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January 18, 2019

*Via Email & Certified U.S. Mail*

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Dr. Gary Gonzales, Superintendent  
Hon. Debra Pacheco, Board Clerk  
South Whittier School District  
11200 Telechron Avenue  
Whittier, California 90605

Re: Demand for Compliance with the California Voting Rights Act

Dear Superintendent Gonzales and Hon. Board Clerk Pacheco:

As you know, the South Whittier School District relies on an at-large system for electing candidates to its school board.

Upon close study of the local demographics of the District, I have concluded that voting within the SWSD is racially polarized, and that the District's current reliance on an at-large voting system has resulted in minority voter dilution, constituting a significant violation of the California Voting Rights Act (hereafter, the Act).

"At large" election schemes dilute the ability of minority groups to elect their preferred candidates and influence elections in a meaningful way. The Supreme Court "has long recognized that multi-member districts and at-large voting schemes . . . operate to minimize or cancel out the voting strength" of minorities. *Thornburg v. Gingles* (1986) 478 U.S. 30, 47.

You are undoubtedly aware of the recent decision by the Whittier Union High School District to conform to the CVRA. There, Latinos comprise a majority of the voting age population, but are severely underrepresented on the school board. While the number of Latino board members on your school board may be higher, the same problems that plague the Whittier Union High School District are also exhibited in your district; namely, a reduction of voter representation by your continuing reliance on an at-large voting scheme.

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On January 14, 2019, the board members of the neighboring East Whittier City School District voted unanimously and voluntarily to replace their at-large scheme with a voting system based on trustee areas. I believe that it is time for the South Whittier School District to adopt a practice that is consistent with the election methods of other public entities in the Whittier area, including the City of Whittier, the Whittier City School District, the Whittier Union High School District, the Lowell Joint School District; and now, the East Whittier School District.

Board members of the East Whittier City School District note correctly in Resolution No. 27-18/19, that “under state law an at-large method of election may be deemed to impair the ability of some voters to elect candidates of their choice to influence the outcome of elections and, therefore, may be subject to challenge under the California Voting Rights Act of 2001 . . . .” I commend them for their leadership in moving their communities forward with “a deliberate, careful and public process for establishing trustee areas . . . .”

It is in your interest to do so the same.

To date, not a single school district has successfully challenged a claim arising under the Act. Agencies and cities that resist converting from an at-large election-based system to the more inclusive district-based system have incurred millions of dollars in legal fees and expenses. Such was the case with the City of Palmdale in 2012, and most recently, with the City of Whittier in 2013. *See* Election Code Section 14030 (mandating an award of costs, attorneys’ fees and expert expenses to prevailing plaintiffs).

I request that you confirm the District’s agreement to voluntarily abandon the at-large system of electing board members.

Should the District decline, I will seek judicial relief on behalf of local residents.

**Please contact me, within 45 days of the date of this letter, to confirm your agreement to eliminate the at-large system. If I do not hear from the District or its counsel by the close of business on Monday, March 4, 2019, I will assume you have no interest in voluntarily addressing the issue.**


Prior to sending this letter, I worked closely with demographer, statistician and former U.S. Census worker Jesus Garcia to analyze the local voting population. Mr. Garcia is an expert in the field. So, I am confident in my position.

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Given the time that I have taken to familiarize myself with your district's demographic profile, I intend to closely scrutinize efforts by the District to draw boundaries that do not fulfill the spirit and intent of the Act, such as the placement of voting district boundaries to protect incumbents from future challenges.

I urge you to invite members of the local community to join the discussion to ensure that boundaries are drawn with fairness and integrity.

Respectfully,



CARLOS R. PEREZ

CP/yp  
cc: Dolores Huerta, Dolores Huerta Foundation