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Supreme Court denies review of state law favoring minority voices

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The U.S. Supreme Court turned away a challenge Monday to a California voting-rights law that strengthens minorities' hand in arguing for district elections by cities, counties and school boards.

The court, without comment, denied review to the city of Modesto, which had appealed a state court's ruling upholding the law. Local governments in California whose election systems give short shrift to minority voices may now face lawsuits, said Robert Rubin, legal director of the Lawyers' Committee for Civil Rights in San Francisco and attorney for the plaintiffs in the Modesto case.

The law, passed in 2002 but little used, allows members of minority groups to sue local governments that elect representatives at large, rather than by district. To win such a suit, plaintiffs must show that voting in their community is racially polarized - that is, that a majority racial group has historically voted as a bloc to elect its own candidates and oppose minority interests in race-related ballot measures.

A judge who finds racially polarized voting could order a shift to district elections.

Ninety percent of school boards in California, and lesser majorities of city councils and boards of supervisors, are elected at large, Rubin said.

Defenders of at-large elections say that method of voting encourages candidates to consider the diverse views of a larger area. Critics say such elections allow a racial or political majority to ignore minority concerns.

The first suit under the law was filed in 2004 against Modesto, where City Council members are elected citywide. The plaintiffs say Latinos make up more than 25 percent of the city's voting-age population, but that there has been only one Latino member of the City Council since 1911.

A Stanislaus County judge overturned the law in 2005, saying it violated the rights of white voters because it allowed the courts to set aside a local election system without proof that it had been installed for racial reasons. The judge also said the law was invalid because it failed to require evidence that minority candidates would win if elections were held by districts, a prerequisite in similar suits under the federal Voting Rights Act.

But the state's Fifth District Court of Appeal in Fresno reinstated the law in December, saying the 2002 statute did not interfere with the voting rights of any individual or racial group.

The court said whites could also sue under the law if they were excluded from power by a nonwhite majority in a local government with an at-large voting system. A change to district elections

improves the prospects for minority candidates, the court said, and is constitutional as long as district lines are not drawn primarily for racial purposes.

The case now returns to the Stanislaus County court for a ruling on whether voting in Modesto has been racially polarized.

The Supreme Court's action provides "an opportunity for the Latino citizens of Modesto to demonstrate how the existing at-large system has prevented their meaningful participation in civic affairs for the last century," said Rubin, the plaintiffs' lawyer.

A lawyer for the city was unavailable for comment.

The case is City of Modesto vs. Sanchez, 07-88.

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