

Law Offices of Michelle R. Jackson

34189 PCH, Suite 204
Dana Point, CA 92629
(949)606-2674

City of San Clemente

JUL 10 2023

City Clerk Department

VIA HAND DELIVERY

July 10, 2023

Attn: Laura Campagnolo
City Clerk
City of San Clemente
San Clemente City Hall
910 Calle Negocio
San Clemente, CA 92673

Re: Violations of the California Voting Rights Act

Dear Ms. Campagnolo,

On June 8, 2023, this office sent a letter to the City of San Clemente on behalf of one of its clients (see attached). It has been brought to our attention that the letter was incorrectly addressed to the San Clemente City Council rather than the San Clemente City Clerk per the California Elections Code § 10010(e)1. Given the error made by this office as well as the importance that this office and our client places on ensuring that residents in the City of San Clemente (“San Clemente” or the “City”) are not disenfranchised, we are withdrawing the demand letter sent on June 8, 2023, and resending this letter of demand for clarification, which will also extend the date by which the City has to respond to my client’s demand.

Again, I write on behalf of my client, a minority resident of, and voter in the City of San Clemente (“San Clemente” or the “City”) concerned about other minority citizens residing and voting in the City.

San Clemente relies upon an at-large election system for electing candidates to its City Council. Moreover, a review of San Clemente’s voting results appears to illustrate that they are racially polarized, resulting in minority vote dilution. Therefore, San Clemente’s at-large elections violate the California Voting Rights Act of 2001 (“CVRA”).

The CVRA disfavors the use of “at-large” voting since this method effectively prevents a protected class from having a sufficient opportunity to elect a candidate of choice. *See generally Sanchez v Modesto* (2006) 145 Cal App 4th 660, 667. Further, these at-large election systems often result in the dilution or impairment of minority voters and their ability to elect candidates more representative of their neighborhoods by allowing a bare majority of voters to control *every* seat, not just a proportional majority of seats. *See Thornburg v Gingles* (1986) 478 U.S. 30, 46.

To find a violation, the CVRA only requires that there be a showing of racially polarized voting. *See* Cal. Elec. Code § 14028 (“A violation of Section 14027 is established if it is shown that racially polarized voting occurs . . .”). It is my client’s position that San Clemente’s system of at-large elections dilutes the ability of Latinos, a protected class, to elect candidates of their choice or otherwise influence the outcome of San Clemente’s elections for its City Council Members.

During the last twenty (20) years, only one Latino has been elected to the San Clemente City Council. There has been only one Latino candidate in the past 20 years despite Latinos currently comprising the second largest race and ethnicity population in San Clemente with more than 18% of the population identifying as Latino. This lack of Latino participation in seeking election to the city council is prima facie evidence of voter dilution on the part of the City. *See generally Westwego Citizens for Better Government v City of Westwego* 872 F2d 1201 (5th Cir. 1989). There is a clear disconnect between the significant Latino population in San Clemente and the complete absence of Latinos on the City Council further evidencing the inherent discrimination of the elections process in San Clemente.

In accordance with the above, it is respectfully requested that San Clemente change the manner in which it elects councilmembers to its city council and adopt a district system. Please be advised that if we do not have some movement with regard to this issue by August 24, 2023, we will be forced to seek judicial relief on behalf of residents within the jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle R. Jackson". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Michelle R. Jackson, Esq.

Attachment

CC: City Council
City Manager

Law Offices of Michelle R. Jackson

34189 PCH, Suite 204
Dana Point, CA 92629
(949)606-2674

VIA CERTIFIED MAIL

June 8, 2023

Attn: City Council
City of San Clemente
San Clemente City Hall
910 Calle Negocio
San Clemente, CA 92780

Re: Violations of the California Voting Rights Act

Dear City Council,

I write on behalf of my client who is concerned about minority citizens residing and voting in the City of San Clemente ("San Clemente").

San Clemente relies upon an at-large election system for electing candidates to its City Council. Moreover, a review of San Clemente's voting results appears to illustrate that they are racially polarized, resulting in minority vote dilution. Therefore, San Clemente's at-large elections violate the California Voting Rights Act of 2001 ("CVRA").

The CVRA disfavors the use of "at-large" voting since this method effectively prevents a protected class from having a sufficient opportunity to elect a candidate of choice. *See generally Sanchez v Modesto* (2006) 145 Cal App 4th 660, 667. Further, these at-large election systems often result in the dilution or impairment of minority voters and their ability to elect candidates more representative of their neighborhoods by allowing a bare majority of voters to control *every* seat, not just a proportional majority of seats. *See Thornburg v Gingles* (1986) 478 U.S. 30, 46.

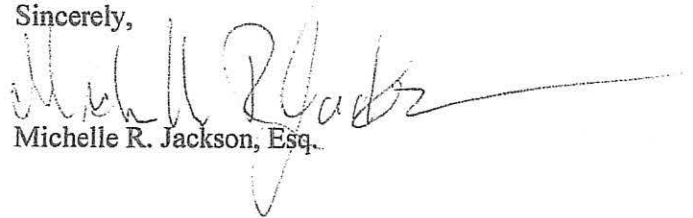
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During the last twenty (20) years, only one Latino has been elected to the San Clemente City Council. There has been only one Latino candidate in the past 20 years despite Latinos currently comprising the second largest race and ethnicity population in San Clemente with more than 18% of the population identifying as Latino. This lack of Latino participation in seeking

election to the city council is prima facia evidence of voter dilution on the part of the City. *See generally Westwego Citizens for Better Government v City of Westwego* 872 F2d 1201 (5th Cir. 1989). There is a clear disconnect between the significant Latino population in San Clemente and the complete absence of Latinos on the City Council further evidencing the inherent discrimination of the elections process in San Clemente.

In accordance with the above, it is respectfully requested that San Clemente change the manner in which it elects councilmembers to its city council and adopt a district system. Please be advised that if we do not have some movement with regard to this issue by August 10, 2023, we will be forced to seek judicial relief on behalf of residents within the jurisdiction.

Sincerely,

A handwritten signature in black ink, appearing to read "Michelle R. Jackson", with a long horizontal line extending to the right.

Michelle R. Jackson, Esq.

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34189 PCH, Suite 204

Dana Point, CA 92629

(949)606-2674

VIA HAND DELIVERY

July 10, 2023

Article Addressed to:

Attn: Laura Campagnolo

City Clerk

City of San Clemente

San Clemente City Hall

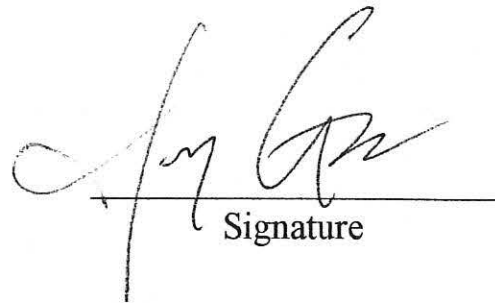
910 Calle Negocio

San Clemente, CA 92673

City of San Clemente

JUL 10 2023

City Clerk Department


Signature

Jason Chase

Received by (printed name)

July 10, 2023
Date Signed