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### **Latino Residents Sue the City of Tulare Over At-Large Elections**

*Voters challenge racially polarized voting system for electing City Council members*

TULARE, CA -- The Lawyers' Committee for Civil Rights of the San Francisco Bay Area (Lawyers' Committee), along with Reed Smith LLP, has filed a lawsuit on behalf of Latino voters against the City of Tulare, charging that the City's at-large system that governs the selection of its City Council members is plagued by racially polarized voting and violates the California Voting Rights Act (CVRA).

"More than a year ago, we called for the city to abandon its at-large voting system and move toward an area voting system," said Grace Calderon, lead plaintiff in this action. "Latino voters deserve an equal opportunity to have our voices heard."

Latinos constitute nearly 55 percent of the total population and almost 40 percent of all eligible voters in Tulare; yet, over at least the past 20 years, only one Latino has served on the five-member City Council. The complaint charges that this is a result of the City's at-large voting system for electing council members. The Lawyers' Committee is also planning to seek a preliminary injunction to stop the next City Council elections in Tulare, currently scheduled for November 2010.

"The CVRA was enacted to provide a remedy when the electoral choices of the minority are being blocked by the majority," said the Lawyers' Committee's Director of Litigation, Robert Rubin. "Litigation is the last resort available to our clients. Ideally, cities and counties would be complying with the law without waiting to be threatened with a lawsuit. However, we are committed to using every legal tool available to ensure the full political empowerment of our clients and the communities in which they live."

Enacted in 2001, the CVRA allows voters to challenge at-large election systems that are characterized by racially polarized voting patterns. Once racial polarization is demonstrated, voters can demand that the jurisdiction convert to a different system such as a district system, which is generally thought to contribute to equal opportunity for all groups to influence elections and elect candidates of their choice. The CVRA applies to any governing body for any jurisdiction, including but not limited to, a city, a school district, a community college district or any other district organized pursuant to state law.

“Given the clear evidence that Tulare's at-large system is undermining the right to vote for a large segment of its community, the City needs to step up for its own citizens and change its system,” said Ray Cardozo, a partner with Reed Smith, who is serving as *pro bono* co-counsel.

Responding to a request for help from Latino voters in Tulare, the Lawyers' Committee sent a demand letter to the City in April 2010 and again in July 2010, advising the City that it was in violation of the CVRA. The City rejected the Lawyers' Committee's demands for compliance with the law.

“This lawsuit against the City of Tulare is part of a continuing effort that started in the early 1990s to secure for Latinos access to the political process in Tulare County,” added Joaquin Avila, a private practitioner who is also co-counsel on the case. “Armed with the state voting rights act, Latinos have an effective tool in systematically targeting and eliminating discriminatory at-large election systems.”

For more information or to request a copy of the complaint, filed Wednesday in Tulare County superior Court, contact Bilen Mesfin at 415-814-7606.

#### **About the Lawyers' Committee:**

For more than 40 years, the Lawyers' Committee for Civil Rights of the San Francisco Bay Area has championed the legal rights of people of color, poor people, immigrants and refugees, with a special commitment to African-Americans. Lawyers' Committee staff, working with hundreds of *pro bono* attorneys, provides free legal assistance and representation to individuals on civil legal matters through direct services, impact litigation and policy advocacy. In 2009, the Lawyers' Committee mobilized nearly 1,000 *pro bono* attorneys who contributed more than 42,000 hours of free legal assistance, services valued at almost \$17 million. For more information, please visit [www.lccr.com](http://www.lccr.com).

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