Under legal threat and public pressure, Gilroy moves toward district-based elections

By Luis Melecio-Zambrano - Bay Area News Group: Mercury News - February 26, 2025

Gilroy joins a growing number of Bay Area jurisdictions that have made the move

Gilroy is set to become the latest city in California to switch to district elections under threat of a lawsuit and public pressure by Latino residents seeking more representation in their city government.

The new election system — slated to start in May — came after Malibu-based attorney Kevin Shenkman wrote a letter last December claiming that Gilroy was violating the California Voting Rights Act.

In the letter, he noted the concentration of Latino voters on the east side of the city and the results of last year's election, which saw former Councilmembers Rebeca Armendariz and Fred Tovar — both Latino — lose their seats.

He threatened to sue the city unless they moved from at-large to district elections — a system which divides the city geographically, allowing residents to elect a candidate to represent their neighborhood.

"I think this is really a long time coming," said Shenkman of the city's move. "(I'm) happy that they've made this initial decision."

The California Voting Rights Act doesn't allow an at-large system — in which candidates can be elected by all voters in a jurisdiction – if there is "racially polarized voting" – meaning that different racial or ethnic groups show a preference for certain candidates.

According to county data on November's election results, every district in Gilroy picked either Councilmember Zach Hilton or Terence Fugazzi as their top choice, and the two ended up winning the most votes overall.

Even so, Tovar and Armendariz held on to more support among voters in the east side of the city – which historically has a larger Latino population.

In his letter to the city, Shenkman claimed that this geographic and racial difference in support showed that district-based elections would "better enable Latino voters to elect their preferred candidates."

While the city could technically fight against the move in court, no city has won a case fighting redistricting under the California Voting Rights Act, and cases can result in "astronomical" fees and settlements that total in the millions, said Kimon Manolius of San Francisco law firm Hansen Bridgett, who served as a legal advisor to the city. "It's a very, very difficult case to win, and it's a very expensive case to lose."

In 2021, Santa Clara was forced to pay out $4.5 million in a settlement on top of $1.5 million in legal costs after losing the case.

Shenkman's efforts, and those of other attorneys, have led to cities throughout the Bay Area switching to district elections, including Richmond and Hayward.

Shenkman has sued or sent letters threatening to sue over 100 cities and jurisdictions throughout California, including Pleasanton, Martinez and Dublin School District.

At this week's meeting in which the Gilroy City Council unanimously voted for district elections, dozens of residents expressed support for the switch, with many Latinos asking for better representation, noting that while the city is nearly 60% Latino, the current city council was all white and largely lived on the west side of the city.

"The Latino community is a vital part of our city's defining culture and future," said Gilroy resident Adrian Ortiz. "Everyone deserves a seat at the table."

Others argued that the system would decrease the barrier for potential candidates, making it easier for them to run and giving them closer access to their constituents.

"You can build better relationships, intimate relationships. You can … be in the know of their struggles, their successes. That makes your job easier," said John Perales, a Gilroy resident who helped push for district-based elections in Gilroy Unified School District. "It's made an amazing difference."

While several councilmembers saw the merits of closer access to their constituents, some took umbrage at the insinuation that they could not fairly represent the entire the city.

“I’ve spent the last 40 years of my life in community with Latinos,” said Fugazzi. “I’m here to represent the whole of the city.”

Others brought up concerns that the smaller districts might result in unopposed races if not enough people decide to run.

“I certainly hope that we run a race in every district,” said Councilmember Carol Marques.

The concern led leaders to urge the city to start engaging the public now to prevent that from happening.

“I don’t want us to make a decision and just close the door and see if it works,” said Councilmember Hilton. “We can use this opportunity to do more civic engagement.”

The concerns, however, gave way to the threat of legal action and the merits of the district system, leading to the unanimous choice to move forward.

Despite the promise of district elections, their track record in improving diversity is mixed.

In some cases, jurisdictions saw Latino representation double after district elections were implemented, in others diversity stayed flat or decreased according to reporting by The San Francisco Chronicle.

Shenkman argued that the change wouldn’t result in a shift overnight, but would better allow “a minority to elect candidates of its choice.

The city has until May 27 to transition to district-based elections, and will host several public meetings seeking input on the district map-making process.

The process will cost them up to $132,500 dollars in legal support, demographers and settlement fees to Shenkman.