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10 UNITED STATES DISTRICT COURT  
 11 EASTERN DISTRICT OF CALIFORNIA  
 12 SACRAMENTO DIVISION

13 VIVIAN AMADOR LOPEZ, JUAN TELLES,  
 14 JOHN MATAKA, AND MIGUEL DONOSO

Case No.:

**COMPLAINT FOR INJUNCTIVE AND  
 DECLARATORY RELIEF**

15 Plaintiffs,

16 v.

17 COUNTY OF STANISLAUS, STANISLAUS  
 18 COUNTY BOARD OF SUPERVISORS,  
 STANISLAUS COUNTY BOARD OF  
 19 EDUCATION, and MATTHEW “BUCK”  
 CONDIT, VITO CHIESA, TERRY  
 20 WITHROW, MANMEET “MANI”  
 GREWAL, and CHANNCE CONDIT, in their  
 21 official capacity as members of the Stanislaus  
 County Board of Supervisors, and  
 22 CHINYERE NNODIM-JACK, ALICE  
 POLLARD, KIM ROSE, MARY SANDERS,  
 23 and PAULO CARVALHO, in their official  
 capacity as members of the Stanislaus County  
 Board of Education, and JODY HAYES, in his  
 24 official capacity as Stanislaus County Chief  
 Executive Officer, and DONNA LINDER in  
 25 her official capacity as Stanislaus County  
 Registrar of Voters, inclusive

26 Defendants.  
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1  
2 **INTRODUCTION**

3 1. This Complaint challenges the 2021 Stanislaus County Board of Supervisors and  
4 Board of Education redistricting plan because it unlawfully discriminates against Plaintiffs in  
5 violation of the Voting Rights Act of 1965. This action is filed on behalf of Latino citizens of  
6 Stanislaus County whose right to vote has been abridged on the basis of race and national origin.  
7 The Stanislaus County redistricting plan denies Latino voters an equal opportunity to elect  
8 candidates of their choice.

9 2. Latinos constitute nearly half of the population of Stanislaus County. The County  
10 Board of Supervisors (“BOS”) and the Board of Education (“BOE”) share the same district lines,  
11 which form each body’s five districts that each elect a single member. Latino candidates have lost  
12 all but 1 of the 12 contests for the BOS or BOE since 2012. The 2021 redistricting plan divides a  
13 second politically cohesive Latino community into two supervisorial districts, neither of which has  
14 a Latino population that is sufficient to enable Latino voters to elect a candidate of their choice.

15 3. Plaintiffs seek a declaration from this Court that the redistricting plan violates  
16 section 2 of the Voting Rights Act of 1965 (“VRA”), 52 U.S.C. § 10301, an injunction prohibiting  
17 Stanislaus County from holding any further elections under this unlawful electoral system, and an  
18 order mandating a redistricting plan for the election of members to the BOS and BOE that  
19 comports with the Voting Rights Act, 52 U.S.C. § 10301, as well as with all other relevant  
20 constitutional and statutory requirements.

21 **JURISDICTION AND VENUE**

22 4. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343 and under 42 U.S.C.  
23 § 1983 for causes of action arising from the Voting Rights Act, 52 U.S.C. § 10301.

24 5. Jurisdiction for Plaintiffs’ claim for attorneys’ fees, costs, expert witness fees and  
25 associated costs and related non-taxable costs is based on 52 U.S.C. § 10310(e), 42 U.S.C. § 1988,  
26 and 28 U.S.C. § 1920.

27 6. Venue is proper in this District under 28 U.S.C. § 1391(b) because relevant and  
28 substantial acts occurred and will continue to occur within the Eastern District of California.

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**PARTIES**

**Plaintiffs**

7. Plaintiffs VIVIAN AMADOR LOPEZ, JUAN TELLES, JOHN MATAKA, and MIGUEL DONOSO are Latinos, registered voters, and residents of Stanislaus County.

8. Vivian Amador Lopez is a Latino citizen of the United States and a resident and registered voter of Stanislaus County, residing in Stanislaus County Supervisorial District 1.

9. Juan Telles is a Latino citizen of the United States and a resident and registered voter of Stanislaus County, residing in Stanislaus County Supervisorial District 3.

10. John Mataka is a Latino citizen of the United States and a resident and registered voter of Stanislaus County, residing in Stanislaus County Supervisorial District 5.

11. Miguel Donoso is a Latino citizen of the United States and a resident and registered voter of Stanislaus County, residing in Stanislaus County Supervisorial District 4.

**Defendants**

12. Defendant STANISLAUS COUNTY is a political and geographical subdivision of the State of California established under the laws of the State of California, operating under the laws of the State of California, and created for the provision of government services.

13. Defendant STANISLAUS COUNTY BOARD OF SUPERVISORS is the County’s legislative body and is responsible for establishing county policies and the overall administration of the Stanislaus County government.

14. Defendants MATTHEW “BUCK” CONDIT, VITO CHIESA, TERRY WITHROW, MANMEET “MANI” GREWAL, and CHANNCE CONDIT are members of the Board of Supervisors of Defendant Stanislaus County. Each supervisor is sued in their official capacity only.

15. Defendant STANISLAUS COUNTY BOARD OF EDUCATION is the County’s educational legislative body and is responsible for establishing educational policies and the overall administration of public schools in Stanislaus County.

1 16. Defendants CHINYERE NNODIM-JACK, ALICE POLLARD, KIM ROSE,  
2 MARY SANDERS, and PAULO CARVALHO are members of the Board of Education of  
3 Defendant Stanislaus County. Each board member is sued in their official capacity only.

4 17. Defendant JODY HAYES is the Chief Executive Officer for Defendant Stanislaus  
5 County and is responsible for enforcing the rules, regulations, and policies and ordinances enacted  
6 by Defendant Board of Supervisors. Defendant Hayes is sued in his official capacity.

7 18. Defendant DONNA LINDER is the Registrar of Voters for Stanislaus County and  
8 is responsible for conducting county elections in Stanislaus County. Defendant Linder is sued in  
9 her official capacity.

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11 **FACTUAL ALLEGATIONS**

12 **Demographics and Population of Stanislaus County**

13 19. According to the 2020 United States Census, Stanislaus County had a total  
14 population of 552,878, of whom 48.1% were Latino, 6.0% were Asian, and 2.6% were Black. The  
15 Latino population grew significantly in the decade prior to the 2021 redistricting, from 41.9% to  
16 48.1% of the total population of Stanislaus.

17 20. The growth of Stanislaus County's Latino population is also reflected in its share of  
18 the eligible voting population, i.e., citizens over 18 years of age. The U.S. Census Bureau's 2023  
19 American Community Survey ("ACS") 5-year data demonstrates that Stanislaus County has a  
20 total citizen voting age population ("CVAP") of 348,595, of whom 39% are Latino, a significant  
21 increase from the Latino CVAP ("LCVAP") share of 27.2% in 2010.

22 21. Stanislaus County is divided into five BOS districts and five co-terminal BOE  
23 districts. Stanislaus County Latino residents are severely underrepresented on both the BOS and  
24 BOE.

25 22. Since 2012, there have been six elections for the BOS with Latino candidates (in  
26 Districts 3, 4, and 5). The Latino candidate lost five of the six elections. In 2020 one Latino  
27 candidate who has a non-Spanish surname, Supervisor Channce Condit of District 5, became the  
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1 sole Latino supervisor, and he represents the only district in which Latinos comprise a majority of  
2 the CVAP.

3 23. Since 2012, there have been four elections for the BOE with Latino candidates (in  
4 Districts 2, 4, and 5). Latinos lost all four elections.

5 24. Since at least 2002, no Latino candidate has won an election for countywide office.

6 25. Since at least 2002, Latino candidates have won only two racially contested  
7 elections for the Stanislaus County Board of Supervisors or Board of Education. Luis Molina won  
8 the District 5 seat for the Board of Education in 2005, and Supervisor Condit won the District 5  
9 seat for the Board of Supervisors in 2020, after it became the only Latino CVAP-majority district  
10 over the course of the decade. Supervisor Condit ran for re-election unopposed in 2024.

#### 11 **The 2021 Redistricting Plan**

12 26. Defendant Stanislaus County is required to redistrict its five districts every 10 years  
13 in order to comply with applicable state and federal laws.

14 27. The BOS held three public hearings on the maps and adopted a map proposed by  
15 the Ad Hoc Citizen Advisory Redistricting Commission.

16 28. Members of the BOS emphasized that the adopted map would increase LCVAP in  
17 District 5, the only Latino-majority CVAP BOS district, over the benchmark map. Ultimately, the  
18 adopted map lowered LCVAP by 1% in District 5, according to ACS 5-year data for 2015-2019.

19 29. During public hearings, non-profit organizations Common Cause, Communities for  
20 a New California, and the Jakara Movement submitted an analysis to the BOS demonstrating the  
21 existence of racially polarized voting and proposed that the BOS adopt a map with “at least one,  
22 and probably two” effective LCVAP-majority districts.

23 30. Yet, despite dramatic Latino population growth in the past decade and the  
24 demonstrable ability to add a second Latino CVAP-majority district to reflect that growth,  
25 Defendant BOS adopted a plan that maintained only one Latino majority district—District 5—and  
26 fractured a large and geographically compact Latino community of eligible voters between  
27 Districts 1, 3 and 4.

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1 31. Supervisors stated that they wanted to keep communities of interest unified and that  
2 a second Latino-majority district would result in two Latino-majority districts that were 50.1%  
3 Latino CVAP. However, these policy reasons were tenuous. The adopted map broke up  
4 communities of interest where Latinos live. Additionally, citizen voting age population data  
5 available at the time from the U.S. Census Bureau showed that two districts with higher than 51%  
6 Latino CVAP could have been drawn that perform for Latino candidates of choice. Supervisors  
7 did not make public any performance analysis of draft maps.

8 32. The Board of Education adopted the same map as the Board of Supervisors without  
9 further analysis.

10 33. Latinos who are U.S. citizens of voting age in Stanislaus County are sufficiently  
11 large and geographically compact to constitute a majority of citizens of voting age in two single-  
12 member districts in the Board of Supervisors and Board of Education maps. Each of the two  
13 districts in an illustrative plan is contiguous, contains a population that represents 20% of the  
14 county's total population, encompasses socio-economic communities of interest, and complies  
15 with traditional redistricting principles that do not have a dilutive effect in conflict with the  
16 Defendants' obligations under the Voting Rights Act. According to the 2019-2023 5-Year ACS  
17 data, Latinos comprise at least 55.6% and 56.9% of the citizen voting age populations in the two  
18 Latino-majority districts in the illustrative plan, respectively.

19 34. The 2021 redistricting plan went into effect for the 2022 primary elections and was  
20 effective for the 2022 and 2024 county election cycles.

21 35. The 2021 redistricting plan violates Section 2 of the Voting Rights Act, 52 U.S.C. §  
22 10301, because it impermissibly dilutes the Latino vote in Stanislaus County, allowing the non-  
23 Latino majority's bloc voting to defeat the candidates preferred by Latino voters, and deprives  
24 Latinos of an equal opportunity to participate in the political process and to elect candidates of  
25 their choice.

26 **Racially Polarized Voting in Stanislaus County**

27 36. Elections in Stanislaus County are polarized along racial lines. Racially polarized  
28 voting occurs in Stanislaus County elections because there is a significant difference in the share

1 of votes received by candidates that are preferred by Latino voters and the candidates that are  
2 preferred by non-Latino voters.

3 37. Latino voters in Stanislaus County are politically cohesive, demonstrated by the  
4 higher rates at which Latino voters express their preference for Latino candidates in racially  
5 contested elections.

6 38. Non-Latino voters typically vote sufficiently as a bloc to defeat the Latino voters'  
7 candidates of choice.

8 39. Racially polarized voting by Stanislaus County voters also occurs in elections for  
9 countywide and statewide elective offices.

10 40. Ecological inference data shows that in 10 of 12 County contests in which a Latino  
11 candidate faced one or more non-Latino candidates, the majority of Latino voters voted cohesively  
12 and consistently for Latino candidates. None of those Latino-preferred candidates were also  
13 preferred by non-Latino voters. Thus, those Latino-preferred candidates consistently lost their  
14 elections because of non-Latino bloc voting against Latino-preferred candidates.

15 41. Because Latino voters and non-Latino voters express different preferences, Latino  
16 voters are unable to elect candidates of choice in supervisorial districts where Latinos do not  
17 comprise a majority of the CVAP.

18 42. Since 2012, only one Latino candidate won his contest in either BOS or BOE  
19 elections. That candidate won in 2020, as soon as population growth caused the district to become  
20 a Latino CVAP-majority district at the end of the previous decade (BOS District 5).

21 **Totality of the Circumstances, Including the History and Effects of Discrimination in**  
22 **Stanislaus County**

23 43. The electoral districting scheme for the election of the BOS and BOE interacts with  
24 social and historical conditions to cause an inequality in the opportunity of Latino voters to elect  
25 representatives of their choices as compared to non-Latino voters.

26 44. Latinos in Stanislaus County bear the effects of longstanding societal and economic  
27 discrimination, effects that are apparent in the areas of education, housing, employment, and  
28 health.

1 45. For example, there is a history of segregated housing and restrictive covenants in  
2 Modesto that excluded Asian, Black, and Latino residents from living in certain areas of Modesto.  
3 Housing was historically segregated in Modesto and Stanislaus County, including, but not limited  
4 to, the use of racially restrictive covenants, which prevented sale of property to Mexican  
5 Americans.

6 46. Latino residents in 2004 challenged an alleged failure to provide municipal services  
7 to more Latino parts of Modesto, which resulted in improvements in municipal services following  
8 a settlement in 2011.

9 47. This history demonstrates the effects of discrimination that hinder Latino voters'  
10 ability to participate effectively in the political process in Stanislaus County. In the last three  
11 general elections, Latinos turned out to vote at lower rates than non-Latinos.

12 48. The municipal services lawsuit and more recent issues with the use of pandemic  
13 recovery funds in Latino communities demonstrate a historical and present lack of responsiveness  
14 on the part of members of the Stanislaus Board of Supervisors and Board of Education to the  
15 particularized needs of the Latino community.

16 49. Historically, Latinos in Stanislaus County have been subjected to official voting-  
17 related discrimination that includes voting practices or procedures that enhance the opportunity for  
18 discrimination against Latino voters.

19 50. For example, in 2008, Latino voters, whose voting strength was diluted by an at-  
20 large city council system, brought a lawsuit under the California Voting Rights Act that resulted in  
21 a settlement where Modesto voters approved a measure that moved the city's council elections  
22 from an at-large system to a single-member district system.

23 51. Latinos have been historically excluded from candidate slating processes in  
24 Stanislaus County.

25 52. Since 2002, only one Latino candidate has been elected to the BOE, which  
26 involved Luis Molina winning a seat in 2005.

27 53. Since 2002, only one Latino candidate has been elected to the BOS, which involved  
28 Chance Condit winning a district in 2020 where Latinos were the majority of CVAP.



1  
2 **FIRST CAUSE OF ACTION**

3 **VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT OF 1965**

4 54. Plaintiffs re-allege and incorporate by reference all the allegations set forth in all  
5 prior paragraphs of this Complaint.

6 55. Section 2 of the Voting Rights Act, 52 U.S.C. § 10301, is applicable to Stanislaus  
7 County.

8 56. The Latino population in Stanislaus County is sufficiently numerous and  
9 geographically compact such that two properly apportioned electoral districts can be drawn in  
10 which Latinos would constitute a majority of the CVAP.

11 57. Racially polarized voting persists in elections of members to the Board of  
12 Supervisors and Board of Education. Non-Latino voters typically vote as a bloc to defeat the  
13 Latino voters' candidates of choice.

14 58. The totality of circumstances demonstrates that the 2021 redistricting plan results  
15 in a denial or abridgement of the right to vote of Plaintiffs on account of their race, color, or  
16 ethnicity, by having the effect of canceling out or minimizing their individual voting strength in  
17 the Board of Supervisor and Board of Education elections. The 2021 redistricting plan does not  
18 afford Plaintiffs an equal opportunity to participate in the political process and elect candidates of  
19 their choice equal to that afforded other members of the electorate, diluting Latino voting strength  
20 in violation of Section 2 of the Voting Rights Act, 52 U.S.C. § 10301.

21 **42 U.S.C. § 1983**

22 59. 42 U.S.C. § 1983 provides:

23 Every person who, under color of any statute, ordinance, regulation,  
24 custom, or usage, of any State or Territory or the District of  
25 Columbia, subjects, or causes to be subjected, any citizen of the  
26 United States or other person within the jurisdiction thereof to the  
27 deprivation of any rights, privileges, or immunities secured by the  
28 Constitution and laws, shall be liable to the party injured in an action  
at law, suit in equity, or other proper proceeding for redress[.]

1           60.       Section 1983 is the general remedy that Congress has provided for private plaintiffs  
2 to redress violations of federal rights committed by state actors. *See Maine v. Thiboutot*, 448 U.S.  
3 1, 4 (1980). Because Section 2 of the Voting Rights Act is a rights-creating statute, and Congress  
4 did not specifically exclude or foreclose private enforcement of Section 2, Section 2 is enforceable  
5 through 42 U.S.C. § 1983 to redress violations of the statute committed by persons, such as  
6 Defendants, acting under color of state law. *See Gonzaga Univ. v. Doe*, 536 U.S. 273, 284 (2002).  
7 Plaintiffs are accordingly entitled under 42 U.S.C. § 1983 to the relief requested below.

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9   **PRAYER FOR RELIEF**

10           WHEREFORE, Plaintiffs respectfully pray that this Court enter Judgment granting  
11 Plaintiffs:

12           1.    A declaratory judgment that the redistricting plan violates the rights of Plaintiffs as  
13 secured by the Voting Rights Act, 52 U.S.C. § 10301;

14           2.    Permanent injunctive relief preventing the Defendants and their officers, agents, and  
15 employees, successors in office and all other persons in active concert and participation with them,  
16 from conducting future elections for Stanislaus County Board of Supervisors and Stanislaus Board  
17 of Education under the unlawful redistricting plan;

18           3.    An Order of this Court adopting a redistricting plan for the election of members to the  
19 Board of Supervisors and Board of Education that comports with the Voting Rights Act, 52 U.S.C.  
20 § 10301, as well as all other relevant constitutional and statutory requirements;

21           4.    The costs of this suit, including reasonable attorneys’ fees, under 42 U.S.C. § 1988, 52  
22 U.S.C. § 10310(e), and 28 U.S.C. 1920; and

23           5.    Such other and further relief as the Court may deem just and proper.

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1 Dated: April 22, 2025

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Respectfully submitted,

MEXICAN AMERICAN LEGAL DEFENSE AND  
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/s/ Ernest I. Herrera

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*\*Admission Pending*

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