



MALDEF

The Latino Legal Voice for Civil Rights in America.

National Headquarters
MALDEF Nonprofit Center
634 S. Spring Street, 12th Fl.
Los Angeles, CA 90014
TEL: 213.629.2512
Fax: 213.629.0266

**Atlanta
Program Office**
500 West Lanier Avenue
Suite 908
Fayetteville, GA 30215
Tel: 678.559.1071
Fax: 678.559.1079

**Chicago
Regional Office**
11 East Adams Street
Suite 700
Chicago, IL 60603
TEL: 312.427.0701
Fax: 312.427.0691

**Los Angeles
Regional Office**
634 S. Spring Street,
11th Fl.
Los Angeles, CA 90014
TEL: 213.629.2512
Fax: 213.629.0266

**Sacramento
Program Office**
1512 14th Street
Sacramento, CA 95814
Tel: 916.444.3031
Fax: 916.444.7207

**San Antonio
Regional Office**
110 Broadway
Suite 300
San Antonio, TX 78205
TEL: 210.224.5476
Fax: 210.224.5382

**Washington, D.C.
Regional Office**
1016 16th Street, NW
Suite 100
Washington, DC 20036
Tel: 202.293.2828

March 15, 2019

VIA U.S. MAIL & EMAIL

Carol Dutra-Vernaci, Mayor
City Council
34009 Alvarado-Niles Road
Union City, CA 94587

Re: Demand for Compliance with California Voting Rights Act

Dear Mayor Dutra-Vernaci:

We have received complaints from Latino voters in Union City that the use of an at-large system for the election of the Mayor and City Council 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 Council 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 Union City are a “protected class” within the meaning of the CVRA. U.S. Census population data shows that Latinos constitute 20% of the citizen voting age population of Union City. However, it appears since at least 2004, only two Latino candidates have 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 Union City convert its at-large election system to a district-based electoral system for the next City Council election in November 2020. Under the authority of Government Code § 34886, the District 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. Union 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 fluid and cursive, with the first name "Tanya" and last name "Pellegrini" clearly legible.

Tanya G. Pellegrini
Staff Attorney
MALDEF

cc: Gary Singh, Vice Mayor (via email)
Emily Duncan, Council Member (via email)
Pat Gacoscos, Council Member (via email)
Jaime Patiño, Council Member (via email)
Kristopher Kokotaylo, City Attorney (via USPS mail and email)