



ASIAN AMERICANS
**ADVANCING
JUSTICE**
LOS ANGELES

March 6, 2018

VIA CERTIFIED MAIL

Maria D. Huizar
Clerk of the Council Office
City of Santa Ana
20 Civic Center Plaza, 8th Floor
Santa Ana, CA 92701

Dear Ms Huizar,

On behalf of individuals who are Asian American voters in Santa Ana, we write to advise the City of Santa Ana (the "City" or "Santa Ana") that its "at-large" election system violates the California Voting Rights Act ("CVRA"), Cal. Elec. Code § 14025 *et seq.* and that in order to avoid litigation, the City must convert to another election system in compliance with state and federal law.

At-large voting is defined by the CVRA as "a method[] of electing members to the governing body of a political subdivision . . . in which the voters of the entire jurisdiction elect the members." Cal. Elec. Code § 14026. Such systems have historically been used to disenfranchise citizens on account of their race or ethnicity. The CVRA provides a private right of action in such circumstances where an at-large election system "impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election." *Sanchez v. City of Modesto*, 145 Cal. App. 4th 660, 667 (Cal. App. 5th Dist. 2006) (citing § 14027).

In Santa Ana, the at-large election system has impaired the ability of the Asian American community to elect candidates of its choice. According to the 2011-2015 American Community Survey, the Asian American citizen voting population in the City of Santa Ana is approximately 18%--yet no Asian American serves on Santa Ana's City Council. In the 2016 and 2010 elections for City Council, Asian American candidates ran and lost. These candidates were preferred by Asian American voters but were defeated by non-Asian American voting blocs. This overall absence of any Asian American representatives on the City Council, despite able Asian American candidates and a sizeable Asian American voting population, provides compelling evidence that the City of Santa Ana is in violation of the CVRA.

Pursuant to Cal. Elec. Code § 10010, in order to avoid a legal challenge, the City must pass a resolution within 45 days outlining its intention to transition from at-large to district-based elections, allowing the Asian American population to elect candidates of their choice or otherwise influence the elections; specific steps it will undertake to facilitate this transition; and an estimated time frame for doing so. We look forward to your response.



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Sincerely,

Deanna Kitamura
Asian Americans Advancing Justice

cc: Miguel Pulido, Mayor
Michele Martinez, Mayor Pro Tem
Vicente Sarmiento, Councilmember
Jose Solorio, Councilmember
David Benavides, Councilmember
Juan Villegas, Councilmember
Sal Tinajero, Councilmember
Raul Godinez II, City Manager

City of Santa Ana
Mayor & City Council
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