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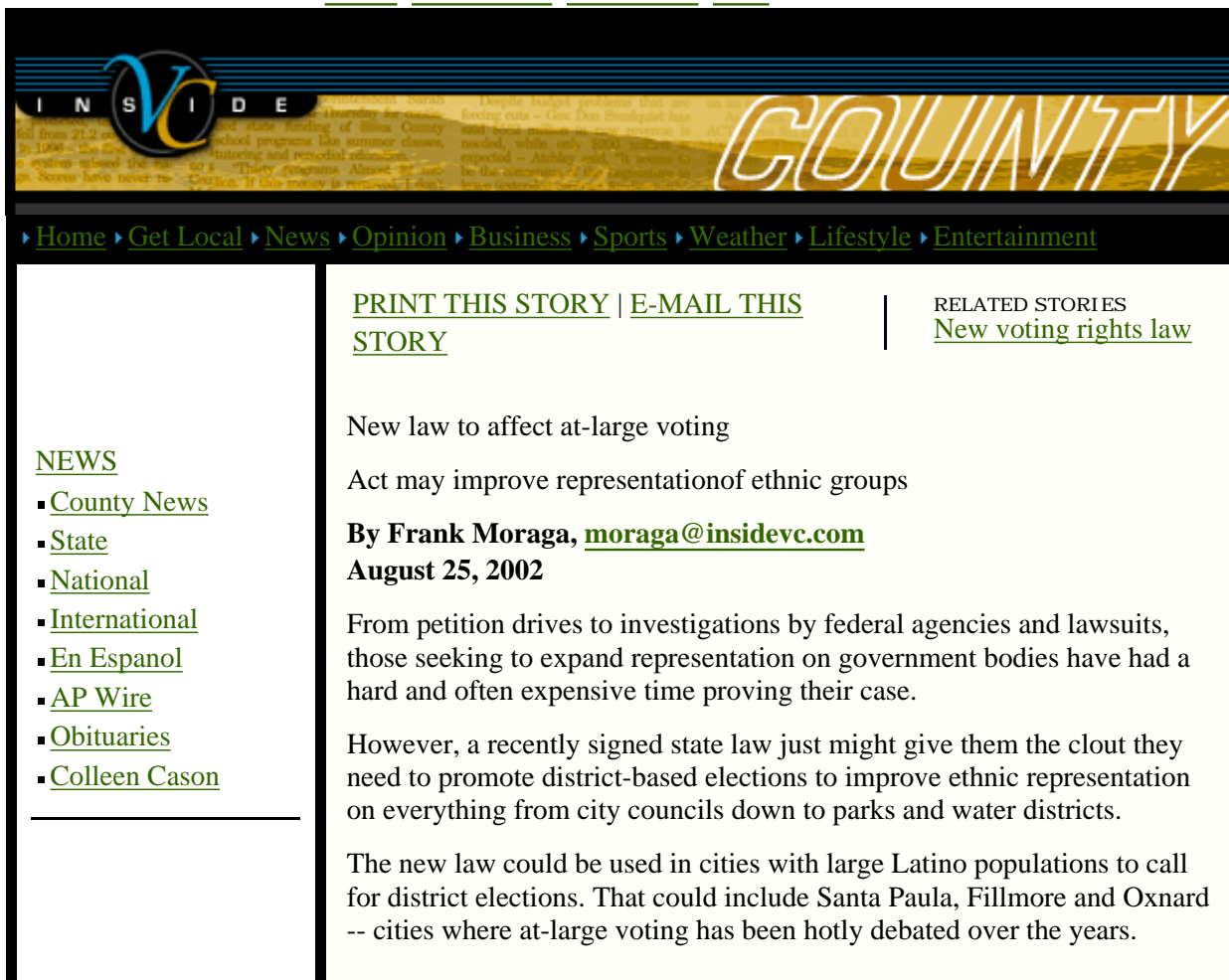
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New law to affect at-large voting

Act may improve representation of ethnic groups

**By Frank Moraga, [moraga@insidevc.com](mailto:moraga@insidevc.com)**  
**August 25, 2002**

From petition drives to investigations by federal agencies and lawsuits, those seeking to expand representation on government bodies have had a hard and often expensive time proving their case.

However, a recently signed state law just might give them the clout they need to promote district-based elections to improve ethnic representation on everything from city councils down to parks and water districts.

The new law could be used in cities with large Latino populations to call for district elections. That could include Santa Paula, Fillmore and Oxnard -- cities where at-large voting has been hotly debated over the years.

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With little fanfare, the **California Voting Rights Act** of 200" was signed into law last month by Gov. Gray Davis. It takes effect Jan. 1.

Introduced early last year by state Sen. Richard Polanco, D-Los Angeles, SB 976 states that at-large methods of elections cannot be imposed if they discriminate against the rights of certain protected classes of voters, such as Latinos, Asians, African-Americans or other ethnic groups. The law allows the court to impose district-based elections to protect the voting rights of those groups to elect candidates of their choice.

The legislation is supported by the Mexican American Legal Defense and Education Fund and the League of United Latin American Citizens.

While city councils have been the most visible targets of lawsuits by those seeking representation through district elections, smaller jurisdictions like school boards and water and sanitation districts will now have to improve their record, said Steven Reyes, voting rights staff attorney for MALDEF.

"This puts them on notice that they should be compliant with the new act," he said. "They should take steps to ensure that voters are provided the opportunity to elect candidates of their choice."

Reyes believes the act will make it easier and less expensive for districts to challenge at-large elections.

Those filing claims will not have to prove an intent to discriminate to prove their case. They will also be reimbursed for any reasonable attorney's fees and expenses if they win.

"I'm sure people will take advantage of this voting rights act and pursue these cases and claims in court," Reyes said.

Voting rights in county

LULAC is currently looking at the voting record for a number of cities in **Ventura** County to see if the new law applies.

"We're conducting an assessment of every subdivision in the county, including special districts, water boards and city councils where we don't have the representation," said David Rodriguez, California vice president for LULAC.

"We will look at how we can apply the law to **Ventura** County," he said. "Special districts and water boards are especially weak in representation."

No position was taken on the bill by the League of California Cities, the County Supervisors Association of California or the California Association of Clerks and Election Officials, and a legislative analysis found no fiscal impact or opposition to the bill.

Megan Taylor, spokeswoman of the League of California Cities, said the group's legislative lobbyist reported that many cities will not become fully

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aware of the new legislation until the bill gets closer to implementation on Jan. 1, "particularly when they get closer to their own elections."

Such is the case locally.

"No one has contacted us yet in regard to that. I will be interested in reading it," said Barbara Kam, **Ventura** city clerk. "That will be a piece of legislation that we will receive and prepare for carefully."

Kam, who is not aware of any violations or complaints in **Ventura**, believes the city would have to incur some costs due to the additional district ballots and the need for polling places if those districts are required.

County election officials also have not received word on the new law.

District-based elections have been a hot-button issue in a number of cities in the county, especially Santa Paula.

#### Spotlight on Santa Paula

Under the threat from the Justice Department, officials in Santa Paula last year agreed to put an initiative for district-based elections on this November's ballot.

Santa Paula came under the eye of the department during the summer of 1999 after Latino groups charged that the method of electing city council members by a citywide vote favored whites and deprived Latinos of representation on the council.

While Santa Paula's population is more than 70 percent Latino, there was only one Latino on the City Council at the time, the department charged.

A lawsuit was filed by the department in April 2000 and a majority of the council members agreed to spend more than \$500,000 to fight it. A settlement was finally reached in August 2001 putting the referendum on the ballot.

However, a proposed \$50,000 program to educate Latino voters on the referendum in Santa Paula was scrapped by the City Council, Rodriguez said, with the city citing budget concerns.

"All of a sudden they pulled the money and they will not do a voter education program," he said. "Latinos are now left to educate ourselves quickly."

As the election draws near, Robert Borrego, president of the Latino Town Hall, hasn't heard of any organized community effort to educate voters. Joaquin G. Avila, a voting rights attorney and former MALDEF president, recently spoke to the community advocacy group about the new voting rights act.

"We would have liked for the people to get that information, the

proponents and the opponents," he said. "We're very disappointed. The City Council has foolishly spent a lot of money in the past 10, 12 years. For them to use that as an excuse doesn't hold water."

"If the vote comes back for at-large elections, this law will enable organizations like ours to file suit to make them adhere to the law," Rodriguez said.

Even if the referendum fails, John McDermott doubts the new law can be used to force new district elections since Latinos wouldn't qualify as a protected class in Santa Paula because they are in the majority of the city's population.

"I don't see how passage of a new law makes any difference here," said McDermott, who was retained by the city in 1999 to study the voting patterns in the city during its negotiations with the Justice Department.

#### Changing faces

While similar issues have arisen in Fillmore and Oxnard in recent years, the demand for district elections has been quelled as more Latinos were added to their city councils. Santa Paula also gained a Latino city council member in recent years.

Reyes agrees that demographic changes have put more representatives of ethnic groups on councils and boards. However, laws like the new voting rights act are still needed.

"In some portions of East L.A. we have seen city councils elect Latinos, but sometimes it occurs very slowly," he said.



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