



LAW OFFICE
OF ROBERT RUBIN

CITY MANAGER'S OFFICE
CITY OF VENTURA
2017 SEP -6 AM 10:28
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September 1, 2017

Via Certified Mail

Ventura City Council
c/o City Clerk
P.O. Box 99
501 Poli Street, Room 204
Ventura, CA 93002

RECEIVED
SEP 06 2017
City of San Buenaventura
CITY ATTORNEY'S OFFICE

17 SEP -6 AM 10:30

SAN BUENA VENTURA
CITY CLERK

Re: *Notice of Violation of California Voting Rights Act*

Dear City Council Members:

On behalf of Latino, Asian, and African American voters in the City of Ventura, I am writing to advise you that racially polarized voting characterizes elections for the Ventura City Council. Pursuant to the California Voting Rights Act ("CVRA"), the at-large system must be abandoned and replaced by a lawful election system such as district elections.

The CVRA states that 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." Cal. Elec. Code § 14027. A violation of the CVRA is established "if it is shown that racially polarized voting occurs in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision." *Id.* at 14028(a). Racially polarized voting is "voting in which there is a difference ... in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate." *Id.* at § 14026(e). Racially polarized voting is determined from examining results of elections in which "one candidate is a member of a protected class or elections involving ballot measures or other electoral choices that affect the right and privileges of a protected class." *Id.* at § 14028(b).

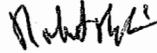
The City of Ventura's at-large system dilutes the ability of minority residents to elect candidates of their choice or otherwise influence the outcome of Ventura's council elections. For at least the last twenty years, no Latino, Asian, or African American has been elected to the Ventura City Council despite many minority candidacies. According to recent data, Latinos, Asian, and African Americans comprise 25% of the voting age population of Ventura. This significant percentage of the voting age population, the failed candidacies of several minority candidates, and the complete lack of Latinos, Asian and African Americans elected to the city council are key factors in assessing liability under the CVRA.

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It is now time to cease your illegal actions and come into compliance with the CVRA. We urge Ventura to voluntarily change its at-large system of electing city council members and avoid substantial litigation costs you would otherwise incur. This letter is written notice pursuant to Elections Code section 10010.

Best regards,



Robert Rubin

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