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March 29, 2019

VIA U.S. MAIL & EMAIL

Sharan Takhar Kaur, President
Board of Education
34200 Alvarado-Niles Road
Union City, CA 94587

Re: Demand for Compliance with California Voting Rights Act

Dear President Kaur:

We have received complaints from Latino voters in the New Haven Unified School District (“NHUSD”) that the use of an at-large system for the election of the Board of Education results in 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 NHUSD 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 NHUSD are a “protected class” within the meaning of the CVRA. U.S. Census population data shows that Latinos constitute about 21 percent of the citizen voting age population of NHUSD. However, it appears that none of the five current Board Members is Latino and that historically Latinos have been underrepresented on the NHUSD Board of Education. 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 NHUSD convert its at-large election system to a district-based electoral system for the next Board of Education election in November 2020. Under the authority of Government

Sharan Takhar Kaur, President

March 29, 2019

Code § 34886, NHUSD 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. NHUSD 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, flowing style.

Tanya G. Pellegrini
Staff Attorney
MALDEF

cc: Linda Canlas, Clerk (via email)
Sarabjit Kaur Cheema, Board Member (via email)
Lance Nishihira, Board Member (via email)
Jeff Wang, Board Member (via email)
Dr. Arlando Smith, Superintendent (via email)