



August 5, 2026

The Honorable Buffy Wicks
Chair, Assembly Committee on Appropriations
1021 O Street, Suite 8140
Sacramento, CA 95814

Re: SB 1164 (Cervantes) Elections
City of Upland – Notice of Opposition, Unless Amended

Dear Chair Wicks:

On behalf of the City of Upland, I write in respectful opposition to SB 1164 (Cervantes) unless amended.

The City supports strong protections against voter suppression and vote dilution. However, SB 1164 would replace the existing California Voting Rights Act framework with broader causes of action and unclear compliance standards. The bill would expand the range of local election policies and practices subject to challenge without providing cities with a practical opportunity to resolve alleged violations before litigation.

Of particular concern, cities that have already transitioned to district-based elections would remain exposed to new vote-dilution claims. Upland currently elects four councilmembers by district and elects its mayor citywide. The City adopted district-based council elections after committing public resources and conducting an extensive public process. As drafted, SB 1164 could subject this existing system to renewed challenge, including a claim based in part on the continued citywide election of the mayor. Cities that have acted in good faith to comply with the existing California Voting Rights Act should not lose the practical certainty associated with those efforts. The existence of a citywide elected mayor should not, standing alone, establish or support a vote-dilution claim.

The bill also does not provide sufficient direction on what constitutes voter suppression or vote dilution. Terms such as “material disparity,” “impairment,” and “totality of the circumstances” lack objective thresholds. Cities may therefore be unable to determine whether an election policy complies with the law until a demand letter is received or litigation is filed.

SB 1164 also lacks a workable cure process. Its notice provisions include exceptions that may allow a claim to proceed before a city has a meaningful opportunity to respond. Public posting of a demand letter may also invite overlapping claims while a city is already evaluating or implementing corrective action.



The bill's response periods do not adequately account for the procedures cities may be required to complete before changing an election system. These procedures may include public hearings, map preparation and publication, translation, and community outreach. A city should not be exposed to litigation while it is diligently completing processes required by state law.

The bill would also increase legal and administrative costs. Cities could incur attorneys' fees, expert costs, discovery expenses, election administration costs, and additional redistricting expenses. These costs would divert limited local resources from essential public services.

To address these concerns, the City respectfully requests amendments that would:

- **Preserve a safe harbor for cities that have already converted to district-based elections.** A method of election adopted before the bill's effective date in response to a notice letter, legal action, or voluntary compliance with the existing California Voting Rights Act should not be subject to a new vote-dilution claim absent a material change in relevant conditions or the method of election.
- **Protect district-based systems that include a citywide elected mayor.** Clarify that a city council elected by district is not converted into an at-large system solely because the mayor is elected citywide. The existence of a citywide elected mayor should not, standing alone, establish or support a vote-dilution claim.
- **Provide a clear and meaningful opportunity to cure alleged violations.** Require prospective plaintiffs to provide notice and allow a local agency a reasonable opportunity to investigate and address an alleged violation before litigation may proceed. Exceptions to the notice process should be narrowly defined so that local agencies retain a meaningful opportunity to cure alleged violations before litigation.
- **Prevent overlapping demand-letter claims and litigation.** Apply the statutory protected period to all prospective claimants while a local agency is proceeding with reasonable diligence under an adopted resolution of intent. Public posting of a demand letter should promote transparency without inviting duplicative claims while the agency is actively pursuing compliance.
- **Toll response periods during legally required public proceedings.** Pause applicable response periods while a local agency diligently completes required hearings, map preparation and publication, translation, public notice, and community outreach. A city should not be exposed to suit because the procedures required by state law cannot reasonably be completed within the bill's deadlines.
- **Define "material disparity" and other key liability standards.** Establish objective standards for determining voter suppression and vote dilution, including a requirement that any alleged material disparity be statistically significant, meaningful, and supported by competent evidence. Cities should be able to evaluate their election policies before litigation occurs.



City of Upland

Mayor's Office

These amendments would preserve meaningful remedies for voters while providing cities with clear standards and a feasible compliance process. They would also recognize the efforts cities have already made to comply with California voting-rights law.

For these reasons, the City of Upland respectfully opposes SB 1164 unless amended to address the issues outlined above. We welcome the opportunity to work with the author, sponsors, and Committee to develop language that advances the bill's voting-rights objectives while providing cities with fair notice, clear standards, and a feasible path to compliance.

Sincerely,

A handwritten signature in blue ink, which appears to read "Bill Velto".

Bill Velto
Mayor, City of Upland

cc: The Honorable Sabrina Cervantes
The Honorable John Harabedian
The Honorable Michelle Rodriguez
Laura Varela, League of California Cities