Whittier to consider changes to city elections in wake of California Voting Rights Act suit

Sharon McNary | August 13th, 2013, 7:19pm

The Whittier City Council will consider putting a new election system – which may include district elections – on the ballot at its next meeting, the board voted Tuesday evening. The decision comes after a Latino Coalition lawsuit accusing the city of violating the California Voting Rights Act. Attorney Miguel Garcia, homemaker Lisa Lopez and Whittier College student Jafet Diego filed the suit, demanding the city switch to district elections.

They say elections in which all voters choose the five council members are keeping Whittier's 67 percent Latino majority from selecting council members they prefer. Only one Latino, a popular high school football coach, has ever won a Whittier council election.

The city released the following statement from Mayor Bob Henderson about the potential changes expected to be discussed at the next council meeting:

“The rights of our citizens have always been – and always will be – an important and fundamental value that we strive to protect, to ensure that our residents can participate in all aspects of running our city – their city. The Whittier City Council has been analyzing our city elections process, trying to discern the best way for all of our residents' voices to be heard on Election Day. We've been very thorough in our deliberations, which have led to a decision to review the issue of district elections at our next council meeting. The Council will consider placing a measure on the ballot amending the city charter which would allow citizens to vote to determine how future elections will be held in the City of Whittier.”

Attorney Rod Pacheco, who represents the plaintiffs and the Whittier Latino Coalition, cautioned that the city might propose a watered-down district system in which the five council members are elected by all voters to represent a specific district. That's what the Anaheim City Council proposed in response to a similar Voting Rights Act complaint by Latinos in that city.

The next meeting is scheduled for 6:30 p.m. on August 27, 2013, in the Council Chambers at City Hall, 13230 Penn Street, Whittier, CA 90602. Anyone unable to attend may watch the meeting on the city's website.
Citing issues with the California Voting Rights Act making it “incredibly easy” for a governing board to get sued, some state legislators are looking for their own remedy, Assemblyman Scott Wilk, R-Santa Clarita, said Thursday.

“If you read the law itself, it’s very poorly written,” Wilk said. “And I think you are going to see legislation introduced in January that’s going to make it clearer so the processes can’t be abused.”

Attorney Kevin Shenkman, who’s representing two plaintiffs suing the Sulphur Springs School District, the Santa Clarita Community College District and the city of Santa Clarita over alleged California Voting Rights Act violations, said a repeal or major overhaul of the law is “not likely.”

“It’s not going to happen,” Shenkman said, when asked whether legislation could affect his lawsuits against local school districts and the city of Santa Clarita.

“I’m sure that the California Voting Rights Act will get repealed as soon as the Affordable Care Act gets repealed.”

A report created by demographers for Redistricting Partners, which was paid for by local school districts more than a year before the lawsuits were filed, claim that almost any governing board is susceptible to such a lawsuit.

Wilk declined to cite the name of the state senator he had spoken with who was planning to author the bill, only that the person was a Democrat, and the effort had Wilk’s support.
“I’ve reached out and talked to him and shared my concern,” Wilk said. “He’s drafting the legislation and he’s spending the time meeting with various stakeholders, and he’ll come back with a clean piece of legislation.”

Wilk was on the Santa Clarita Community College District’s Board of Trustees when the governing body authorized more than $30,000 to look at demographics to make sure the district was in compliance with the California Voting Rights Act.

“I remember some people criticizing (that we paid for the study), with so many cuts that (school officials) had to make,” Wilk said, referring to the cost of the survey. The assemblyman likened the move to “an insurance policy.”

Wilk left the Santa Clarita Community College District board before the report was issued, when he was elected to the state’s Assembly in 2012.

“I personally think that the firms that filed the suit are shopping,” Wilk said, “and trying to do a quick hit.”

There has never been a successful defense against a lawsuit that claims a CVRA violation, which was upheld as constitutional when the state’s Supreme Court declined to review a December 2006 decision by the state’s appellate court in Sanchez v. Modesto.

Since the Santa Clarita Valley lawsuits, the city of Whittier has been sued of the CVRA, and Shenkman has won a preliminary decision against the city of Palmdale, where officials have vowed to fight the decision.

Santa Clarita Valley and Palmdale officials have attacked Shenkman on the grounds that these suits can lead to multi-million-dollar settlements that are paid for by the taxpayer. The legal fees for Modesto city officials exceeded $3 million. Such a settlement was likely in the Palmdale case, Shenkman said.

“All of their attacks against me are about me wanting to make money,” Shenkman said. “But they have always had, and still have, the ability to stop me from making any more money, and I invite and encourage them to do that.”

The next step in Palmdale is a Sept. 30 hearing, where a judge will decide on an injunction that could stop Palmdale officials from holding an election in November.

In a California Voting Rights Act lawsuit, a judge who finds a governing body in violation has broad discretion in determining a remedy, whether it’s to look at drawing up districts, or to look at different voting methods.
The data solicited by local school districts cited in this story was acquired through the discovery process in the lawsuits facing the school district. The data report was requested by school district officials, who denied the request citing attorney-client privilege. Legal counsel for the districts later denied a California Public Records Act request on the same grounds.

Six school districts paid a combined $77,500 for demographics studies ahead of a pair of lawsuits that were filed against two local school districts and the city of Santa Clarita.

But the fees agreed to back in 2011 were likely just the tip of the iceberg, if school district officials plan to fight the lawsuits.

A lawyer for the plaintiffs has said he’s looking to address illegal elections in the Santa Clarita Valley, while the lawsuits have been described as a “money grab” by local school officials.

The districts entered into an agreement with the Community College League of California to “evaluate the needs of the districts in regards to its trustee election process,” according to a contract obtained by KHTS AM-1220.
Jim Soliz and Rosemarie Sanchez-Fraser filed suit June 20 accusing the Santa Clarita Community College District of violating the California Voting Rights Act of 2001 by holding an at-large election.

A suit has also been filed against the Sulphur Springs School District and the city of Santa Clarita using the same lawfirm.

The lawsuits claim that the local governing boards are denying the access of Latino voters, who are a protected minority class in the CVRA.

The defendants are accusing the plaintiff’s lawyer as having money as his only motive. The attorney has said his only motive is to end the CVRA violations.

An election may be found to violate CVRA if bloc voting occurs on racial grounds, which consistently denies the candidate choice of a minority group, among other factors.

“The concern about at-large election systems resulted in the creation of the CVRA,” according to a report prepared by Paul Mitchell of Redistricting Partners. “This law, arguably the most progressive voting rights law in the country, disallows the use of at-large elections if it impairs an ethnic group from influencing the outcome of an election.”

Joe Montes, attorney for the city of Santa Clarita, said city officials had not authorized any demographic studies before it was served with a CVRA lawsuit, which was filed June 20.

College of the Canyons requested “Full Redistricting Services” at a cost of $20,500 in the Feb. 23 paperwork, whereas the Newhall, Sulphur Springs, Castaic Union, Saugus Union and Hart school districts all spent $10,400 for “Initial Data Analysis.”

Kevin Shenkman of Shenkman and Hughes, which is representing the plaintiffs, responded to those accusations by saying that all he was looking to do was to end the CVRA violations, and that if the districts were willing to discuss remedies, which likely include drawing up district lines, his potential fees would stop.

The legal costs for the city of Palmdale, should Judge Mark V. Mooney uphold his initial decision in favor of the plaintiffs who sued for a CVRA violation, will be “upward of $1 million,” Shenkman said.

That’s a figure listed as typical, according to the report commissioned by the school districts, which also notes that a CVRA lawsuit has never been successfully defended.

“As far as we’re concerned, this whole thing seems to be an opportunistic attorney looking to bill as much in fees as possible,” said Sulphur Springs School District Superintendent Robert Nolet, referring to the costs associated with fighting the claim.

Shenkman said he encourages the defendants to settle and allow district officials to “stop the clock” on his fees.
The two plaintiffs live in the Santa Clarita Valley. Shenkman’s practice is based in Malibu, however he said he has family members who live in the area.

“We’re not buying into his altruism about any violations of voting law,” Nolet said, declining to discuss whether the board would settle. “We’ll look at the circumstances of what we’re in and then the board will make a decision about how far we’re going to go.

“(The lawsuit) would be a little more tolerable if he lived in the community,” he added.

The full redistricting services were to include the following: a presentation to the board or selected members of the board and staff that would suggest how lines could change, with the board and staff giving their preferences; the creation of three proposed districts’ input; and the completion of the redistricting process with a final map, provided to the board and the county’s Registrar’s Office.

The initial data service includes demographic maps, the size of likely districts, a list of relevant elections, evaluating where respective board members live, population trends and a teleconference “to discuss the process, analysis and any type of associated data.”

For another local school official, the discussion of letting an attorney decide districts for the Santa Clarita Valley didn’t make sense.

“How are we going to turn it over to an attorney who doesn’t understand our community,” said Hart district board President Joe Messina. “It’s like me coming in and trying to tell you how to rebuild your diesel engine, just because I drive a car.

“The (CVRA) can’t be a one-size-fits-all (solution), it just can’t work,” Messina said. “It’s a disingenuous lawsuit.”
El Camino College will soon elect its first Latino board member

By Rob Kuznia, The Daily Breeze

Posted: 08/22/13, 6:55 PM PDT

At El Camino College, Latino students are by far the largest ethnic group on campus. And yet the five-member Board of Trustees elected to represent the 66-year-old college near Torrance includes no Latino members — and never has.

That will soon change. Both candidates running in the Nov. 5 election for the district serving Hawthorne and Lennox are of Latino heritage.

Neither Nilo Michelin, now a Hawthorne councilman, nor John Vargas, now a Hawthorne school board member, gave the matter much thought when they filed papers earlier this month to enter the race.

But their inclusion in the contest is anything but arbitrary. Rather, it’s the product of an overhaul of the way elections are conducted, approved in February by the El Camino board. Namely, the overhaul involved redrawing district boundaries and switching from at-large elections to voting by district.

The move was made largely to comply with the California Voting Rights Act, which seeks, among other things to enhance diversity by doing away with at-large elections, which tend to favor candidates with more resources, thereby diluting votes for minority candidates.

It wasn’t, however, a response to any kind of outrage or concern on the part of the local Latino community.
“At the time, there had been a lot of news stories about people (in other areas) bringing in suits because of the gerrymandered districts,” said board member Ken Brown. “We wanted to kind of get ahead of all that.”

The change — which, incidentally, led to the automatic ouster of two members, Ray Gen (who voted for it) and Maureen O’Donnell (who didn’t) — is also expected to foster a more competitive election landscape. This is because political newcomers are likely to feel less intimidated by the prospect of campaigning in a smaller, more local area. Indeed, the coming election — which also features a three-way match for the seat representing south Torrance and south Redondo Beach — has already proved the most hotly contested in a decade. More often than not, incumbents have run unopposed; the district often skips election years for a lack of candidates.

“You had to campaign over a district that was the size of a congressional district — just the ballot fee at the time was huge,” said board President Bill Beverly, who is in the middle of his sixth and final four-year term. “I think this will make the races more spirited and lively.”

The sprawling El Camino College District includes the cities of El Segundo, Hawthorne, Hermosa Beach, Inglewood, Lawndale, Manhattan Beach, Redondo Beach and Torrance, as well as some unincorporated areas, such as Lennox. It is home to some 540,000 residents.

Latino students make up 45 percent of the total enrollment, which last fall amounted to about 23,400. The next largest ethnic group is black students, who make up 17 percent. Whites and Asians are close behind at 15 percent and 16 percent, respectively.

Board members note that the current makeup of the five-member board is actually fairly diverse. It includes Asian, black and white members.

“When I go to Sacramento — I’ve been working with the state superintendent — I always say, ‘Why can’t your board be as diverse as our board?’” Brown said.

The new map and voting configuration wasn’t just about ensuring ethnic diversity on the board. In fact, board members were more likely to cite a different kind of equity. Under the old configuration, tiny areas with small populations and sprawling areas with large populations are equally represented. For example, El Segundo and Inglewood were each represented by one trustee, even though the former district is home to 16,000 residents and the latter 110,000.

Under the new system — which won’t officially take effect until November — the population of every trustee area will be about 108,000.

As for Michelin and Vargas, while neither candidate has given much thought to the idea of blazing a trail, both say they decided to run in large part because of the new vote-by-district election process.
Michelin — who was raised by a single mother from Costa Rica (his father hailed from Argentina) — said his heritage won’t be much of a factor in his campaign.

“It’s a very diverse district, and I have a record of building coalitions,” he said.

A teacher at Odyssey Continuation High School in South Gate, Michelin said he has talked to many students in recent years who have had trouble finding the community-college classes they need to graduate in a timely fashion. Helping such students is one of his top priorities.

Vargas said the dearth of Latino trustees came to his attention after he filed, when some of his friends pointed it out to him.

“It’s not my main motivation, but it would make me proud,” he said. “It’s something I do take serious — it gives me even more drive.”

A business and operations manager at a charter school in South Los Angeles called Crown Prep Academy, Vargas said his knowledge of school finance would be a major asset to the board.
Paramount Unified’s November election canceled; list of qualified candidates released for ABC, Bellflower, Downey races

By Phillip Zonkel, Long Beach Press Telegram

Paramount Unified School District’s November school board race is canceled because the incumbents didn’t face any challengers; however, three other school board races are going ahead as scheduled.

In Paramount, incumbents Sonya S. Cuellar, Alicia M. Linden Anderson and Tony Pena don’t have any challengers, so under the California Election Code, the election was canceled.

On Thursday, the Los Angeles County Registrar-Recorder/County Clerk’s Office in Norwalk released the list of qualified candidates for the school board races in ABC, Bellflower and Downey.

Incumbents James Kang, of ABC, and Donald McMackin, of Bellflower, chose not to seek re-election.

Unlike the other districts, Downey operates a seven-district, by-area voting system, meaning the district is divided into seven zones with representatives elected from each of them.

Last August, the school board abolished its at-large voting system in favor of the district one. In an at-large voting system, candidates can reside in any area of the district, and any eligible voter may vote for any candidate, regardless of where that voter resides.

The school board abandoned the at-large voting system after concerns surfaced about it violating the California Voting Rights Act of 2001 by disenfranchising minority voters.

The Downey race has three open seats in three districts:

District 1 - incumbent Martha E. Sodetani and challenger Victor Manuel Malagon.

District 5 - incumbent Nancy A. Swenson and challenger John N. Anagnostou.

District 7 - incumbent Barbara Rae Samperi and challengers: Betty Luz Monroy, Leslie Jane Valenica and Bertha Rath Valenzuela.
ABC’s voting system, however, is being challenged. Even though the district encompasses all or part of six cities, all of its board members live in Cerritos. And while the cities represented - Long Beach, Cerritos, Hawaiian Gardens, Artesia, Lakewood, Norwalk - encompass a broad spectrum of ethnicity, five of the seven board members are Asian, and two are white, even though 25 percent of the district’s registered voters are Latino.

In April, three district residents sued the district, alleging the at-large voting system violates the California Voter Rights Act of 2001. They want the district to change to a trustee district election system.

In the ABC race, three seats are open with potential challengers: incumbents Olympia Chen and Lynda Johnson and challengers Daniel Fierro, Ethan L. Robinson and Soo Y. Yoo.

In Bellflower, six people are competing for three open seats:

incumbents Paul Helzer and Laura Sanchez-Ramirez and challengers Sean Bookout, Ted Edmiston, Sue E. Elhessen and Angelia Parrish.

Contact Phillip Zonkel at 562-714-2098
A voting rights expert who is been involved as an expert witness in dozens of lawsuits of the California Voting Rights Act said such cases usually come down to two things and there are few remedies outside of districting.

“If you can prove that the elections are racially polarized, that’s the first factor,” said Caltech professor J. Morgan Kousser. “And if you can prove that a racially polarized group usually loses, then you have to change.”

Kousser, a professor of history and social sciences, has testified for plaintiffs in several notable cases, including Garza vs. Los Angeles County and the Justice Department in its recent suit against Texas, regarding its voter identification laws.

Three local agencies, the city of Santa Clarita, the Sulphur Springs School District and Santa Clarita Community College School District, were hit with lawsuits filed in June, which alleged violations of the California Voting Rights Act of 2001.

The lawsuit accused the governing bodies of having at-large elections that foster racially polarized voting and denied Latinos, as a protected minority class, their say in local elections.

School and city officials have filed attorneys to fight the lawsuits, which were filed by Jim Soliz and Rosemarie Sanchez-Fraser. Kousser is an expert solicited by attorney Kevin Shenkman, who is representing the plaintiffs.

School officials commissioned a report that looked at the demographics of the Santa Clarita Valley, including possible districts, more than a year before the lawsuits.
The report suggests it’s “incredibly easy” for a governing body to get sued under the current verbiage of CVRA.

Assemblyman Scott Wilk, R-Santa Clarita, called the law “poorly written” on Wednesday, and said legislators could have a remedy for it as early as January.

Kousser disagreed with both assessments, arguing the law was written in broader terms than the Federal Voting Rights to make it less expensive to either bring forth or defend a claim against a violation.

“It’s in order to cut costs more than anything else -- in order to bring suits and reduce the bureaucracy,” Kousser said.

In California, a plaintiff doesn’t have to prove an intent to discriminate on the basis of race or religion, or that a district could be comprised of a majority of the protected class bringing suit, Kousser said.

A history of discrimination is also not something that has to be proven in order to win a CVRA claim, which is a component of the Federal Voting Rights Act.

However, Hart district board President Joe Messina, who oversees the governing board for the valleywide William S. Hart Union High School district, said the law goes against the very nature of laws.

“The spirit of any law written is to right a wrong or it’s to protect somebody who can’t protect themselves,” Messina said. “So in the SCV, who was wronged, and did they try a remedy?

Messina said his district, which oversees junior high and high schools for nearly 23,000 Santa Clarita Valley students, hasn’t been sued, but he anticipates a lawsuit because the law is “asinine.”

“Did a group of people get together? Was there a meeting about this that I missed? Was there an outcry?” Messina asked rhetorically.

“No. We went right to letter and lawsuit,” Messina said. “That’s not somebody who wants to work something out.”

Kousser, who testified in the Garza case that resulted in the Los Angeles County Board of Supervisors drawing up five districts in the early 1990s, said he found proof of 56 California elections, most of them educational boards, where the law made an impact in terms of increasing the presence of a protected class on the board.

For the county, the redistricting preceded the election of Gloria Molina, who was the first Latina representative on the county’s board of supervisors in 115 years, Kousser said.

Whether the city wins or loses the lawsuit, Kousser said, doesn’t necessarily mean that it couldn’t get sued by another minority group of voters claiming racially polarized voting is denying them a voice in local elections.
"If a judge ordered a nondistrict remedy, it would be unlikely for another judge to then rule that wasn't enough," Shenkman said. "If a governing board attempts to remedy a CVRA violation but ultimately does nothing to change its electoral structure, that is plainly insufficient."

Earlier this year, the various Santa Clarita Valley school districts, including the Hart district, all tried to move their elections to match up with the even-year elections held by Los Angeles County.

School officials cited the report, which stated such a move would cut election costs and increase turnout.

However, county supervisors, including Molina, didn’t acquiesce, and school districts were denied an opportunity to move their elections with by a 2-2-1 vote in April.

County Supervisor Michael Antonovich, who voted in favor, said the move was a “common sense” request.

“You need to integrate people into the political system so that everybody feels represented and the schools are not ruled by a small elite group that are representing an increasingly diverse population,” Kousser said.

“So schools have been the major ones that have changed,” he said, noting the state’s public school population is more than 50 percent Hispanic.

“And I think that’s a good thing -- I think that’s the most important place for the jurisdiction to change,” Kousser said. “But you also want the members of the city council (to be representative), and you want to plan ahead if possible.”

Representatives with Sulphur Springs School District and the Santa Clarita Community College School District declined to comment because they are in the middle of litigation.

An attorney for the city of Santa Clarita also declined to comment on the nature of the city's defense of the lawsuit, citing the same grounds.

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Whittier voters will get their say about whether the city should change the way it chooses members of the City Council--but not in time for the next municipal election.

During a well-attended council meeting this week, the council decided to hold a special election in June for voters to decide whether they want to switch to a by-district elections system. Currently council members are chosen by the city at large.

Activists, who have sued the city under the California Voting Rights Act, say the at-large elections have deprived Latinos of a chance to elect a representative of their choice.

Whittier's population is nearly 66% Latino, but voters have elected only one member of that ethnic group to the City Council since the city's incorporation in 1898.

Earlier this month, three members of the Whittier Latino Coalition sued the city seeking district elections. They also want municipal elections changed from April of even-numbered years to November, which the plaintiffs believe will improve turnout.

Setting a special election after the upcoming April municipal balloting, when the mayor is among those whose seats are up, "delays our opportunity to elect someone through the district method until 2016," said coalition spokesman Louis Reyes.

City officials "had the opportunity to address the issue directly and let the judicial system fix their broken election process," the coalition said in a written statement.

But Mayor Bob Henderson said it was important for Whittier voters to decide the matter through a special election "as opposed to have it decided by outside forces."

Coalition leaders and their attorneys said they would continue their lawsuit and predicted the court will see that the city complies with state law.

Several other cities with significant minority populations and histories of racially polarized voting have been forced under the law to change from at-large to by-district elections, including Modesto and Compton.
SANTA CLARITA - A lawyer involved in California Voting Rights Act lawsuits against municipal governments in the Santa Clarita Valley was one of about 30 people who joined in a forum-style discussion on the content and implications of the Voting Rights Act this week in Canyon Country.

The forum was meant to inspire discussion and inform attendees, said Minerva Williams, president of the Democratic Club of the Santa Clarita Valley, which organized the Thursday night event.

One of the attendees was Kevin Shenkman, a lawyer at the Malibu firm Shenkman & Hughes that is involved in California Voting Rights Act lawsuits against the city of Santa Clarita, Santa Clarita Community College District and Sulphur Springs School District.

“The law is the law,” he said Thursday. “And they're violating the law.”

The three suits alleging that at-large election systems — in which people can cast votes for all open seats on the ballot, not just one tied to where they live — violate the Voting Rights Act by preventing Latinos from electing candidates of their choice.

Shenkman is representing plaintiffs in all three of those lawsuits. Officials from Santa Clarita and the Santa Clarita Community College District have told The Signal they plan to contest the lawsuits.

Shenkman’s firm is also representing plaintiffs against the city of Palmdale in a similar case.

Earlier this summer, a Los Angeles County Superior Court judge ruled against the city of Palmdale, determining its at-large elections led to racially polarized voting, with
minority voters casting ballots for candidates of their choice and the rest of the electorate voting otherwise.

Darren W. Parker, the chairman of the African-American Caucus of the California Democratic Party, pointed to that lawsuit as a reason why Palmdale’s November elections are seeing far more interested candidates than in years past.

Berta Gonzalez-Harper, a longtime Canyon Country resident and candidate for Santa Clarita City Council in 2014, said she thinks moving to district-based elections would deprive Santa Clarita voters. Currently, she says, she has the ability to vote for all five council members, not just one.

“I don’t see how this would benefit me,” she said.

Gonzalez-Harper also noted the city voted to have at-large elections when it was first incorporated in 1987. Some, however, said the city has changed since then.

“I think this frames a discussion that the city is changing,” said Alan Ferdman, a longtime resident of Canyon Country and candidate for City Council in 2014.

“And as the city changes it is not unreasonable for the electoral structure of the city to change,” he said.

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Mt. SAC race pits experienced challengers in new districts

WALNUT >> Mount San Antonio College will be getting two new board members this November.

The sprawling college, the largest single-campus community college in the state, agreed last year to expand its board of trustees from five to seven members as a result of a redistricting challenge filed by residents under the California Voting Rights Act.

The college also agreed to carve out seven separate voting districts and elect trustees by district, instead of at-large. At least two of the new districts were formed as a way to increase the influence of underrepresented minorities on the college governing board.

District No. 3 includes La Puente, Bassett, Baldwin Park and Irwindale — a primarily Latino district, while District No. 4 includes most of West Covina and Valinda, also primarily Latino.

The changes in the election process, which play out for the first time on Nov. 5, were approved by the existing five-member board.

“The in a district of about 850,000 people, in my opinion, we needed a few more people to help reach the far-flung boundaries,” said David Hall, board member in District No. 2. Hall and Judy Chen Haggerty, of District No. 6, both did not draw opponents meaning they will be returning for four more years in November.

The action this election season is centered on the two new districts. They’ve attracted a total of five candidates. The five serve or have served on existing boards and are veterans of water, school and city politics.

“Both of those races are heavyweight races,” Hall said. “In every case, the people running have been elected before. These are people who’ve served on boards or councils for extended periods of time. Both will be highly contested races.”

Two Latinas
In District 3, two Latinas will square off: Baldwin Park Councilwoman Marlen Garcia and Bassett Unified School District board member Laura Santos.

Garcia, 48, will be vacating her seat. She has served on the City Council for 14 years. “No, I am not doing both. You’ve got to give up one to focus on the other,” she said Friday.

Santos, 59, is in the midst of her second term. If she wins, she’ll leave the Bassett school board. But if she doesn’t win, she will serve another two years and finish her term.

“This district was made for me. My family and I have deep roots in this area. We would walk from Bassett High to Morgan Park (in Baldwin Park) to go swimming,” Santos said.

Garcia, who works on health projects for Kaiser Permanente, said she’s interested in working with young people. She has served on the Mt. SAC bond oversight committee. “I got to see how well that money was managed and spent,” she said.

She said she was going to retire from politics until the new community college district opened up. She would like Mt. SAC to hold classes in Baldwin Park.

Garcia has received endorsements from Baldwin Park Mayor Manuel Lozano, Councilwoman Monica Garcia, Rep. Judy Chu, D-Pasadena, and Bassett Unified board member Paul Solano.

Santos is serving on the Los Angeles County School Trustee Association’s community college subcommittee. She said students from Bassett and Baldwin Park rely on community college as a less-expensive higher education choice. She’d like to work on smoothing the transition from community college to CSU or UC.

**West Covina-centric**

In the battle for the District 3 seat, three candidates from West Covina are running: West Covina Councilman Steve Herfert, Rowland Unified School District board member Robert Hidalgo, and former Upper San Gabriel Valley Municipal Water District board member R. William “Bill” Robinson.

Herfert, 57, has served on the City Council for 23 years. If he doesn’t win, he’ll remain on the City Council to serve for two more years, he said.

His campaign relies on three issues he wants fixed: overcrowding, parking and community involvement. He said he thinks the colleges should fix the problem students have getting the classes they need to graduate. An alumnus, he said he graduated in two years, something that’s become very difficult to do at Mt. SAC these days. “Some students take five years to graduate because of limited class space,” he said.
He’d like to add off-campus classes in West Covina and other surrounding cities, to ease overcrowding.

Name recognition could be a plus. “Nobody in West Covina hasn’t heard the name Herfert,” he said, adding 80 percent of the district falls in West Covina.

Hidalgo’s term expires in November, and he is not running for re-election. He’s been on the Rowland School board for eight years. He has been a strong supporter of the district’s recent $158.8 million bond measure, Measure R, for school building improvements. Hidalgo is an assistant principal at Glen A. Wilson High School in Hacienda Heights.

Robinson served on the Upper District water board for 24 years until he was defeated by former West Covina Councilman Mike Touhey in November 2012. Robinson ran for Mt. SAC board in 2001 and lost.

*Staff Writer Jason Henry contributed to this article.*
Legal battle takes shape for Latino voting rights lawsuit

By Peter Fullam, Whittier Daily News

Posted: 09/04/13, 9:30 PM PDT

WHITTIER >> The city’s lawyer in the lawsuit Whittier is facing over alleged violations of the California Voting Rights Act has made her first move in the case and is awaiting a response from the plaintiffs’ attorney.

Kimberly Hall Barlow, assistant city attorney, said she has asked the plaintiffs’ attorney for a stay — or a time out in their lawsuit — until the city can hold an election on changing the city charter.

“We’re hopeful they will let the voters speak on this issue,” Barlow said.

However, Barlow noted the plaintiffs also have the option of seeking an injunction, asking the court to halt the election until after the voting rights issues have been resolved.

The deadline for the city to file a response to the lawsuit or seek a dismissal is today, 30 days after the suit was filed Aug. 5.

She declined to specify what her filing today will seek.

Rod Pacheco, the plaintiffs’ attorney, declined to spell out his strategy in the case.

“When we started this case, before we ever served the demand letter on the city and after we had determined that they had grossly violated the California Voting Rights Act, we identified our goals, and one of our goals was that we needed to have an impact on the April (City Council) elections,” said Pacheco, a former district attorney for Riverside County and former state assemblyman. “We don’t want to give up two more City Council seats to a flawed electoral system.”

The city is being sued by three Whittier Latino residents who claim the city’s at-large election system and holding elections in April rather than November shrinks the Latino voice in elections and prevents Latinos from being elected to the City Council.

Only one Latino has been elected to the City Council in the city’s 115-year history. The city is about 66 percent Latino, according to the 2010 Census.
In response to the lawsuit, the City Council at its Aug. 27 meeting voted 5-0 to put a ballot measure on the June 3, 2014, election asking city voters whether they want to change the city’s elections. The city charter requires the at-large system used now.

The ballot measure will ask voters if they want to change to a district system.

The lawsuit was filed Aug. 5 in Los Angeles Superior Court. On June 25, Pacheco sent a demand letter to the City Council stating that the at-large voting system in Whittier is illegal and threatening to ask a court to enjoin, or prevent, the April 2014 election.

The city received a similar letter from an Oakland law firm in 2011.

Barlow said the city’s stay request recognizes the plaintiffs’ stated interest in saving the city money on litigation.

Pacheco said the city can save money by settling the case.

Another consideration in the lawsuit is whether the case can be tried ahead of the election dates.

Barlow said it was “highly doubtful” the Whittier lawsuit would go to trial before the April 2014 or June 2014 elections.

Delays in hearing cases in L.A. Superior Court have grown since the court’s budget-deficit induced closure of 10 courthouses in the county, including the Whittier Courthouse.

Pacheco dismissed that concern, but refused to discuss his legal strategy.

“There’s another way to handle it,” Pacheco said. “We’ll let our papers do the talking. I can’t reveal that to you yet.”
KHTS AM 1220

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Santa Clarita News

Plaintiffs Discuss Voting Rights Act Lawsuits Against Santa Clarita, School Districts

Thu, 09/05/2013 - 3:16pm | Perry Smith

KHTS AM-1220 interviewed Jim Soliz and Rosemarie Sanchez-Fraser on Aug. 29, to discuss their lawsuits against the city of Santa Clarita, the Sulphur Springs School District and the Santa Clarita Community College District.

The pair discussed their reasons for the filings of the lawsuits that alleged violations of the California Voting Rights Act by three local governing boards.

They also addressed accusations that their suit was “a money grab” for an “out-of-town lawyer,” and explained why they chose the lawsuits they did.

For Soliz, his motivation was to right wrongs he perceived as going on throughout the city, and the community college board, specifically, said the Texas native who also lived in East Los Angeles before moving to the Santa Clarita Valley years ago.

He became aware of issues more than seven years ago, and saw things get progressively worse, he said.

He mentioned Tresierras, a Newhall market that’s part of a Sylmar-based chain, struggle to expand, while a large chain was able to move into the area and open new stores.

The “speed and dexterity” with which a large corporation was able to displace a small, family-owned chain was alarming, Soliz said.

“And in the wake of that, the issue of immigration happened, it really started to percolate,” he said.
“I don’t know of any intelligent, sensible Latino, Mexicano who wasn’t watching that issue, and watching the fury around it. And, of course, the fury reached here in Santa Clarita,” Soliz said, describing the infamous 2010 Minuteman rally where Mayor Bob Kellar described himself as a “proud racist.”

“At that point, I realized it wasn’t just about undocumented people, human beings -- there was something else happening,” Soliz said.

“In all this time since the California Voting Rights Act had been initiated, the city and the community college had made no effort to go out and integrate the board,” he said. “In other words, to desegregate the board.”

Sanchez-Fraser, who’s vice president of the Santa Clarita Valley Democratic Club, became involved in the suits because she had become involved in activism after retiring from the nursing industry.

“The (SCV Democratic Club) is a small club, but it’s very much into education of the people here, so it filled a little niche that I needed,” said Sanchez-Fraser, who’s lived in the Santa Clarita Valley for almost 40 years. “And I thought, ‘You know, it’s true, we don’t have any representation for the Latinos, Mexicanos in our city and they’re all over the place. We’re very visible but invisible.’

Soliz and Sanchez-Fraser addressed accusations that they were sought out by Shenkman, whose motivation was bilking local government for legal fees.

Soliz was looking for a way to right the wrong when he heard about attorney Kevin Shenkman suing the city of Palmdale over similar issues he saw in Santa Clarita, he said.

“I said to myself, ‘Holy cow, this is what I’ve been looking for,’” he said, describing how he sought out Shenkman. “I said, ‘Who? From where? Malibu?’ When you’re drowning, and you’re reaching for a hand, you don’t really care what color the hand is, or whether it’s greasy or not, or whatever. You reach and you grab.”

As far as the lawsuits only helping an attorney achieve larger legal fees, Soliz said that criticism was “dishonest.”

“Can you really put a price tag on honesty? That’s the question. More importantly, what’s the price of equality,” Soliz said. “This isn’t about money. Money has nothing to do with it. What this is about is desegregating a community -- about bringing a community into the 20th century.”

When asked about whether there may be more lawsuits coming, Soliz acknowledged that there was a representative on the William S. Hart Union High School District governing board, but he also said that one representative, whether that person is on city council or a school district governing board, doesn’t equate to integration.

“That comes when you have ‘de colores’ -- everybody,” Soliz said.
“We just want representation,” Sanchez-Fraser said. “There’s been injustice here for so long and now, it’s against the law.”
Whittier files response to Latino lawsuit, denies all allegations

By Peter Fullam,

Posted: 09/05/13, 7:06 PM PDT

The city of Whittier’s response to a voting rights lawsuit denies all the allegations and claims portions of the California Voting Rights Act are unconstitutional.

A lawyer for the city filed the response Thursday, the deadline for answering the claim that was filed 30 days earlier by three Latino Whittier residents.

The city cited 14 affirmative defenses to the suit and said it ignores the city’s efforts to place a measure on the June 3 ballot that, if approved by voters, would accomplish the lawsuit’s goals.

Assistant City Attorney Kimberly Hall Barlow had asked the plaintiffs’ attorney for a stay in the lawsuit. However, when that was denied, she filed the city’s response Thursday.

“We are disappointed that we have not been able to obtain an agreement from the plaintiffs to hold their suit in abeyance pending a vote of the people on the proposed Charter amendment,” Barlow said in an email Thursday.

Felix Woo, an attorney for the plaintiffs, said the filing shows that Whittier doesn’t have any legal challenges to the suit. If the city did, it would have asked the court to toss the case.

“And they didn’t,” said Woo.

“We think they have conceded that this is racially polarized voting and they want to change to districts,” he said, referring to the City Council’s vote on Aug. 27 approving a ballot measure on districted voting.

Since no issues were raised that the court must hear, Woo said the case can move forward. A case management conference usually is set within 90 days, at which time the court usually sets a trial date.

He said the constitutionality of the California Voting Rights Act has been upheld in court.
However, the city’s answer to the lawsuit states that applying the California Voting Rights Act to Whittier would violate an article of the California Constitution and a section of the city charter that require at-large elections unless the charter is changed by voters.

The city’s response also claims the state’s Voting Rights Act violates the Equal Protection Clause of the 14th Amendment of the U.S. Constitution, which says no state shall make laws that abridge the privileges of citizens.

Since, “only a candidate who is the same race or ethnicity as the plaintiff class can be regarded as the preferred candidate of that protected class ..., the California Voting Rights Act violates equal protection,” the response states.

The California Voting Rights Act, which was passed in 2001, expands the federal Voting Rights Act of 1965 and makes it easier for minority groups in California to prove that their votes are being diluted in at-large elections, according to the website FairVote.

The lawsuit was filed Aug. 5 in the Stanley Mosk Courthouse of the Los Angeles County Superior Court by Whittier residents Jafet Diego, Miguel Garcia and Lisa Lopez. It was backed by the Whittier Latino Coalition.

At its Aug. 27 meeting, the City Council approved putting a measure on the June 3 ballot asking voters if they want to change the voting system from at-large to one with council members elected from four districts and an at-large mayor.
Switching Whittier city election to November presents challenges

By Peter Fullam, Whittier Daily News

Posted: 09/11/13, 6:26 PM PDT

WHITTIER >> Holding city elections in November of even-numbered years — to coincide with larger state and national elections — would be a lot more difficult than it sounds, Mayor Bob Henderson explained at Tuesday’s City Council meeting.

“While it may sound like a simple request, there are numerous challenges to that timing I want to share with the public,” Henderson said, reading from a prepared statement.

But an attorney for three Latino residents of Whittier who are suing the city, claiming City Council elections are unfair to Latinos, said the arguments are worn out and they show that the city really doesn’t want to settle the suit.

That could signal a lengthy legal battle ahead.

“(Henderson’s) letter is very self-serving, and we’re not going to be driven by that,” said Rod Pacheco, attorney for the plaintiffs.

“They’ve made it very clear that they want to fight,” said Pacheco, a former assemblyman and Riverside County district attorney.

One of the biggest obstacles to changing to a November even-year voting date for City Council elections is the Los Angeles County Registrar of Voters, Henderson said in his statement. The registrar has denied all requests to add any municipal elections to its ballot.

“The City has asked the County if we could consolidate our elections with the County elections,” the mayor said. “We have officially been advised by the Registrar of Voters that due to voting system limitations, the County cannot approve a request to consolidate a City Council election in November 2014.”

The county’s 40-year-old voting system can’t handle any more voting choices, Henderson said. A new voting system is being designed, but it won’t be ready for an undetermined number of years.

“Our voting system has been in place for many decades and doesn’t accommodate a huge capacity,” said Efrain Escobedo, division manager of governmental and legislative affairs for the registrar’s office.
Henderson’s statement follows requests by city residents during the public comments portion of several City Council meetings and a lawsuit filed Aug. 5 by three Latino city residents and backed by the Whittier Latino Coalition.

The residents and the lawsuit claim the city’s at-large voting system and the timing of the elections in April, when turnout is low, rather than November, have prevented Latinos from being elected to the City Council. The lawsuit claims the city’s voting system violates California’s Voting Rights Act.

The California Voting Rights Act, passed by the Legislature in 2001, makes it easier for minority groups in California to prove that their votes are being diluted in at-large elections.

On Aug. 27, the City Council approved a resolution to place a measure on the June 3, 2014, ballot asking voters if they prefer districted elections.

The Whittier municipal election of April 2012 drew 973 Latino voters out of 3,605 total votes, the lawsuit states. By contrast, in the November 2012 election there were 14,918 Latino votes out of a total of 30,718 votes.

As for other options, there also would be major problems if the city held its own election in November of even years, Henderson said.

“There could be significant voter confusion and the danger of disenfranchising voters,” Henderson said.

If the city held its election the same day as the county’s, voters would have to check in twice, sign two rosters and vote on two different voting systems.

In the worst case, people would have to vote at two different locations.

Mail-in ballots could wind up not being counted, Henderson said. Voters would have to send city and county ballots to different agencies conducting the elections. Misdirected ballots could end up uncounted despite officials’ attempts to exchange them.

Also, since the city has to certify its election in one week, and the county has four weeks to review and count ballots, city ballots sent to the county could still be in sealed envelopes when the city certifies its election, Henderson said.

In November 2012, the county had 49 polling locations. The city usually has 23. The city would bear the costs for additional precincts, Henderson said.

The city could hold its elections in November of odd-numbered years, like school districts, but based on previous election results, that would not result in the goal of higher voter turnout, the statement said.
In 2011, the average turnout countywide was less than 14 percent.

In years when school district elections are cancelled, the city would have to pay additional costs.

The statement did not convince Pacheco, however.

“All stuff they’ve said before,” he said in a telephone interview Wednesday. “It doesn’t answer the seminal question, and that is do they want to do it, because if they wanted to do it, they would do it.”

Pacheco said city officials possibly would call the county and try to work something out with the county supervisors.

“I’m not convinced that there couldn’t be some discussions with county supervisors about possibly changing that stance or finding some accommodation,” said Pacheco.

One of the plaintiffs in the suit, Miguel Garcia, also expressed doubts about the statement during the public comments.

“Where there’s a will, there’s a way,” Garcia told the council.

Pacheco said the reason the Whittier council is resisting change is because the current system keeps council members in office.

“Bob Henderson benefits financially and politically by having his election at a time when (few) Latinos and very little of the rest of the city shows up to vote,” said Pacheco. “The turnout for all citizens of Whittier is incredibly low in April. He knows that.”

But Henderson said the criticism doesn’t add up.

“I don’t understand the concept,” he said. “You know what we make on the council.”

“I’ve always done very well with Latino voters,” he added.

But Henderson said he worries that November elections won’t achieve the results the Latino group seeks. A new candidate will face huge campaign expenses getting recognized in a sea of state and national press, newspapers ads and direct mailings that flood voters in November even-year elections, he said.

“I haven’t even announced whether I’m going to run for election or not (in April),” Henderson said in a telephone interview Wednesday. “So he makes a lot of assumptions about things that he doesn’t know anything about.

“His business is to try and keep this from being settled.” Henderson added.
“He says he wants total conformity with the California Voting Rights Act,” Henderson said. "The voting rights act says nothing at all about when elections have to take place."
Voting Rights Act leading California cities to dump at-large elections

Activists seeking minority representation on city councils turn to lawsuits under state's Voting Rights Act to fight at-large systems.

By Jean Merl

September 14, 2013 5:14 p.m.

First came Modesto. Then Compton, Anaheim, Escondido, Whittier, Palmdale and others were pushed into the growing ranks of California cities under pressure to change how they elect their city councils.

Activists seeking minority representation on those councils are clamoring to have members elected by geographic district. Ethnically diverse cities that hold at-large elections and have few minority officeholders have proved vulnerable to lawsuits under the 11-year-old California Voting Rights Act.

All a plaintiff has to do, experts say, is demonstrate that racially polarized voting exists — and often that can be done with election results that reveal contrasting outcomes between predominantly minority precincts and white ones.

Across California, community college and school districts are making the switch.

"We’re seeing easily the biggest shift" since the Progressives ushered in at-large elections nearly a century ago, said Douglas Johnson, president of the research firm National Demographics Corp. and a fellow at the Rose Institute of State and Local Government at Claremont McKenna College.

California’s counties and most of its largest cities, including Los Angeles, San Diego and Long Beach, elect council members by geographic district. But in scores of other towns, voters get a say about everyone on the ballot— which, advocates of such at-large systems say, provides better accountability and less balkanization.

Johnson said the voting rights law is overly broad and vague: "It offers very little guidance, and a lot of districts are changing just to avoid lawsuits."

But cities have been more reluctant.

Compton, with a majority Latino population and a mostly African American power structure, switched to geographic representation only after a lawsuit settlement. So did Escondido. Palmdale, which lost a lawsuit in July, has vowed to appeal. Anaheim, facing a trial, tried in vain to appease plaintiffs by requiring that candidates live in designated districts, although they still would be elected at large.
Whittier, sued last month by Latino activists who said they had tried for years to get representation on that city’s council, will ask voters to settle the matter in a special election in June. The activists have denounced the move as a delaying tactic that would keep the status quo until after the April council election.

No one has done a comprehensive study of the voting rights law’s effect, experts say, and it is unclear how much difference a switch in formats makes for minority candidates.

But no local government has won a state voting rights lawsuit, and jurisdictions that can’t demonstrate fair treatment of minorities in at-large election systems must pay plaintiffs’ legal fees, said consultant Paul Mitchell, whose Sacramento-based Redistricting Partners has helped several local governments make the change.

Palmdale Mayor Jim Ledford said the state’s voting rights law has prompted a "money grab" by lawyers. He said he can’t explain why Palmdale, whose population is almost 55% Latino and nearly 15% black, has elected only one Latino and no African Americans to its council.

"We go for the best and brightest," Ledford told The Times after a judge found his city in violation of the law. "I can’t speak for the message of the candidates or their ability to raise the funds to run."

Years of racism, manifested in part by polarized voting, have undercut minorities' opportunities to be elected or to choose a candidate they feel can best represent them, said Rod Pacheco, a former Republican state assemblyman and Riverside County district attorney.

He and attorney Felix Woo are representing the Whittier activists in their suit, also aimed at changing municipal balloting dates to coincide with state and national general elections to encourage better turnout.

The voting rights act "was meant to give everybody an equal opportunity to participate" in elections, Pacheco said. "Whittier is fighting a battle it has already lost."

Whittier’s attorney in the suit, Marguerite Mary Leoni, declined to comment, citing the ongoing litigation.

Census data show that nearly 66% of Whittier’s residents are Latino. But only one Latino has been elected to the City Council since the town incorporated in 1898.

Whittier College political scientist Eric A. Lindgren did a study of the 2010 Whittier election that he said showed racially polarized voting "against a clear minority choice candidate," Alex Morales.

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