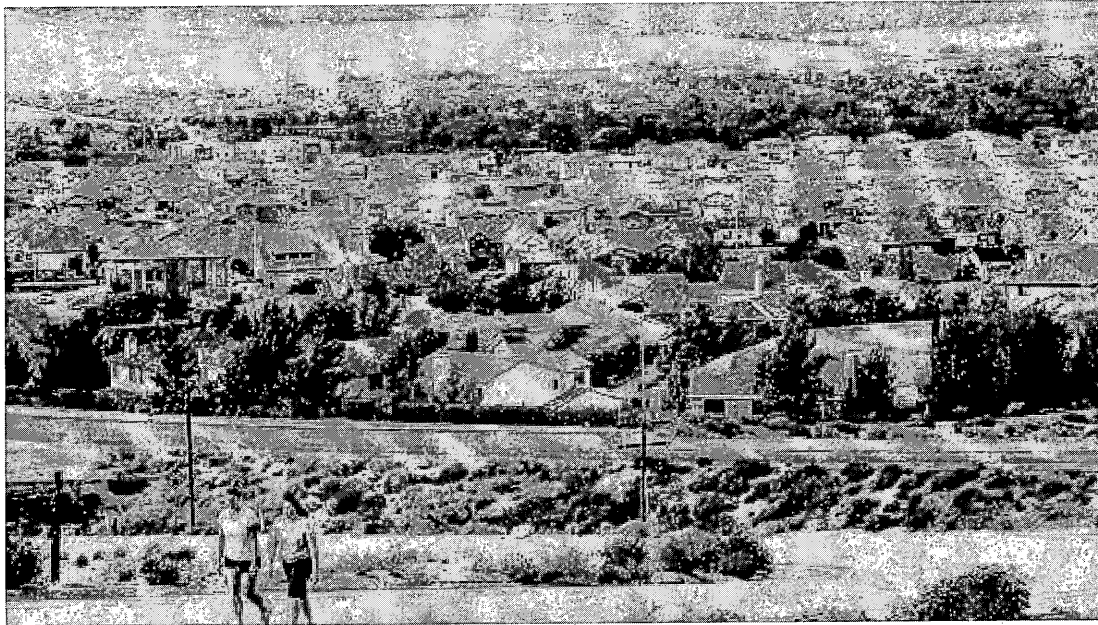


LOS ANGELES  
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ON PALMDALE, A  
CHARTER CITY,  
AND  
THE CALIFORNIA  
VOTING RIGHTS  
ACT

LOCAL / CALIFORNIA POLITICS

# Palmdale continues lonely fight against Voting Rights Act



A view of Palmdale, and in the distance at top of photo, Lancaster. Critics say Palmdale's at-large balloting violates the California Voting Rights Act because it deprives minorities of the opportunity to elect a candidate of their choice. (Anne Cusack / Los Angeles Times)



By Jean Merl

JULY 12, 2014, 5:50 PM

**A**

cross California, cities, school districts, even water boards are scrambling to comply with the state's Voting Rights Act and settle costly lawsuits, or avoid them altogether.

Palmdale is an exception.

Leaders in the Antelope Valley city have lost court battles and racked up big legal bills fighting to keep their system of electing officials; which a trial court last year ruled violates minority voters' rights. An appeals court recently agreed with the trial judge on some points, and now the city is asking the state Supreme Court to step in.

"I think every city in California needs to wake up. ... We should all unite instead of folding," Palmdale Mayor James Ledford said. He repeated his view that the lawsuits are "nothing but a money grab" by the plaintiffs' attorneys.

The city has reported spending \$1.5 million on private attorneys and recently was ordered to pay nearly \$3.6 million in plaintiffs' lawyers fees. The plaintiffs successfully argued that Palmdale's at-large balloting violates the California Voting Rights Act because it deprives minorities of the opportunity to elect a candidate of their choice.

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The lawsuit echoed others filed in jurisdictions with large minority populations but few or no minorities on their elected governing boards. All a plaintiff needs to do, experts on the 12-year-old law say, is demonstrate that racially polarized voting exists. That can be done with election results that show contrasting outcomes between predominantly minority precincts and white ones.

Jurisdictions that can't demonstrate fair treatment of minorities in at-large election systems must pay the plaintiffs' attorney fees.

Most local governments that settled suits over the Voting Rights Act did so by agreeing to elect council members by geographic districts, giving voters in minority areas a better opportunity to put a representative of their choosing in office.

Though geographic districts aren't a perfect solution, they do enable minorities who have been shut out of political office an opportunity to elect at least a single representative and have a voice on a board, proponents say.

Critics say switching to geographic districts undermines voters' ability to weigh in on candidates across a city or school district and that it doesn't help when minority residents are spread throughout a city.

Santa Clarita took a different approach earlier this year, agreeing to use "cumulative voting," which allows voters to cast all their allotted choices for one candidate.

If three City Council seats are on the ballot, for example, someone could cast one vote for three candidates or put two or three toward just one candidate. Soon after, the Santa Clarita Community College District agreed to switch to cumulative voting to settle a separate lawsuit.

Palmdale's is the first case to be decided at trial. Many others have settled, sometimes only after protracted legal battles. Voters in Whittier, for example, recently agreed to switch to district elections; a hearing on the city's request to dismiss the suit against it is scheduled for Sept. 5.

Critics say Palmdale is wasting taxpayers' money on a fight it can't win and courting bigger trouble by not putting its election system in order.

Los Angeles Superior Court Judge Mark V. Mooney ruled almost a year ago that the city was violating the Voting Rights Act and later ordered that elections be held under a new system.

The city has said it will appeal Mooney's entire decision later this summer. In the meantime, it held its regular November election under the at-large system and appealed Mooney's order not to certify the results.

The appeals court rejected Palmdale's argument that as a charter city, it is not subject to the Voting Rights Act. It also upheld Mooney's order on not certifying the election. The city recently asked the state's high court to reverse both rulings.

Critics of the city's stance say its failure to heed the court rulings leaves Palmdale operating without a legally constituted government. Mooney ruled that officials elected under the at-large system could not serve past July 9. Palmdale critics are circulating petitions to ask the governor to appoint a commission to conduct a new election.

None of this has deterred Ledford, the mayor, who said he and the City Council are united in their resolve to continue the fight.

He cited the principle of local control and noted that voters twice approved the at-large elections system. He also disagrees that polarized voting — which both sides in the case agreed exists in Palmdale — is the reason that only two minority members have been elected to the council since the city's 1962 incorporation. (Latinos comprise nearly 55% of the city's population of 157,000 and blacks make up almost 15%, according to 2013 Census Bureau estimates.)

Former planning commissioner Frederick Thompson, an African American who, with Ledford's and other officials' support, won a council seat in the disputed November election, defended the city in a recent newspaper opinion piece.

"I resent any implication that this community is racist," Thompson wrote. "We sometimes have complicated relationships in this city, but there is not a concerted effort to keep minority groups down."

Plaintiffs disagreed, citing many instances of minority residents who ran for office but could not win. Voting patterns showed "Latinos and African Americans are locked out of the political system," Kevin I. Shenkman, an attorney for the plaintiffs, said upon filing suit in early 2013.

But it is another plaintiffs attorney, R. Rex Parris, who draws the most criticism from Ledford. He called Parris — the mayor of neighboring Lancaster, Palmdale's longtime rival — "a predator" and noted that Lancaster elects its own council members at large.

"How can you do the same thing and claim your neighboring city is wrong?" Ledford asked rhetorically.

Parris said Lancaster has a better track record of electing minorities and shows little evidence of racially polarized voting. Still, he said he would like to change to district elections but doesn't have the votes to do so.

More to the point, Parris said, is the refusal of Palmdale officials to comply with the law.

"Palmdale has always had a small-town mentality and power has always rested in the hands of the few," Parris said. Switching to strict elections "would break that up."

The city's continuing fight, Parris said, is "a horrible abuse of power."

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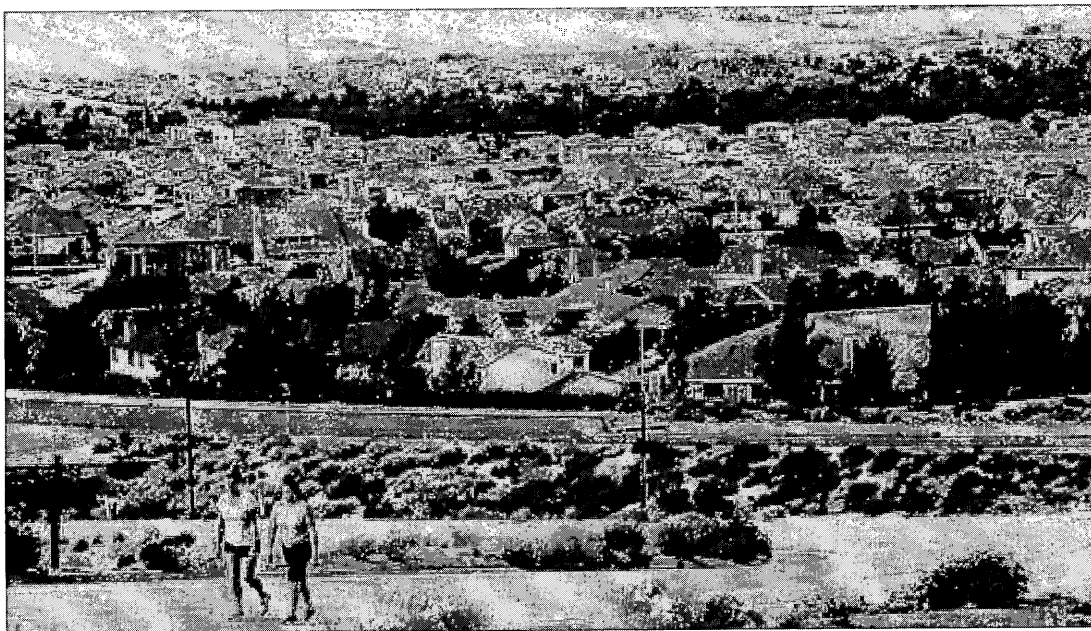
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LOCAL / L.A. Now

# Palmdale officials settle lawsuit, agree to voting by district



The city of Palmdale, shown in foreground, is poised to settle a lawsuit over its system of electing City Council members.

(Anne Cusack / Los Angeles Times)



By Jean Merl

MAY 6, 2015, 10:46 PM

**P**almdale officials Wednesday night announced that they have agreed to major changes in their elections system, settling a widely watched lawsuit over minority representation and the California Voting Rights Act.

Until now, Palmdale was a lone holdout in a string of lawsuits filed against cities that resisted district voting, which backers say helps minority groups gain elected office.

The city agreed to align its balloting to coincide with state and federal general elections, starting in November 2016. It also agreed to have voters choose elected officials by four geographic districts, including two with Latino majorities, rather than from the city as a whole.

Palmdale also will pay \$4.5 million plus interest to lawyers for the three minority plaintiffs who argued that the city's at-large voting system deprived them of opportunities to elect representatives of their choice.

The current City Council members will continue to serve until the next election, when the balloting for mayor — elected at large every two years — also will be held. Council terms can be staggered after that, according to the agreement.

The settlement represents the end of a three-year court battle and a major victory for voting rights activists.

Most cities, school districts and other jurisdictions targeted under the state's voting rights law have switched rather than wage costly court battles. Santa Barbara and Whittier are among the most recent cities to agree to change from at-large to by-district elections.

Jurisdictions vulnerable to lawsuits under the act generally have significant minority populations but few or no minority elected officials. In Palmdale, minorities make up almost 75% of the population, but candidates of color rarely have won a seat on the City Council.

Advocates of district elections say they are one remedy to the vote dilution that is characteristic of at-large elections and that minorities have a better chance of winning elections from districts made up of a large proportion of their peers. They also say minorities have a better chance of winning when turnout is highest, so they have pushed for local governments to hold their contests to coincide with federal and state elections, held in November of even-numbered years.

Palmdale voters Juan Jaurequi, Jesse Smith and Nigel Holly sued the city under the state's voting rights law in 2012. City officials resisted settling, saying that their residents had voted for at-large elections and asserting that the city had a right to determine how it wanted to conduct its own balloting.

The following year, Los Angeles County Superior Court Judge Mark V. Mooney ruled the city's system of electing council members was illegal and ordered officials to come up with a new system of district elections.

The city lost a series of appeals, held an election that plaintiffs argued was illegal and was awaiting a hearing before a California appellate court, which also is to be resolved in the settlement agreement announced Wednesday.

Kevin I. Shenkman, an attorney for the plaintiffs, said he was “very pleased with the result.”

“Not only will Palmdale have fair and inclusive elections, but other cities will look to Palmdale as an example of what happens if they refuse to comply with the California Voting Rights Act,” Shenkman said.

Palmdale's elected officials continued to blast the lawsuit even as they approved the settlement.

Councilman Fred Thompson, an African American, said his 2013 election proved the lawsuit was “both unnecessary and disingenuous.”

Mayor Pro Tem Mike Dispensa called on the state Legislature to make changes in the voting rights law.

“This lawsuit has never been about race or voting rights,” Mayor Jim Ledford said, adding it “always has been about money and politics.” Ledford produced a list of 25 voting rights cases across California that he said have cost taxpayers more than \$13.8 million.

But R. Rex Parris, another plaintiffs' attorney and mayor of neighboring Lancaster, said Palmdale officials had no one but themselves to blame for the costly legal battle.

“While we were never in doubt about our legal position, I am deeply disappointed that Palmdale City Council spent millions of ... precious tax dollars fighting to keep a system that violated the law of California and amounted to electoral discrimination,” Parris said.

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## UPDATED

**10:46 p.m.:** This post was updated to reflect the city's decision to move to by-district voting.

This post was originally published at 5:23 p.m.