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October 26, 2017

VIA U.S. MAIL

Doug Kuehne, Mayor
City of Lodi
Lodi City Hall
221 W. Pine Street
Lodi, CA 95240

Re: Demand for Compliance with California Voting Rights Act

Dear Mr. Kuehne:

We have received complaints from Latino voters in the City of Lodi that the use of an at-large system for the election of city council members results in Latino vote dilution and prevents Latino voters from electing candidates of their choice. We reviewed demographic and electoral information pertaining to your jurisdiction with particular attention to the protections of the California Voting Right Act of 2001 (“CVRA”). Based on our investigation, we believe that the City of Lodi 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 residents of the City of Lodi are a “protected class” within the meaning of the CVRA. U.S. Census population data shows that Latinos constitute 20.6% of the citizen voting age population of Lodi. However, it appears that none of the five current members of the City Council is Latino and that no Latino candidate has ever served on the City Council. Based on our review of election returns and demographic information, we believe that the lack of success of Latino candidates results from the inability of Latino 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 demand that the City convert its at-large election system to a district-based electoral system. Under the authority of Government Code §

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34886, the City Council can effectuate that conversion by passage of a resolution, and we demand that it do so without delay.

We request your response to this demand within 45 days of receipt of this letter. In the absence of a satisfactory response, we 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 look forward to your response.

Sincerely,

A handwritten signature in blue ink that reads "Tanya Pellegrini". The signature is written in a cursive style.

Tanya G. Pellegrini
Staff Attorney
MALDEF

cc: Alan Nakanishi, Mayor Pro Tem (via U.S. mail)
Mark Chandler, Council Member (via U.S. mail)
Bob Johnson, Council Member (via U.S. mail)
Joanne Mounce, Council Member (via U.S. mail)
Janice Magdich, City Attorney (via U.S. mail)