

CITY OF VICTORVILLE
CITY ATTORNEY'S IMPARTIAL ANALYSIS - MEASURE X

Under California law, city councilmembers may be elected using "At-Large" or "By-District" election methods. An At-Large method permits all voters in a city to vote for each city councilmember. A By-District or district-based election method requires that voters elect city councilmembers from specific geographic sections of a city (districts) in which both the voters and the councilmember reside.

However, the California Voting Rights Act ("CVRA") places certain limitations on the At-Large election method. The CVRA prohibits At-Large elections that impair the ability of a protected class to elect preferred candidates or influence the outcome of elections. Changing from an At-Large to a By-District election method can minimize a city's risk of possible legal challenges under the CVRA.

All five City of Victorville ("City") councilmembers are currently elected At-Large, in accordance with Sections 300 and 301 of Article III of the City Charter ("Charter"). In particular, Charter Section 300 requires use of an At-Large election method, and Section 301 specifically prohibits the electing of City councilmembers "'by' districts or 'from' districts." The Charter, which effectively serves as the City's constitution, was adopted by City voters in 2008. Amendments to the Charter likewise require City voter approval.

In order to consider whether district-based elections would be appropriate for the City, Sections 300 and 301 of Article III of the Charter must be amended. The Charter amendment proposed by Measure X amends Article III of the Charter by eliminating Sections 300 and 301.

Although the City's current At-Large election method has not at this point been found to violate California law, Measure X would provide the City with the flexibility to initiate the process to transition from an At-Large to a By-District election method should compliance with the CVRA so require. Measure X does not establish districts, boundaries or any particular voting method; it merely allows the City to move forward with the process.

A "Yes" vote is a vote to amend the City Charter and allow the City to fashion a method of electing its councilmembers consistent with the CVRA and other applicable laws.

A "No" vote would keep the City Charter as is, and City councilmembers would continue to be elected At-Large.

Measure X was placed on the ballot by a vote of the Victorville City Council to address (in part) allegations that the City's current At-Large voting system may violate the CVRA. Measure X will be approved if it receives a simple majority of "Yes" votes from the City's registered voters.

August 24, 2016

Andre de Bortnowsky, City Attorney

The above statement is an impartial analysis of Measure X. If you desire a copy of the Measure, please call the election official's office at (760) 955-5188 and a copy will be mailed, emailed, or provided at no cost to you.