

Single member district voting in Boerne Background

Prior to December, 2009 the City of Boerne general election process for electing city council members, as outlined in the City Charter, called for electing the Mayor and the five council members “at-large”.

In 1996, a federal civil rights lawsuit was filed by LULAC against the City claiming denial of voting rights of racial minorities. Part of the suit was based on the dearth of minority representatives elected to serve on the City Council since incorporation of the City, and the virtual total lack of Hispanic candidates for elected (and appointed) city positions. The at-large method of voting was effectively eliminated in 1997 due to a settlement agreement with the LULAC and the “cumulative” voting method was approved by the Department of Justice.

The lawsuit sought imposition of a single-member district method of election of City Council members or, alternatively, adoption of a cumulative voting system. In lieu of an expensive and perhaps protracted legal battle, the City Council at that time determined the best course to follow was to enter a Settlement Agreement that instituted the cumulative voting method to elect City Council members, leaving the Mayor’s position to be elected at large. LULAC agreed.

Cumulative voting allowed a voter to cast a ballot for as many seats as were open in a given year. For example if three seats were on the ballot for the city’s general election, a voter could cast three votes for one candidate, 1 vote for each candidate, or split the three votes between two candidates.

The Settlement Agreement was approved by the City Council, then by Court Order of United States District Judge Edward C. Prado on December 26, 1996 and subsequently by the Department of Justice.

Since the first election under the cumulative voting method in 1997, only one minority group member had been elected to serve on the Boerne City Council. Eva Mitchell was elected in 1997 but served a total of three terms since there were no opposing candidates in the two elections following her initial term. Further, a cursory review of voter lists indicated that Hispanic voter participation did not significantly increase over time.

During the period that cumulative voting was used, city staff and council members received numerous comments that the cumulative voting process was confusing and many did not like it. On December 2, 2009, the Boerne City Council approved a Motion to Re-open the previous Voting Rights litigation and sought an Amended Settlement Agreement changing from the cumulative voting to a single member district plan. LULAC was supportive of this action because they agreed that cumulative voting did not achieve its intended purpose, which was to increase minority representation on the city council.

The modified settlement agreement was approved by U.S. District Judge Orlando Garcia on December 10, 2009. That Court Order required the City of Boerne to conduct the City Council elections using single member districts - allowing one vote for one candidate.

The single member district election process now includes five (5) geographically distinct voting districts in Boerne. One representative from each district is elected to represent the voters residing in that specific district. The Mayor position continues to be elected “at-large” by all voters and represents all voters in the City. This new election process was implemented in 2010 and 2011.