



MALDEF

The Latino Legal Voice for Civil Rights in America.

April 4, 2016

National Headquarters
MALDEF Nonprofit Center
634 S. Spring Street, 12th Fl.
Los Angeles, CA 90014
TEL: 213.629.2512
Fax: 213.629.0266

**VIA FACSIMILE: (951) 361-0888
& U.S. MAIL**

**Atlanta
Program Office**
500 West Lanier Avenue
Suite 908
Fayetteville, GA 30215
Tel: 678.559.1071
Fax: 678.559.1079

Ike Bootsma, Mayor
City of Eastvale
City Hall
12363 Limonite Avenue, Suite 910
Eastvale, CA 91752

**Chicago
Regional Office**
11 East Adams Street
Suite 700
Chicago, IL 60603
TEL: 312.427.0701
Fax: 312.427.0691

Re: City of Eastvale's Voting System

Dear Mr. Bootsma,

**Los Angeles
Regional Office**
634 S. Spring Street,
11th Fl.
Los Angeles, CA 90014
TEL: 213.629.2512
Fax: 213.629.0266

We have received complaints from Latino voters in Eastvale that the use of an at-large electoral system for the election of city council members results in the underrepresentation of Latinos on the City Council, by preventing Latino voters from electing candidates of their choice. We have analyzed demographic and electoral information pertaining to your jurisdiction with particular attention to the prohibitions of the California Voting Right Act of 2001 ("CVRA"). Based on our investigation, we believe that the City of Eastvale is in violation of the CVRA and must convert to a by-district election system.

**Sacramento
Program Office**
1512 14th Street
Sacramento, CA 95814
Tel: 916.444.3031
Fax: 916.444.7207

The CVRA, California Elections Code § 14027, states in relevant part:

**San Antonio
Regional Office**
110 Broadway
Suite 300
San Antonio, TX 78205
TEL: 210.224.5476
Fax: 210.224.5382

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...

**Washington, D.C.
Regional Office**
1016 16th Street, NW
Suite 100
Washington, DC 20036
Tel: 202.293.2828

Latino residents of Eastvale are a "protected class" within the meaning of the CVRA. U.S. Census population data reflects that Latinos constitute 40% of the total population and 35% of the Citizen Voting Age population of the City. However, there has not been a single Latino city councilmember since the incorporation of Eastvale. Based on our review of election returns and demographic information, we believe that the absence of Latinos on the City Council results from the inability of Latino voters to elect candidates of choice due to racially polarized voting among the electorate in your City's at-large elections. Such voting patterns were present both in the original vote on

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whether to incorporate as a city and, if so, whether to adopt an at-large or by-district election system, in elections for the City Council, and in voting for county and statewide offices by voters in Eastvale precincts. Based on this evidence, we have concluded that continued use of at-large elections by Eastvale violates the CVRA. We therefore demand that the City convert its at-large election system to a district-based electoral system. Under the authority of Government Code § 34886, the City Council can effect that conversion by passage of a resolution, and we demand that it do so without delay.

We request your response to this demand by April 30, 2016. In the absence of a satisfactory response, our clients will have no alternative but to seek judicial relief in the form of an action to obtain an order mandating the conversion of the election system from at-large to by-district, together with other relief provided for in the CVRA, including an award of litigation and expert witness costs, and attorneys' fees. The City can avoid the imposition of a judicially-mandated plan, including district maps designed or approved by the Court, by taking appropriate action without the filing of litigation.

We are available to discuss this matter with you.

Sincerely,



Matthew J. Barragan
MALDEF
mbarragan@maldef.org

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Goldstein, Borgen, Dardarian & Ho
mballer@gbdhlegal.com

MJB/mg

cc: Joseph Tessari, Mayor Pro Tem
Clint Lorimore, Councilmember
Adam Rush, Councilmember
John Cavanaugh, City Attorney