

## AGENDA REPORT

FOR: City Council September 14, 2016  
TO: Dave Zabell, City Manager Regular Meeting: 9/19/16  
FROM: Stan Strebel, Deputy City Manager  
Executive  
SUBJECT: Alternative City Council Voting System

**I. REFERENCE(S):**

**II. ACTION REQUESTED OF COUNCIL / STAFF RECOMMENDATIONS:**

**MOTION:** I move to direct staff to prepare for submission of a (5-2, 6-1 or 7-0) voting system for City Council elections to the Federal Court.

**III. FISCAL IMPACT:**

**IV. HISTORY AND FACTS BRIEF:**

The City and the ACLU jointly filed a Partial Consent Decree in the Eastern District of Washington, Federal Court to resolve questions regarding the City's compliance and ability to comply with the federal Voter Rights Act (VRA). The filing provides for the parties to meet and confer, by September 15 to "determine whether the parties can agree on a remedial option for compliance with Section 2 of the Voting Rights Act."

The City has consulted with political science, demographic and legal professionals with expertise in VRA issues in order to develop and review various voting systems which may be considered as remedial to the VRA violation.

On September 6, Council conducted a public hearing to consider an analysis of possible remedial voting systems and to hear from the public on those and other plans they wished the Council to consider. While the Federal Court must ultimately approve any remedial plan, whether such plan is supported by both the ACLU and the City, or by choosing between alternative plans offered by the parties, citizen comment and input is an important component for the Council to consider in selecting the plan that it feels best serves the community in fair representation and is in compliance with the law.

Systems considered at the hearing were modification of the current City system which utilizes five single-member districts and two at-large positions to allow for voting by

district in the general election, and the ACLU's preferred seven single-member district plan. In addition, an alternative which is somewhere between these two systems (i.e., six single-member districts and one at-large position), was also considered.

5-2 System: providing for district-based voting for the five districts, while retaining two at-large Council seats, would address VRA compliance concerns while maintaining the opportunity for any citizen, regardless of residence, to run for one of the at-large seats on the City Council, every two years. Every four years, any citizen could file for the district seat (or an at-large seat), also. Likewise, all voters would be able to cast ballots in three of the seven City Council races in a four-year cycle. Under this scenario it is possible to maintain the two districts which currently exist, both having a significant majority (i.e., 62% and 54% respectively) Hispanic Citizen Voter Age Population (HCVAP).

7-0 System: the ACLU's preferred system proposes seven single-member districts, all district-based, with as many as three districts with in excess of 50% in terms of HCVAP. Under a seven-district system, citizens would have one opportunity to vote for City Council members and one opportunity to run for a seat on the Council, for the district within which they live, in each four-year period.

6-1 System: district-based voting in six single-member districts, with one at-large seat, would provide the opportunity to create three HCVAP majority districts, similar to the ACLU favored 7-0 system. At the same time, maintaining one at-large seat would provide all voters the opportunity to vote for two candidates for City Council, as well as providing an additional opportunity for citizens to run for election, regardless of residence, in each four-year period.

Another important consideration for Council is the ability of all citizens to be represented with their votes for City Council. To consider the ability of the City's Latino citizens to elect representatives of their choice, the percentage of Hispanic (surnamed) citizens who are of voter-aged population (HCVAP) will need to be calculated for representative districts which could be created under plans introduced to the Court. It may be possible to increase or decrease HCVAP percentages within districts slightly by moving district boundaries or by altering district boundaries without consideration of existing precinct boundaries, a practice which the City has avoided due to concerns raised by the County Auditor. The extent to which boundaries can be modified to produce desired percentages and/or balance is a question that Council must ultimately determine in October, subject to final approval by the Federal Court.

## **V. DISCUSSION:**

It is recommended that Council indicate its preference of plans after considering the issues of compliance with the VRA, as well as voter and candidate participation opportunities, for the purpose of providing direction to staff in preparing the City's

submittal to the Court.