

1 Scott Rafferty, Esq (SBN 224389)  
2 1913 Whitecliff Court  
3 Walnut Creek CA 94596  
4 202-380-5525  
5 rafferty@gmail.com

6 Attorney for Plaintiffs

7 SUPERIOR COURT FOR THE STATE OF CALIFORNIA

8 COUNTY OF LOS ANGELES

9 MICHAEL CRUZ, SEBASTIAN CAZARES,  
10 AND NEIGHBORHOOD ELECTIONS NOW

11 Plaintiffs,

12 vs.

13 CITY OF SANTA CLARITA

14 Defendant

Case No.:

COMPLAINT FOR VIOLATION OF THE  
CALIFORNIA VOTING RIGHTS ACT

15 COMPLAINT

16 COMES NOW Michael CRUZ, Sebastian CAZARES, and Neighborhood Elections Now:

17 NATURE OF THIS ACTION

18 1. Plaintiffs bring this action for declaratory and injunctive relief against the CITY  
19 OF SANTA CLARITA for its violation of the California Voting Rights Act of 2001 (hereinafter  
20 “CVRA”), Elections Code, Sections 14025, et seq., and Elections Code, Section 10010, due to  
21 the use of the at-large method of election by Defendant City of Santa Clarita to elect candidates  
22 to the city council (“Council”).

23 2. By electing its Council at-large, the CITY OF SANTA CLARITA dilutes the  
24 votes of Latino citizens, suppresses the ability of their communities to recruit and support  
25 candidates for public office, and prevents them from aggregating their votes to elect those  
26 candidates in single-member districts. In recent elections, Latinos, Blacks and Asians in Santa  
27 Clarita have voted in coalition.

28 COMPLAINT FOR VIOLATION OF THE CALIFORNIA VOTING RIGHTS ACT - 1

1           3.       Within the CITY OF SANTA CLARITA, large geographic areas with minority  
2 communities are chronically underrepresented.

3           4.       Compared to single member districts, the at-large system usually results in lower  
4 turnout, especially in marginalized minority communities. The absence of competitive contests  
5 for local offices affects other races on the statewide general election ballot. Three members of  
6 the current Council were initially elected at least 20 years ago with total vote that is less than  
7 four percent of the current number of eligible voters. In at-large systems, incumbents often  
8 endorse each other, leading to winner-take-all outcomes that make city councils both ethnically  
9 and philosophically homogeneous. More competitive elections benefit all voters, are responsive  
10 to demographic and political change, and result in city councils composed of strong negotiators  
11 with a deep understanding of the values and needs of every sector of their community.

12           5.       In 1987, at the time of incorporation, 42% of Santa Clarita's voters supported  
13 electing council members by single-member districts, even though 24 of the 26 candidates for  
14 city council were promoting at-large elections. The City's population has more than doubled.  
15 See ¶¶37-38. Annexations have added 75% more area to the City. Because Santa Clarita is now  
16 so much larger and more complex, the Council needs to be more fully representative of all  
17 residents.

18           6.       Santa Clarita is also more diverse. In 1990, more than 80 percent of its residents  
19 were White and not Latino. As detailed in ¶37, 40, 41 and 42, the Latino population has since  
20 grown by a factor of five, the Black population six-fold, and the Asian population seven-fold.  
21 Today, only 44 percent of the population is White and not Latino.

22           7.       Districts provide equal representation for the needs of every resident, including  
23 those who are not yet citizens or not yet 18 years old. Latinos, Blacks, and Asians who are not  
24 eligible to vote are represented by adult citizens who live in their neighborhoods. Districts give  
25 those eligible minority voters a more equal opportunity to influence electoral outcomes. They  
26 can gain representation on the council even if a majority across the entire city does not support  
27 their candidate of choice. Neighborhood elections are also more competitive, promoting  
28 candidates in every part of the city who can become natural leaders and role models for greater

1 political engagement by Santa Clarita’s next generation. Ultimately, a more representative city  
2 council will be well informed and more effective, to the benefit of every resident of the city.

3 8. This Complaint does not allege intentional discrimination. Because Latinos,  
4 Blacks, and Asians have different life experiences, their needs and values almost inevitably  
5 cause them to make different electoral choices, including support for candidates chosen by their  
6 communities and for ballot questions that address their rights and privileges. This “racially  
7 polarized voting” is almost universal, and is the only element required to invoke the California  
8 Voting Rights Act (CVRA).

9 9. This Complaint does not challenge the public service and legacy of incumbent  
10 members of the Council. District elections are about voters and not about incumbents or aspiring  
11 challengers. It is probative, but not dispositive, that four of five incumbents are White and  
12 Anglo. Minority communities often choose candidates of a different race -- and sometimes vote  
13 in bloc against candidates who share their ethnicity but do not share their political objectives.  
14 The broader goal of district elections is to provide competitive elections in which voters of all  
15 races have a more equal opportunity to aggregate their votes with like-minded citizens in support  
16 of the candidates and policies that they prefer.

17 10. In possible contrast to precedent implementing the “effects test” of the Voting  
18 Rights Act of 1965, a claim under the CVRA does not require a showing that Santa Clarita can  
19 create a district in which a majority of eligible voters are members of a single “protected class,”  
20 such as Latinos, Blacks, or Asians. However, Attachment 1 shows a map in which a compact  
21 district, respecting neighborhoods and other communities of interest, in which those eligible to  
22 vote in District 1 are 45% Latino. These voters often vote in coalition with Black and Asian  
23 citizens who constitute an additional 15% of the electorate in District 1. Boundaries similar to  
24 those in the Proposed District Map (Attachment 1) create one district in which Latino voters are  
25 a near majority, which is a central element of an effective remedy for the violation of the CVRA.

26  
27 //

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20

## PARTIES

11. Michael CRUZ is a Latino voter who resides in the Canyon Country community of the CITY OF SANTA CLARITA. As a person of Spanish heritage, he is a member of a “language minority” within the meaning of 52 U.S.C. §10310(c)(3). As a result, he is a member of a “protected class” for purposes of Elections Code, Section 14026(d).

12. Sebastian CAZARES is a Latino voter who resides in the Saugus community of the CITY OF SANTA CLARITA. He is also a person of Spanish heritage and therefore a member of a language minority that is a “protected class” for purposes of Section 14026(d).

13. Neighborhood Elections Now (“NEN”) is a California unincorporated association that supports litigation to enforce statutory and constitutional requirements to adopt district elections. NEN has additional members who are protected by the Fifteenth Amendment, the Voting Rights Extension Act of 1975, and the CVRA and is committed to the vindication of their voting rights.

14. Defendant CITY OF SANTA CLARITA is a general law city as defined in Government Code, Section 34102. It is a “political subdivision” for purposes of the California Declaration of Rights, §31(f), Government Code, Section 8557(b) and Elections Code, Section 14026(c), but not as defined in 52 U.S.C. §10310(c)(2). CITY OF SANTA CLARITA is governed by five city council members elected at-large, and is subject to the CVRA, Elections Code, Section 14026(c).

## JURISDICTION

15. Elections Code, Section 14032 provides that any voter who is a member of a protected class and who resides within a political subdivision where a violation thereof is alleged may file an action pursuant to the CVRA.

16. Courts have recognized that aggrieved organizations and individuals have a private right of action to enforce the CVRA. NEN files on behalf of their members who belong to a protected class and reside in CITY OF SANTA CLARITA and as on behalf of those whose

1 voter registration and education activities are impeded by the discriminatory practices detailed in  
2 this complaint.

3 17. As a prerequisite to filing this action, PLAINTIFFS attempted to avoid litigation  
4 by petitioning the city council to comply with CVRA, in accordance with the process established  
5 in AB 350 (2015), Elections Code, Section 10010(e). Plaintiffs notified CITY OF SANTA  
6 CLARITA of its possible violation of the CVRA, which the city received on February 7, 2020.  
7 Section 10010(e) allowed the city council 45 days (until March 23, 2020) to adopt a resolution  
8 that it intended to adopt single-member districts.

9 18. On March 19, 2020, the Council adopted Resolution 20-7, stating its intent to  
10 adopt district elections. Section 10010(e) allowed the Council 90 additional days to conduct five  
11 hearings and to pass an ordinance enacting district elections and adopting a map for single-  
12 member districts. During this cure period, Section 10010(e) precludes plaintiffs from  
13 challenging the constitutionality of at-large elections using the civil action authorized in  
14 Elections Code, Section 14032.

15 19. On April 9, 2020, Governor Gavin Newsom issued Executive Order N-48-20,  
16 which purported to “suspend” the timeframes set forth in Section 10010(e) “until further notice.”  
17 EO N-48-20 purported to be retroactive to March 20, 2020. N-48-20 stated that the suspension  
18 should be construed “to toll those timeframes, such that days elapsed during the suspension set  
19 forth in this paragraph are not counted, but any days that elapsed prior to that suspension are still  
20 counted.” CITY OF SANTA CLARITA had adopted the resolution of intent one day before N-  
21 48-20 purportedly became effective.

22 20. On April 28, 2020, the Council amended the hearing schedule in light of county  
23 stay-at-home orders, cancelled pending hearings, and committed to “agendize further consider-  
24 ation of the schedule of hearings by the Council at the Council’s June 9, 2020 regular meeting.”  
25 Since that date, the Council has discussed plaintiffs’ petition in closed session at 14 special meet-  
26 ings held on May 12, 2020, May 26, 2020, August 25, 2020, September 8, 2020, September 22,  
27 2020, November 24, 2020, December 8, 2020, May 25, 2021, June 8, 2021, June 22, 2021, July  
28 14, 2021, August 24, 2021, October 26, 2021, and November 9, 2021. However, the Council has

1 not agendized the issue of district elections for any public meeting, nor has it resumed the  
2 hearing schedule as it promised to do.

3 21. On June 11, 2021, Governor Newsom issued Executive Order N-08-21, which  
4 provided that the relevant provisions in N-48-20 “shall remain in place and shall have full force  
5 and effect through June 30, 2021, upon which time they will expire.”

6 22. N-48-20 does not purport to bar the jurisdiction of this Court over a civil action  
7 filed by plaintiffs pursuant to Elections Code, Section 14032, because it is filed more than 89  
8 days after June 11, 2021, *i.e.*, after September 8, 2021.

9 23. Section 21600(b), effective January 1, 2021, provides that the statutory standards  
10 for apportioning population and creating districts do not limit the discretionary remedial  
11 authority of any state or federal court. *Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781,  
12 806, 807, established that the CVRA expands the remedial jurisdiction that is available to courts  
13 under the federal Voting Rights Act.

## 14 RELEVANT FACTS AND LEGAL STANDARDS

### 15 A. THE BENEFITS OF SINGLE-MEMBER DISTRICTS

16 24. Single-member districts have been typical in local elections for most of American  
17 history. New York City adopted them in 1683, so that when German immigrants landed on  
18 Governor’s Island two decades later, they had automatic representation on the city council.  
19 Electoral districts have ensured that local governing bodies are well informed as to the needs and  
20 values of every area within their jurisdiction, have provided competitive elections to the benefit  
21 of all voters, and have generally resulted in the election of good negotiators who respect the  
22 accountability of their colleagues to specific constituencies.

23 25. Early in the 20th Century, California law promoted at-large municipal and school  
24 elections, in part due to opposition to immigration and concerns about women’s suffrage.<sup>1</sup> The  
25 system entrenched male incumbents and resulted in the domination of many city governments by  
26 their wealthiest neighborhoods. In 1960, a study of California city councils showed remarkable

---

27  
28 <sup>1</sup> *e.g.*, Election Laws of California, Ch. VIII: Municipal Corporations, §§757, 852 (1913 law  
establishing at-large for fifth and sixth class cities) p.272-278 (1916)

1 homogeneity. After half a century, a “substantial majority” of council members were still white,  
2 male, Protestant Masons who had lived in “a better part of town” for ten years or more.<sup>2</sup>

3 26. The at-large movement spread nationally, so that in 1965, 60 percent of cities and  
4 towns with population over 10,000 elected their councils at-large, and less than one percent of  
5 members were Black, Asian, Latino or Native American.<sup>3</sup> America’s 100 largest cities, two-  
6 thirds of which elected at large in 1965, have all restored district elections.<sup>4</sup> Today, Santa Clarita  
7 is the nation’s largest city without electoral districts.

8 27. Minority electors and their neighborhoods have been marginalized by decades of  
9 diminished influence over city council elections. Political parties or other activist organizations  
10 often neglect to mobilize minority neighborhoods, especially in the absence of a competitive  
11 legislative contest. Among Latino and Asian citizens of voting age, registration levels are  
12 depressed by the absence of neighborhood candidates and the resulting lack of representation on  
13 the city council. Incomplete engagement in local political life diminishes the influence of Latino  
14 and Asian voters, their communities (and of Santa Clarita as a whole) in county, state and federal  
15 elections. Neighborhood elections will build a cadre of natural leaders and role models for Santa  
16 Clarita’s children distributed throughout the City.

17 B. THE EXISTENCE AND CONSEQUENCES OF RACIALLY POLARIZED  
18 VOTING

19 28. It would be divisive, and is not necessary, to rely on evidence that minority  
20 communities voted against the current incumbents.

21 29. The system of at-large voting suppresses the emergence of viable minority  
22 candidates, discourages mobilization of minority neighborhoods, and requires resources to run  
23 city-wide that are often not available to minority communities. These aspects of minority voter  
24 dilution are independent of the mathematical submergence of minority voting strength that  
25 occurs because most voters in the larger territory are White.

26 <sup>2</sup> Lee, Politics of Non-Partisanship at 56-57 (1960)

27 <sup>3</sup> Edward C. Banfield and James Q. Wilson, City Politics 88 (1964); Alan Klevit, "City Councils  
28 and their Functions in Local Government," in THE MUNICIPAL YEARBOOK, 19, 25 (1972).

<sup>4</sup> Some have hybrid systems or double-member districts (*e.g.*, Chicago) that are considered at-  
large under the CVRA. The last at-large system (Columbus OH) is in transition.

1           30.     Racially polarized voting occurs when members of a protected class as defined by  
2 the California Voting Rights Act, Elections Code, Section 14025(d), vote for candidates and  
3 electoral choices that are different from the rest of the electorate. The existence of racially  
4 polarized voting is sufficient to establish dilution of protected-class voters in violation of Section  
5 14027. Demonstrating that a minority has distinct electoral choices also establishes that election  
6 of a candidate of choice in a minority-controlled district will improve representation of minority  
7 voters city-wide. Because neighborhood elections help close the gap in minority turnout, they  
8 improve the minority’s influence on ballot questions and county, state and federal offices.

9           31.     Therefore, state law limits the definition of “racially polarized voting” (Section  
10 14026(e)) to such a difference in voting between the minority and the rest of the electorate. The  
11 CVRA does not require proof of the additional element that White bloc voting usually defeats  
12 candidates preferred by the minority, which is sometimes known as “Gingles II.” The purposes  
13 of the CVRA are not limited to increasing the number of minorities holding a particular office.  
14 Rather, it seeks to promote participation of minority voters and ensure that their electoral  
15 preferences have equal weight. Therefore, racially polarized voting exists whenever support for  
16 a candidate or ballot question differs between Latino and non-Latino precincts to an extent that is  
17 statistically significant, even when minority candidates win (and even if a non-minority  
18 candidate wins more votes within a hypothetical district).

19           32.     In 2016, Senator Ricardo Lara sponsored Proposition 58, to repeal most elements  
20 of Proposition 227 (1998), which effectively banned bilingual education. The proposition passed  
21 overwhelmingly (74% yes) in most parts of the state. Latino support in Santa Clarita was much  
22 higher (approximately 95%) than support of non-Latino voters (approximately 62% yes).

23           33.     Because Latino citizens passionately care about education for their children and  
24 those of non-citizens in their community, they also supported Proposition 51 in 2016, which  
25 authorized \$9 billion in bonds for K-12 education and community colleges. In this case, the  
26 weighted regression model suggests that only 32% of non-Latino voters, but 91% of Latino  
27 voters supported the measure, which passed with 55% of the statewide vote. Such a dramatic  
28 differential on a bond measure is compelling evidence that Latino electors are casting well-



1 informed votes reflecting needs and values of their community that differ from those of the non-  
2 Latino electorate.

3 34. Because of the difficulty of displacing an incumbent in the at-large system, parties  
4 and civil organizations often decline to invest in recruiting and vetting minority candidates. In  
5 some cases, no minority candidates run for office, as was the case from 1990 until 2006. In other  
6 year, multiple candidates run without endorsements, organizational support or any realistic  
7 prospect of election.

8 35. Minor candidates who gain disproportionate support from minority precincts may  
9 demonstrate racially polarized voting even if they do not win those precincts. Their performance  
10 does not necessarily reflect the precinct votes they would have obtained if they were not required  
11 to run citywide. More viable candidates may have been deterred by the futility of running at-  
12 large. For example, David Ruelas won approximately 17% of the Latino vote in 2016 but almost  
13 no White support. In 2018, Cherry Ortega, a Filipina, won about 11% of the Latino vote and 2%  
14 of the White vote. In each case, the difference was statistically significant in that the 80%  
15 confidence interval for the estimates of Latino and non-Latino voting did not overlap.

16 36. The 2020 election provided very strong evidence of polarized voting by Latinos  
17 (and by a minority coalition). Ecological regression supports an inference that 30% of Latino  
18 voters and 68% of Asian voters supported the first Black candidate for city council, Kelvin  
19 Driscoll, who received only 18% of the vote from voters who were neither Latino nor Asian.

20 37. As a consequence of their chronic inability to influence at-large elections for  
21 Council, political participation by Latinos and Asians in Santa Clarita has been depressed for  
22 many years. In 2000, Latinos constituted 20% of the population and 13% of adult citizens, but  
23 only 11% of those registered to vote and less than 9% of those who actually voted in the  
24 presidential election. By 2016, the Latino share of population had grown to 32%, including 23%  
25 of those eligible to vote. Still, only 20% of registered voters and 19% of actual voters were  
26 Latino. The Latino share of adult citizens has grown to 27%, but only 19% of voters in 2018 and  
27 22% in 2020 were Latino.

1 C. CREATING DISTRICTS THAT RECOGNIZE GROWTH AND DEMOGRAPHIC  
2 CHANGE WITHIN SANTA CLARITA

3 38. The federal Constitution requires that local districts have “substantially” the same  
4 population, which is less strict than the “as near as practicable” standard that applies to  
5 congressional districts. Reynolds v. Sims (1964) 377 U.S. 533, 568, 577. Brown v. Thompson  
6 (1983) 462 U.S. 835, 842, allowed “minor” deviations of up to ten percent in local districts for  
7 purposes of constitutional review of local districts but states often set stricter limits. Elections  
8 Code, Section 21601(a)(1) requires that population equality among districts be based on the total  
9 population of residents of the city as determined by the most recent federal decennial census for  
10 which the redistricting data described in Public Law 94-171 are available. The census bureau  
11 released the redistricting file for the 2020 census enumeration on August 12, 2021.

12 39. For purposes of districting, the population of the CITY OF SANTA CLARITA is  
13 determined by census enumeration data, as adjusted by the State of California.<sup>5</sup> Section  
14 21003(a)(2). On September 20, 2021, California's Official Redistricting Database  
15 (StatewideDatabase.org) added 485 persons to the population of Santa Clarita, including 414  
16 citizens of voting age, 46% of whom were Latino and 30% of whom were Black.

17 40. The database reported the official population of Santa Clarita as 229,158, of  
18 which 34% is Latino, 14% Asian or Hawaiian, 5% Black, and 1% Native American or Alaskan  
19 Native. 44% of the population is White and not Latino.

20 41. By contrast, in 1990, the first census after Santa Clarita incorporated, its  
21 population was 110,642, of which 13% was Latino, 4% Asian or Hawaiian, and 1% Black. 81%  
22 of the population was White and not Latino.

23 42. The Latino share of adult citizens, who are presumptively eligible to vote, has  
24 also grown dramatically. In 2004, the Latino share of eligible voters was 11%; it is now 27%.

25  
26  
27 <sup>5</sup> The adjustment provides that each inmate incarcerated in a state correctional facility on April 1,  
28 2020 is enumerated in the census block where the inmate resided prior to the current term of  
incarceration. Because there are no state penal facilities in Santa Clarita, no persons were  
removed from its population, but incarcerated domiciliaries were added.



1           48.     The occurrence of racially polarized voting may be determined by either  
2 examining results in which “one member is a member of a protected class or elections involving  
3 ballot measures, or other electoral choices that affect the rights and privileges of members of a  
4 protected class.” Section 14028(b). Racially polarized voting in ballot measures and other  
5 electoral choices is sufficient. Section 14028(a). Ecological regression of election outcomes by  
6 the composition of the electorate in each precinct provides a methodology to define racial  
7 differences in voting. *See* Section 14026(e).

8           49.     The 2020 Council election demonstrated polarization between a coalition of  
9 Latino, Black and Asian voters and the rest of the electorate. Evidence of racially polarized  
10 voting can rely on a single election “where a minority group has begun to sponsor candidates just  
11 recently.” Thornburg v. Gingles (1989) 470 U.S. 30, 58 & fn.25.

12           50.     High-minority precincts support state or local ballot questions at higher or lower  
13 levels than precincts with fewer minority voters, especially when the question involves  
14 bilingualism, immigration, criminal justice reform, and other subjects of special interest to  
15 minority communities.

16           51.     In multiple statewide ballot questions affecting Latino rights and interests, there  
17 has been a statistically significant difference between the Latino support or opposition, and the  
18 support or opposition these ballot questions have received from the rest of the electorate.

19           52.     In multiple elections for state and federal offices, there has been a statistically  
20 significant difference between the Latino support for its candidates of choice, and the support  
21 those candidates have received from the rest of the electorate.

22           53.     The size of large electoral districts, including cities the size of CITY OF SANTA  
23 CLARITA that elect at-large, increases the cost and complexity of campaigning, which  
24 suppresses candidates from minority neighborhoods who could compete in district elections.  
25 The absence of local campaigns reduces voter participation in minority neighborhoods, further  
26 diluting the influence of voters who belong to the Latino, Black and Asian protected classes.

27           54.     The obstacles posed by the CITY OF SANTA CLARITA's at-large method of  
28 election, together with racially polarized voting, impair the ability of people of certain races,  
COMPLAINT FOR VIOLATION OF THE CALIFORNIA VOTING RIGHTS ACT - 12

1 color or language minority groups, such as Latino voters, alone or in coalition with Black or  
2 Asian voters, to elect candidates of their choice or to influence the outcome of elections  
3 conducted in the CITY OF SANTA CLARITA.

4 55. Plaintiffs' Proposed District Map demonstrates that it is possible to create a  
5 district in which more than 45% of eligible voters are Latino. In this district Latino, Black, and  
6 Asian voters, who often vote in coalition, comprise 61% of the electorate. This map also creates  
7 a district in Saugus in which Asians are 14% of eligible voters.

8 56. Historically, the imposition of at-large elections in CITY OF SANTA CLARITA  
9 has suppressed the ability of Latino neighborhoods to identify, recruit and support natural leaders  
10 who would be effective candidates of choice.

11 57. Prior to the initiation of this action, minority vote dilution allowed non-Latino  
12 voters and the areas in which they are concentrated to have greater influence than Latino voters  
13 in elections for city council.

14 58. The practice of at-large elections interacts with social and historical conditions to  
15 cause an inequality in the opportunities enjoyed by Latino and non-Latinos.

16 59. Organizations that seek to increase minority voter registration and participation  
17 are impaired by the demoralization of minority voters who cannot influence the election of local  
18 officials who live in their neighborhoods, and therefore do not bother to register or to turn out to  
19 vote.

20 60. Low levels of voter participation among minorities further reduces CITY OF  
21 SANTA CLARITA's influence in state and national legislative elections.

22 61. Plaintiffs exhausted their alternative remedy within the timeframe set forth in  
23 Elections Code, Section 10010(e).

24 62. This Court has broad remedial powers upon a showing that a city failed to come  
25 into compliance with the CVRA within the timeframe permitted by Section 10010(e).

26 63. The creation of appropriate district, in each of which voters will elect a resident as  
27 council member, will provide an opportunity for Latino electors to elect candidates of their  
28

1 choice or to influence the outcome of council elections on a basis that is more equal to the  
2 influence of electors who are not Latino, as compared to at-large elections.

3 64. Latinos in Santa Clarita often vote in coalition with Black and Asian voters, so  
4 districts will also help equalize the political influence of voters in these classes, which are also  
5 protected by the CVRA.

6 65. The barrier to neighborhood-based campaigns created by at-large elections has  
7 advantaged incumbents, entrenching them in office through periods of demographic change.  
8 Prior to the 2020 elections, a majority of the Council members had served at least three terms.  
9 Each was White and Anglo, and their average age was 69 years.

10 66. The facts recited herein give rise to an actual controversy regarding the rights and  
11 duties of plaintiffs and defendant, entitling plaintiffs to declarative relief.

12 67. CITY OF SANTA CLARITA's wrongful maintenance of at-large elections has  
13 caused and, unless enjoined by this Court, will continue to cause immediate and irreparable  
14 injury to plaintiffs and all residents of the City.

15 68. There is no adequate remedy at law for the injuries that plaintiffs have suffered  
16 and will continue to suffer absent injunctive relief.

17  
18 **PRAYER FOR RELIEF**

19 WHEREFORE, plaintiffs pray for judgment against CITY OF SANTA CLARITA as follows:

- 20 1. For a decree declaring that CITY OF SANTA CLARITA's current system of electing  
21 council members at-large violates the California Voting Rights Act, which  
22 implements Section 7(a) of the Declaration of Rights and Article II, Section 2 of the  
23 California Constitution;
- 24 2. For preliminary and permanent injunctive relief prohibiting CITY OF SANTA  
25 CLARITA from calling, conducting or certifying at-large elections and directing the  
26 CITY OF SANTA CLARITA to conduct elections from single-member districts;
- 27 3. For approval of district boundaries similar to those set forth in Attachment 1, and for  
28 an order directing the CITY OF SANTA CLARITA to submit these boundaries to the

1 county registrar of voters before July 1, 2022, so that election of council members  
2 from at least one high-Latino district, can proceed in November 2022;

- 3 4. For declaratory relief stating that the adopted map complies with the federal Voting  
4 Rights Act and the FAIR MAPS Act;
- 5 5. For approval of a sequence designating which districts will conduct regular elections  
6 during the gubernatorial election and which during the presidential election, and for  
7 an order providing that any vacancies that occur after the Court approves the map  
8 must be filled by district through special election, on terms approved by the Court,  
9 which may authorize a mail election and shorten the required period that the vacancy  
10 must remain before the special election is called, especially where there has been  
11 advance notice of an impending vacancy;<sup>6</sup>
- 12 6. For an order excusing the CITY OF SANTA CLARITA from conducting some or all  
13 of the hearings set forth in Elections Code, Section 10010(a) or 21607.1(a);
- 14 7. For continuing jurisdiction pursuant to Elections Code, Section 21601(a)(2) to make  
15 appropriate adjustments to the remedy that do not disadvantage the voters in protected  
16 classes, including possible boundary modifications to reflect annexations that may  
17 occur prior to the next census;

---

18 <sup>6</sup> Appointment to vacancies during the transition to districts preempts the ability of district voters  
19 to select their own candidate of choice - but it is often justified by the lengthy vacancy period  
20 that must occur before a special election can be held. This extended period is a vestige of early  
21 20<sup>th</sup> century “reforms” that allowed members of at-large bodies to resign in advance or shortly  
22 after an election, enabling their colleagues to appoint the new incumbent. This power enabled  
23 many city councils to avoid open seats and to perpetuate themselves without competitive  
24 elections.

25 Absent remedial provisions, Section 34512(b) allows for appointment to a vacancy and precludes  
26 a special election until the next regularly scheduled election date more than 114 days after the  
27 election is called. Government Code, Section 1770(c)(2) allows city council members to resign  
28 with a future effective date. However, unless a city passes an ordinance making special elections  
automatic (§34512(c)(1)), the council can wait 60 days after the effective date before calling an  
election. Elections Code, Section 4004(c)(2) allows vacancies to be filled by all-mail elections  
but is limited to cities that have less than 100,000 population. Section 1003(f) allows all-mail  
elections to occur on most Tuesdays, in addition to the dates established in Sections 1000, 1001,  
and 1500. Conducting an all-mail election less than 114 days after a vacancy, especially a  
resignation announced in advance, is an appropriate part of the remedy.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- 8. For an award of additional plaintiffs’ attorneys’ and expert witnesses’ fees, costs, litigation expenses, and prejudgment interest pursuant to Elections Code, Section 14030, and other applicable law.
- 9. For such further relief as the Court may deem proper.

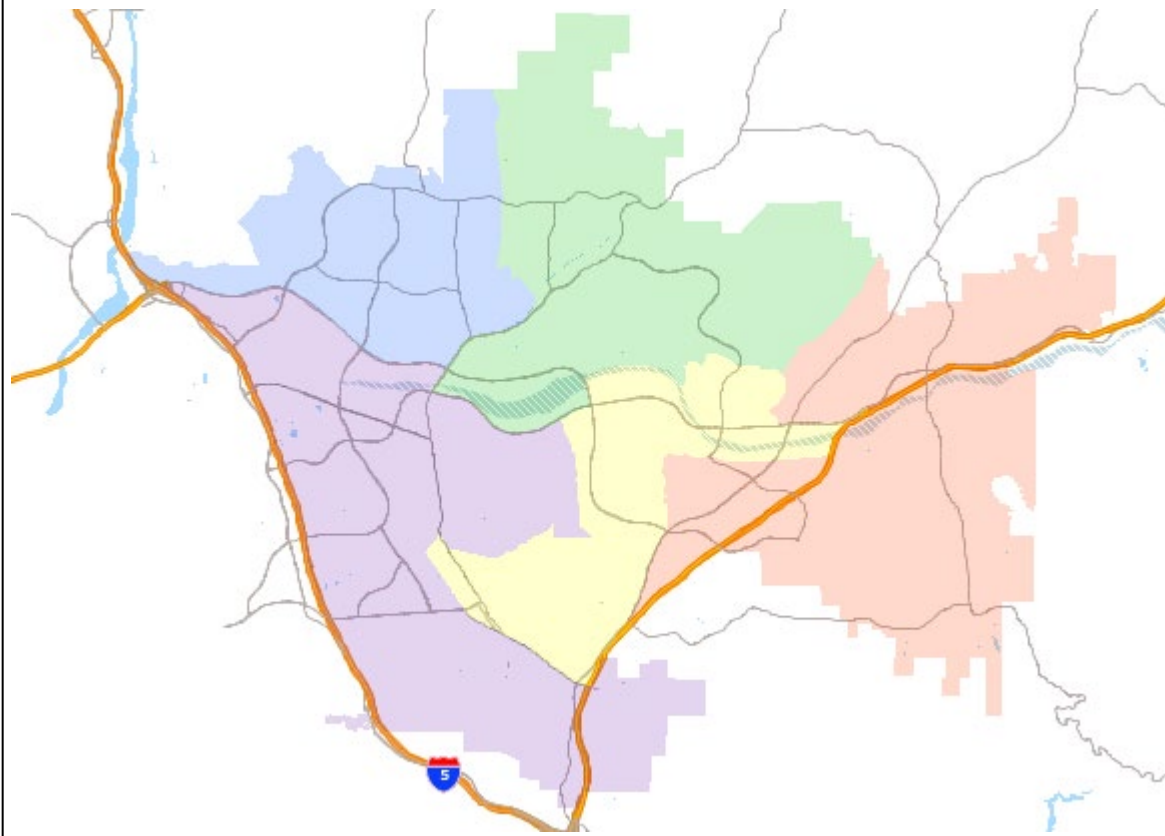


Scott J. Rafferty



**ATTACHMENT 1. PROPOSED DISTRICT MAP**

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

POPULATION

DISTRICT		total	Latino	White Anglo	Asian	Black
1	gold	45030	27070	10891	3983	2121
2	red	45321	16083	18611	6337	3009
3	green	47262	13545	23091	6853	2379
4	blue	44877	9918	23656	8286	1606
5	purple	46668	12346	25638	5631	1629
Grand Total		229158	78962	101887	31090	10744
variation		4.0%				

CITIZENS OF VOTING AGE (CVAP)

	total	Latino	Asian	Black	Latino sha	Asian shar	Black share	
1	24636	11106	2264	1448	45.1%	9.2%	5.9%	
2	29141	7890	3616	1820	27.1%	12.4%	6.2%	
3	28872	7313	3460	1251	25.3%	12.0%	4.3%	
4	29052	5205	3963	1088	17.9%	13.6%	3.7%	
5	32538	6901	2947	1385	21.2%	9.1%	4.3%	
Grand Total		144239	38415	16250	6992	26.6%	11.3%	4.8%

note: CVAP reflects adjustments made by Statewide Database

1 **VERIFICATION OF COMPLAINT**

2  
3 State of California

4  
5 County of Los Angeles

6  
7 To wit:

8 MICHAEL CRUZ, a Plaintiff named in the foregoing Complaint, CRUZ et al. v. CITY OF  
9 SANTA CLARITA, affirms under penalty of perjury that the facts and allegations contained  
10 therein are true, except so far as they are therein stated to be on information or belief, and that, so  
11 far as they are therein stated to be on information or belief, he believes them to be true. Much of  
12 the Complaint consists of allegations regarding the legal elements of jurisdiction, legal, academic  
13 and historical citations, the results of statistical analyses, and similar factual matters, which are  
14 based on information provided by his attorney, which he believes to be true.

15  
16   
17  
18

19  
20  
21 Affirmed this 29<sup>th</sup> day of December 2021  
22  
23  
24  
25  
26  
27  
28

1 **VERIFICATION OF COMPLAINT**

2  
3 State of California

4  
5 County of Los Angeles

6  
7 To wit:

8 SEBASTIAN C.M. CAZARES, a Plaintiff named in the foregoing Complaint, CRUZ et al. v.  
9 CITY OF SANTA CLARITA, affirms under penalty of perjury that the facts and allegations  
10 contained therein are true, except so far as they are therein stated to be on information or belief,  
11 and that, so far as they are therein stated to be on information or belief, he believes them to be  
12 true. Much of the Complaint consists of allegations regarding the legal elements of jurisdiction,  
13 legal, academic and historical citations, the results of statistical analyses, and similar factual  
14 matters, which are based on information provided by his attorney, which he believes to be true.  
15

16  
17   
18  
19  
20  
21

22  
23 Affirmed this 29<sup>th</sup> day of December 2021