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Election lawsuit could go away

**By ADAM ASHTON
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A vote for district elections in Modesto could scuttle a costly lawsuit against the city demanding political reform, a civil rights attorney who is suing the city said Tuesday.

Robert Rubin's clients, three Modesto Latinos, argue that the city's at-large City Council elections marginalize minorities.

"There could be a reasonable argument that the lawsuit would be moot" if Modesto voters replace those citywide elections with district races that require candidates to live in certain neighborhoods, Rubin said.

Modesto has spent more than \$730,000 defending the lawsuit, filed in 2004. Rubin has said his fees total more than \$1 million.

Rubin addressed the city's Charter Review Committee, an 11-member group appointed by the City Council to recommend improvements to Modesto government.

It had its first of two meetings to consider possible changes in the city's at-large council elections. Its report is due in early summer and could influence whether the council votes to place election reforms on the November ballot.

Generally, committee members did not tip their hand by declaring their positions on election changes. Those who spoke appeared to favor a system that blends aspects of citywide and district election systems.

Stockton, for example, requires candidates to run a district race in a primary election. The top two votegetters then face off in a citywide race to represent their districts.

That method appealed to committee members because it provides the neighborhood representation offered by district races but hedges it against a citywide race that obliges candidates to push for larger issues.

It's a system where "candidates win by district who then have to build coalitions to win citywide," said lawyer George Petrulakis, the committee's chairman.

Rubin did not say whether his clients would endorse that sort of election system.

He said enacting district elections improperly could lead to other lawsuits, such as ones that would seek to redraw boundaries. He said the city will have more leeway to define its system if it doesn't wait for a court to mandate district races.

Rubin won a round in the lawsuit in December when a state court ruled that he could seek election reform from a judge in Stanislaus County Superior Court. The city appealed that decision, and the case is headed to the California Supreme Court.

Most cities in California the size of Stockton or larger use district elections to select council members, and smaller ones tend to rely on at-large races.

Douglas Johnson, a Claremont consultant the city hired to help the charter committee, said Modesto is "on the cusp" of the cities that have adopted district elections. Stockton's population is 286,000; Modesto's is 207,000.

Another camp pushing for political reform surfaced at the meeting when former Mayor Carmen Sabatino urged the committee to endorse an initiative he helped draft to split City Council races into six districts.

The City Council two weeks ago sidelined his initiative when it voted to have the charter committee study his proposal.

"This committee is the tool to talk district elections to death," Sabatino said.

Petrulakis said the committee will not vote on district elections at its March 12 meeting. He said members might use the session to discuss what they would like to see on a district election proposal.

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CITY COUNCIL DISTRICTS

Modestans for Fair District Elections, a group led by former Mayor Carmen Sabatino, is pushing to get an initiative on the November ballot to mandate district races. Sabatino recently released this map to show where those districts might be drawn based on an even distribution of the city's population.

