

Gautho, Julia

From: Kevin Maguire <kmaguire831@gmail.com>
Sent: Tuesday, April 21, 2026 12:33 PM
To: City Clerk; City Council
Subject: Public Comment — Agenda Item 8C — California Voting Rights Act / District Election Transition

Dear Mayor and Council Members,

Thank you for the thorough staff report on the CVRA challenge received from Shenkman & Hughes, and for the City Attorney's candid assessment of the legal landscape and the safe harbor process available under Elections Code Section 10010.

I support the Council taking the safe harbor path and using the full time available to ensure genuine community participation in the mapping process. Rushing to meet artificial deadlines would undermine the very purpose this transition is intended to serve — meaningful representation for all Capitola residents. I understand the County Clerk's timeline constraints make district elections affecting November 2026 effectively impossible if a genuine community process is followed, and I accept that reality.

I offer the following observations and requests for the public record:

ON DEMOGRAPHER SELECTION

The demographer selection may be the single most consequential decision in this entire process. The district lines drawn will shape Capitola's governance and representation for a decade. I respectfully request that the Council:

- Make all RFP responses publicly available before the contract vote so the community can assess the qualifications being considered
- Require the selected demographer to present multiple map scenarios rather than a single recommended configuration, giving the Council and community genuine choices to evaluate
- Ensure the demographer has demonstrated experience producing maps that create genuine Latino electoral opportunity — not merely technical CVRA compliance
- Require that all data sources, methodology, and draft maps be publicly available and accessible throughout the process

I would appreciate knowing when the demographer contract will come to Council for approval so that interested community members can attend.

ON PUBLIC HEARINGS AND COMMUNITY PARTICIPATION

California Elections Code requires at minimum two pre-map public hearings and two post-map public hearings before district boundaries are finalized. The pre-map hearings are the most consequential —

they are where communities of interest are defined before a single line is drawn, and the demographer is legally required to respect that testimony under the Fair Maps Act.

I ask that the Council commit to the following hearing standards:

- A minimum of two weeks between each public hearing, so that residents have genuine time to organize, consult, and participate meaningfully. Two hearings compressed into the same week would technically satisfy the statute but would fail the community in practice
- Bilingual hearing notices distributed in English and Spanish, with particular outreach to residents of Capitola's higher Latino-concentration neighborhoods, especially the 41st Avenue corridor
- Public availability of all hearing materials, draft maps, and demographer reports in both languages in advance of each hearing

Before any maps are drawn, the pre-map hearings must provide genuine opportunity for residents of the 41st Avenue corridor to define their community of interest on the record. That community — its schools, churches, businesses, and shared neighborhood character — deserves to be heard and documented before the demographer picks up a pencil.

ON RESIDENCY REQUIREMENTS

As the Council develops the district election framework, I strongly encourage adoption of a meaningful residency ordinance as part of the transition. Voter registration alone is insufficient to ensure that district representatives genuinely live in and among the communities they serve — and Capitola has experienced situations where candidates have established residency specifically to run for office.

Several California cities adopted robust residency documentation requirements when they transitioned to district elections. I ask the City Attorney to review what San Bernardino, Upland, Santa Ana, and Encinitas have adopted, and to bring a recommended framework to Council as part of the transition ordinance. At a minimum, that framework should include:

- A durational residency requirement of at least 30 consecutive days within the district immediately preceding issuance of nomination papers — with serious consideration of 60 days given Capitola's history
- A documentation requirement beyond voter registration alone. Candidates should be required to provide at least two documents from two separate categories — for example: a signed lease agreement or mortgage statement; a utility bill or bank statement at the district address; a government-issued ID or vehicle registration at the district address — plus a signed affidavit under penalty of perjury confirming district residency for the required period
- City Clerk verification of all submitted documents within five business days of filing, including cross-referencing the candidate's registered voter address against the adopted district map to confirm the address falls within the correct district boundaries
- A continuous residency requirement throughout the term. If a sitting councilmember's primary residence moves outside their district, their office should become vacant after a reasonable cure period — consistent with what Upland and Encinitas have adopted — during which a new residence within the district may be established
- Annual re-verification. Consistent with San Bernardino's model, each sitting councilmember should submit one document annually to the City Clerk confirming their continued district residency, with the

Clerk confirming consistency with their voter registration

This is a standard good-government framework adopted by numerous California cities. It ensures that district representation is genuine and geographic — not a product of strategic address changes timed to a filing window.

ON SEQUENCING

I understand and accept that the November 2026 election will proceed under the existing at-large system given the County Clerk's timeline constraints. I do ask the Council to make a public commitment that when the sequencing plan is developed for 2028, it will be driven by demographic data and the CVRA's remedial purpose — specifically that the district with the highest Latino population concentration is among the first to hold an election — rather than simply by which council seats happen to expire when. The entire purpose of this transition is to create meaningful electoral opportunity for Latino residents. That purpose is not served by a sequencing plan that defers the highest Latino concentration district to the last election cycle.

ON STRUCTURAL OPTIONS

I note that the Council may wish to consider whether a structure involving a directly elected Mayor and four council districts — rather than five council districts — better serves Capitola's long-term governance needs. I support genuine community deliberation on this question and would welcome a dedicated community forum on structural options before the Council commits to a specific configuration. This decision deserves more than a single public hearing agenda item. Also, would this be in compliance with Shenkmen's complaint?

CLOSING

Thank you for your consideration of these points. I look forward to participating constructively in the community process ahead and will be attending the public hearings as the mapping process moves forward.

Respectfully submitted,

Kevin Maguire
Capitola, CA