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May 26, 2016

VIA U.S. MAIL

Deborah Robertson, Mayor
City of Rialto
City Hall
150 S. Palm Avenue
Rialto, CA 92376

Re: Demand for Compliance with California Voting Rights Act

Dear Ms. Robertson:

We have received complaints from Latino and African American voters in the City of Rialto that the use of an at-large election system for the election of city council members results in the underrepresentation of Latinos and African Americans on the City Council, by preventing Latino and African American voters from electing candidates of their choice. We reviewed demographic and electoral information pertaining to your jurisdiction with particular attention to the prohibitions of the California Voting Right Act of 2001 (“CVRA”). Based on our investigation, we believe that the City of Rialto is in violation of the CVRA and must convert to a by-district election system.

The CVRA, California Elections Code § 14027, states in relevant part:

An at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or the abridgment of the rights of voters who are members of a protected class...

Latino and African American residents of the City of Rialto are a “protected class” within the meaning of the CVRA. U.S. Census population data shows that Latinos constitute 54% of the total voter eligible population of Rialto. African Americans comprise an additional 20% of the voter eligible population in Rialto. However, only one member of the current City Council is Latino, and Mayor Robertson is the only African American on the City Council. With the exception of a two year period (2010-2012), there has never been more than one Latino on the city council. Based on our review of election returns and demographic information, we believe that the historic

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underrepresentation of Latinos and African Americans on the City Council results from the inability of Latino and African American voters to elect candidates of choice due to racially polarized voting among the electorate, and that continued use of at-large elections therefore violates the CVRA. We therefore demand that the City convert its at-large election system to a district-based electoral system. Under the authority of Government Code § 34886, the City Council can effect that conversion by passage of a resolution, and we demand that it do so without delay.

We request your response to this demand by June 16, 2016. In the absence of a satisfactory response, our clients will be forced to seek judicial relief in the form of an action to obtain an order converting the election system from at-large to by-district, together with other relief provided for in the CVRA, including an award of litigation and expert witness costs, and attorneys' fees. The City can avoid the imposition of a judicially-mandated plan, including district maps designed or approved by the Court, by taking appropriate action without the filing of litigation.

We are available to discuss this matter with you.

Sincerely,

A handwritten signature in black ink, appearing to read "Matthew J. Barragan". The signature is fluid and cursive, with a long horizontal line extending to the right.

Matthew J. Barragan
MALDEF

MJB/mg

cc: Joe Baca Jr., May Pro Tem (via U.S. mail)
Edward M. Palmer, Council Member (via U.S. mail)
Shawn O'Connell, Council Member (via U.S. mail)
Ed Scott, Council Member (via U.S. mail)