



# MALDEF

The Latino Legal Voice for Civil Rights in America.

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November 5, 2015

**Via U.S. Mail**

Art Brown, Mayor  
City of Buena Park  
6650 Beach Boulevard, First Floor  
Buena Park, CA 90622-5009

Re: Buena Park District Elections Plan and Implementation

Dear Mr. Brown:

The League of United Latin American Citizens ("LULAC") and the Mexican American Legal Defense and Educational Fund ("MALDEF") are encouraged by your decision to voluntarily convert to by-district elections, and we wish to contribute our perspective in furtherance of our shared goal to ensure that the adopted plans comply with federal and state voting rights laws, and fairly reflect the communities of interest that comprise your city.

We have previously submitted a LULAC/MALDEF plan. We are submitting two additional 4-district plans: Coalition Plan 1 (the Coalitions preferred 4-district plan) and Coalition Plan 2. Additionally, the Coalition is submitting a 5-district plan, Coalition Plan 3. All three of these plans are submitted on behalf of MALDEF, LULAC, Asian Americans Advancing Justice – Los Angeles ("Advancing Justice – LA"), the Korean Resource Center ("KRC"), and the Orange County Congregation Community Organization ("OCCCO").

Our primary concern is compliance with the Federal Voting Rights Act of 1965, as amended, 52 U.S.C. §§ 10301, *et seq.* Our proposed map demonstrates that a Section 2 compliant district in Buena Park is possible, that is a district where Latinos comprise over 50% of the citizen voting age population ("CVAP"). It would be a responsible course of action for the City to ensure that a majority Latino CVAP district is included in any plan it adopts, in order avoid potential federal litigation.

Moreover, we have conducted an extensive review of election returns, demographic information, and Spanish-surname analysis of votes cast by precinct, and we believe that the lack of success of Latino voters in selecting candidates of their choice results from persistent racially polarized voting. Our methodology is consistent with that universally accepted by federal courts. *Thornburg v. Gingles*, 478 U.S. 30 (1986).

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It is our understanding that none of the draft plans under active consideration contain a Latino majority CVAP district. Given the evidence of racially polarized voting, and the persistent differences between Orange County Latinos and non-Latinos in income, education, poverty, housing patterns, and voter preferences, we believe that adoption of any of the other plans currently under consideration could lead to liability under Section 2 of the federal Voting Rights Act.

Our coalition further urges the City to reconsider its resolution calling for four districts and an at-large mayor. The mayor is a voting member of the council with all the powers and duties of a council member under California Elections Code §34903, and should continue to be elected by the council from among its members, rather than under the same dilutive and discriminatory at-large electoral system that was vulnerable to challenge under the California Voting Rights Act. A 5-district map would have the added benefit of increasing the voting strength of Latinos and Asians in Buena Park elections, both groups who have suffered from vote dilution under the current system. The City should take this opportunity to provide for a fair election of all of its council members. To that end, we submit an additional proposed 5-member districting plan, Coalition Plan 3.

We urge the council to implement a district map that complies with federal and state law, and that takes every measure to remedy the prior discriminatory effects of the at-large electoral system.

Sincerely,



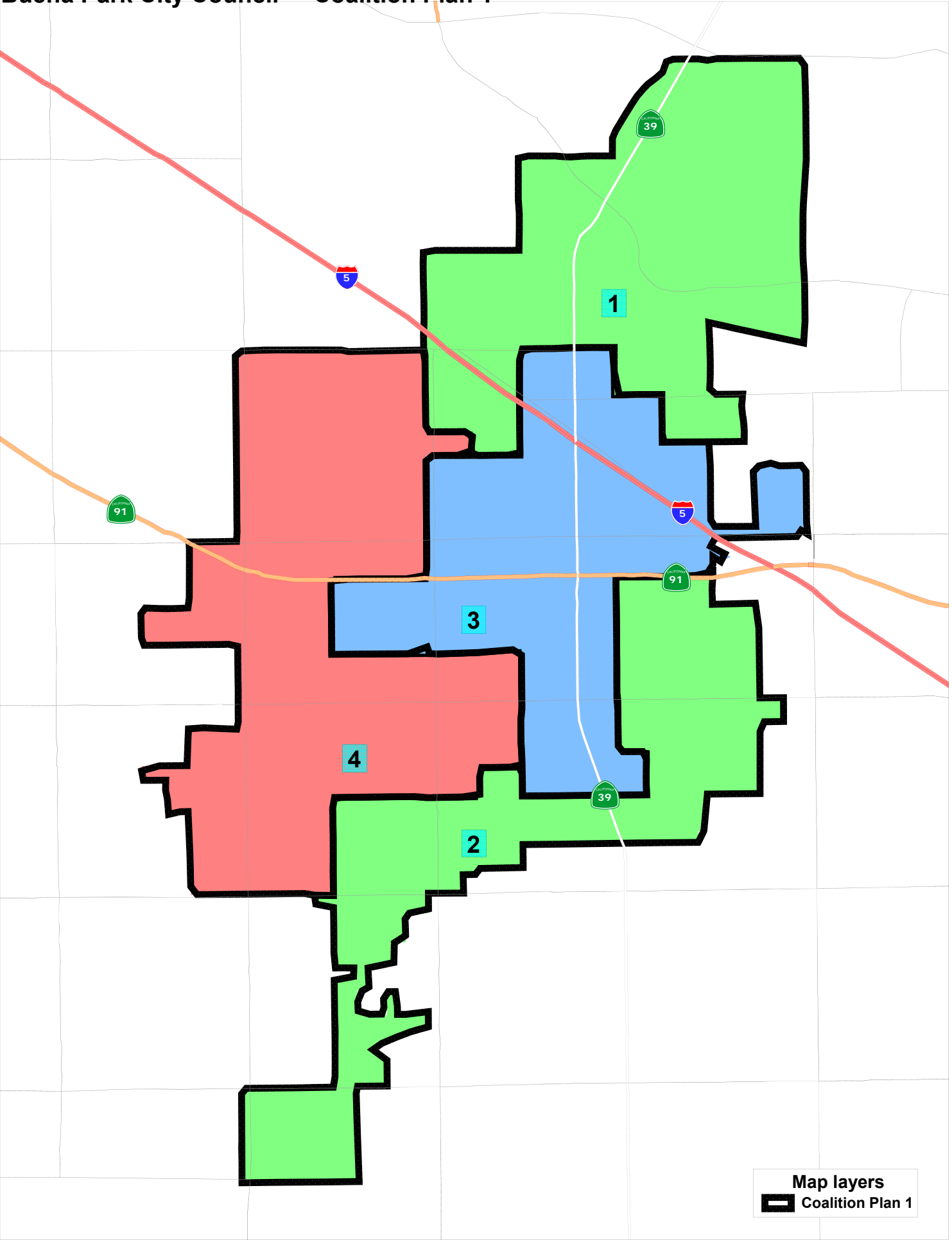
Denise Hulett  
National Senior Counsel  
Mexican American Legal Defense and Educational Fund

League of United Latin American Citizens  
Asian Americans Advancing Justice – Los Angeles  
Korean Resource Center  
Orange County Congregation Community Organization

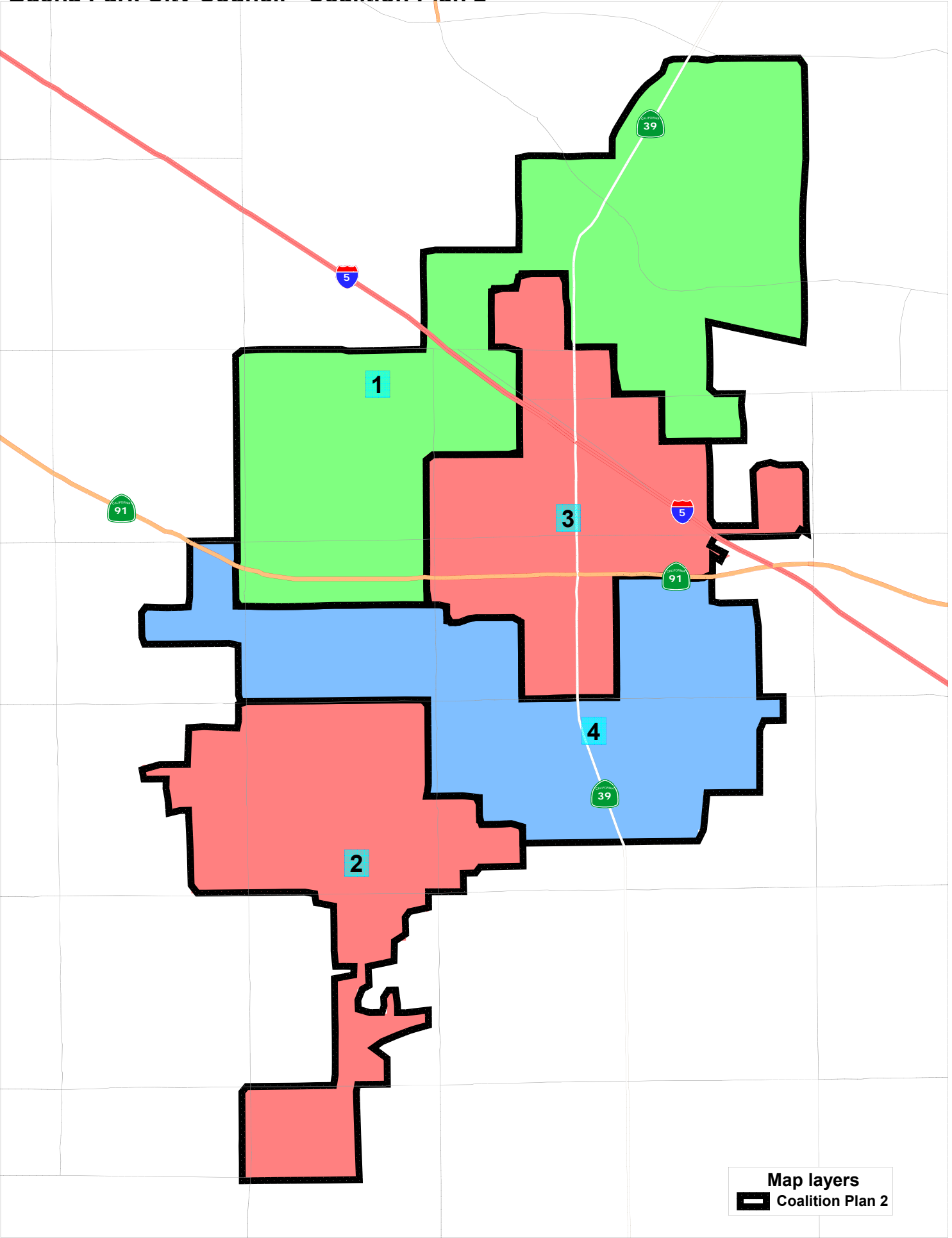
DH/mg  
Enclosures

cc: Fred R. Smith, Mayor Pro Tem (via U.S. mail)  
Steve Berry, Council Member (via U.S. mail)  
Elizabeth Swift, Council Member (via U.S. mail)  
Virginia Vaughn, Council Member (via U.S. mail)

Buena Park City Council - Coalition Plan 1



Buena Park City Council - Coalition Plan 2



Buena Park City Council - Coalition Plan 3

