

ARGUMENT IN FAVOR OF THE COMPREHENSIVE DISTRICT VOTING AMENDEMENTS

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In 1986 the City of Stockton changed the format for election of the City Council from district voting to at-large voting. Since then the California Voting Rights Act of 2001 became law. This law expanded on voting rights granted under the federal Voting Rights Act. Section 14027 of the California Elections Code provides that 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. It specifically provides that "Proof of an intent on the part of the voters or elected officials to discriminate against a protected class is not required." Section 14208 states that 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. Upon a finding of a violation of Section 14027 and Section 14028, the court is required to implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation. Section 14030 provides that in any action to enforce Section 14027 and Section 14028, the court shall allow the prevailing plaintiff party a reasonable attorney's fee and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs.

Since the passage of the California Voting Rights Act multiple school districts and cities have moved from at-large voting to district voting. The City of Visalia recently did so under threat of a lawsuit to enforce the act. Unfortunately, the voting system currently employed by the City of Stockton makes it vulnerable to such a suit. By returning to district voting, Stockton will be able to avoid costly litigation

and stay within the fair political practices required by the State of California. District voting assures that minorities are represented fairly and are not marginalized by the political system. Additionally, insistence on larger districts and a general election for mayor assure that special interest money will continue to play a significant role in controlling our city government. City wide elections are very costly. The citizens of Stockton benefit from the elimination of these costly campaigns. This amendment would encourage and enable good citizens to run for office without the need for huge contributions from special interests.

Stockton has a council- manager form of government. A city council is elected and appoints a city manager, makes major decisions, and wields representative power on behalf of the citizens. The city manager is responsible for the day to day management of the city. This form of government is favored by most cities in the United States. It provides us with the benefit of the collective common sense of our elected council members as opposed to what may or may not influence the decision of one person.

Our current charter describes the mayor's position as full time but only assigns part time duties. The "full time" description discourages some of our most capable citizens, who have full time employment, from running for mayor. Under the language of our charter, a conscientious person with a responsible full time job would have misgivings about keeping that job and acting as mayor at the same time. The proposed amendment deleting the "full time" description is to reflect both a historical and prospective view of the elected Mayor of Stockton. In the past, Mayors have had either private business enterprises or outside interests which they continued while serving in the elected capacity of the Mayor of the City of Stockton. The intent of the amendment is to open the opportunity for individuals to seek the office of Mayor who have full time employment, not in conflict with the business of representing the city, and who cannot devote full time to the office of Mayor. We should not limit our choice of mayor to those who are retired, career politicians or otherwise jobless.

These amendments require that the mayor first gain experience as a council-member elected to the City Council from a district. The City Council elects the mayor from among its members that have served at least two years. This is not at all unusual. Many cities in California, including 66 of the 88 cities in the County of Los Angeles, do not have general elections for the position of mayor. The requirement that candidates for mayor serve at least 2 years as councilmembers before becoming eligible to run for mayor allows the mayor to "hit the ground running" after gaining valuable experience governing the city and working with other council members. Under our charter the mayor is supposed to be the inspirational leader of the members of the City Council as well as the citizens of Stockton. The mayor's power is only one vote on the City Council and conflict with the City Council occurs when the mayor seeks to assert more power than the charter provides. Making the mayor accountable to the City Council as well as the citizens of Stockton helps assure the election of the inspirational leader called for by the Charter. These amendments also increase the chances that a member of a protected minority class can become mayor of Stockton.