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FOR IMMEDIATE RELEASE

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Fremont City Council to Consider Transition to District-based Election System

FREMONT, Calif. – March 16, 2017 – The Fremont City Council will consider taking action to transition to a district-based voting system to select its councilmembers, replacing its current at-large election system, on Tuesday, March 21, 2017 at its regularly scheduled City Council meeting. The meeting begins at 7 p.m. at City Hall in the Council Chambers, located at 3300 Capitol Ave.

The City Council is taking this action after receipt of a letter on February 15, 2017 by Malibu, Calif.-based attorney Kevin I. Shenkman. The letter states that Fremont's at-large elections violate the California Voting Rights Act of 2001 (CVRA) and alleges that there is evidence of racially polarized voting in the City of Fremont electorate, resulting in minority vote dilution. Under the CVRA, minimal evidence of racially polarized voting can result in a court ordering a change from at-large voting to district-based voting, even if there is no evidence of an electoral injury.

A number of cities in California have been sued since the CVRA was adopted in 2001, and none have avoided the mandate for district-based elections. There is a low threshold for plaintiffs to establish a valid claim under the CVRA, and if the plaintiff prevails, the city is required to pay the plaintiff's costs. Awards in these cases reportedly have reached upwards of \$3.5 million. Considering the significant costs to defend against a CVRA lawsuit and the fact that no city has prevailed, a majority of cities have voluntarily transitioned to district-based election systems.

On January 1, 2017, the California Voter Rights Act Reform (AB 350) became effective which allows cities a "safe harbor" following receipt of a CVRA demand letter. This provides 45 days of protection from litigation to assess the situation, and if a resolution declaring intent to transition to district-based elections is adopted within the 45-day period, then the potential plaintiff cannot file a CVRA action for an additional 90-day period, providing the City time to assess and implement a course of action.

"City staff recommends that the Fremont City Council adopt the proposed resolution initiating the process to transition to district-based elections to serve the public interest. It will avoid the significant spending of taxpayer dollars that would have to be spent if the Council chose to defend the lawsuit," said City Manager Fred Diaz. "If the Council moves forward with the recommendation, we encourage our residents to participate in the upcoming meetings by sharing ideas and submitting district boundary map suggestions as we work to implement this change for Fremont."

The City of Fremont currently uses an at-large election system in which all voters in the City have the opportunity to vote for candidates for all four councilmember seats and the mayor's position. In a district-based election system, the City is physically divided into separate districts, and a candidate must live in the district he

or she intends to represent. The number and make-up of the voting districts will be decided upon by the Fremont City Council through a minimum of five public hearings required by California Elections Code.

These public hearings will give the Fremont community an opportunity weigh in on the composition of the districts during the first two public hearings. Then, district maps will be drafted and two additional public hearings will be held for the public to provide input on the draft maps and proposed sequence of elections. At the final public hearing, the City Council will vote to consider an ordinance establishing district-based elections.

Additional information can be found at these sources:

- [Staff Report](#)
- [Council Agenda, March 21, 2017](#)

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