The California Voting Rights Act (CVRA)

• Enacted in 2002 (S.B. 976) - Governor Davis
• Took effect January 1, 2003
• Elections Code §§ 14025 to 14032
• Based on Federal Voting Rights Act of 1965
The CVRA prohibits the use of an at-large election system if racially polarized voting and the at-large election system combine to either impair the ability of protected class voters to elect candidates of their choice or impair their ability to influence the outcome of an election.

(Elections Code § 14027)

**At-Large** election system is where voters of the entire city elect all members to the city council.

**From District** election system is where each council member is elected by voters from the entire city, but the city is divided into districts and each council member must reside within a particular district.

**By District** election system is where a city is divided into districts and one council member is elected by only the registered voters in that particular district.

**Protected Class**: Class of voters who are members of a race, color, or language minority group, as defined by the federal Voting Rights Act.

**Racially Polarized Voting**: Voting where there is a difference in the choice of candidates, or other electoral issues, preferred by voters in a protected class and the choice of candidates, or other electoral issues, preferred by voters in the rest of the electorate.

(Elections Code § 14026; 42 U.S.C. § 1973 et seq.)
Key Difference Between Federal and State VRA

(All Four Needed for Violation)
- Can the protected class constitute the majority of a district?
- Does the protected class vote as a bloc?
- Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
- Do the “totality of circumstances” indicate race is a factor in elections?

Key Difference Between Federal and State VRA

Only Two Needed for Violation Under CVRA
- Can the protected class constitute the majority of a district?
- Does the protected class vote as a bloc?
- Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
- Do the “totality of circumstances” indicate race is a factor in elections?

PRACTICAL RESULT?
LIABILITY DETERMINED ONLY BY THE PRESENCE OF RACIALLY POLARIZED VOTING
The Legislation

What is the new legislation and why was it needed?

- Number of Challenges / Low Threshold
- Limited Options Based on Population Size
- Costly Elections
- Costly Litigation / Settlements

The Problems

- Legislative Latino Caucus “Priority”.
- Prior versions of AB 350 (Alejo) AB 278 (Hernandez) close to the finish line.
- Multiple Players: Legislative Majority Caucuses, Civil rights/ open government groups, the Governors Office Etc.
- The League was the “outsider” and needed to control our own destiny.
Any general law city and any charter city whose charter is silent on the election system, regardless of population, may voluntarily switch from an at-large election system to district election system via the ordinance process without voter approval.

*AB 2220

Limited safe-harbor provisions for cities voluntarily switching from at-large to district election system (45 Days + 90 Days)
Public hearings / publications both before and after drawing preliminary map(s) of district boundaries
Establishes $30,000 cap and procedures for reimbursement to first of prospective plaintiff whose notice prompted change.

*AB 350

Repeals 100,000 population limitation for ordinances
Repeals requirement for boundary map inclusion for voters (if applicable)

Note: Both AB 278 and AB 350 also have hearing, sequencing and timing requirements.

*AB 278
The Demography

What is the Science Behind it All?

Data Measurements for Majority / Minority
- Total Population
- Voting Age Population
- Citizen Voting Age Population
- Registration by Surname
- Turnout by Surname

Tools for Measuring Voter Preferences
- Homogeneous Precinct Analysis
  Overwhelmingly-protected class and near-zero protected class precincts
- Ecological Regression
  Statistical regression analysis comparing precinct by precinct election results relative to the percentage of each precinct comprised of each protected class
- Surveys and Exit Polls
  Useful but surveys are flawed and exit polls are expensive
Regression Analysis Methodology

1. On a scattergram, plot dots for each precinct according to the precinct demographics and the percentage of the vote for a given candidate.

2. Find the line that best matches the pattern of the dots.

3. Extend the line to a theoretical precinct made up of 100% of that ethnic group’s voters - the point where the regression line intercepts the 100% vertical is the estimated vote of that ethnic group for a given candidate.

4. Review the related confidence interval.

5. Repeat for each candidate and each ethnic group.

The Case Studies

The Ideal Situation

Not-So-Ideal Situation
The Ideal Situation

You Have Time!

The Website
http://www.drawbp.org/district-maps/

The YouTube Video
https://www.youtube.com/watch?v=wsUc5nspvFY
The Not-So-Ideal Situation

You Don’t Have Time!

Letter Received:
May 1, 2017

45-Day Deadline (Resolution on Intention):
June 15, 2017

90-Day Deadline (Adoption of Ordinance):
September 11, 2017
<table>
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<tr>
<th>No.</th>
<th>Task Description</th>
<th>Date / Timeline</th>
<th>Notes</th>
</tr>
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<tbody>
<tr>
<td>1</td>
<td>Closed Session - Start Ongoing Discussion of Topic</td>
<td>May 9, 2017</td>
<td>-</td>
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<tr>
<td>2</td>
<td>Council Meeting - Public Hearing #1</td>
<td>June 13, 2017</td>
<td>Act notice issued 7 days prior to Public Hearing #1</td>
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<tr>
<td>3</td>
<td>Council Meeting - Public Hearing #2</td>
<td>June 27, 2017</td>
<td>Before Map(s) Drawn - E.C. 10010(a)(1), within 30 days of Public Hearing #1</td>
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<td>4</td>
<td>Publish Draft Map(s) and Sequencing</td>
<td>July 15, 2017</td>
<td>E.C. 10010(a)(2), Published Once at Least 7 Days Prior to Public Hearing #3</td>
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<td>5</td>
<td>Council Meeting - Public Hearing #3</td>
<td>July 25, 2017</td>
<td>After Map(s) and Sequencing Published E.C. 10010(a)(2), more than 7 days after Draft Map(s) and Sequencing Publication</td>
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<td>6</td>
<td>Council Meeting - Second Reading of Ordinance</td>
<td>August 8, 2017</td>
<td>More than 7 days after Public Hearing #3</td>
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<tr>
<td>7</td>
<td>Council Meeting - Final Passage of Ordinance</td>
<td>August 22, 2017</td>
<td>-</td>
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**Closing Thoughts**

Questions and Answers

Thank you.
CALIFORNIA VOTING RIGHTS ACT – PUTTING THE 2016 LEGISLATION INTO PRACTICE

In 2016, after years of meetings, committee hearings, testimony and negotiations, a group of unlikely coalition members came together to work on a solution to prevent costly litigation for cities while retaining local control in their cities. AB 278, AB 350 and AB 2220 were a package of California Voting Rights Act (CVRA) bills that passed in 2016 and went into effective January 1, 2017. This session will allow participants to fully understand the political and technical intricacies of the CVRA bills individually and collectively. Participants will learn how to practically implement this bill package in their jurisdiction.

INTRODUCTION

The California Voting Rights Act of 2001 (Election Code §§ 14025 et seq.) establishes criteria in state law through which the validity of at-large election systems can be challenged in court. At-large election systems are the most common methods of electing council members. With at-large election systems, voters of the entire jurisdiction elect the members. With a by-district election system, only the voters in a given district vote to choose the council member. Advocates of by-district elections say they improve the chances for an historically under-represented group to elect one of their members to a council. In just ten years, the California Voting Rights Act has nearly tripled the number of California cities using by-district elections.

THE CALIFORNIA VOTING RIGHTS ACT OF 2001

ELECTIONS CODE
DIVISION 14. ELECTION DAY PROCEDURES [14000 - 14443]
CHAPTER 1.5. Rights of Voters [14025 - 14032]

14025.
This act shall be known and may be cited as the California Voting Rights Act of 2001. (Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14026.
As used in this chapter:
(a) "At-large method of election" means any of the following methods of electing members to the governing body of a political subdivision:

(1) One in which the voters of the entire jurisdiction elect the members to the governing body.

(2) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body.

(3) One that combines at-large elections with district-based elections.

(b) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(c) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, a general law city, general law county, charter city, charter county, charter city and county, school district, community college district, or other district organized pursuant to state law.

(d) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.).

(e) "Racially polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate. The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.) to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.

**14027.**

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, as defined pursuant to Section 14026.

(*Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.*)

**14028.**

(a) A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision. Elections conducted prior to the filing of an action pursuant to Section 14027 and this section are more probative to establish the existence of racially polarized voting than elections conducted after the filing of the action.

(b) 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. One circumstance that may be considered in determining a violation of Section 14027 and this section is the extent to which candidates who are members of a protected class and who are preferred by voters of the protected class, as determined by an analysis of voting behavior, have been elected to the governing body of a political subdivision that is the subject of an action based on Section 14027 and this section. In
multiseat at-large election districts, where the number of candidates who are members of a protected class is fewer than the number of seats available, the relative groupwide support received by candidates from members of a protected class shall be the basis for the racial polarization analysis.

(c) The fact that members of a protected class are not geographically compact or concentrated may not preclude a finding of racially polarized voting, or a violation of Section 14027 and this section, but may be a factor in determining an appropriate remedy.

(d) Proof of an intent on the part of the voters or elected officials to discriminate against a protected class is not required.

(e) Other factors such as the history of discrimination, the use of electoral devices or other voting practices or procedures that may enhance the dilutive effects of at-large elections, denial of access to those processes determining which groups of candidates will receive financial or other support in a given election, the extent to which members of a protected class bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process, and the use of overt or subtle racial appeals in political campaigns are probative, but not necessary factors to establish a violation of Section 14027 and this section.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14029.

Upon a finding of a violation of Section 14027 and Section 14028, the court shall implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy the violation.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14030.

In any action to enforce Section 14027 and Section 14028, the court shall allow the prevailing plaintiff party, other than the state or political subdivision thereof, a reasonable attorney’s fee consistent with the standards established in Serrano v. Priest (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. Prevailing defendant parties shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14031.

This chapter is enacted to implement the guarantees of Section 7 of Article I and of Section 2 of Article II of the California Constitution.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)

14032.

Any voter who is a member of a protected class and who resides in a political subdivision where a violation of Sections 14027 and 14028 is alleged may file an action pursuant to those sections in the superior court of the county in which the political subdivision is located.

(Added by Stats. 2002, Ch. 129, Sec. 1. Effective January 1, 2003.)
34870. This article applies only to cities. *(Repealed and added by Stats. 1970, Ch. 278.)*

34871. At any municipal election, or special election held for that purpose, the legislative body may submit to the registered voters an ordinance providing for the election of members of the legislative body in any of the following ways:

(a) By districts in five, seven, or nine districts.

(b) From districts in five, seven, or nine districts.

(c) By districts in four, six, or eight districts, with an elective mayor pursuant to Article 5 (commencing with Section 34900).

(d) From districts in four, six, or eight districts, with an elective mayor pursuant to Article 5 (commencing with Section 34900).

The term “by districts” as used in this article shall mean election of members of the legislative body by voters of the district alone. The term “from districts” shall mean election of members of the legislative body who are residents of the district from which they are elected by the voters of the entire city. “Geographical area making up the district” shall in the case of elections by district mean the district, and in the case of elections from districts shall mean the entire city except with respect to the residence requirements imposed by Section 34882.

That ordinance may also be qualified for the ballot by means of an initiative measure in accordance with Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code. *(Amended by Stats. 1994, Ch. 923, Sec. 68. Effective January 1, 1995.)*

34872. An ordinance shall state the number of legislative districts and whether members of the legislative body shall be elected by districts, from districts, by districts with an elective mayor, or from districts with an elective mayor. *(Amended by Stats. 2016, Ch. 736, Sec. 1. Effective January 1, 2017.)*

34873. An ordinance enacted pursuant to this article may be amended or repealed in the same manner; provided, the term of office of any council member elected shall not be affected. *(Amended by Stats. 2010, Ch. 699, Sec. 7. Effective January 1, 2011.)*
34874.
No amendatory ordinance altering the boundaries of the legislative districts established pursuant to this article shall be submitted to the registered voters until the ordinance has been submitted to the planning commission of the city or, in absence of a planning commission, to the legislative body of said city for an examination as to the definiteness and certainty of the boundaries of the legislative districts proposed.

(Amended by Stats. 1978, Ch. 745.)

34875.
The amendatory ordinance shall not be submitted to the voters if (a) one or more of the legislative districts do not close, (b) one or more entire legislative districts are eliminated prior to the termination of the term of office of the council member of or from the district, (c) the effect is that a greater number of council members will be qualified to hold office concurrently than are authorized by this article or the amendatory ordinance.

(Amended by Stats. 2010, Ch. 699, Sec. 8. Effective January 1, 2011.)

34876.
The planning commission of the city or, in absence of such body, the legislative body of the city shall make findings as to the matters set forth in Section 34875 by resolution within 90 days after submission of the amendatory ordinance to the city clerk. Failure to make findings shall be constituted as a finding of compliance with Section 34875.

(Repealed and added by Stats. 1970, Ch. 278.)

34876.5.
(a) If an ordinance is submitted to the voters pursuant to Section 34871, there shall be printed on the ballots substantially as follows:

“Shall members of the legislative body of the City of _____ be elected by (or from) districts?”

or, if applicable:

“Shall members of the legislative body of the City of _____ be elected by (or from) districts, and the Mayor of the City of _____ be elected on a citywide basis by the voters of the entire city?”

followed by the words “Yes” and “No,” so printed that the voters may express their choice.

(b) If a majority of the voters voting on the proposed ordinance vote in its favor, members of the legislative body shall be elected in the manner approved by the voters beginning at the first election following approval of the district boundaries pursuant to Section 34877.5, and for which the election consolidation deadlines established in the Elections Code have not passed.

(Added by Stats. 2016, Ch. 736, Sec. 2. Effective January 1, 2017.)

34877.
The proposition of altering legislative districts shall be printed on the ballots substantially as follows:

“Shall members of the legislative body of the City of _____ be elected by (or from) districts described in Ordinance No. _____?”

or, if applicable:
“Shall members of the legislative body of the City of _____ be elected by (or from) districts described in Ordinance No. _____, and the Mayor of the City of _____ be elected on a citywide basis by the voters of the entire city?”

followed by the words “Yes” and “No,” so printed that the voters may express their choice.

(Amended by Stats. 2016, Ch. 736, Sec. 3. Effective January 1, 2017.)

34877.5.

(a) After an ordinance is passed by the voters pursuant to Section 34876.5, or after an ordinance is enacted by the legislative body pursuant to Section 34886, the legislative body shall prepare a proposed map that describes the boundaries and numbers of the districts for the legislative body. In preparing the proposed map, the legislative body may seek public input, including accepting proposed maps submitted by the public.

(b) If the legislative body is changing from an at-large method of election to a district-based election, as those terms are defined in Section 14026 of the Elections Code, the legislative body shall hold public hearings pursuant to Section 10010 of the Elections Code. If the legislative body is otherwise adjusting the district boundaries, the legislative body shall hold public hearings on the proposed district boundaries pursuant to Section 21607 of the Elections Code.

(Amended by Stats. 2016, Ch. 736, Sec. 4. Effective January 1, 2017.)

34878.

If a majority of the registered voters of the city, who vote, vote in favor of the ordinance, at the expiration of the terms of office of the members of the legislative body, or as provided by ordinance, members of the legislative body shall be elected by (or from) the districts described, or by or from districts with an elective mayor, and in the manner provided.

(Amended by Stats. 1978, Ch. 745.)

34879.

The term of office of members of the legislative body elected pursuant to the provisions of this article shall be four years, unless otherwise expressly provided.

(Repealed and added by Stats. 1970, Ch. 278.)

34880.

(a) If the petition or proposal developed by the commission for submission to the electorate for incorporation or special reorganization of a city provides for the election of members of the legislative body by (or from) districts and includes substantially the provisions required to be included in an ordinance providing for that election, including Section 34871, the members of the legislative body shall be elected in the manner provided in the petition or proposal.

(b) The members of the legislative body shall hold office until the next general municipal election. At the next general municipal election the members elected by or from the even-numbered districts shall hold office for four years and the members elected by or from the odd-numbered districts shall hold office for two years. Thereafter the term of office is four years.

(Amended by Stats. 2000, Ch. 761, Sec. 3. Effective January 1, 2001.)
34881.

One member of the legislative body shall be elected by or from each district, or, if applicable, one member of the legislative body shall be elected by or from each district constituting a geographical division of the city, and the mayor shall be elected on a citywide basis. With the possible exception as to the number of members of the legislative body, the officers of the city remain the same.

(Amended by Stats. 1975, Ch. 652.)

34882.

A person is not eligible to hold office as a member of a municipal legislative body unless he or she is otherwise qualified, resides in the district and both resided in the geographical area making up the district from which he or she is elected and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 10227 of the Elections Code.

(Amended by Stats. 1994, Ch. 923, Sec. 69. Effective January 1, 1995.)

34883.

Registered voters signing nomination petitions or voting for a member of the legislative body shall be residents of the geographical area making up the district from which the member is to be elected.

(Amended by Stats. 1978, Ch. 745.)

34884.

(a) If, at the time a vote is held on the subject of incorporation of a new city, a majority of the votes cast is for incorporation and, if, in accordance with Section 57116, a majority of the votes cast on the question of whether members of the city council in future elections are to be elected by district or at large is in favor of election by district, all of the following procedures apply:

(1) Before the first day on which voters may nominate candidates for election at the next regular municipal election, the legislative body shall, by ordinance or resolution, establish the boundaries of the districts of the legislative body. The districts shall be as nearly equal in population as may be. The districts shall comply with applicable provisions of the federal Voting Rights Act of 1965 (52 U.S.C. Sec. 10301 et seq.), as amended. In establishing the boundaries of the districts, the legislative body may consider the following factors:

(A) Topography.
(B) Geography.
(C) Cohesiveness, contiguity, integrity, and compactness of territory.
(D) Community of interests of the districts.

(2) The terms of office of the two members elected with the lowest vote shall expire on the Tuesday succeeding the next regular municipal election. At that election, members shall be elected by district in the even-numbered districts and shall hold office for four years.

(3) The terms of office of the three members elected with the highest vote shall expire on the Tuesday succeeding the second regular municipal election following the incorporation. At that election, members shall be elected by district in the odd-numbered districts and shall hold office for four years.

(b) The result of the vote cast on the question of whether members of the city council in future elections are to be elected by district or at large shall not preclude the submission to the voters at any future election of a measure in accordance with Section 34871.

(Amended by Stats. 2016, Ch. 736, Sec. 5. Effective January 1, 2017.)
Notwithstanding Section 34871 or any other law, the legislative body of a city may adopt an ordinance that requires the members of the legislative body to be elected by district or by district with an elective mayor, as described in subdivisions (a) and (c) of Section 34871, without being required to submit the ordinance to the voters for approval. An ordinance adopted pursuant to this section shall include a declaration that the change in the method of electing members of the legislative body is being made in furtherance of the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

(Amended by Stats. 2016, Ch. 751, Sec. 1. Effective January 1, 2017.)

DISTRICT BOUNDARIES

ELECTIONS CODE
DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS [10000 - 10735]
PART 1. GENERAL PROVISIONS [10000 - 10010]
CHAPTER 2. District Boundaries [10010 - 10010.]

10010.

(a) A political subdivision that changes from an at-large method of election to a district-based election, or that establishes district-based elections, shall do all of the following before a public hearing at which the governing body of the political subdivision votes to approve or defeat an ordinance establishing district-based elections:

(1) Before drawing a draft map or maps of the proposed boundaries of the districts, the political subdivision shall hold at least two public hearings over a period of no more than thirty days, at which the public is invited to provide input regarding the composition of the districts. Before these hearings, the political subdivision may conduct outreach to the public, including to non-English-speaking communities, to explain the districting process and to encourage public participation.

(2) After all draft maps are drawn, the political subdivision shall publish and make available for release at least one draft map and, if members of the governing body of the political subdivision will be elected in their districts at different times to provide for staggered terms of office, the potential sequence of the elections. The political subdivision shall also hold at least two additional hearings over a period of no more than 45 days, at which the public is invited to provide input regarding the content of the draft map or maps and the proposed sequence of elections, if applicable. The first version of a draft map shall be published at least seven days before consideration at a hearing. If a draft map is revised at or following a hearing, it shall be published and made available to the public for at least seven days before being adopted.

(b) In determining the final sequence of the district elections conducted in a political subdivision in which members of the governing body will be elected at different times to provide for staggered terms of office, the governing body shall give special consideration to the purposes of the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of this code), and it shall take into account the preferences expressed by members of the districts.

(c) This section applies to, but is not limited to, a proposal that is required due to a court-imposed change from an at-large method of election to a district-based election.

(d) For purposes of this section, the following terms have the following meanings:
(1) “At-large method of election” has the same meaning as set forth in subdivision (a) of Section 14026.

(2) “District-based election” has the same meaning as set forth in subdivision (b) of Section 14026.

(3) “Political subdivision” has the same meaning as set forth in subdivision (c) of Section 14026.

(e) (1) Before commencing an action to enforce Sections 14027 and 14028, a prospective plaintiff shall send by certified mail a written notice to the clerk of the political subdivision against which the action would be brought asserting that the political subdivision’s method of conducting elections may violate the California Voting Rights Act.

(2) A prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 45 days of the political subdivision’s receipt of the written notice described in paragraph (1).

(3) (A) Before receiving a written notice described in paragraph (1), or within 45 days of receipt of a notice, a political subdivision may pass a resolution outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated time frame for doing so.

(B) If a political subdivision passes a resolution pursuant to subparagraph (A), a prospective plaintiff shall not commence an action to enforce Sections 14027 and 14028 within 90 days of the resolution’s passage.

(f) (1) If a political subdivision adopts an ordinance establishing district-based elections pursuant to subdivision (a), a prospective plaintiff who sent a written notice pursuant to subdivision (e) before the political subdivision passed its resolution of intention may, within 30 days of the ordinance’s adoption, demand reimbursement for the cost of the work product generated to support the notice. A prospective plaintiff shall make the demand in writing and shall substantiate the demand with financial documentation, such as a detailed invoice for demography services. A political subdivision may request additional documentation if the provided documentation is insufficient to corroborate the claimed costs. A political subdivision shall reimburse a prospective plaintiff for reasonable costs claimed, or in an amount to which the parties mutually agree, within 45 days of receiving the written demand, except as provided in paragraph (2). In all cases, the amount of the reimbursement shall not exceed the cap described in paragraph (3).

(2) If more than one prospective plaintiff is entitled to reimbursement, the political subdivision shall reimburse the prospective plaintiffs in the order in which they sent a written notice pursuant to paragraph (1) of subdivision (e), and the 45-day time period described in paragraph (1) shall apply only to reimbursement of the first prospective plaintiff who sent a written notice. The cumulative amount of reimbursements to all prospective plaintiffs shall not exceed the cap described in paragraph (3).

(3) The amount of reimbursement required by this section is capped at $30,000, as adjusted annually to the Consumer Price Index for All Urban Consumers, U.S. city average, as published by the United States Department of Labor.

(Amended by Stats. 2016, Ch. 737, Sec. 1. Effective January 1, 2017.)