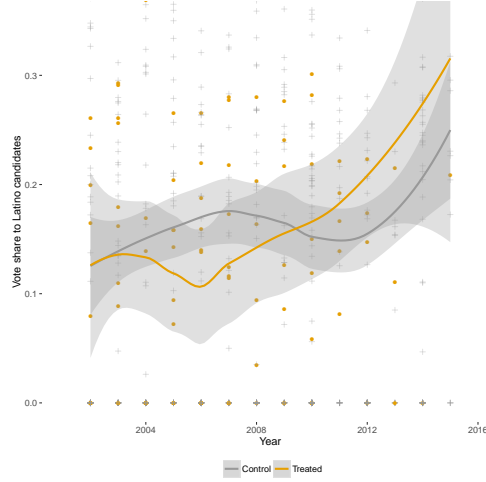
¹⁶Here we use the population of the district, rather than the population of enrolled students, to make sure we are in line with the criteria established by Rubin.

¹⁷Please see the appendix for additional pre-matching balance figures.

Figure 2: Comparison of Districts with Legal Action to Targeted Districts without Legal Action
Political Outcomes



(a) Proportion of vacant seats with Latino candidates (b) Proportion of vacant seats won by Latino candidates



(c) Vote share to Latino candidates

faced direct legal action, all at-large districts faced an indirect threat, and a much larger number switched voluntarily in order to avoid being targeted altogether. Our second analysis therefore matches districts that converted to single-member systems by any means – be it through legal action, vote, or waiver – to the most similar at-large districts in the same year.

Our panel of matching covariates spans 2002-2015 and covers a rich set of fiscal, demographic, and political characteristics. Our fiscal variables include the property taxes collected in the district; the total current spending on instruction; total revenues from the state and federal government; and total expenditures. We scale all fiscal variables by the total number of students enrolled in the school district, and include enrollment

as an additional matching covariate. Our demographic covariates include the proportion of students that are Black, white, and Asian, that are receiving ELL services and that receive free lunch. Finally, we include the Democratic vote share in the district in the prior presidential election. We construct a balanced panel by imputing missing data using the Amelia II package in R (Honaker *et al.* 2011).

To account for the possibility that the effects of converting from at-large to single-member systems might vary over time, we conduct our analyses within separate strata for each number of years that has passed since conversion, for as long as we have adequate data (up to seven or eight years). For instance, for the first stratum, we define as treated all district-year observations where the district is in its first year of having a trustee system after experiencing a legal threat (for Analysis 1) or by any type of conversion (Analysis 2). The pool of potential controls for a treated district-year is therefore all districts that had at-large systems in the same year. In Analysis 1, we further restrict this pool to districts that the LCCR targeted – those with over 30% Latino populations but less than one-fifth Latino representation on their board, according to Rubin’s spreadsheet. We then conduct k -nearest neighbor matching with replacement on the covariates above as measured in the last pre-treatment year, with exact matching on year, using the MatchIt package in R (Ho *et al.* 2011). We select k of 5 using cross-validation, and our results are robust to other choices.

Our matching strategy yields a significant improvement in balance on observable fiscal, demographic, and political characteristics (see Figures 10 - 11 in the Appendix). After matching, we compute the treatment effect on outcomes measured in the year corresponding to each stratum – for instance, for a district that switched in 2003, we compute the treatment effect in 2004 for the first stratum, 2005 for the second, and so on, dropping out control observations as they potentially convert over time. Figures 3-4 present results from Analysis 1 and Figures 5-6 present results from Analysis 2. The number of treated observations in each stratum is displayed in red, above the estimates; this number does not include the k matched controls for each treated observation.

When matching units with a legal threat to other potential targets for litigation (Analysis 1), we find a strong positive, statistically significant effect of conversion on Latino officeholding in the short to medium term. As Figure 3 shows, districts that switched filled, on average, 20 more percentage points of their vacant seats with Latino candidates ($p < 0.05$) in their second year since conversion, an effect that rose to 32 percentage points ($p < 0.01$) in the third year. We do not find strong evidence that this change was driven by an increase in the availability of Latino candidates: we find no effect on this outcome in the second year, and in the third year, we see a 30 percentage point increase in the proportion of races with at least one Latino candidate ($p < 0.06$), but this effect does not quite clear the standard $p < .05$ threshold of statistical significance. We do find some evidence that, rather, the officeholding effect was driven by an increase in the vote share to Latino candidates: in year 3, Latino candidates received, on average, 19 more

percentage points out of the total vote counts ($p < .05$), though no such effect was present in year 2. Overall, the evidence suggests some effect of the single-member institution itself *beyond* the effects of conversion on Latino office-seeking and constituent preferences.

Interestingly, the effects that we find are concentrated in the second and third years since conversion, then dissipate in subsequent years. It is possible that these effects are still present, but we can no longer detect them due to the reduction in sample size as we look at a longer post-treatment period. It is also plausible that the institutional change was most effective when bundled with the media attention and interest group mobilization that accompanied the legal conversion process. In fact, when we expand the sample to all districts that converted to single-member systems, we no longer see any effect of the institutional change on political outcomes. For voluntary switchers that quietly sought waivers from the California Department of Education, the issue of Latino representation was not as prominent in the local media; there were not the same connections made between legal advocates and community organizations, or community organizations and public school leadership; moreover, the districting process was not subject to the same level of external monitoring, so districts that switched voluntarily had more flexibility in how they drew the new boundaries.

We fail to detect any systematic effects of the institutional change on educational outcomes under either matching analysis. For white students, there was no change in graduation rates or dropout rates in any post-treatment year. For Latino students, there was one small, negative statistically significant difference in Latino graduation rates in year four, but given the absence of any discernible pattern in this or other educational outcomes in other years, and given the relatively large number of hypotheses tested, we resist interpreting this as a substantively important effect.

Figure 3: Matching, Analysis 1
Political Outcomes

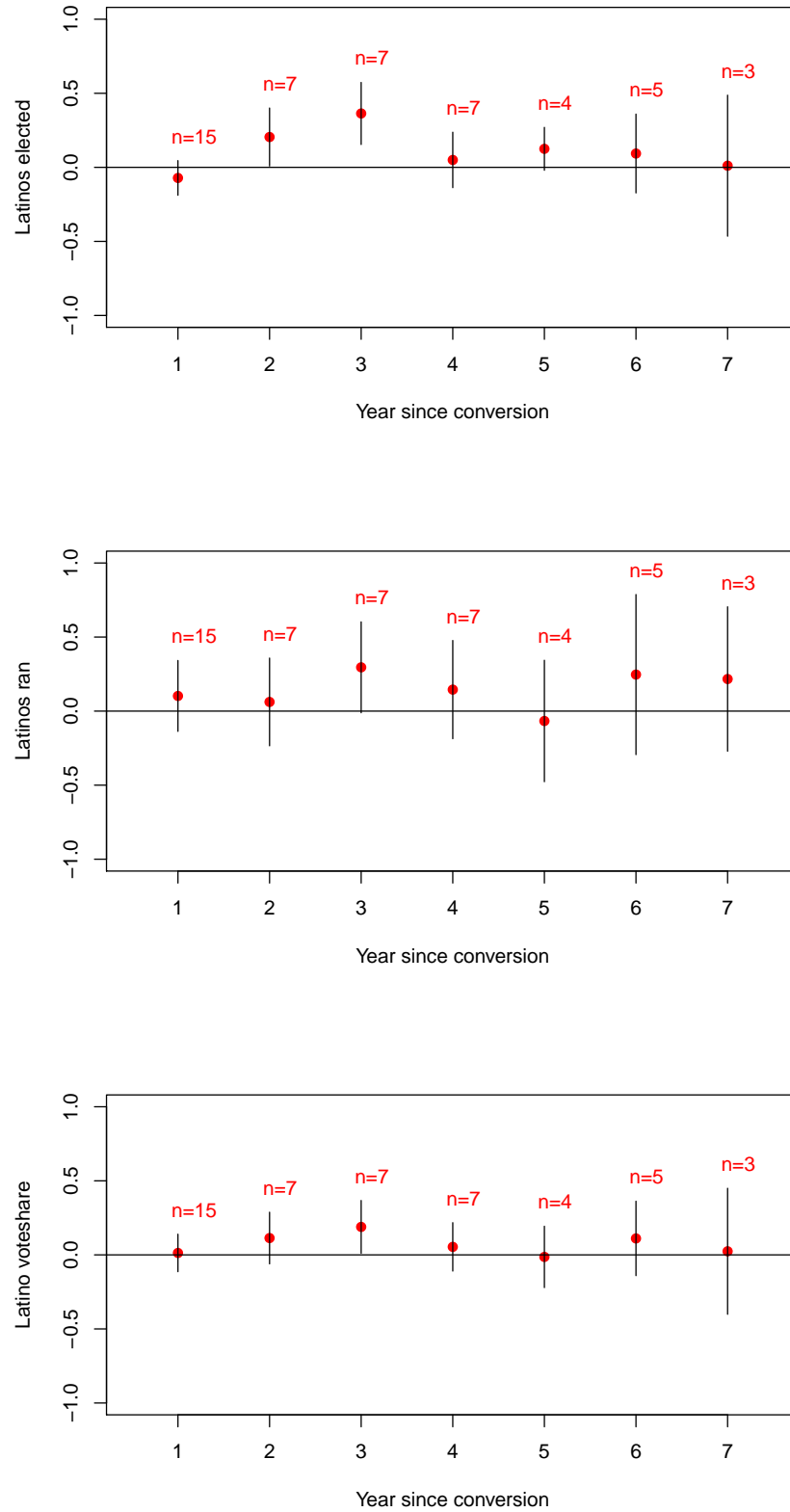


Figure 4: Matching, Analysis 1
Educational Outcomes

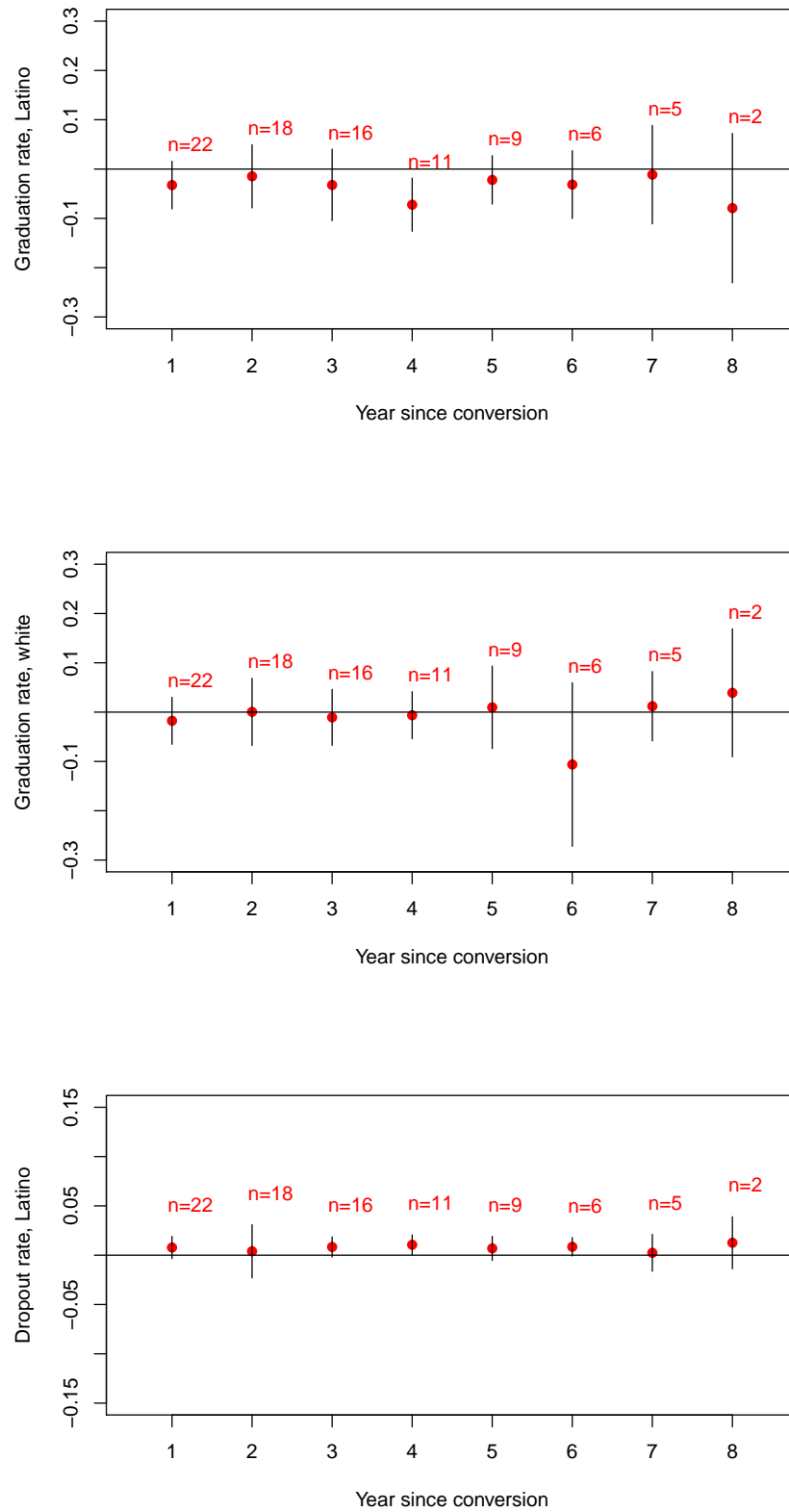


Figure 4: Matching, Analysis 1
Educational Outcomes (Cont'd)

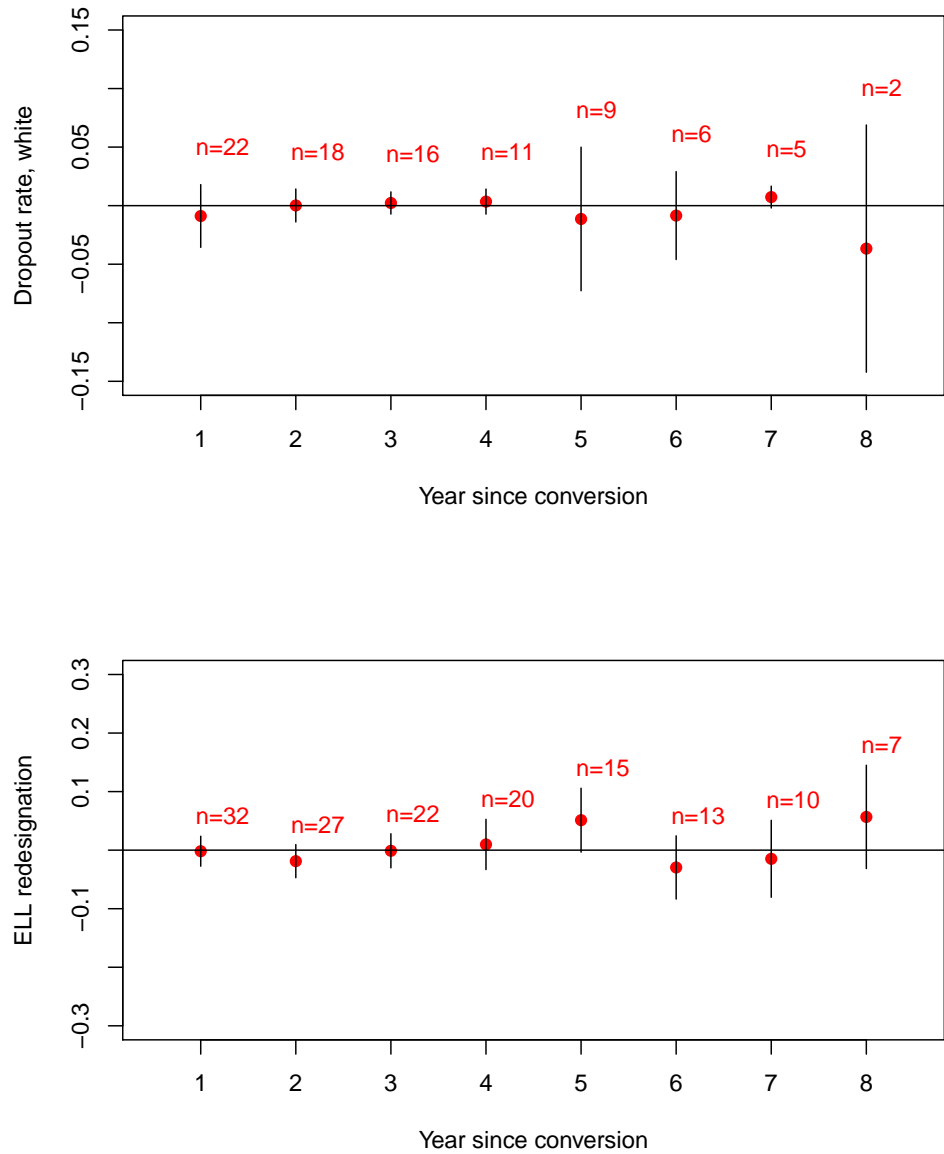


Figure 5: Matching, Analysis 2
Political Outcomes

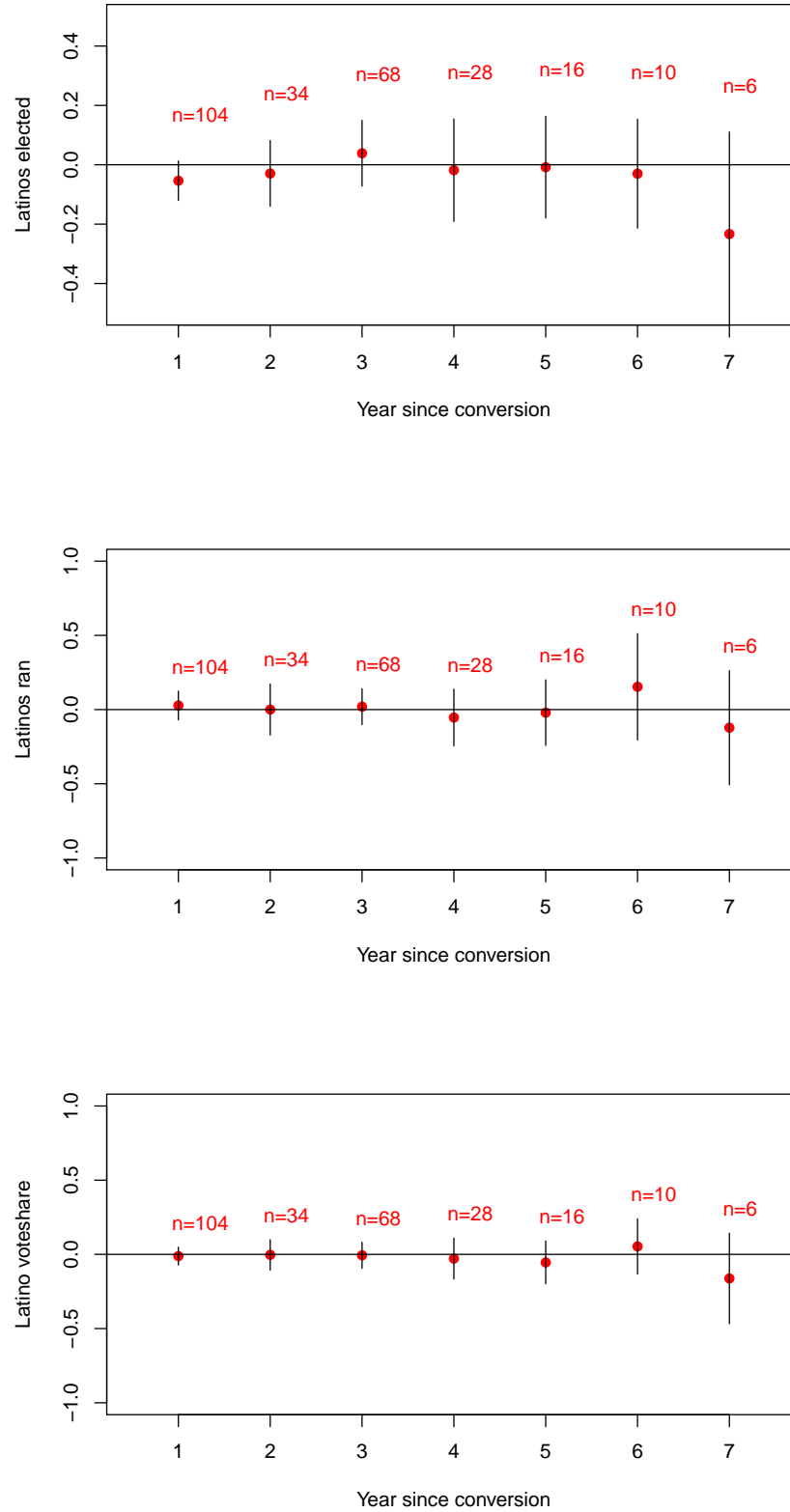


Figure 6: Matching, Analysis 2
Educational Outcomes

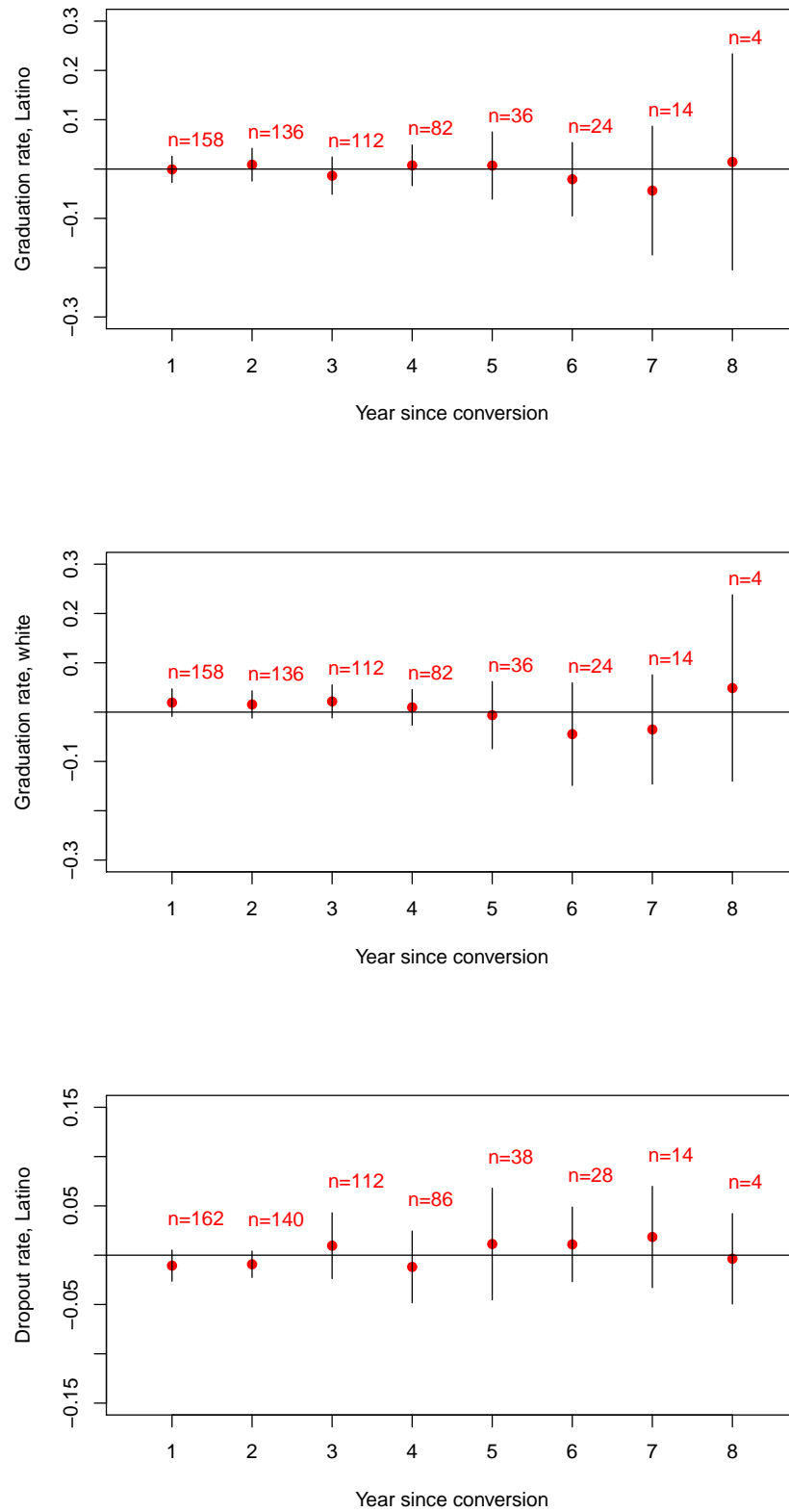
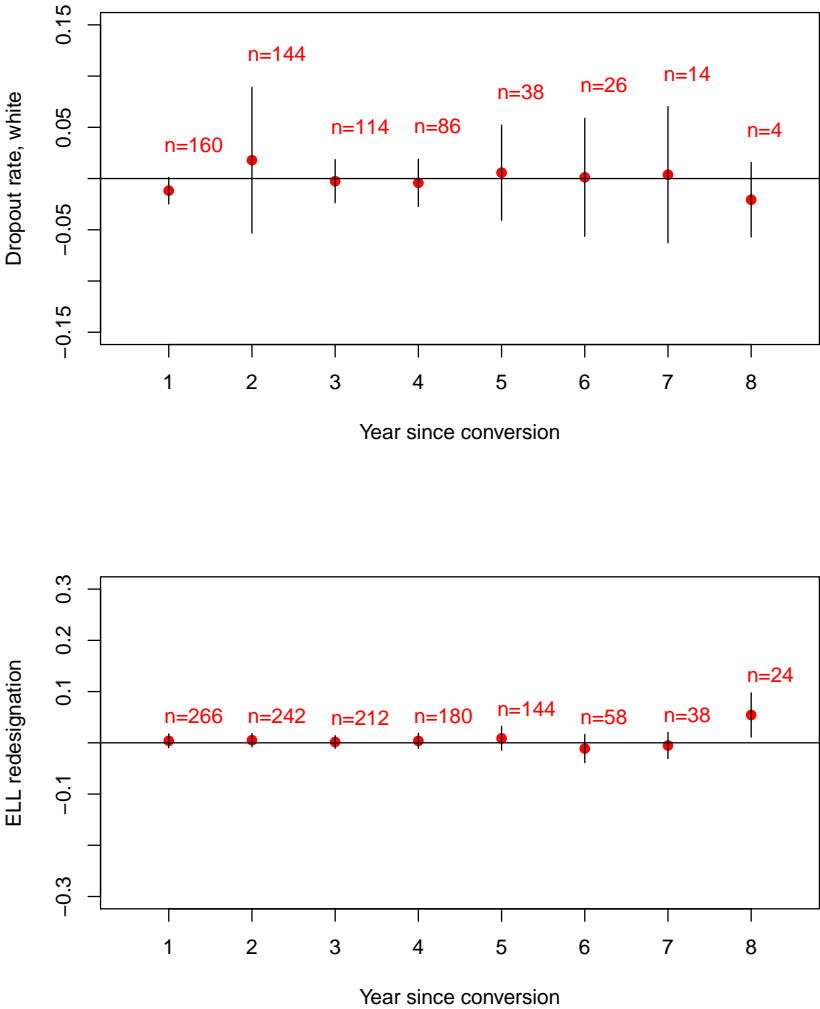


Figure 6: Matching, Analysis 2
Educational Outcomes (Cont'd)



Instrumental Variables

Our last analysis concerns the effect of voluntary electoral reform on observable outcomes. Whereas our fixed effects analysis focused on the exogenous shock of litigation on Latino political success and our matching analysis studied the impact of all methods of electoral reform on political and educational outcomes, our instrumental variables analysis isolates the causal relationship between voluntary conversion of school districts to by-trustee voting and Latino political performance. We do this by treating the incidence of a legal action being initiated against a nearby school district $_{k_c}$ (within the same county c) as having no direct impact on the success of Latino candidates in district $_{i_c}$ (satisfying the exclusion restriction) but as being a strong predictor of district $_{i_c}$'s decision to pursue its own electoral reform (satisfying the strong first stage requirement). District $_{i_c}$ might choose to convert after observing a legal threat being made against a neighboring school district for a number of reasons but the most salient is likely to be a fear of being targeted soon after. The CVRA was written in such a way that 1) litigation was virtually guaranteed to be successful in forcibly converting school districts, and 2) that the cost of pursuing litigation would be essentially zero for the plaintiff because of the districts' obligation to cover the plaintiff's legal bills. For reform advocates, pursuing litigation is a win-win-win scenario: they are all but guaranteed success, their costs are covered, and the redistricting plan drawn up by the school district or county must be approved by the courts before being implemented. This latter provision guarantees maximal representation for Latinos whereas unsupervised redistricting schemes might very well gerrymander minorities into districts where they have no more political power than they did under the at-large system. On the other hand, if a district can manage to get ahead of what they (rightly) perceive as an impending wave of litigation, they can avoid all of the costs associated with legal action and completely control their redistricting plans, unsupervised by the state.

Table 4 presents the results of the first and second stage regressions using the full sample of school districts (after removing districts that were by-trustee for the entirety of our sample and districts that were directly threatened by civil rights groups via legal action). The instrument utilized in the analysis is a binary indicator of whether the school district resided in a county in which there occurred at least one legal action taken against another school district the year before or anytime prior, while the treatment is voluntary conversion to single-member, ward voting by non-targeted districts. The dependent variables remain the same three political outcomes from the previous sections. Once again, we see that there is no statistical effect on the relevant outcomes. This is depicted visually in the first panel of Figure 7.

Segmenting the sample into those districts with only a minority of Latino students, however, allows us to see that the null effects in Table 4 are the result of not taking into account the fact that by-trustee voting

Table 4: Legal action taken against nearby school district as an instrument for voluntary conversion from at-large to single-member voting, full sample

	First stage	Seats won by Latinos	Latino candidates	Latino voteshare
	(1)	(2)	(3)	(4)
In-county legal threat	0.542*** (0.064)			
Voluntary conversion		-0.293 (0.411)	-0.446 (0.433)	-0.406 (0.379)
Latino students		0.481*** (0.082)	0.775*** (0.085)	0.514*** (0.073)
Voluntary * Latino students		1.504 (1.301)	1.719 (1.379)	1.497 (1.151)
Year FE	Yes	Yes	Yes	Yes
Controls	Yes	Yes	Yes	Yes
Observations	2,318	2,311	2,318	2,317
R ²	0.095	0.108	0.323	0.243
F-statistic on instrument	70.6			

Table 4: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.

*p<0.1; **p<0.05; ***p<0.01

will in fact hurt the political prospects of Latinos when they make up a majority of the school district's population. Table 5 displays the results of an analysis looking only at Latino minority districts. The effect of conversion is striking. The second panel of Figure 7 visually shows that moving to a by-trustee area system from an at-large system has a substantive and statistically significant positive impact on the percent of school board seats won by Latino candidates. For example, a district with 40% Latino students will go from Latinos winning an average 10% of vacant school board seats under an at-large system to winning an average 38% of school board seats after conversion to a single-member electoral system - quite close to being 100% representative of the student body. Much, though not all, of the gain appears to come from an increase in Latinos running for office. Under an at-large system, the same district with 40% Latino students would expect to have at least one Latino running for 18% of vacant seats, while that number would jump to 37% under a single-member scheme. This positive impact of electoral reform is relevant for school districts with Latino student enrollment between 26% and 50%, quite close to the 30% threshold identified by reform advocates. Importantly, it appears as though voluntary reforms matter immensely, even though these reforms are implemented with no mandated outside supervision.

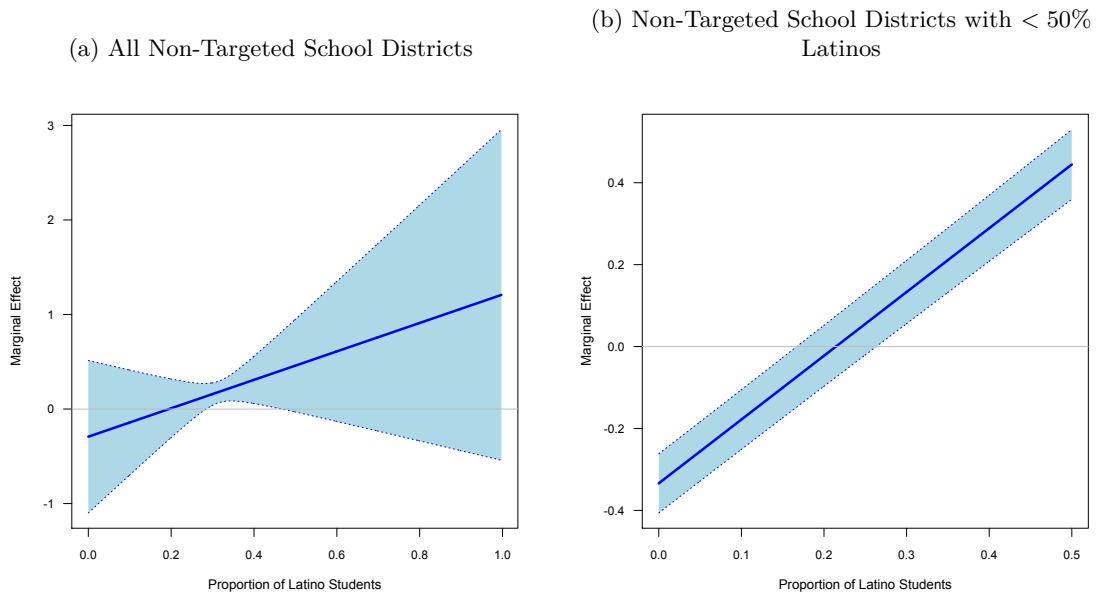
Table 5: Legal action taken against nearby school district as an instrument for voluntary conversion from at-large to single-member voting, districts with less than 50% Latinos

	First stage	Seats won by Latinos	Latino candidates	Latino voteshare
	(1)	(2)	(3)	(4)
In-county legal threat	0.989*** (0.073)			
Voluntary conversion		-0.334*** (0.037)	-0.337*** (0.047)	-0.336*** (0.028)
Latino students		0.205*** (0.047)	0.427*** (0.073)	0.205*** (0.043)
Voluntary * Latino students		1.555*** (0.045)	1.334*** (0.071)	1.553*** (0.043)
Year FE	Yes	Yes	Yes	Yes
Controls	Yes	Yes	Yes	Yes
Observations	1,440	1,437	1,440	1,439
R ²	0.100	0.005	0.040	0.007
F-statistic on instrument	182.2			

Table 5: Robust standard errors clustered by school district in parentheses. Estimated intercept and controls not reported.

*p<0.1; **p<0.05; ***p<0.01

Figure 7: Marginal Effect of Voluntary Conversion to By-Trustee Elections on Proportion of Seats Won by Latinos
Instrumental Variables Analysis



4 Conclusion

Demographic change is not a new political reality in America, but it is quickly becoming one that cannot be ignored. The influx of Latino immigrants into places like California has created a need for a renewed evaluation of their political power and representation, especially as second and third generations begin to take root in traditionally white communities. The research presented in this paper showed, for the first time, that there is a strong causal link between electoral institutions and Latino political success. Specifically, we showed that local school districts that use at-large voting systems in which board members are selected by the entirety of the district fare worse in the descriptive representation of Latinos than those using single-member and ward-based voting: fewer Latinos win elections, fewer Latinos run for office, and fewer votes are cast for Latino candidates. We used a number of different identification strategies - fixed effects models, matching, and instrumental variable analysis - to show that the multitude of mixed findings in the literature is likely a result of failing to properly isolate the causal link between single-member voting districts and Latino descriptive representation. While there is still more work to be done understanding the relationship between electoral institutions and substantive representation, we did not find any effect of voting rules on a number of educational outcomes. At least part of this finding, however, may be a result of the relatively short period of policy implementation that we can possibly study at this time. It is likely true that the graduation and drop-out rates of Latino students, for example, are slow-moving variables that benefit from policy changes only over the long-run. In future years, we should be able to better gauge the long-term policy consequences of improved descriptive representation on local school boards.

Importantly, we found the California Voting Rights Act to have been instrumental in initiating and incentivizing school districts to reform their voting processes and in effecting true improvements in Latino representation. This is despite the fact that 1) the CVRA set an incredibly low bar for demonstrating cases of racially polarized voting and eliminated the requirement that minorities be large enough and geographically concentrated to create a majority district, 2) the federal Voting Rights Act predated the CVRA in proactively pursuing instances of minority vote dilution (typically targeting the most egregious of cases), 3) Latinos had to be politically mobilized to take advantage of the electoral reforms, and 4) that most instances of electoral reform under the CVRA took place as voluntary conversions in which the school board or county - and not the state - controlled the redistricting maps. It is truly impressive to see the size and significance of the effects of electoral reform under the CVRA given the seriousness of these countervailing conditions.

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Appendix

1. Complaint letter to the city of Garden Grove, CA from the Mexican-American Legal Defense Fund (MALDEF)
2. Resolution from the Lodi Board of Education requesting to bypass districtwide vote to change to by-trustee area elections
3. Waiver request to bypass districtwide vote to establish by-trustee area elections, approved by the State Board of Education
4. Summary statistics
5. Pre-matching balance of educational outcomes
6. Pre- and post-matching balance of control variables



June 3, 2015

National Headquarters

**Los Angeles
Regional Office**
634 S. Spring Street
Los Angeles, CA 90014
Tel: 213.629.2512
Fax: 213.629.0266

**Atlanta
Program Office**
34 Peachtree Street, NW
Suite 2500
Atlanta, GA 30303
Tel: 678.559.1071
Fax: 678.559.1079

**Chicago
Regional Office**
11 East Adams Street
Suite 700
Chicago, IL 60603
Tel: 312.427.0701
Fax: 312.427.0691

**Sacramento
Program Office**
1512 14th Street
Sacramento, CA 95814
Tel: 916.444.3031
Fax: 916.444.7207

**San Antonio
Regional Office**
110 Broadway
Suite 300
San Antonio, TX 78205
Tel: 210.224.5476
Fax: 210.224.5382

**Washington, D.C.
Regional Office**
1016 16th Street, NW
Suite 100
Washington, DC 20036
Tel: 202.293.2828
Fax: 202.293.2849

Alan Roeden, Interim City Manager
Thomas F. Nixon, City Attorney
Mayor Bao Nguyen
Mayor Pro-Tem Steve Jones
Councilmember Kris Beard
Councilmember Phat Bui
Councilmember Christopher Phan
11222 Acacia Parkway
Garden Grove, California 92840

Re: Garden Grove – District Elections

Dear City Officials,

We have received complaints from Latino citizens and voters in Garden Grove that the use of an at-large city council election system results in Latino vote dilution and prevents Latino voters from electing candidates of their choice. MALDEF has investigated Garden Grove demographic and electoral information with particular attention to the prohibitions of the California Voting Rights Act (“CVRA”) of 2001. Based on that investigation, we believe that Garden Grove’s at-large election system violates the CVRA and must be changed to a district election system.

The CVRA, which is a part of the California Elections Code, states in relevant part:

§ 14027. [A]n 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, as a result of the dilution or abridgement of the rights and the privileges of members of a protected class.

According to U.S. Census population data, 37% of the population of Garden Grove is Latino. However, none of the five current members of the Garden Grove City Council is Latino, and no Latino candidates have been elected to city council in the last six decades, perhaps longer. Based on our review of election returns, demographic information, and Spanish-surname analysis of votes cast by precinct, we believe that the lack of success of Latino candidates results from persistent racially polarized voting by the Garden Grove electorate. Our methodology for

Re: Garden Grove – District Elections

June 3, 2015

Page 2

estimating the extent of racially polarized voting in Garden Grove is consistent with that universally accepted by federal courts, as §14026(e) of the CVRA requires.

The inability of Latino voters to select candidates of their choice is due to racially polarized voting in at-large elections that violate the California Voting Rights Act. We demand that Garden Grove change its at-large system to a district-based system that affords Latino voters an equal opportunity to elect candidates of choice to the Garden Grove City Council.

We request your response by July 3, 2015. In the absence of a satisfactory response, MALDEF and our clients will be forced to seek judicial relief in the form of an action to obtain an order changing the election system from at-large to by-district, together with other relief provided for in the CVRA, including awards of litigation and expert witness costs, and attorneys' fees.

Please contact me with any questions you may have. We would be pleased to discuss the subject of this letter with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Denise Hulett", with a long horizontal flourish extending to the right.

Denise Hulett
National Senior Counsel

cc: Zeke Hernandez
David Rodriguez
Art Montez

DH:jaa

**BOARD OF EDUCATION
of the
LODI UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 2013-18

**RESOLUTION REQUESTING THAT
COUNTY COMMITTEE ON SCHOOL DISTRICT REORGANIZATION
APPROVE CHANGE TO BY-TRUSTEE AREA ELECTIONS**

WHEREAS, the Lodi Unified School District (“District”) currently uses the Education Code section 5030(c) election process to elect its governing board members; and

WHEREAS, Section 5030(c) provides that “each governing board member be elected by the registered voters of the entire school district ..., but reside in the trustee area which he or she represents.” (See also California Elections Code, section 14026(a)(1)); and

WHEREAS, Board of Education (“Board”) Bylaw 9110 currently provides that the District’s seven member Board is elected by the qualified voters of the total District; and

WHEREAS, California Education Code sections 5019(a) and 5030 authorize the San Joaquin County Committee on School District Reorganization (“County Committee”), upon application of a school district’s governing board, to change the method of election in a school district under its jurisdiction; and

WHEREAS, it is the considered view of the members of the Board that starting with the 2014 Board elections, incorporating the results of the 2010 decennial census data, the public interest will be well-served by election of District Board members in “by-trustee area” elections, i.e., elections in which “one or more members residing in each trustee area [is] elected by the registered voters in that particular trustee area” (California Education Code, section 5030(b)); and

WHEREAS, several school districts in California have been sued or threatened with lawsuit for alleged violations of the California Voting Rights Act (CVRA) by a group that has filed several such lawsuits over the past few years as a result of such Districts’ at-large election systems; and

WHEREAS, in an effort to avoid the potential cost, expense and uncertainty inherent in such litigation, the District desires to proceed expeditiously to change its current at-large election system; and

WHEREAS, although Election Code section 5020 requires that a County Committee’s resolution approving a change in the method of electing board members must normally be submitted to the electorate for its approval at the District’s next regular election, the Board intends to seek a waiver of the voter approval requirement as permitted by law; and

WHEREAS, trustee area boundary adjustments are necessary to ensure that the population of each trustee area is proportional based on federal 2010 census data; and

WHEREAS, the County Superintendent has commissioned and provided to the Board a draft adjusted trustee area boundary plan for the District's consideration (the "Plan") that the Board has considered; and

WHEREAS, the Board has invited and received public input and comment on the Plan in open session on April 2, 2013; and

WHEREAS, the Board desires to adopt the Plan, a copy of which is attached to this Resolution as Exhibit A.

NOW THEREFORE, be it resolved by the Governing Board of Education of the Lodi Unified School District as follows:

1. That the above recitals are true and correct; and
2. The Board hereby proposes the adoption of revised trustee area boundaries based on 2010 census data and adopts the Plan for such purpose; and
3. The Board recommends the Plan to the San Joaquin County Committee on School District Organization for its consideration and approval; and
4. The Board requests that the revised trustee areas be implemented for the 2014 election.

BE IT FURTHER RESOLVED that the Superintendent or her designee are authorized and directed to forward this Resolution to the County Committee and to take all additional steps to facilitate all legally required approvals of the revised trustee areas.

THIS RESOLUTION was passed and adopted by the Board at a regular meeting held on the 16th day of April, 2013, by the following roll call vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Signed and approved by me after its passage.

Ralph Womack, Board President

ATTEST:

George Neely, Clerk of the Board



CALIFORNIA STATE BOARD OF EDUCATION

JANUARY 2015 AGENDA

☒ General Waiver

SUBJECT

Request by three school districts to waive California *Education Code* Section 5020, and portions of sections 5019, 5021, and 5030, that require a districtwide election to establish a by-trustee-area method of election.

Waiver Numbers:

Lancaster Elementary School District 21-10-2014

Sulphur Springs Union Elementary School District 20-10-2014

Tulelake Basin Joint Unified School District 9-9-2014

☒ Action

☒ Consent

SUMMARY OF THE ISSUES

School districts that elect governing board members at-large are facing existing or potential litigation under the California Voting Rights Act of 2001 (CVRA). Pursuant to the California *Education Code* (EC), a district can change from at-large elections to by-trustee-area elections only if the change is approved by both the County Committee on School District Organization (County Committee) and voters at a districtwide election.

To reduce the potential for litigation and to establish by-trustee-area elections as expeditiously as possible, the Lancaster Elementary School District (ESD), the Sulphur Springs Union Elementary School District (UESD), and the Tulelake Basin Joint Unified School District (JUSD) request the California State Board of Education (SBE) to waive the requirement that a by-trustee-area election method be approved at districtwide elections—allowing by-trustee-area elections to be adopted upon review and approval of the respective County Committees.

Authority for Waiver: EC Section 33050

RECOMMENDATION

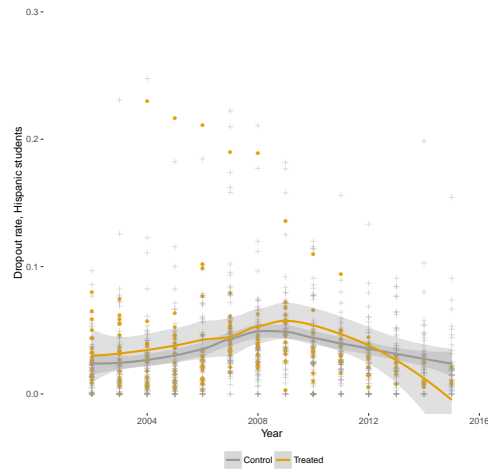
☒ Approval ☐ Approval with conditions ☐ Denial

The California Department of Education (CDE) recommends the SBE approve the requests by the Lancaster ESD, the Sulphur Springs UESD, and the Tulelake Basin JUSD to waive EC Section 5020, and portions of sections 5019, 5021, and 5030, which require a districtwide election to approve by-trustee-area elections.

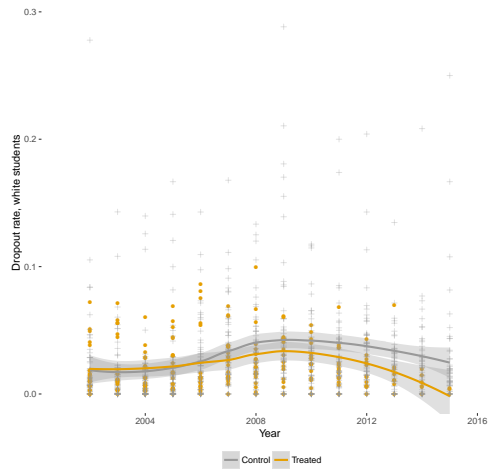
Table 6: Summary Statistics

	Full sample		At-large districts		Single-member districts		< 50% Latino districts	
	Mean	S.D	Mean	S.D.	Mean	S.D.	Mean	S.D.
Proportion of board seats won by Latinos	0.180	0.331	0.170	0.291	0.265	0.361	0.074	0.181
Proportion of board seats with Latino candidates	0.319	0.386	0.301	0.377	0.459	0.420	0.153	0.266
Latino voteshare	0.190	0.264	0.179	0.257	0.277	0.300	0.079	0.144
Proportion of students who are Latino	0.421	0.279	0.404	0.277	0.550	0.259	0.239	0.139
Num. obs.	3,762		3,329		433		2,408	

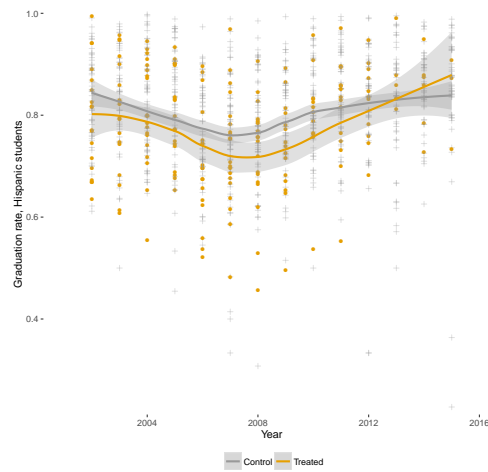
Figure 8: Comparison of Districts with Legal Action to Targeted Districts without Legal Action
Educational Outcomes



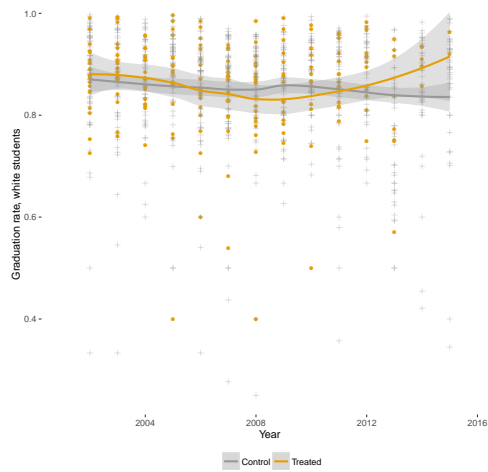
(a) Dropout rate, Latino



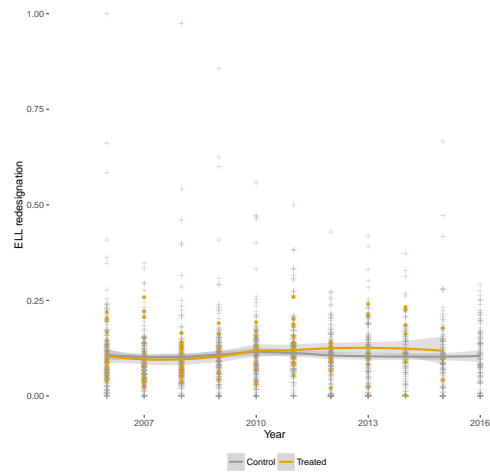
(b) Dropout rate, white



(c) Graduation rate, Latino

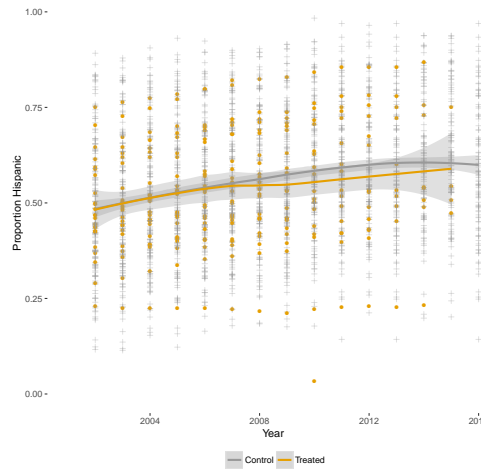


(d) Graduation rate, white

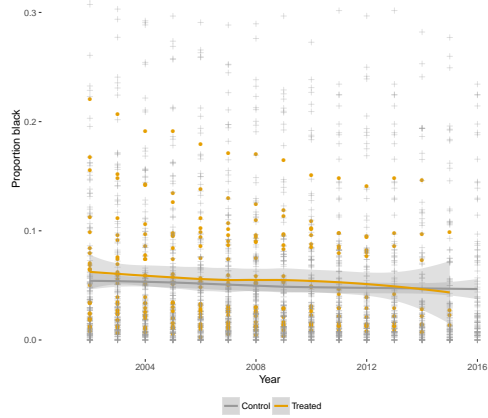


(e) Rate of ELL redesignation

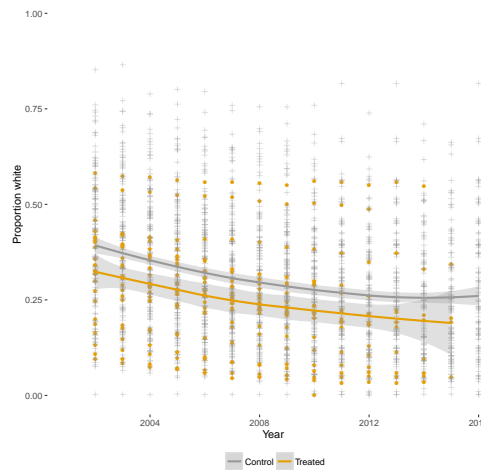
Figure 9: Comparison of Districts with Legal Action to Targeted Districts without Legal Action
Demographics



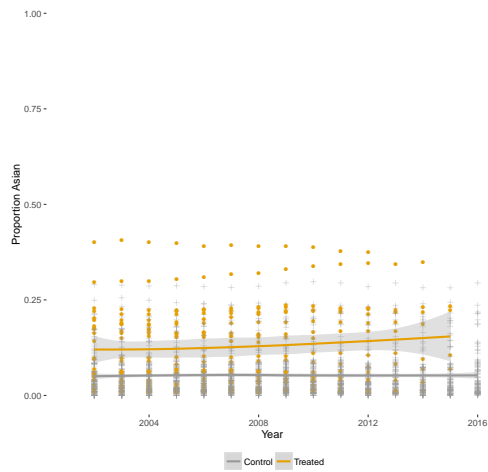
(a) Enrollment, proportion Latino



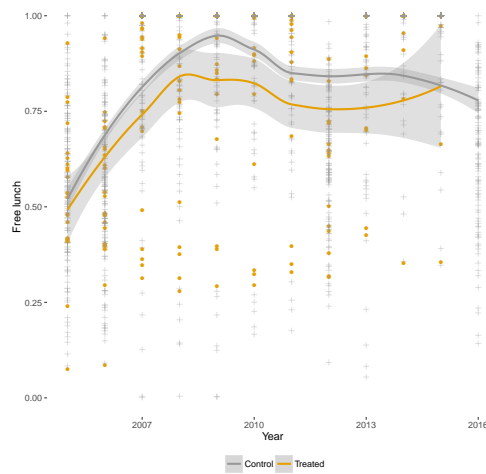
(b) Enrollment, proportion black



(c) Enrollment, proportion white



(d) Enrollment, proportion Asian



(e) Proportion of enrolled students receiving free lunch

Figure 10: Matching Balance, Analysis 2
Educational Outcomes
Year 1

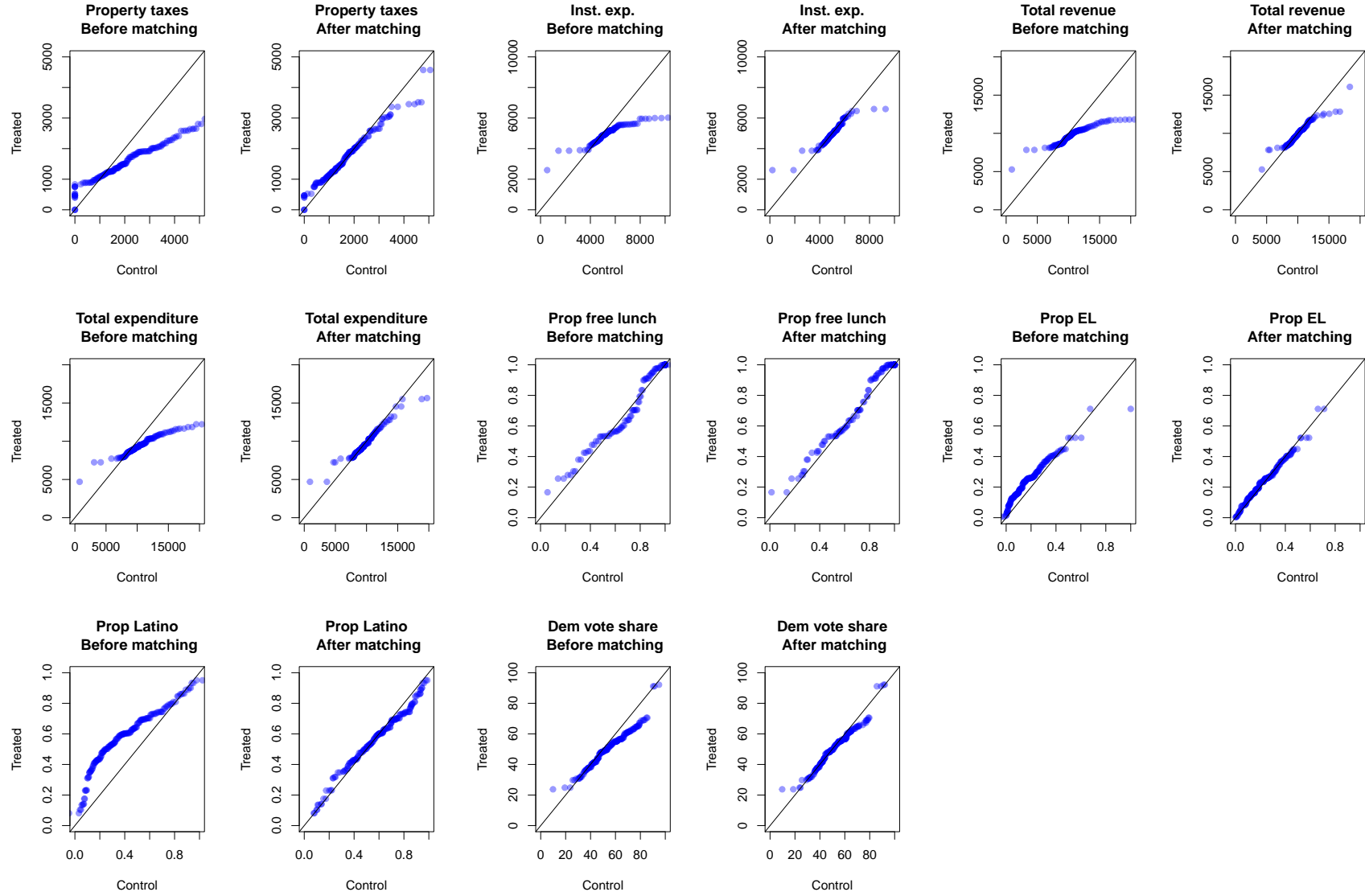
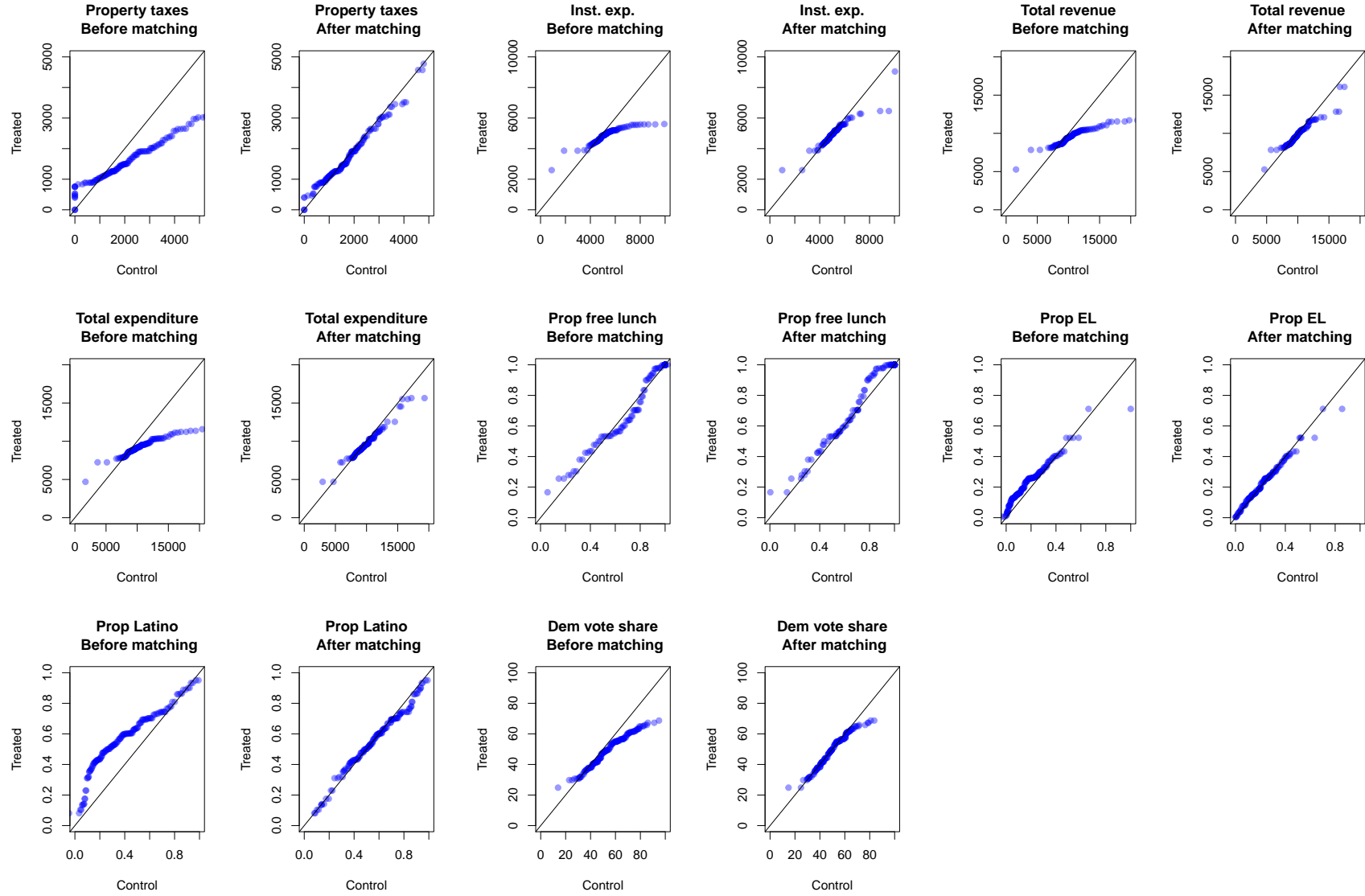


Figure 11: Matching Balance, Analysis 2
Educational Outcomes
Year 2



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District elections in Vista will lead to more effective city government



Voters wait in line to cast ballots at an early polling site, Friday, Nov. 4, 2016

By **CIPRIANO VARGAS**

APRIL 5, 2017, 4:30 PM

Every election cycle, people go to polls to cast their votes, often familiar with the candidates at the top of the ballot but with limited knowledge of local races. In the city of Vista, seven candidates ran for two seats in the 2016 general elections. Throughout the race, I frequently heard voters complain that they didn't know much about the candidates running. A significant factor in lack of voter engagement is the fact that Vista still has at-large elections for City Council, meaning that all council members are elected on a citywide basis, rather than by particular districts within the city.

A district election would allow for a more concentrated effort by candidates to engage and educate the public on their platform. This would ensure that individuals elected to City Council would possess in-depth understanding of the needs and priorities of their constituent communities, and that communities would have representatives who were directly accountable to them. Given the wide array of issues the council grapples with

each month, it is vitally important to get regular feedback from community members. As I saw from my two years in San Antonio, City Council members elected by particular districts not only champion issues that affect the entire community but also issues that more narrowly affect the area they represent.

Related: [District elections divide communities](#)

The second advantage of district, as opposed to at-large, elections is that they give opportunities for candidates to focus their electoral efforts in their respective areas, rather than mount costly citywide election campaigns. Campaigns are increasingly expensive, even at the local level, where candidates for Vista City Council in 2016 spent \$5,000 to \$30,000. As an engaged citizen, I often run into well-qualified individuals who would be great additions to our elected boards but more often than not are discouraged by the financial and personal cost. While money can be a game-changer in a campaign, so are grass-roots efforts and community investment in a candidate. District elections will allow local communities to more easily become directly involved in the articulation and promotion of their own interest and priorities, even if they lack the financial resources to contribute to a campaign.

A third benefit of district elections is that electing council members from four different areas will allow them to bring in their unique perspectives based on their area and population. Our diverse communities need a diverse pool of candidates to represent them and to confront a broad, representative range of issues. These issues can then become part of a general dialogue and thus allow historically underrepresented communities to encourage the community at large to address their needs and concerns. Having lived in Vista the majority of my life, I see the immediate needs within the Townsite area but also acknowledge that people living in Shadowridge or near Warmlands may have other concerns. None of our current council members live in the Townsite area, and, while you do not need to live there to understand the issues in this part of the community, it does benefit the community to have someone on City Council championing their particular concerns. While this may lead to passionate disagreement on the council, these perspectives are crucial, even when a 4-1 vote may be a foregone conclusion.

Since the November 2012 elections, the Vista school board has adopted elections by area. While I was elected by the people of Area 4, as a school board member I work for all of our schools in the Vista Unified School District. The Vista Irrigation District likewise elects its board of directors by area, with corresponding benefits for all constituents. This is the same political culture that our City Council should embrace. There is room for dialogue and disagreement, but, in the end, we should do what is best for all of our constituents. District voting will contribute to fairer, more representative, more responsive and more effective city government and improve opportunity for our entire community.

We are heading in the right direction. The Vista City Council voted to move forward with preparations for district elections. In the future, City Council members will be elected by area, but the way in which district maps are drawn will depend on the input we as a community give. I encourage all members of our community to attend the scheduled public hearings and let their voices be heard.

Vargas, a resident of Vista, is a Vista Unified School District board member.

This article is related to: [Elections](#)

https://santamariatimes.com/news/opinion/editorial/some-pros-cons-about-districts/article_2a7be698-9916-11e3-9287-0019bb2963f4.html

In Our View

Some pros, cons about districts

Feb 19, 2014



Should Santa Marians continue to elect their City Council members at large, or should the city be divided into separate districts, thus more directly focusing the attention of elected representatives on specific issues and problems?

That's a question that will be answered in two phases. The first part is gathering a sufficiency of signatures to put the district-elections questions on the November ballot. Phase two is the vote itself, and which way local citizens decide to go.

There are sound arguments on both sides of a debate that could become swallowed up by the current hot-button dispute over relocating an Immigration and Customs Enforcement office from Lompoc to Santa Maria.

City officials seem eager to have the ICE office operate locally. But thousands of Santa Maria residents have voiced their displeasure over the switch at recent City Council and Planning Commission meetings.

Those protesting the relocation of the ICE office say they are being ignored by members of the City Council and Planning Commission, and that if council members were elected by district, rather than at large, there might be more sympathy for the protesters' perspective.

That's possible, as is the validity of the argument that electing council members at large disenfranchises large swaths of the city, and relieves council members of full accountability to those specific neighborhoods.

Members of the City Council don't seem enthused about district elections. One opined that, because city elections generally don't attract a lot of voters, having council members chosen from districts could mean only a handful of voters would be making big decisions.



Actually, that argument can be just as true of council members elected at large. Small turnouts are small turnouts, no matter where they occur, and most city officials are elected by just a fraction of the overall vote anyway.

Another council member argued that a council drawn from specific regions of the city could dilute the effort to do what's right for the entire population, rather than in certain districts. That presupposes that people are, in general, not trustworthy — not a good attitude to have with regard to public service.

For us, the jury is still out on the district versus at-large question. There are advantages and disadvantages to both forms of electing representatives. In a general way, specific neighborhoods having a strong voice on the city's policy-making body makes sense. But we have concerns that dividing the city into districts would create an atmosphere of separatism, a localized, microcosmic manifestation of what's happening on the national political stage.

We can support the effort to have the question put before voters in November. Too often, elected officials and their appointees complain about the expense and hassle of holding elections. For us, the voting booth is exactly where these kinds of issues should be resolved.

In fact, we wish the election process could be made easier and more accessible, so all kinds of policy decisions could be made by those who take the time to vote, rather than placing all the responsibility on a small number of elected representatives. Extending the days one could vote would help, as would expanding the use of voting by mail.

Changing to a district-election process is a major decision, and we welcome your thoughts on the matter. Write us a letter, telling us — and your fellow readers — what you believe would be best for Santa Maria and the people who live here.

The more we all know about what neighbors think, the better the system works — whether we elect at large or by district.