

In late March of 2015, Council received a request from the Harrisonburg City School Board to consider amending the Harrisonburg City Code to provide for the at-large election of City School Board members. At its meeting held on April 14, 2015, Council reviewed a document prepared by staff regarding the recent history of the selection of school board members in the City. The City Attorney briefly reviewed several options available to Council in the event it determines it is in the best interest of the City's citizens to amend the method of election of school board members. These options include:

1. Do nothing and leave the ordinances governing the election of school board members as they are.
2. Maintain the existing two school district system, but eliminate the at-large voting for district representation. In other words, amend City ordinances to provide that voters can only vote for candidates to represent their own school election district.
3. Move to an at-large election of school board members.
4. Move to a process by which there are multiple school election districts, each represented by one school board member.
5. Move to a combination of at-large and district representation.

The City Attorney has reviewed these options with the Registrar and the Electoral Board. Additionally, he has reviewed numerous related issues with representatives of the Virginia Department of Elections and has researched Virginia election laws. Legal research and consultation with attorneys with the Department of Elections revealed that, as a practical and legal matter, moving to a system of district representation (multiple districts with one representative per district) should not be considered at this time as such an extensive redistricting should only be done after a decennial census. Therefore, if Council wishes to amend the ordinances governing the election of school board members in the City at this time, it should not consider options 4 and 5, although they may be viable options in 2020.

Options 1, 2, and 3 above present a choice between an at-large system currently used for city council elections and a modified system of district representation. Normally, it is well established that the election of representatives from single-member districts, rather than being elected at-large from the governmental unit, has the effect of making the representatives from the single districts more responsive to the special interests and characteristics of the individual district. Conversely, the election of all such representatives from the governmental unit at-large (in this case, the entire city) generally causes the representatives to be more responsive to, and characteristic of, the interests of the entire city. Representatives from single districts generally are more responsive to the special interests of their districts, and at-large representatives generally serve the entire community more effectively.

This, then, is the ultimate question to be answered by Council: Should members of the Harrisonburg City School Board be more responsive to the needs of their individual districts than they are to the entire city, or should they be more responsive to the needs of the entire city than they are to their individual districts?

If Council believes that the school board members should be responsive primarily to the needs of the entire city, Council should accept the School Board's recommendation to amend the City's ordinances to provide for at-large elections. If Council believes that school board members should be primarily responsible to their individual districts, it should retain the current two district system, with an eye toward expanding to a true multiple district system in 2020. The expansion of districts should be considered at that time because it is questionable whether the current two districts based on geography provide true district representation.

Staff recommends that if Council decides to retain the existing two district system, the existing at-large voting be abolished. The existing district representation/at-large voting system presents the opportunity for the more populous east school election district to choose the representative from the west school election district, thereby threatening the one person one vote requirement of the U.S Constitution.

The City Attorney met with the Registrar and Electoral Board on May 8<sup>th</sup> to review the above listed options. As a preliminary matter, the Registrar and the Electoral Board advised that either an at-large voting system or the existing two voting district system are easily administered. The Electoral Board considered the options and forwarded the following recommendation:

The following motion was made, seconded and passed unanimously at our meeting held on May 26, 2015.

"In response to the request from City Council that the Electoral Board make recommendations for election of School Board members beginning in 2016, the motion was made that the Electoral Board suggests to City Council that beginning in 2016, the School Board Members be elected by the same method as used for City Council elections. This method currently being that candidates run at-large and every voter can vote on all of the at large candidates.

The Electoral Board would also encourage the City Council to consider other methods for elections that would encourage more equal neighborhood representation in the future."

Therefore, both the School Board and the Electoral Board recommend that, *at this time*, Council amend the city code to provide for the at-large election of school board members.