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June 23, 2020

VIA U.S. MAIL & EMAIL

Dr. Allan Bernstein, Mayor
Tustin City Council
300 Centennial Way
Tustin, CA 92780
E-mail: abernstein@tustinca.org

Re: Demand for Compliance with California Voting Rights Act

Dear Mayor Bernstein:

We write on behalf of Latino voters in the City of Tustin who are concerned that the use of an at-large system for the election of the 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 Rights Act of 2001 (“CVRA”). Based on our investigation, we believe that the City is in violation of the CVRA and must convert to a by-district election system.

The CVRA, 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[.]

Elec. Code § 14027. Latino residents in Tustin are a “protected class” within the meaning of the CVRA. United States Census Bureau population data shows that Latinos constitute about 29% of the citizen voting age population of the City. It appears, however, that in the last 20 years, only one Latino candidate has ever been elected to serve on the Board. 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.

Dr. Allan Bernstein, Mayor

June 23, 2020

We demand that the City convert its at-large election system to a district-based election system for the City Council election in November 2022, and that the City adopt a district plan that includes at least one district with greater than 50% Latino CVAP. Under the authority of Government Code § 34886, the City can effectuate that conversion by passing a resolution, and we demand that it do so without delay.

We request your response to this demand within 60 days of receipt of this letter. In the absence of a satisfactory response, we will 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 attorneys' fees and litigation and expert witness costs.

We look forward to your response.

Sincerely,



Tanya G. Pellegrini
Staff Attorney
MALDEF

cc: Letitia Clark, Mayor Pro Tem (by email)
Chuck Puckett, Councilmember (by email)
Austin Lombard, Councilmember (by email)
Barry W. Cooper, Councilmember (by email)
David E. Kendig, City Attorney (by email)