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Voting Rights Suit Charges that Santa Clara's Voting System Discriminates Against Asian American Voters

An Asian American voter in the City of Santa Clara filed a lawsuit today in Santa Clara Superior Court, challenging Santa Clara's at-large election system. The lawsuit alleges that this winner-take-all method results in the dilution of Asian-American and Latino voting strength. Wes Mukoyama, a Santa Clara resident who filed the case, said: "Something is wrong when such a sizeable Asian-American population cannot elect candidates of its choice." Plaintiff's complaint contends that what is wrong is the at-large system, as a result of which Santa Clara has not had an Asian-American council-member for at least the past 65 years despite the fact that almost 40% of Santa Clara's population is Asian-American.

The suit seeks to enjoin the city from implementing the at-large system and allow for the implementation of a district election system. The case is filed pursuant to the California Voting Rights Act (CVRA) that prohibits use of at-large systems when voting patterns are racially polarized.

The complaint alleges that racially polarized voting exists in the City as evidenced by the difference between the electoral choices of Asian-American voters (who prefer candidates of their own ethnic background) and the electoral choices made by voters who are not Asian-American. As a result of these differences, and the City's at-large method of electing City Councilmembers, minority voters are unable to elect the candidates of their choice or otherwise to influence the outcome of City Council elections.

The impact of the at-large system on the political power of minority communities is devastating. Not a single Asian-American has been elected since at least 1951 when the current city charter was adopted. Although Asian-American eligible voters total approximately 30% of the city population, bloc voting by the majority Anglo population usually defeats the electoral choices of the Asian-American community.

In the most recent 2016 city council elections, five Asian American candidates ran for seats on the council; none were elected. Some of these candidates were the preferred choice of Asian American city voters and would have been elected under a district-based system.

“It is unconscionable that the city would allow such widescale disenfranchisement of such a significant segment of its population. It is particularly troublesome because the discrimination is based upon race,” said Robert Rubin, a San Francisco civil rights attorney who filed this case and successfully resolved more than a dozen CVRA cases, including a 2013 action against San Mateo County.

Co-counsel Laura Ho, of Goldstein, Borgen, Dardarian & Ho in Oakland, stated: “You might expect to have encountered these types of voting patterns in the Deep South during the 1950’s but it is surprising to find them in the Bay Area in 2017. This lack of representation is exactly why California has outlawed at-large voting systems where there is racially polarized voting.”

Richard Konda, Executive Director of Asian Law Alliance of Santa Clara County, and another co-counsel for the plaintiffs, offered: “It is well past time for the Asian American community to be able to have its voice at the table in the city of Santa Clara. Given the racially polarized voting we have found, district based elections will be the first step in the right direction.”

Plaintiffs’ counsel stated that every voting rights case filed under the California Voting Rights Act has been successful in changing the targeted jurisdiction’s voting system from at-large to district elections, and they expect the case against Santa Clara to have the same outcome.