



LA VOZ DEL PUEBLO

A REPORT ON AT-LARGE DISTRICTS IN SOUTHWEST KANSAS



About the Organization

New Frontiers Project is a mutual aid community project that lives under the civic engagement nonprofit organization Loud Light, which aims to engage youth across Kansas in the political process. Our organization seeks to *educate*, *engage*, and *empower* through holistically approaching the issues that prevent marginalized community involvement in local and state governance. We seek to do so through an approach centered at the intersection of mutual aid, community engagement, and issue advocacy.

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“In communities where Latines and non-whites are the majority, we continue to be led by people whose interests end at their home’s doorstep, Nuestras comunidades deserve representation in elected office.

Let’s talk about how to make that happen.”

-Alejandro Rangel-Lopez, Lead Coordinator

Introduction

The way in which local elections are organized within the state of Kansas varies from city to city. In larger cities such as Topeka, Kansas City, and Wichita, representatives for governing boards such as city commissions are held through ward/district elections meaning cities are sectioned into smaller neighborhoods who each have one or two representatives in addition to a mayor that is elected by the entire town. In most smaller cities, representatives are elected through at-large elections meaning representatives are chosen by and represent the entire town as opposed to by neighborhood.

In Dodge City, Garden City, and Liberal (herein referred to as Southwest Kansas), at-large election systems are used for the elections of the three major local governing boards: city commission, board of trustees for the community college, and the school district's board of education. This use of at-large elections in Southwest Kansas didn't begin until around 1910 when the Kansas State Legislature allowed the use of this government form. Despite concerns from residents in these cities about the lack of representation as well as litigation that has occurred in other minority-majority cities across the nation using at-large elections, there has been no change to using single-member districts. With the release of the 2020 Census data however, it is an opportune moment to look further into changing how these local elections are run.

The purpose of this study is to research how at-large local elections in Southwest Kansas affect the makeup of a local governing board in each respective city in regards to racial/ethnic makeup. This demographic group will focus on how many Hispanics/Latines serve on a local governing board.

We anticipate that making the results of this study accessible to everyone will increase the public's knowledge of how local election systems affect representation and diversity. We also hope that this study will encourage local, elected leaders to consider looking into the switch from at-large elections to single-member district elections.

History of At-Large Elections

The use of at-large elections within the United States is not a new phenomenon. In addition to its current use in the election of local governing boards, it was used at a few points in time to elect representatives to the U.S. House of Representatives. In many small cities, it is seen as a method to allow residents of a town or city to vote for representatives who will be in charge of the entire town. However, as cities and towns grow larger, it is seen by some that the move away from at-large elections is the best step to take in order to allow greater representation of neighborhoods in the town. The concerns that come up from making the switch to district elections is when the switch should come and for what reasons. There is no set standard for when to make the switch, yet population growth is one of the more obvious reasons. Other reasons that have been up to make the switch of election systems also come from problems of lack of fair and equitable representation whether it is representation of certain neighborhoods in a town or of certain demographics. In many cities where this change has been made, litigation has had to occur to force cities to change for the latter reasons. Yet some cities are still hesitant to make the change and bring up concerns that switching to district elections may not always solve the problem of the lack of representation. Researchers have studied whether switching election forms increases representation in various Southern municipalities and many courts have found that at-large elections are discriminatory.

This report seeks to supplement previous research and lawsuits by using Southwest Kansas as a focus area. As this report has been released during the redrawing of state legislative and federal congressional districts, it is an opportune moment to look into how the lack of districts on a local level affects representation. Throughout the 2021 Summer, the New Frontiers Project collected historical election results, compiled a historical list of local representatives, and analyzed the data against Census demographic information. They interviewed community members and leaders as well as former representatives about at-large elections. This report is the result of that collected information.

The Use of At-Large Elections within the United States

The use of at-large elections has been occurring since the creation of the United States. In the U.S. House of Representatives, which was meant to represent the people and the population of the country, there were no rules set in the Constitution on how such elections were to be held. This led some states to elect their representatives at-large, meaning representatives would be chosen by all the people in the state following a 'winner take all' model. Other states chose to have single-member districts where the state was split into separate parts with its own representative for each district. However, this practice of at-large elections in the U.S. House did not last. In 1842, Congress passed an apportionment act which set a requirement for single-member districts in future elections. This requirement was renewed in future apportionment acts, and stipulations such as the requirement of equal, compact, and contiguous districts were added. However, the requirement of electing representatives via

single-member districts was not enforced, and the additional stipulations were subsequently removed in the 1911 Apportionment Act while the requirement of districts was removed in the 1929 Apportionment Act. In 1950, House Judiciary Committee Chairman Emanuel Celler renewed talks of district elections for the U.S. House and repeatedly introduced bills to the committee. It was not until 1965 that his efforts were seriously considered, and his bill mandating compact and contiguous districts was passed in the House. It ultimately stalled in the Senate Judiciary Committee, but in 1967, a federal ban on at-large elections was passed as an amendment to another unrelated bill.

While the use of at-large elections was banned in federal elections, there was and is no nationwide law preventing the use of at-large elections at the local level. Many cities and towns who had used at-large elections continued to use them. With a small population, it made sense to follow this election system as it was likely for residents of a town to know one



another. It was also easier and cost-effective to hold the elections as there would be no need to print different ballots for each district. However, it became apparent to some cities that the use of at-large elections would not always be the best model to follow especially as cities began to grow in size and population. Many urban cities moved away from at-

large elections and created single-member districts in order to elect representatives to local governing boards, such as city commissions or councils, in a more representative manner. For instance, Chicago had its alderpersons elected by wards in 1941 while Seattle made the switch more recently in 2013 citing reasons such as allowing voters to better know their councilmembers.

In the South, the use of at-large districts has a different motive behind it. After the Civil War, many Southern states sought to disenfranchise Black voters especially after the passage of the 14th and 15th Amendments to the Constitution. In addition to introducing poll taxes, literacy tests, and barring Black voters from voting in primary elections, Southern states utilized at-large election systems to dilute the voting power of Black voters. As Supreme Court Justice Ruth B. Ginsburg puts it, this “second-generation barrier” is an effort to reduce the impact of minority votes. In cities with a sizable Black minority, such as in the South, the majority could control the election of city council members and eliminate the power of the

minority group's votes. While the former voter suppression tactics were struck down through national laws such as the Voting Rights Act or the passage of the 24th Amendment, which outlawed the use of poll taxes, other methods, such as the usage of at-large elections, remained. However, there have been many cases of litigation against the use of such election systems as well as cases against the switching from district to at-large elections, which cite violations of Section 2 of the Voting Rights Act.

Some states have also passed their own voting rights laws to help close this loophole. The California Legislature, for instance, passed the 2001 California Voting Rights Act (CVRA), which made it easier for members of a minority group to challenge the use of at-large elections on the basis of dilution of voting power. Since the CVRA's passage, many cities, school districts, and other local governing boards within the state have switched to district elections or election forms that mix district and at-large elections. These changes have occurred either as the result of court-mandated changes and settlements or the avoidance of paying costly litigation fees.

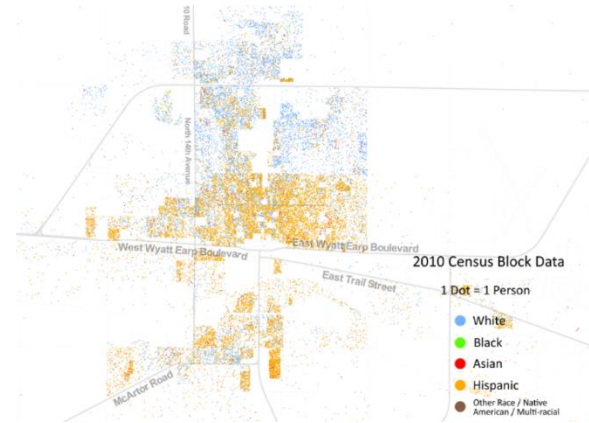
The Use of At-Large Elections in Kansas

Kansas cities did not originally use at-large elections. Most cities actually followed a council form of government in which cities were split into wards with their own councilman living in and elected by members of a ward. In 1906, various Topeka councilmen spearheaded discussions and lobbying efforts to allow cities within Kansas to adopt a commission form of government, which followed an at-large election system. These councilmen, as well as Wichita city officials, formed a commission dubbed the "City Club" to further investigate the commission form of government. They traveled to Houston and Galveston, Texas to investigate two forms of this system and present their findings back in Topeka. Although the City Club and various other city officials seemed to favor the commission form of government, Black residents in Topeka opposed the switch and called it a "reversion to the despotic type of government" while citing concerns of adopting a government system that originated in the South.

On February 13, 1907, the Kansas State Legislature passed a bill allowing for first-class cities to use a commission form of government, and a week later on February 21, a bill allowing for second-class cities to use a commission form of government passed. About a year later, Leavenworth became the first city to pilot the commission form. For many cities who made the switch, reasons such as increased representation and ownership in government, increased efficiency, and diminished red tape were cited. As the *Hays Free Press* put it, the commission form of government makes "every man directly accountable to every voter in the city. It elects city officials as citizens rather than as ward partisans." Currently, fourteen (14) first-class cities in Kansas use solely at-large elections while three (3) cities use single-member district elections with the mayor elected at-large, three (3) cities use a mixture of at-large and single-member district elections, and four (4) cities use district elections where two representatives are elected per district.

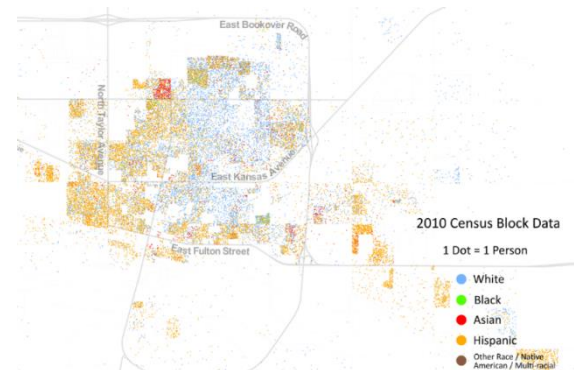
- For Dodge City, the council form of government was adopted April 6 in 1910 at the monthly city council meeting. It was decided by the council that the interest of the town would be best served by adopting the commission form. However, just five years later in 1915, residents of the town began circulating a petition asking for a return to the council form of government. One of the petition circulators cited concerns of excessive spending on civic

improvements as cause for the petition. It is unknown by the authors of this paper if the petition was successful; however, it is believed that Dodge City did not return to the council form of government as in 1970, the residents of the town voted in favor of Dodge City following the commission-manager form of government, which is the form that has been in use since.

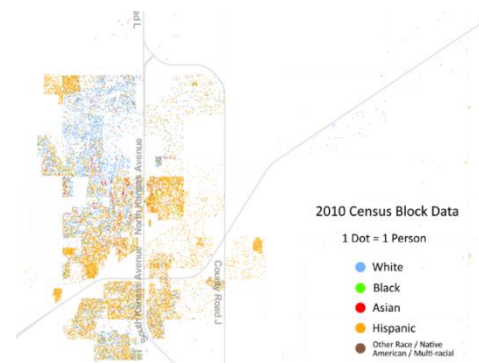


- Garden City follows a similar timeline as Dodge City in its switch to the commission form of government. In 1911, talk of switching to the commission form was revived when the present city administration refused to repeal the blue ordinances in place, which prohibited residents from working on Sundays. A petition was circulated but dropped until a year later when a new

petition was created. In April 1913, Garden City finally adopted the commission form of government, which would go into effect beginning in 1914. Similar to Dodge City, it is unknown whether the town reverted to its original form of government; however, it is believed this was not the case as in the early 1970s, Garden City adopted the commission-manager form of government, which has been in use since.

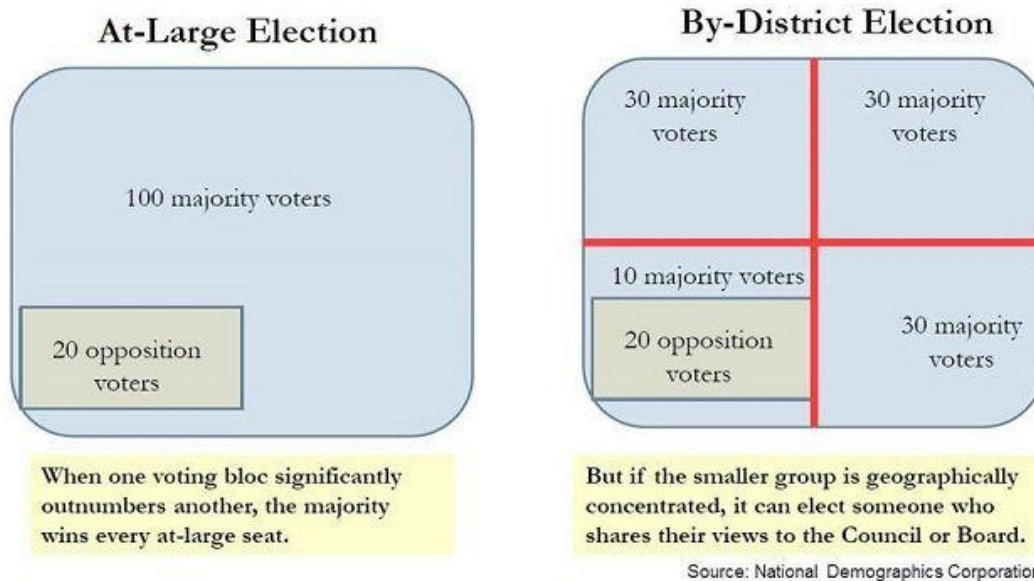


- It is unknown when Liberal switched from the ward city council form of government to the at-large city commission or to the commission-manager form of government that is currently in use. However, it is believed that Liberal did not change from its city council form until after 1919 as *The Liberal Democrat* contained a short paragraph in its January 30, 1919 newspaper recommending public agitation in order to advocate a change in the election system used.



Concerns Surrounding At-Large Elections

One of the main concerns brought up against the use of at-large elections is the lack of representation that results from this system. In many of these cases, local governing boards are not reflective of the town's demographics even though the town has a sizable minority group. This is because the winner-take-all system allows the majority group to vote against the minority group's preferred candidate and continuously outvote the candidate as seen in the below graphic.



Another concern brought up by opponents of at-large elections is the lack of neighborhood diversity on local governing boards. In some municipalities using these election systems, candidates ultimately elected tend to reside in the more affluent parts of town. This means that some neighborhoods receive greater representation than others. For example, a town could have a majority or all of its representatives residing in the north part of town, which could lead to these neighborhoods receiving more project proposals or having their concerns better heard. This concern is intricately tied to the concern of lack of racial/ethnic representation. Due to historical segregation practices, these affluent parts of town are ultimately those most inhabited by white residents.

Aside from the lack of racial/ethnic and neighborhood representation on local governing boards, critics of at-large elections also cite concerns of an increased burden on candidates in regards to campaigning. In these forms of government, candidates must appeal to the entire city's population in order to win a seat. This means candidates will have to dedicate more time and resources than in district elections in order for them to be able to talk to residents who live in different neighborhoods than the candidate resides in. For instance, if a candidate dedicates 5 minutes speaking to each constituent, it would take them around 8 hours to talk

to 100 adults in their neighborhood as opposed to 50 hours talking to 600 adults in the entire city. This puts working-class individuals at a disadvantage in at-large elections as they would need to spend 7 weeks (assuming they spend an hour a day campaigning) to talk to the entire city as opposed to just one week talking to their neighborhood residents.

Although at-large elections have been used for decades in Dodge City, there have been concerns and challenges raised against the continued use of this election system. In 2019, at a public meeting where Mayor Brian Delzeit and Commissioner Jan Scoggins were present, residents from South Dodge voiced their concerns about the difficulties of at-large elections. According to an April 2019 City Commission meeting, these residents found it was intimidating to run for city commission as they would need to campaign and talk to people who did not live in their neighborhoods. In a talk with a former South Dodge resident, these concerns were echoed. According to the resident, many people in his neighborhood found faults with the use of at-large elections as virtually no South Dodge residents would run for any local governing board as they knew it would be a waste of time and would ultimately lose to residents from the north part of Dodge.

Concerns Surrounding the Switch to District Elections

Although the use of at-large elections has diminished nationally, many cities, school districts, and other local governing boards continue to utilize this form of government despite concerns of unequal representation and increased litigation battles. Many opponents of district elections cite reasons such as the costs of creating single-member districts and redistricting every few years in addition to the increased costs of holding the elections. Other opponents doubt the usefulness of district elections in increasing representation on the boards. They believe that switching to district elections will not magically fix the issue and prefer other methods of increasing representation such as registering minority voters or encouraging them to vote. Additionally, opponents cite that creating districts could lead to litigation and believe it is best to stick to the status quo, which has worked before. Regardless of the reasons used to keep the change from occurring, it is apparent that many cities and governing boards will not make the switch to district elections without some outside force compelling them to do so.

Findings

This section of the paper compiles our findings regarding the demographics of and the use of at-large elections in local Southwest Kansas governing boards. Although the previous section focused on the use of at-large elections primarily in city commissions, the following findings will include data on the community colleges' boards of trustees as well as data on the school districts' boards of education.

Representation in Southwest Kansas

City Info and Demographics

Dodge City, Garden City, and Liberal are minority-majority cities where Hispanic and Latine residents make up the majority of the population. Although these cities have similar demographics, the historical migration patterns vary slightly from city to city.



Dodge City and Garden City’s first wave of Hispanic migration began in early 1900 due to the construction of the Santa Fe Railroad. Originally Mexicans were hired on a short-term basis to supplement the long-term Anglo workers, but this changed once Anglos moved away from the demanding railroad work to less strenuous jobs. Mexican workers were therefore heavily recruited to fill the labor shortage. This recruitment of Hispanic workers led to the creation of what would later be known as the “Mexican Village” just south of the railroad on the outskirts of Dodge City.

In addition to the railroad work available, Mexicans and other Latine people were pulled to Southwest Kansas due to the lure of ranching and large farms in Dodge City. This migration was also boosted by the subsidized sugar beet production in Southwest Kansas, which pulled migrants to live within and on the outskirts of Garden City. However, this wave of migration ended shortly after in the 1930s when anti-Mexican sentiments were spurred in part due to the Great Depression and high unemployment. Many Mexicans returned home during this decade, and the Mexican population in Southwest Kansas dropped.

The recent wave of Hispanic migration in Southwest Kansas has been largely fueled by the establishment of the city's meatpacking plants in the early 1980s. Due to low unemployment,

high turnover rates and the need for a large number of workers, meatpacking plants had to recruit employees from distant areas. Although Southeast Asians from Wichita, KS and other parts of the nation composed the majority of workers at the plants at first, many of these workers moved away to different jobs and locations. Recruiters were sent to Texas and New Mexico and eventually to Mexico City to find new workers. In 1998, Hispanics composed about 75% of the workers at the Dodge City's packing plants, and by the turn of the century in 2000, Garden City's Hispanic and Latine population had risen to 43.9%.

Historical Election Results

Despite having a large population of Latine and Hispanic residents, the local governing boards in the three major cities in Southwest Kansas have not reflected this. The three city commissions continue to be dominated by white men who predominantly live in the northern, affluent parts of town. In the boards of education as well as in the boards of trustees, there is greater diversity in the sex and gender of the those elected; however, there is little racial/ethnic diversity on these boards.

Below is a breakdown of the historical election results of the three local governing boards in each city. Due to varying public information available, the information listed will cover results from at least 2010 with the exception of the city commission of Garden City, whose public information only extends back to 2014.

City Commission

In the history of Dodge City, only five people of color have served on the city commission. Hiawatha (Hi) Bland, who was elected to the commission in 1980, was the first Black commissioner, and in 1981, became the first Black mayor of Dodge City. In 1982, former Mexican Village resident Louis T. Sanchez became the first Latine commissioner elected to the commission and the first Latine mayor in 1985. Since then, only three other commissioners of color have served on the city commission. Fernando Jurado served one 2-year term beginning in 1999. Joe Nuci Jr. was recently elected in 2019 to a 2-year term and is running for re-election in 2021. Blanca Soto was appointed to the city commission in 2020 and began her term in 2021 after then Mayor Joyce Warshaw stepped down from the commission. Blanca is also running for election in 2021.

Garden City has had one Latine commissioner on its city commission since 2014. Manny Felix Ortiz was elected to the commission in 2019 to a 2-year term. He is currently running for re-election in the 2021 election; however, only three Garden City residents are running for the three vacant seats on the board, which means Commissioner Ortiz has a high chance of winning re-election.

Since 2001, Liberal has only had two Latine commissioners serve on the city commission. Dean Aragon was elected to the commission in 2013 and served two 2-year terms before losing in the 2017 primary election. John Anthony (Tony) Martinez was elected in 2015 to a 4-

year term, and in 2019, he was re-elected to a 2-year term. He is currently up to election once more in 2021.

Board of Education

Since 2010, there has been one Hispanic/Latine representative elected to the USD 443 Board of Education in Dodge City. Mario Sanchez ran for the board in 2007 but did not garner enough votes to secure a position. In 2009, Sanchez ran for election once more. He received the second-most votes and was elected to a four-year term. Sanchez ran for reelection in 2013, but ultimately did not win one of the four available positions.

Garden City has had one Hispanic/Latine representative serve on the USD 457 Board of Education since 2010. Tim Cruz was first elected to the board in 2011 to a four-year term and subsequently reelected in 2015. He was up for election again in 2019 but chose not to seek a third term.

Since 2010, Liberal has had no Hispanic or Latine representatives serve on the USD 480 Board of Education.

Board of Trustees

Since 2010, Dodge City has had no Hispanic or Latine representatives serve on the Dodge City Community College Board of Trustees.

Garden City has had one Hispanic/Latine representative serve on the Garden City Community College Board of Trustees since 2005. Steve Martinez was elected to the board in 2015 to a four-year term but did not seek reelection in the 2019 election.

Since 2004, no Hispanic or Latine representatives have served on the Seward County Community College Board of Trustees.

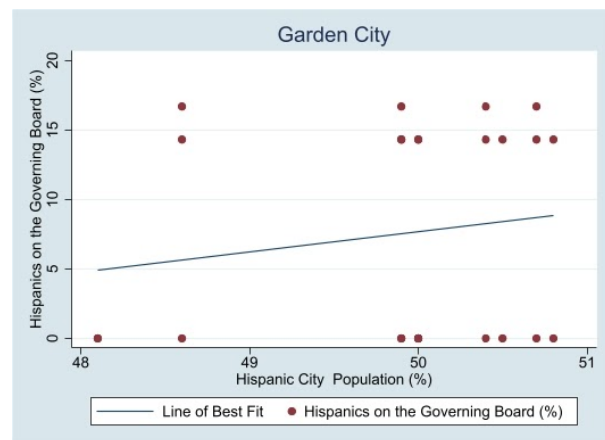
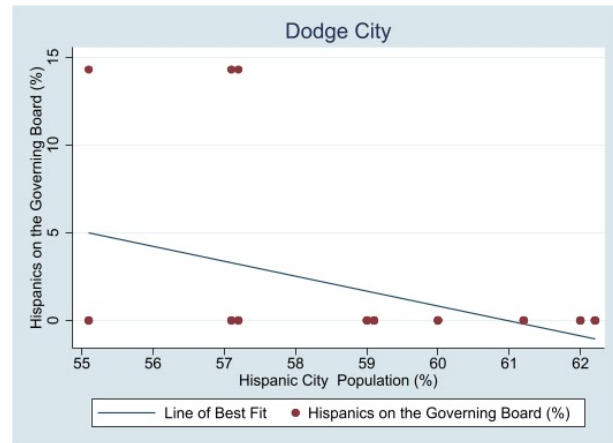
It is important to note that although Latine residents have been elected to and serve on the city commissions and other local governing boards, it is not always the case that these representatives reflect the values and the wishes of the Latine and immigrant communities. In talking to various community members, it was found that some Latine community members do not feel as if some of the Latine representatives actually represent them or their Latine communities. One community member stated that although a representative is Hispanic, they may play to the current power structure that dilutes minority political power and/or may be many generations removed from the immigrant experience.

Analysis of Representation

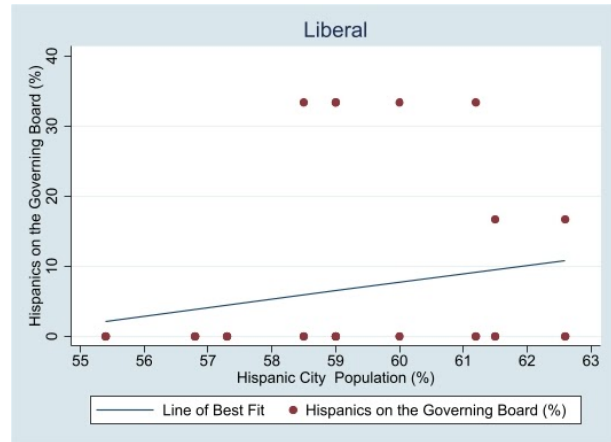
Research on the impact of different election systems on the representation of Black people and other racial/ethnic minorities on local governing boards has been ongoing since the late 1970s. Engstrom and McDonald (1981) created a method to analyze this relationship, which has been used the most in recent studies. The equation used maps out the relationship between the city's Black population as a percentage against the governing board's Black

population as a percentage and differentiates the result depending on what election system the governing board follows (i.e. completely at-large, completely districts, or a mixture of the two). It is this method that this study will employ; however, as Southwest Kansas only uses an at-large election system, this equation is simplified to a linear $y=mx+b$ form where the variable y represents the percentage of Hispanics/Latine people on the governing board, the constant m represents the average percentage increase between the percentages of Hispanics/Latine people on the governing board and within the city, the variable x represents the city's Hispanic/Latine population, and the constant b represents how many Hispanic/Latine people would serve on the council if no Latine people lived in a city.

In order for a governing board to be representative of the demographics of a city, there should exist a 1:1 ratio (signified by the value of the constant m) between how many representatives are of a certain racial/ethnic descent and how many residents in a city are of that racial/ethnic descent. For Southwest Kansas, this means that if 60% of the total population of a city is Latine/Hispanic, 60% of the representatives on the local governing boards should also be Latine/Hispanic. When graphing this data, the line of best fit should have the equation $y = 100x$ meaning as the city's Hispanic/Latine population increases by one percentage point, the percentage of Hispanics/Latine people on the governing board should increase by one percentage point as well (i.e. a 100% increase).



Upon applying Engstrom and McDonald's method to the data gathered from each city's three local governing boards, it was found that no city comes close to having a 1:1 ratio regarding ethnic/racial diversity. Garden City, which has less data points than Dodge City or Liberal, came closest to having equitable representation with a slope value of 1.46. This means that as the Hispanic/Latine population in Garden City increases by one percentage point (e.g. from 43% to 44%), the number of Hispanic/Latine people serving on any local governing board will increase by only 1.46% (e.g. if 14% of the board is Hispanic, the board will now be 14.01% Hispanic). This is a negligible value meaning that even though the Hispanic/Latine population may increase, there will be no significant increase in representation. The similar phenomenon is seen within Liberal with a slope value of 1.21. For Dodge City, the results are different. The slope value of Dodge City is -0.85 meaning that as the Hispanic/Latine population increases, the number of Hispanic/Latine people serving on any local governing board will actually decrease. However, since the absolute value of the slope is small, there is no significant change in representation (e.g. if the city's Hispanic population increases by one percentage point, the board will now be 13.99% Hispanic assuming it was originally 14% Hispanic).



Recommendations

Based on these historical and analytical findings, there is currently no significant relationship between racial/ethnic diversity of a city and the racial/ethnic diversity of its local governing boards. Although no challenges have been made within the courts to the use of at-large elections, based on other court cases across the United States, this lack of relationship suggests that the way elections are held in SWKS contributes to the lack of racial/ethnic representation that currently exists. It is therefore recommended that local governing boards within Southwest Kansas look further into switching away from at-large elections.

As the conversation of switching to district elections has already occurred within the Dodge City Commission, it is recommended that the investigation into switching election systems begins once more

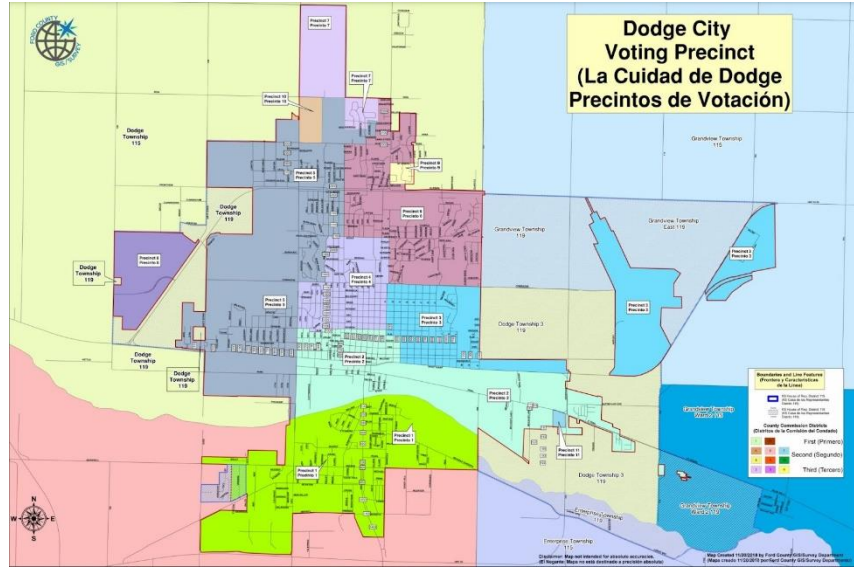
with the Dodge City Commission. In the previous discussions held in 2019, only 20 minutes over the course of two meetings were spent discussing this topic with no input from residents. These discussions should be renewed again, and in-depth consideration should be held with an opportunity for public input. Multiple community town halls and public education sessions should be held with the necessary accommodations (e.g., translation services, online and in person options, sign language and/or closed captioning) in order to get community input. These sessions should also be scheduled around work times and have adequate flyering and community outreach.



Appendix

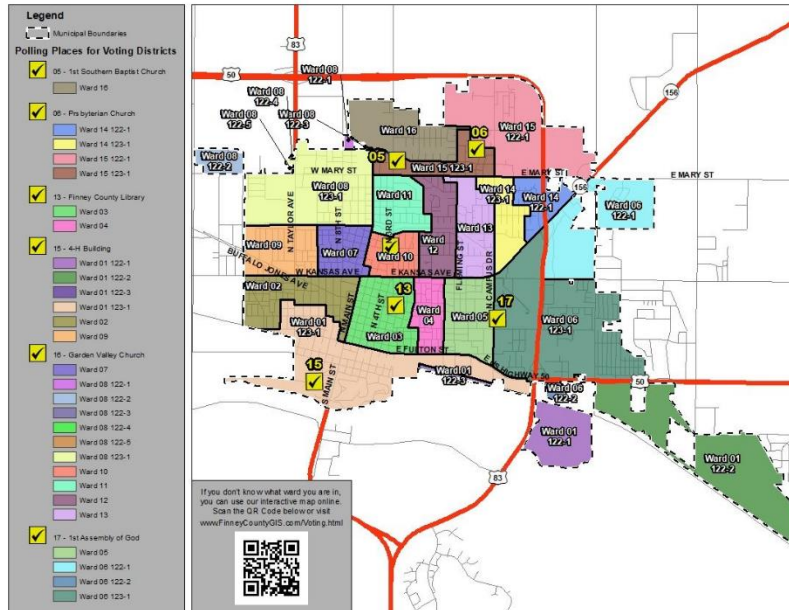
- Map of Dodge City Precincts

- <http://www.fordcounty.net/DocumentCenter/View/108/Election-DC-Voting-Precincts-Map-PDF>

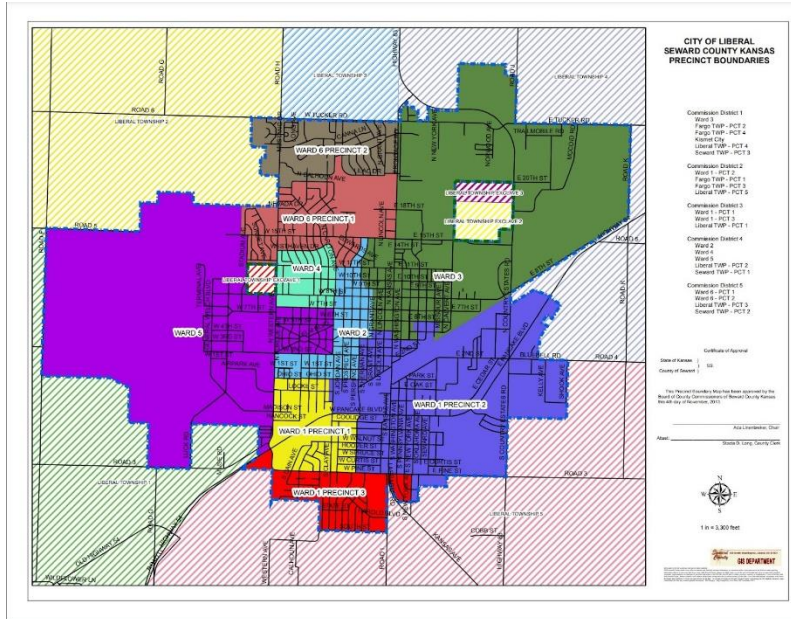


- Map of Garden City Wards and Polling Places

- <https://www.finneycounty.org/447/Polling-Locations>



- Map of Liberal Wards and Precincts



Source List

<https://demographics.coopercenter.org/racial-dot-map>

<https://govtrackus.s3.amazonaws.com/legislink/pdf/stat/37/STATUTE-37-Pg13.pdf>

<https://govtrackus.s3.amazonaws.com/legislink/pdf/stat/46/STATUTE-46-Pg21.pdf>

<https://www.ilga.gov/legislation/ilcs/ilcs4.asp?DocName=006500200Hprec%2E+Sec%2E+21-22&ActID=803&ChapterID=14&SeqStart=2900000&SeqEnd=3200000>

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<https://www.calcities.org/detail-pages/news/2020/06/30/last-chance-register-now-for-tomorrows-mayors-and-council-members-executive-forum-27706>

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<https://chroniclingamerica.loc.gov/lccn/sn82016014/1906-12-07/ed-1/seq-8>

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<https://chroniclingamerica.loc.gov/lccn/sn82016014/1908-02-14/ed-1/seq-4/>

<https://chroniclingamerica.loc.gov/lccn/sn84029690/1916-05-20/ed-1/seq-1/>

<https://chroniclingamerica.loc.gov/lccn/sn85029856/1919-01-30/ed-1/seq-6/>

<https://docs.google.com/spreadsheets/d/131FG8F07bGkcgLgUhmNp5qoqqLxziOcqiz8RjvZKlf0/edit#gid=1178279507>

<https://www.gctelegram.com/article/20160316/NEWS/303169815>