



D City of Irvine, Charter Amendment to Expand City Council and Establish City Council Districts

Shall a City Charter amendment that (i) increases the membership of the City Council from five to seven, with the new membership comprised of a mayor and six Council members, and (ii) provides for the transition from at-large elections to by-district elections for the six Council members, with the district boundaries as described in City Council Resolution No. 23-88, be adopted?

What your vote means

YES	NO
A "Yes" vote is a vote in favor of the Charter Amendment approving City Council expansion and the transition to by-district elections. This measure will be approved if it receives a simple majority of "Yes" votes.	A "No" vote is a vote against the Charter Amendment, resulting in the retention of a five-member City Council consisting of a Mayor and four Council Members elected at-large.

For and against

FOR	AGAINST
Farrah N. Khan Mayor Larry Agran Councilmember Mike Carroll Councilmember	Cathy R. Schiff Concerned Citizen

Ballot Measures-D

Full Text of Measure D
City of Irvine

Charter Amendment to
Expand City Council and Establish City Council Districts

CHARTER AMENDMENT MEASURE NO. __

SECTION 1. Text of Charter Amendment. The City Charter of the City of Irvine is hereby amended as follows (double underlining showing additions and strike-through showing deletions):

Section 400. Mayor and City Council.

~~The Commencing with the general municipal election of November 2024, the~~ City Council, hereinafter termed "Council," shall consist of a Mayor and ~~four (4)~~ six (6) Council members elected to office ~~from the city at large~~ in the manner, at the times, and in the sequence provided in this Charter.

The Mayor shall serve a term of two (2) years and shall be elected from the City at large. Any person who serves two (2) full terms as Mayor shall not be eligible to serve again as Mayor. If a Mayor serves a partial term in excess of one (1) year, it shall be considered a full term for the purpose of this provision. Other than as set forth herein, ~~eligibility for office~~, compensation, vacancies and the filling of vacancies shall be the same for the office of Mayor as provided for the office of Council member by this Charter. The Mayor, in addition to serving as the presiding officer of the Council, shall have all of the rights, powers and duties of a Council member and shall be a member of the Council.

The term of office for a each Council member shall be four (4) years and shall be elected on a by-district basis from one (1) of the six (6) single- member Council Districts of the City, as established pursuant to Section 400.1. Alternatively, and successively, ~~two (2) three~~ four-year terms shall be filled at one general municipal election and ~~two (2) three~~ four-year terms at the next such election, consistent with the sequence of terms of Council members ~~existing on the effective date hereof~~ in the fifth paragraph of this Section 400. Any person who serves two (2) full terms as a ~~member of the City Council~~ member shall not be eligible to serve again as a ~~member of the City Council~~ member. If a Council member serves a partial term in excess of two (2) years, it shall be considered a full term for the purpose of this provision.

~~If at any general municipal election, one (1) or more Council member, whose term of office will not expire as of the election, and who would be required to vacate the office of Council member if elected to the office of Mayor, files as a candidate for the office of Mayor, the following procedure will be used to fill the contingent vacancy in the office of Council member that would arise if the sitting Council member were elected Mayor: To the extent legally possible, the ballot for the office of Council member, the official election materials and voter information pamphlet shall notify the voters that they may cast ballots for not more than three (3) candidates for the office of Council member, that at least two (2) Council offices shall be filled by election, and that if a Council member whose term of office will not expire as of the election is elected to the office of Mayor, the vacancy in the office of that Council member shall be filled by the candidate for Council member receiving the third highest number of votes at the same municipal election.~~

Notwithstanding the first sentence in the third paragraph of this Section 400, the second sentence in the first paragraph of Section 401, or the first sentence of the second paragraph of Section 401, the Mayor and Council members in office at the time this Charter provision takes effect shall continue in office until the expiration of their respective terms and until their successors are elected and qualified, so long as they remain legally registered voters and residents of the City. Recall proceedings, if any, of any Council member(s) serving the remainder of a term pursuant to this provision, and the election of a successor to such Council member(s) to complete that term, shall be conducted at large. If any Council seat held by a Council member serving the remainder of a term pursuant to this provision becomes vacant prior to the end of such term by means other than the recall, such Council seat shall be filled by appointment or election at large; provided, however, that if the vacating Council member resides in either the Council District designated 5 or the Council District designated 6 then, notwithstanding Section 403, a by-district election shall be held for the District where the vacating Council member resides at the earliest feasible date.

The Mayor shall be elected at the general municipal election held in November 2024, and each second year thereafter. One (1) Council member from each of the four (4) Council Districts designated 1, 2, 3, and 4 shall be elected at the general municipal election held in November 2024. Notwithstanding the term of office specified in the first paragraph of this Section 400, the Councilmember elected from the Council District designated 1 at the November 2024 general election shall hold office for a term of two (2) years and until their successor qualifies; the remaining three (3) Council members selected at the November 2024 general election shall each serve a term of four (4) years and until their respective successors qualify. One (1) Council member from each of the three (3) Council Districts designated 1, 5, and 6 shall be elected at the general municipal election held in November 2026, and shall each serve a term of four (4) years and until their respective successors qualify.

The term of the Mayor and a Council member shall commence at the next regularly scheduled meeting of the Council following certification of the election results by the election official or such earlier other date as may be established by ordinance of the City Council, and ~~he or she~~ they shall serve until ~~his or her~~ their successor qualifies. Any ties in voting for Mayor or Council member ~~and any determination with respect to which Council member is to fill which office~~ shall be settled by the casting of lots. No person shall simultaneously hold both the office of Mayor and Council member.

~~The term limits established by this section shall be applicable prospectively only.~~ The term limits shall not apply to any term that began before November 4, 2014.

As used herein the term "qualifies" shall mean, in addition to the provisions of the general law, having taken the oath of office following the election and ~~his or her~~ their term of office shall have commenced.

Ballot Measures-D

Section 400.1. Districts.

For the purpose of electing the Council Members commencing with the November 2024 general municipal election, the City shall be divided into six (6) single-member districts (each such district a "District" and, collectively, "Districts"). The names and the respective boundaries of the Districts shall be as set forth in City Council Resolution 23-88. Following each decennial federal census, and at other such times as are authorized by applicable law, the City Council may, by ordinance or resolution, adjust the boundaries of any or all of the Districts of the City so that the Districts shall be as nearly equal in population as may be, consistent with law applicable to the creation and rearrangement of the boundaries of local districts. Any territory annexed to or consolidated with the City shall, prior to or concurrently with completion of the proceedings therefore, be added to an adjacent District or Districts by the City Council by ordinance, which addition shall be effective upon completion of the annexation or consolidation proceedings notwithstanding any other provision of the Charter to the contrary.

Section 401. Eligibility.

No persons shall be eligible to hold the office of Council member Mayor unless he or she is they are a legally registered voter and resident of the City. Commencing with filing of nomination or such other equivalent declaration of candidacy as may be required or authorized by law in connection with the general municipal election of November 2024, no person shall be eligible to hold the office of Council Member unless they are a legally registered voter and resident of their respective District, as established pursuant to Section 400.1, and nominated and elected only by the voters of their respective District.

Every Council Member or candidate for Council Member shall be and remain a qualified voter in the District from which they seek office from the time of filing nomination papers or such other equivalent declaration of candidacy as may be required or authorized by law, throughout the full term of their office, if elected or appointed in lieu of election. No creation of a District or change in the boundary or location of any District shall abolish or terminate the term of office of any Council Member prior to the expiration of the term of office for which the Council Member was elected or appointed in lieu of election, notwithstanding any other provision of this Section, Section 400, or Section 400.1.

SECTION 2: Ballot Description. As provided in Government Code section 34458.5, the following ballot description is included in this proposed Charter Amendment measure:

CHARTER AMENDMENT (Sections 400, 400.1, and 401): This Charter Amendment measure would amend the City Charter to modify Section 400, add Section 400.1, and modify Section 401. These changes would provide for the transition from five-member to a seven-member City Council. While the Mayor would continue to be elected at large and in two-year terms, the six remaining Council members would transition to by-district elections. The initial districts for the six Council members would be as defined in City Council Resolution 23-88. The first district-based elections would occur for Districts 1, 2, 3, and 4 at the statewide general election on November 5, 2024. Those elected to Districts 2, 3, and 4 would receive four-year terms; the person elected to District 1 would receive a two-year term. City Council members that were elected in 2022 would serve out their at large terms until 2026. At the statewide general election in 2026, district-based elections would occur for Districts 1, 5, and 6. This amendment does not give the City Council any new power to raise its compensation or that of other City officials without voter approval.

SECTION 3: District Map. The district map adopted by the City Council on October 10, 2023 by City Council Resolution 23-88 is incorporated herein by reference as Exhibit 1 hereto, and as specified in Charter Section 400.1 are adopted and approved by the people of the City of Irvine.

SECTION 4: Severability. It is the intent of the people that the provisions of this Charter Amendment measure are severable and that if any provision of this Charter Amendment measure, or the application thereof to any person or circumstance, is held invalid such invalidity shall not affect any other provision or application of this Charter Amendment measure which can be given effect without the invalid provision or application.

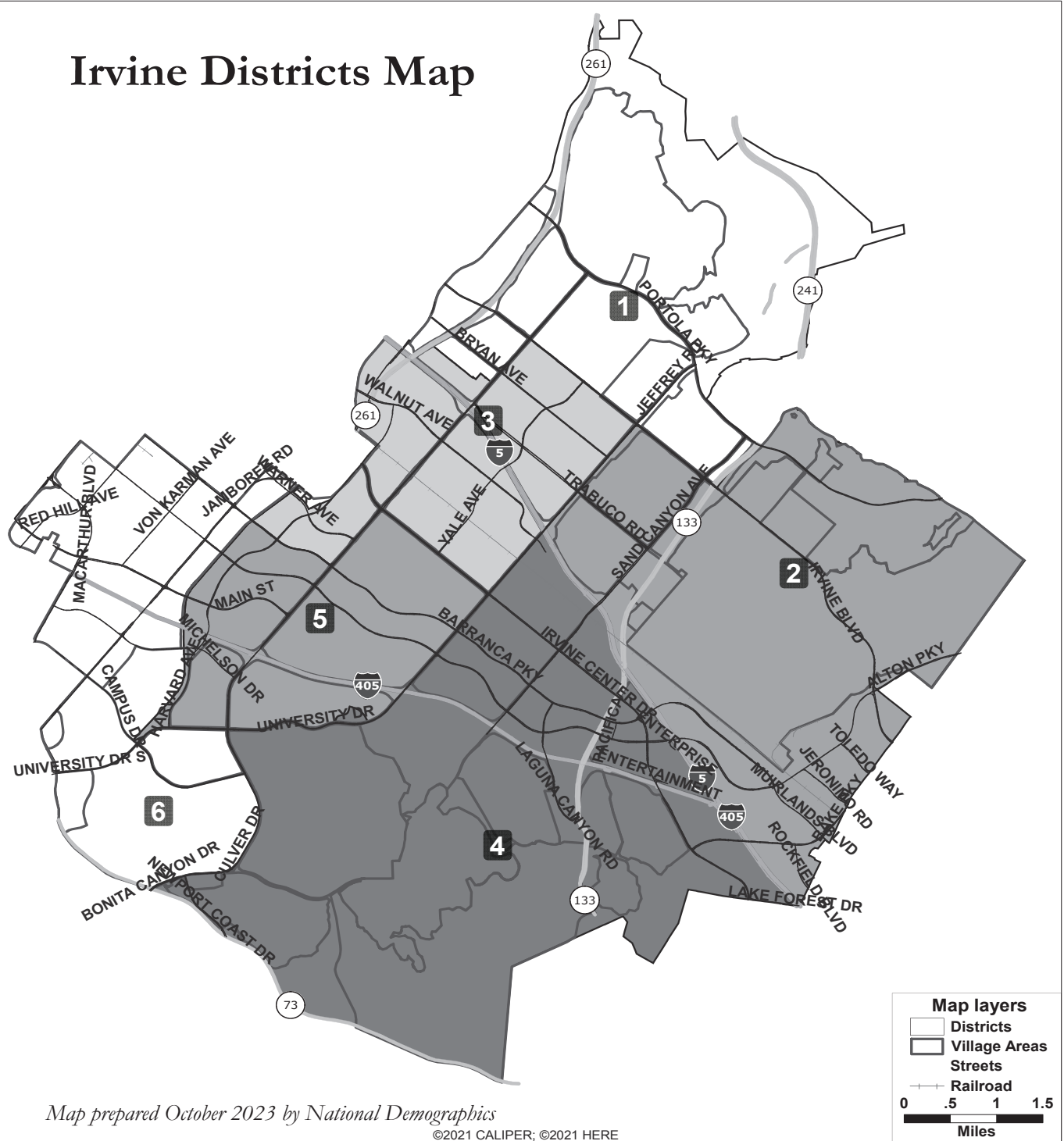
SECTION 5: Effective Date. This Charter Amendment measure shall become effective in the manner allowed by law.



Ballot Measures-D

EXHIBIT 1

Irvine Districts Map



Map prepared October 2023 by National Demographics

©2021 CALIPER; ©2021 HERE

EXHIBIT 1



Ballot Measures-D

**Impartial Analysis
City of Irvine
Measure D**

**City of Irvine
Charter Amendment to Expand City Council and Establish City Council Districts**

The City Council of the City of Irvine has placed a measure before the voters that, if approved, would amend the City Charter to expand the City Council from five to seven members and would implement a by-district election system. A full copy of the Charter Amendment text is printed in these ballot materials.

The City Charter currently requires that the City Council consist of a Mayor elected at-large to a two-year term and four Council Members elected at-large to four-year terms. This measure would expand the City Council to consist of a Mayor elected at-large to a two-year term and six Council Members elected by-district to four-year terms. The six Council Member districts would be those shown in City Council Resolution 23-88 (also provided at cityofirvine.org/districtsmap). District boundaries would be revised every ten years after each federal census.

This measure requires that each Council Member elected by-district be a qualified voter in the district from which they seek office at the time of filing nomination papers, and remain a resident of that district throughout their full term of office. Each Council Member would be elected by only the voters of the district from which they seek office.

To implement these changes, the November 2024 general municipal election would include the election of the Mayor to a two-year term and one Council Member from each of Districts 1, 2, 3, and 4 (as shown in City Council Resolution 23-88). The person elected from District 1 will receive a two-year term, while those elected from Districts 2, 3, and 4 will receive four-year terms. The November 2026 general municipal election would include the election of the Mayor to a two-year term and one Council Member from each of Districts 1, 5, and 6 to four-year terms.

If a Council Member that was elected at-large in 2022 successfully runs for Mayor, thereby forfeiting the remainder of their term, and that Council Member resides in District 5 or District 6, then at the earliest feasible date the vacated City Council seat shall be filled through a by-district election for the district where the vacating Council Member resides. All other vacancies in at-large Council Member seats shall be filled by appointment or election at-large.

This measure makes no modifications to the existing term limits, which will continue to apply to any term that began on or after November 4, 2014.

This measure does not give the City Council any new power to raise its compensation or that of other City officials without voter approval.

A "Yes" vote is a vote in favor of the Charter Amendment approving City Council expansion and the transition to by-district elections. A "No" vote is a vote against the Charter Amendment, resulting in the retention of a five-member City Council consisting of a Mayor and four Council Members elected at-large. This measure will be approved if it receives a simple majority of "Yes" votes.

Dated: October 24, 2023

s/Jeffrey Melching, City Attorney

The above statement is an impartial analysis of Measure D. If you desire a copy of the Ordinance or Measure, please call the elections official's office at 949-724-6205 and a copy will be mailed at no cost to you.

Ballot Measures-D

Argument in Favor of Measure D

“Charter Amendment to Expand City Council and Establish City Council Districts”

We respectfully urge your YES vote on Irvine’s Measure D.

Voter approval of Measure D will strengthen our local democracy by expanding our City Council to seven members and transitioning to district elections. This ensures that residents in every part of town can vote for their own City Councilmember, while the Mayor will continue to be elected citywide. If adopted, Measure D will take effect in time for our November 2024 municipal election.

Measure D ensures that future City Council candidates will campaign among their neighbors and respond to their needs and concerns. District elections will also enable candidates to run door-to-door grassroots campaigns without relying on hundreds of thousands of dollars in funding from developers and other special interests.

Since 1971, when Irvine had roughly 10,000 residents, our City has been governed by a five-member City Council, all elected citywide. Irvine has now grown to more than 300,000 residents, with new neighborhoods spread over 66 square miles. By adding two new seats to the City Council and creating six Council districts, Measure D ensures fair and equal representation for all — whether you are a homeowner or renter, and whether you live in a new part of Irvine or one of our original neighborhoods.

Accompanying Measure D in your Official Voter Information Guide is the proposed district elections map (cityofirvine.org/districtsmap) produced by the City’s independent demographer during a six-month process that included 14 public meetings, five City Council hearings, and hundreds of citizens participating in the map-drawing effort. The proposed map creates six geographically compact Council districts, each with about 50,000 residents from neighborhoods with common interests and concerns. The map complies with all federal and state voting rights laws and is free of political gerrymandering.

For fair, equal, and better representation on the Irvine City Council, please vote YES on Measure D.

s/ Farrah N. Khan
Mayor

s/ Larry Agran
Councilmember

s/ Mike Carroll
Councilmember

Rebuttal to Argument in Favor of Measure D

The proponents of Measure D incorrectly assert that Irvine must adopt multi-district voting to satisfy the California Voting Rights Act (CVRA), defying their own City Attorney, who declared that **“Forcing the most integrated big city in the country to draw race-based districts would be a huge step backwards.”** The California Supreme Court recently ruled that, **if at-large voting doesn’t satisfy the CVRA, it can be fixed by adopting cumulative voting, limited voting, or ranked choice voting** (*Pico vs. City of Santa Monica*, p. 22). The only beneficiaries of multi-district voting are candidates, who will have to campaign in only 1 small district.

Measure D will reduce your voting power by 80% (2 votes vs. 6 or 7 under at-large voting), **weakening representative democracy in Irvine.**

One councilmember cannot effectively respond to the needs of a district if 6 favor competing districts. According to the City Council, **under the current system of at-large voting, “Councilmembers and the Mayor are directly accountable to the electorate and must constantly balance the views of individuals and groups with the needs of the entire community.”**

While the Councilmembers who argue in Favor of multi-district elections assert that *“District elections will . . . enable candidates to run . . . campaigns without relying on . . . funding from developers and other special interests,” they haven’t pledged to forgo special interest funding; and their pledge will not bind other candidates.*

Vote NO on Measure D to preserve at-large voting and representative democracy in Irvine.

s/ Cathy R. Schiff
Concerned Citizen

Ballot Measures-D

Argument Against Measure D

“Charter Amendment to Expand City Council and Establish City Council Districts”

The City Council’s decision to create multiple districts, ostensibly to overcome the dilution of minority voting power in compliance with the *California Voting Rights Act (CVRA)*, will replace our constitutional election process with multi-district voting, introducing segregation and its pernicious consequences into our community. In the words of Irvine’s City Attorney:

It is one thing to order a city to draw districts along race-based lines when doing so will give a protected class electoral strength it never had before. It is quite another to order a city to engage in such race-conscious line-drawing when it will achieve no purpose. The U. S. Supreme Court has condemned “[r]acial gerrymandering,” which threatens to “balkanize us into competing racial factions” and “to carry us further from the goal of a political system in which race no longer matters.” **Forcing the most integrated big city in the country to draw race-based districts would be a huge step backwards. “It would be an irony” if the CVRA ‘were interpreted to entrench racial differences by expanding a ‘statute meant to hasten the waning of racism in American politics.’”**

Irvine need and should not adopt a by-district voting system because (a) there is no evidence it will improve minority representation; (b) **other remedial alternatives, such as cumulative voting, limited voting, or ranked choice voting, exist;** and (c) by-district elections will yield negative consequences, including:

- self-segregation** of populations;
- conflict among districts** for resources;
- loss of collaboration among councilmembers;**
- gerrymandering;** and
- costs** to redraw maps after each census.

Voting districts will foment divisions among communities as residents migrate to districts where they will be surrounded by people of like minds, creating exclusionary ghettos. “Segregation was wrong when it was forced by white people, and I believe it is still wrong when it is requested by black people.” (Coretta King.)

s/ Cathy R. Schiff
Concerned Citizen

Rebuttal to Argument Against Measure D

The argument against Measure D reflects a misunderstanding of its purpose. Minority voices and voters have never been silenced or diluted in Irvine. The fact of the matter is that Irvine is the most diverse and thoroughly integrated city in America, with a broad array of political, economic, social, and ethnic viewpoints represented on the Irvine City Council. We should all take great pride in that remarkable achievement.

But Irvine’s City Council of just five members — elected citywide to govern 300,000 residents — is ill-equipped to fully represent the diverse interests and concerns of each of our many villages and neighborhoods spread over 66 square miles. The purpose of Measure D is to ensure that as Irvine grows, we have a City Council that is increasingly responsive to the needs of our residents in every part of our City.

Specifically, Measure D provides for two things. First, Measure D expands our City Council from its current five members (a Mayor and four Councilmembers) to seven members (a Mayor and six Councilmembers). And second, Measure D creates six geographic Council districts of equal population (about 50,000 people each) so that all of Irvine’s residents — whether in older neighborhoods or in newer neighborhoods — will have their own Council representative.

Most of the cities and school districts in Orange County have successfully transitioned to district elections in recent years. It’s time for Irvine to do the same.

For better and more responsive representation on the Irvine City Council, please join us in voting YES on Measure D.

s/ Farrah N. Khan
Mayor

s/ Larry Agran
Councilmember

s/ Mike Carroll
Councilmember