SHENKMAN & HUGHES
ATTORNEYS MALIBU, CALIFORNIA

28905 Wight Road
Malibu, California 90265
(310) 457-0970
kshenkman@shenkmanhughes.com

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CITY OF RANCHO CUCAMONGA

VIA U.S. MAIL

December 16, 2015

City of Rancho Cucamonga
10500 Civic Center Dr
Rancho Cucamonga, CA 91730

Re: Violation of California Voting Rights Act

The City of Rancho Cucamonga ("Rancho Cucamonga") relies upon an at-large election system for electing candidates to its City Council. It also appears that voting within Rancho Cucamonga is racially polarized, resulting in minority vote dilution, and therefore Rancho Cucamonga's at-large elections are violative of the California Voting Rights Act of 2001 ("CVRA"). The CVRA states in relevant part:

> 14027. 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, as defined pursuant to Section 14026.
>
> 14028. (a) A violation of Section 14027 is established if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision. …

It is our belief that Rancho Cucamonga's at-large system dilutes the ability of minority residents – particularly Latinos (a "protected class") – to elect candidates of their choice or otherwise influence the outcome of Rancho Cucamonga's council elections.

The key to determining whether an at-large election violates the CVRA, is determining whether there is racially polarized voting. *See* Cal. Elec. Code §14028 ("A violation of Section 14027 ***is established*** if it is shown that racially polarized voting occurs in elections …" Racially polarized voting is "voting in which there is a difference ... in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate." *Id.* § 14026(e). Racially polarized voting shall be determined from examining results of elections in which "one candidate is a member of a protected class or elections involving ballot measures, or other electoral choices that affect the

rights and privileges of a protected class." *Id.* § 14208(b).

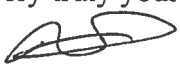
Our research shows that in at least the last 20 years, only one Latino has ever been elected to the Rancho Cucamonga City Council – many have run but have been unsuccessful. According to recent data, Latinos comprise 35% of the population of Rancho Cucamonga. The contrast between the significant Latino population and the complete lack of Latinos to have been elected to the City Council is telling.

As you may be aware, in 2012, we sued the City of Palmdale for violating the CVRA. After an eight-day trial, we prevailed. After spending millions of dollars, a district-based remedy is ultimately being imposed upon the Palmdale city council, with districts that combine all incumbents into one of the four districts.

Given the historical lack of Latino representation on the city council in the context of racially polarized elections, we again urge Rancho Cucamonga to voluntarily change its at-large system of electing council members. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than January 4, 2016 as to whether you would like to discuss a voluntary change to your current at-large system.

We look forward to your response.

Very truly yours,



Kevin I. Shenkman