San Diego Union-Tribune

DISTRICT OKS ELECTION CHANGE

Menifee Union board approves by trustee area voting, new maps

By Jeff Sanders

The governing board of the Menifee Union School District on Tuesday unanimously voted to adopt a by-trustee-area election process and one of three proposed maps, moving the district a step closer to complying with state and federal voting rights acts aimed at protecting minority groups' interests before the November election.

The decision came after the governing board held the third and final public hearing on the matter at Tuesday's meeting. Without any comments at any of the three hearings, the board settled on a map with boundaries defined largely by major roads and geographic features:

• District 1 (Rita Peters) is essentially Quail Valley, north of Normandy Road and west of Murrieta Road.

• District 2 (Robert O'Donnell) is north of the Salt Creek Flood Control Channel and west of Murrieta Road.

• District 3 (Ron Ulibarri) is south of the flood control channel, east of Interstate 215 and north of a path along Garbani, Menifee and Holland roads.

• District 4 (Randall Freeman) is south of that path and east of I-215.

• District 5 (Jerry Bowman) is west of I-215 and south of a path along Normandy and Murrieta roads and the Salt Creek Flood Control Channel.

In all three versions of maps presented in December by consultant Jeanne Gobalet, Latino-concentrated Quail Valley made up its own district, spurring Peters to apply for an appointment to Scott Mann's vacated seat on the board earlier this month.

Peters will run for the remaining two years of that term in November, when Bowman, Freeman and Ulibarri are up for election.
"I'm from Quail Valley, and there's a high Hispanic content there," Peters said: "They have special needs, so I just think each area has its own needs that need to be addressed."

One of the other proposed maps followed current elementary school boundaries, which could change much sooner than a 2020 U.S. Census report that could force the district to review its trustee areas, depending on the results.

Gobalet said in December that racially polarized voting can be found in many district areas if people look hard enough, which has happened after the 2001 California Voting Rights Act essentially made local agencies with at-large voting vulnerable to lawsuits — and paying successful plaintiffs' legal fees — when they dilute the strength of minority votes.

With the board approving a move away from an at-large process, as well as a map, the district's by-trustee-area election resolution, demographic reports and final map will be submitted to the Riverside County Committee on School District Organization, which will conduct a public hearing with an eye on completing this process by the November election.

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Minority candidates poised to take on incumbents for new school district seats

By Andre Coleman 02/14/2013

Should two of three incumbent candidates lose re-election on March 5, minority officeholders for the first time could hold a majority of votes on the recently reconstituted Pasadena Unified School District Board of Education.

Seven minority candidates — four Latinos and three African Americans — are running for four vacant seats, three of which are occupied by white incumbents seeking re-election.

The emergence of Latino and African-American candidates is a result of the district's going from at-large elections, in which each voter was able to cast ballots for all of the candidates, to district-only or neighborhood elections in seven districts.

The change, approved by a special task force hoping to stave off potential lawsuits that might be filed against the district under provisions of the California Voting Rights Act, was later approved in June by 54 percent of voters in Pasadena, Altadena and Sierra Madre, the three communities that make up the district. The 2001 Voting Rights Act prohibits "racially polarized" elections that impair the election of minorities.
The only two incumbents not seeking re-election are Board members Ed Honowitz and Ramon Miramontes, currently the board's only Latino member. Latinos make up about 61 percent of the district's student population. The board's only black member is Renatta Cooper, who is not up for re-election.

African-American candidates include: Hermond Dean Cooper (no relation to Renatta Cooper), running against incumbent Kim Kenne for the new District 1 seat; and Deirdre Duncan and Tyron Hampton Jr., who are among four candidates running for the board's empty District 3 seat.

Latino candidates include Guillermo Arce and Ruben Hueso, who are also running for the District 3 seat; Stella Murga, who is looking to unseat incumbent Elizabeth Pomeroy, who is white, in District 5; and Luis Carlos Ayala, who is hoping to replace two-term incumbent Scott Phelps, also white, in District 7.

Under the new district voting system, Miramontes and Honowitz would have been forced to face board colleagues Kenne and Pomeroy, respectively, if they had chosen to run again.

District 1, which includes Eliot Middle School and Altadena, Jackson, Franklin and Lorna Alta elementary schools, is the only race without a Latino candidate.

Despite being elected in 2011, Kenne, SO, is being forced to run two years before the end of her initial four-year term due to the changes in district voting procedures.

"I think [the change to districts] is a good change. There are a lot of new faces getting involved, that we wouldn't have seen. Whether the new people will win is a different question," Kenne said. "There is certainly more access to candidates. People are walking the districts now, and I am not sure they did that before."

Kenne has so far raised $10,000, half from a loan to herself and a $5,000 donation from Richard Webster, owner of event listing Web site goldstar.com. Kenne said she is focused on fiscal transparency, parent engagement and accountability.

Hermond Cooper, who filed papers with the City Clerk's Office declaring he will raise and spend less than $1,000 during the campaign, is a former school district employee who has filed two unsuccessful discrimination lawsuits against the district. He did not return phone calls.

In District 3—a predominately Latino area in Northwest Pasadena and the only district without an incumbent—Arce, a Los Angeles County Human Services Department administrator, is squaring off against 46-year-old Hueso, a district volunteer; Duncan, a foster parent, and Hampton, a contractor.

The district includes Cleveland Middle, John Muir High, Washington Elementary and Washington Accelerated schools.

Hueso, brother of former San Diego Assemblyman Ben Hueso, is the top fundraiser in the race, declaring $6,175, including a $5,000 campaign contribution from former state Assemblymen.
Fabian Nuilez, also of San Diego. His opponents have so far not raised any declarable campaign funds.

Hueso is endorsed by Assemblyman Chris Holden, United Teachers of Pasadena, Honowitz, former Board member Jackie Jacobs and Democrats of the Pasadena Foothills. Hueso, who has a daughter enrolled in a local school and another daughter who recently graduated, did not return a number of calls seeking comment.

The 50-year-old Arce, who has three children attending schools in the district (two of whom have special needs) filed a lawsuit against the district for allegedly failing to meet special education requirements for one of his children. The suit was settled in 2012.

"I have dealt with the district a lot;" Arce said. "My children have been victimized by them. They are condescending and only listen when you have an attorney. I am the only candidate that will be working for the parents. My campaign is so grassroots I can smell the dirt."

Hampton, 29, graduated from John Muir High School in 2001. He was born and raised in Pasadena and is the only candidate to go through the local school system, attending Cleveland Elementary and Washington Middle schools. Hampton has not raised more than $1,000 for his campaign.

In District 5, which contains parts of eastern and southern Pasadena and includes McKinley School, Rose City High, Marshall Fundamental and Hamilton and Jefferson elementary schools, incumbent Pomeroy is running for a second term against Murga, executive director of the Pasadena Youth Center.

"I don't think there is much transparency or accountability in the district on a variety of levels, from the budget to hires," the 62-year-old Mutga told the Weekly. "The board needs to be more proactive and ask more questions and not just wait for staff reports. The board does not function as a team right now. Instead of focusing on student achievement, they have been focusing on their differences."

Murga is endorsed by United Teachers of Pasadena, the Pasadena Foothills Association of Realtors, local attorney Dale Gronemeier, Pasadena City College Board of Trustee member Berlinda Brown, PUSD Board President Reriatta Cooper and former PUSD Board member Susan Kane. Murga has raised about $5,000 for her campaign.

Pomeroy, a former English teacher at Pasadena City College who has raised about $7,000, including $5,000 from the California Teamsters, is endorsed by her former board colleague, Miramontes.

Pomeroy is also endorsed by Congresswoman Judy Chu (D-Pasadena), Democratic state Sen. Carol Liu, Pasadena Councilwoman Margaret McAustin, Pasadena City College Trustee Jeanette Mann, Teamster Local 911, ACT Pasadena, current Board member Tom Selinske and former Board members Bob Harrison, Marge Wyatt and Alexander "Mike" Babcock.
"After four years of working intensively; I believe I see what the issues and obstacles are and I also see very promising initiatives that are under way in our district," Pomeroy, 74, told the Weekly...

In District 7, the 49-year-old incumbent Phelps, who has raised $3,500, is a former John Muir High School math teacher who is hoping to hold off a challenge from Ayala, an immigration attorney.

Phelps has two young children attending school in the district.

The 49-year-old Ayala, who has raised $3,000 ($1,000 of which he lent to himself) has two daughters in local private schools. He also did not return calls for comment.

The West Pasadena district contains Blair International Baccalaureate School and San Rafael, Roosevelt and Linda Vista elementary schools.

"The biggest challenge is stabilizing and growing enrollment," Phelps told the Weekly. "I believe the dual-language immersion program can do that by attracting new families."

Phelps made national headlines in 2002 when he wrote and distributed a note to his fellow teachers that the majority of the students who were failing and disruptive were black. Phelps was suspended by then Superintendent Percy Clark. Phelps later said he was trying to get the district to stop holding teachers solely responsible for student performance.

Phelps has raised $3,500, including two donations equaling $2,500 from Miramontes, with whom he often sides on issues facing the board.

Miramontes told the Weekly he was excited to see more people of color running, but said local liberals could have made that occur well before this election.

"We have a well-entrenched liberal Democrat crew that could have marshaled their money to put more people of color on the board at any time," Miramontes told the Weekly. "It's good they are running, but I am focused on results. Let's see what happens."

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Washington Voting Rights Act draws contentious testimony: Minority representation versus at-large elections

By KYLEE ZABEL
Bainbridge Island Review By Kylee Zabel, Reporter WNPA Olympia News Bureau
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OLYMPIA- A group of House Democrats re-introduced a bill this session that would affect how local governments run their elections in certain political subdivisions.

Known as the Washington Voting Rights Act, House Bill 1413 is intended to address wider representation of minority groups in local government. The bill prohibits unfair elections in which members of a protected class (members of a racial, ethnic or language minority) are unable to influence an election and/or receive adequate representation in local political subdivisions.

To affect how elections are operated in local government districts, persons of a minority group must provide evidence that polarized voting has occurred and that members of a protected class, while maybe a smaller percentage of the electorate, do not have an equal opportunity to influence election results.

Polarized voting may be observed when there is a disparity between the candidate chosen by voters of a protected class or by those of the remainder of the electorate.

To remedy the issue, under the proposed legislation, political subdivisions face two options.

They can transition from at-large to district-based elections or, if they do not make the switch, they risk being sued by members of the protected class that have notified the political subdivision of their grievance.

At-large elections typically occur when voters of a jurisdiction vote for candidates living within that jurisdiction.

Supporters of the bill take issue with these types of elections because they say it limits the minority representation because it does not require candidates to live within geographic areas where the majority of civilians are of a protected class.

District-based elections would require that political subdivisions be divided into different geographic districts that each contains majorities of members of different protected classes. By doing this, supporters said, minorities will have a greater chance of influencing local elections.

Political subdivisions include any city, county, fire protection district, school district, public utility district or port district.

Mountlake Terrace Rep. Luis Moscoso (D-1st District) sponsored HB 1413 because he believes there has been mounting evidence of polarized voting in Washington during recent years.
"It's a rare occasion when you have legislation like this that enhances and augments the democratic process," he said. "It's an honor to bring this bill forward."

There are several concerns with the legislation. Some say the bill only offers a greater opportunity for litigation, costing the districts and, thus, taxpayers more money.

Trent England, executive vice president of the Freedom Foundation—a conservative, Washington-based educational research organization—said: "The only thing you can be sure that this legislation will do is create lots and lots of lawsuits."

Countering the argument that this bill would enhance the freedom of others to influence elections, England said, "It provides lots of freedom for action for attorneys and for judges to tie up local jurisdictions in court and extract money from them."

Moscoco disagrees, claiming that the bill is not an open invitation for more lawsuits but that "it brings people together to talk about things. It does not initiate litigation," he said.

Supporters, such as Toby Guevln of OneAmerica, reminded skeptics of the bill that litigation would only be brought if, after a county or district had been approached about its violation of the law, the district failed to act on that warning within 45 days. The 45-day window is a provision Guevin said is unprecedented in voting-rights laws throughout the U.S. and is an attempt to create a partnership between citizens and local government, not tension between the two.

Some argue that this so-called attempt to bring citizens and government closer together is just an illusion.

"This is not an opening for dialogue," said Michael Schechter of Foster Pepper Law Firm.

"Jurisdictions that are served notice have 45 days to do something about it. Basically, begin redistricting or be faced with a lawsuit," he said.

Matt A. Barreto, associate professor of political science and adjunct professor of law at the University of Washington, disagreed.

"Concerns over the potential costs of the legislation are completely made up," Barreto said.

"The legislation provides an opportunity for jurisdictions to avoid lawsuits altogether with an 'opt-out' clause that allows jurisdictions to switch to district-based elections and face zero litigation costs," he said.

A similar law was passed in California in 2002. The major difference with the Washington proposed legislation being that the 46-day time period for review of accusations and violations is not established.

And while supporters see the California law as a great success, others see it as something that may work in California but not in Washington.

Prior to the 2002 law, California had repeated offenses under the federal Voting Rights Act. Washington has had virtually none, with the exception being the recent lawsuit against the city of Yakima by the American Civil Liberties Union.

The ACLU claims that Yakima City Council elections prevent Latino participation. Although Yakima's population is 41 percent Latino, no Latino has ever been elected to a city council position.
Sonia Rodriguez True, a Latino, was appointed to the Yakima City Council in 2009 but was defeated in her race to be elected to the position that fall.

Lawsuits concerning violations of the federal or California's Voting Rights Acts have often carried large litigation costs. In Sanchez vs. the City of Modesto, a California case, the city had to pay $3 million in attorney fees to the defendants. The case as a whole cost upward of $4.5 million.

Some take issue with the assumption that appears to be made that all members of certain protected classes vote the same way. More specifically, the assumption that minorities vote for minority candidates based on the candidate's race or ethnicity rather than the merits of their candidacy.

In the 2012 presidential election, Barack Obama won the majority of votes from minority groups, but when it comes to local elections, which may not be as highly politicized or partisan, some believe that people vote based on specific issues rather than if a candidate can toe a party line or shares the same ethnicity that they are.

Rep. Matt Manweller (R-13th District, Ellensburg) used the example of Ellensburg City Councilmember Anthony (Tony) Aronica, a Native American, to defend his position.

"People didn't vote for or against Tony because he was Native American. They voted for him because he was a quality candidate," Manweller said.

"I think that's the American way; you vote for the best candidate," he continued. "You don't start gerrymandering so that you can vote for people that look like you."

According to Baratta, however, data using a technique called "ecological inference" reliably measures voting behaviors of different groups.

"It has been widely accepted by state and federal courts as the best way to assess polarized voting," he said.

Manweller stated that there is no doubt that majorities of subgroups tend to vote either Democrat or Republican, depending on the priorities of those specific groups.

However, he explained: "As we become more racially diverse and have more minority persons running for office, we start to vote more on quality of candidate than color of skin."

One other concern is the impact this bill could have on the potential candidates for different positions.

Dan Steele, assistance executive director of the Washington Association of School Administrators, is concerned that going from at-large to district-based elections would narrow the pool of potential candidates and may limit the selection of qualified candidates.

"It's almost disingenuous to say that somebody wouldn't step up," said Moscoso. "We have all types of candidates with various experience that run for office and they learn once they get in there."

Forty-four persons signed in support of HB 1413 when it received a public hearing in the House Government Operations and Elections committee Jan. 30. These individuals were representing various organizations, including the ACLU of Washington, OneAmerica, the League of Women Voters of Washington, Progress Latino Progress Alliance and Planned Parenthood. Some were there to support the legislation on their own behalf; many were from Yakima and surrounding cities.
The legislation was scheduled for an executive session Wednesday (Feb. 6) but was cancelled due to Rep. Kevin Van De Wage’s (D-24th District, Sequim) absence, said Rep. Sam Hunt (D-22nd District, Olympia), House Government Operations and Elections chairman. It is being re-set for further consideration.

Ky/ee Zabel is a reporter with the WNPA Olympia News Bureau.
Complaint alleges racial bias in Palmdale elections

Case scheduled to go to trial in May alleges that Palmdale's system of at-large council seats dilutes the influence of minority voters.

By Ann M. Simmons, Los Angeles Times

10:49 PM PST, February 18, 2013

Latinos and African Americans make up about two-thirds of the population of Palmdale. But since the city's incorporation in August 1962, not a single black resident and only one Latino has ever served on the City council.

That's the backdrop of a complaint filed in Los Angeles County Superior Court by Antelope Valley civil rights activists alleging racial bias in city elections in this High Desert locale. The complaint argues that Palmdale's system of at-large council seats dilutes the influence of minority voters.

"Latinos and African Americans are locked out of the political system in the city of Palmdale," said Malibu attorney Kevin Shenkman, who is representing plaintiff Juan Jauregui, a Palmdale resident. Three local black activists and the NAACP have also said they will join the case, scheduled to go to trial in May.

The litigation is the latest in a series of racially themed conflicts in the Antelope Valley as blacks and Latinos have moved into once mostly white areas. Housing programs and police practices have been flash points as activists have challenged policies they perceive as unfairly targeting minority residents.

Plaintiffs say the city's at-large election system violates the state's 2001 Voting Rights Act, which guards against disenfranchisement of minorities. They seek a change to district-by-district voting.

Palmdale is fighting back. In court documents, city attorneys argue that because blacks and Latinos are a majority of registered voters in the city, they are "in a position, numerically" to elect the mayor and City Council members.

The lawyers also insist that district voting would not have helped minority candidates who lost. "They simply had very little support from voters, and no drawing or gerrymandering of districts would have resulted in a district which would have elected them," the attorneys said.
Moreover, in November 2001 Palmdale’s residents voted against a measure to introduce district voting. City Atty. Wm. Matthew Ditzhazy said via email that "ultimately it was the community's decision to make."

In a recent deposition, James Ledford, who has been elected the city’s mayor 11 times since 1992, said he did not even know the race of his fellow council members and was not aware that all but one had been white.

Asked whether it bothered him "in any way that racial minorities in Palmdale might feel that they are not being represented in the City Council," Ledford said no.

Ledford declined to be interviewed for this article, although in the past he has said he favored district voting.

Traditionally, low voter turnout among blacks and Latinos in Palmdale’s municipal elections has shrank their voting power compared with that of whites, who turn out in greater numbers, statistics show.

The majority of Palmdale Latinos voted yes for district elections in 2001, but the measure was defeated because 66% of whites opposed it, according to data compiled by a city consultant and cited by Shenkman.

Similarly, in 2009, when V. Jesse. Smith, president of the Antelope Valley chapter of the NAACP, ran for City Council, he split the Latino vote 49% to 51% with Steve Fox, who is white. But neither won a council seat. The spots went to white candidates Tom Lackey and Laura Bettencourt, who scored heavily among whites, although neither got a single Latino vote, Shenkman said.

Shenkman acknowledged the poor voting record of minority groups, but he blamed the system of at-large voting. Blacks and Latinos didn’t vote because they had "grown to understand that their vote doesn’t matter," he said.

At least a dozen government entities in California, including cities, school districts and county boards, have been sued under the state’s Voting Rights Act, said Shenkman. Some cases are still pending, others have ended in settlements resulting in district elections, he said.

One of those was Compton, which placed the issue on the ballot last June to settle a lawsuit. Voters approved the switch from at-large to district voting. The change may give Latinos — who make up a majority of the city’s population but a minority of eligible voters — a greater chance of putting the first Latino on the City Council in April.

For supporters of district voting in Palmdale, the claim represents a new effort to shake up the political status quo in the Antelope Valley. They say it will make city representatives more accountable to voters.
But Richard Loa, an attorney who in 2001 became the only Latino ever to win a council seat in Palmdale, said that although he supported Latinos' push for representation, he opposes resolving the issue through litigation.

"The important thing is to have effective leadership," said Loa, who has said he will run again.

Race isn't everything, agreed Darren Parker, who as chairman of the California Democratic Party's African American caucus helps recruit potential minority candidates to run for local office, but he said High Desert cities need black voices in leadership.

"I don't believe that anyone who doesn't get up in the morning and look like me can really walk in my shoes," Parker said.

Among the lawyers representing the plaintiffs is attorney R. Rex Parris, mayor of neighboring Lancaster, which uses at-large elections but is weighing a change.

Lancaster's population is about 40% Latino and 20% African American, but the City Council has four white men and one Latina. The city has also faced charges of racial bias, but Lancaster has a track record of minority representation on its council, including an African American who twice served as mayor.

Lilia Galindo, who has used her Palmdale-based Cafe Con Leche radio talk show to encourage Latinos to get out and vote, said High Desert Latinos were eager to find their political voice. District elections would help, she said.

"We've started to realize how important it is to express our rights as citizens," Galindo said.

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Residents in the North Monterey County Unified School District are scheduled to begin electing board members by trustee area starting this fall, after perhaps one of the least contentious reorganization efforts in Monterey County's history.

The Monterey County Committee on School District Organization on Wednesday unanimously approved adoption of the new trustee area map, which splits Castroville, Prunedale; Elkhorn and Royal Oaks into five areas. Previously, trustees were elected at large.

"The North Monterey County Board of Education did an excellent job," said Harvey Kuffner, committee chairman. "They moved pretty fast, they did their homework and they need to be congratulated for the fine job they did."

District reorganizations are usually emotional affairs that draw hundreds of people who feel passionately one way or the other. One of the most recent reorganizations was the splitting of the Monterey Peninsula College district into separate trustee areas, an issue that former trustees ferociously resisted.

But the reorganization in North Monterey County did not have opposition. Early in the process, new Superintendent Kari Yeater appointed a group of about 20 district residents to serve as advisers, a group that worked well together in coming up with the boundaries.

"When you get people involved who are willing to set aside their egos, good things happen," said Diana Jimenez, a representative of the League of United Latin American Citizens in North Monterey County, who sat on the redistricting committee.
Jimenez, a former board member, raised concerns about the lack of Latinos on the board after she lost re-election in 2011. The district is 54 percent Latino.

Two of the newly drawn trustee areas—Areas 2 and 4—have a majority Latino population. They are the two areas up for election this fall.

The trustees up for re-election are Samuel Laage and Polly Jimenez.

Traditionally, this type of reorganization is put to a public vote, but district officials requested and got a waiver from the School District Organization Committee, which is made up of members from the Monterey County Board of Education. Not having to put the issue to a vote means the process moves along faster and saves the district money.

There are two hurdles that need to be cleared: The United States attorney general has to agree to the changes because Monterey County is covered under Section 5 of the Voting Rights Act and every change has to be approved; and the State Board of Education needs to agree to waiving the election.

"This is a textbook case of how democracy in action works," Kuffner said. "It doesn't happen that often. It was an ideal situation, and I can't be more pleased."

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