

VIA E-MAIL

April 11, 2024

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City of Huntington Beach
2000 Main Street
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Re: Violation of California Voting Rights Act

I write on behalf of our client, Southwest Voter Registration Education Project and its members residing in the City of Norco, to follow up on my previous letter of October 2017. The City of Norco (“Norco” or “City”) continues to rely upon an at-large election system for electing candidates to its governing board. Moreover, voting within the City is racially polarized, resulting in minority vote dilution, and therefore Norco’s at-large elections violate the California Voting Rights Act of 2001 (“CVRA”).

My October 2017 letter summarized the law, and specifically the CVRA. Since that time, the California Supreme Court confirmed that the California Legislature dispensed with the requirement of the federal Voting Rights Act that a minority group demonstrate that it is sufficiently large and geographically compact to constitute a “majority-minority district” in order to establish vote dilution. (*Pico Neighborhood Association v. City of Santa Monica* (August 24, 2023) 15 Cal.5th 292; also see Assem. Com. on Judiciary, Analysis of Sen. Bill No. 976 (2001–2002 Reg. Sess.) as amended Apr. 9, 2002, p. 3 (“Thus, this bill puts the voting rights horse (the discrimination issue) back where it sensibly belongs in front of the cart (what type of remedy is appropriate once racially polarized voting has been shown).”))

According to the U.S. Census, the Latino proportion of Norco’s population grew from 31.1% in 2010 to 38.7% in 2020. Norco’s at-large system dilutes the ability of Latinos (a “protected class”) – even with that significant proportion of the City’s electorate – to elect candidates of their choice or otherwise influence the outcome of

the City's council elections.

In addition to the election history discussed in our previous letter, the City's more recent election history further demonstrates the racially polarized voting and vote dilution proscribed by the CVRA. In 2018, 2020 and 2022, still no Latino candidate emerged to run for Norco City Council. Opponents of fair, district-based elections may attempt to attribute the lack of Latino candidates to a lack of interest from Latino voters within the City. On the contrary, the absence of Latino candidates reveals vote dilution. *See Westwego Citizens for Better Government v. City of Westwego*, 872 F. 2d 1201, 1208-1209, n. 9 (5th Cir. 1989).

Recent elections for other offices and on ballot measures have also exhibited racially polarized voting in Norco. For example, in 2018, Norco's Latino voters favored Alex Padilla for Secretary of State, Ricardo Lara for Insurance Commissioner, and Xavier Becerra for Attorney General. Yet, due to a lack of support from non-Latino voters, each of those candidates lost within Norco, though they each prevailed statewide. The elections concerning Propositions 187 (1994), 209 (1996) and 227 (1998) and 17 (2020) reveal the same sort of racially polarized voting in the City – the Latino community strongly opposed Propositions 187, 209 and 227, and supported Proposition 17, but the opposite choice prevailed within the City.

These and other elections within Norco evidence vote dilution which is directly attributable to the City's unlawful at-large election system.

Notably, in 2018, Norco issued a press release declining to adopt district-based elections (after declaring its intention to do so a few months earlier), but proclaiming the City would establish “a pilot program in which the City establishes and implements a Latino voter outreach campaign ... [and] evaluate the 2018 election data results for compliance with the California Voting Rights Act.” We don't believe either of these things were actually done. If they were, they certainly were not successful – no Latino candidates have run in the subsequent three elections despite whatever outreach the City claims to have done, and the 2018 election data (and 2020 and 2022) reveal continued noncompliance with the CVRA.

Given the historical lack of representation of Latinos on the Norco City Council in the context of racially polarized elections, we once again urge the City to voluntarily change its at-large system of electing governing board members. That change is now long overdue, and cannot wait any longer. Otherwise, on behalf of residents within the jurisdiction, we will be forced to seek judicial relief. Please advise us no later than June 1, 2024 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