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California Voting Rights Act (CVRA) Update on Community Education and Outreach Phase 1, and Ballot Measure to Amend City Council Elections

EXECUTIVE SUMMARY

Phase 1 Outreach Efforts

Phase 1 focused on educating residents about the California Voting Rights Act (CVRA) and potential remedies for perceived violations. Staff also gathered community input on important decision points like the process for selecting the mayor, number of Council districts, and factors to consider when drawing districts. Outreach efforts successfully reached groups reflective of Sunnyvale's ethnic and socio-demographic diversity; however, participants tended to be older and disproportionately from north and south Sunnyvale (see Attachment 1).

Total touch points: 953

- 2 Educational Open Houses and 3 Community Input Workshops with 117 participants
- 12 pop-up events with 654 participants
- 9 presentations to community organizations with 134 participants
- Online engagement with 48 survey participants

Public Input:

- Slight preference to select Mayor from within Council (49%) compared to directly elected Mayor (44%).
- Participants prioritized communities of interest, cohesive geographic areas, and visible boundaries as factors to consider when drawing district boundaries.
- Most common communities of interest included: homeowner associations, mobile home parks, residential neighborhoods, physical boundaries, and school boundaries.

Polling Results Summary

The City contracted with Godbe Research to conduct a poll of likely March 2020 voters. The poll was conducted from May 15-18 (see Attachment 2). Below are highlights from the split-question poll results:

- Initially, 48% showed support for 7 districts with the mayor selected from within Council with 23% undecided. After informational statements and pro/con arguments, support increased to 59% with 15% remaining undecided (Survey A).

- Initially, 53% showed support for 6 districts with a directly elected mayor with 23% undecided. After informational statements and pro/con arguments, support increased to 55% with 20% remaining undecided (Survey B).

Legal Analysis of 4+3 Community Alternative

A group of community members have proposed a 4+3 district alternative to the traditional by district election system. They have described the 4+3 district election system as follows:

A 4-district map of the city is used for 4 council elections in presidential years, and a 3-district map is used in gubernatorial years. Every voter lives in two districts and is represented by two council members. A voter may vote every two years. Candidates may choose to run for council in any election year.

Per Council direction, the City Attorney's Office worked with outside Counsel to analyze this 4+3 community alternative. While the 4+3 plan seems to meet the literal definition of a district-based system, it is legally untested and may subject the City to further litigation if a plaintiff contends that it is not a "district-based" system within the meaning of the CVRA. Further legal risks could exist under the Federal Voting Rights Act if the Census 2022 data demonstrate that a majority minority district could be drawn with a 6 or 7 district system.

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ATTACHMENT

1. Sunnyvale CVRA Phase 1 Outreach Report
2. Godbe Research Polling Results Summary