



# MALDEF

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March 18, 2015

Don McDougal, Board President  
Bert Hayden, Director  
Al Gebhart, Director  
Charley Wolk, Director  
Milt Davies, Vice President  
Fallbrook Public Utility District  
990 East Mission Road  
Fallbrook, CA 92028

We have received complaints from Latino citizens and voters of the Fallbrook Public Utility District that the use of an at-large election system for the election of candidates to the Board results in minority vote dilution and prevents minority voters from electing candidates of their choice or influencing the results of elections. Upon those complaints, we have investigated demographic and electoral information of your jurisdiction with particular attention to the prohibitions of the California Voting Rights Act (“CVRA”) of 2001. Based on that investigation, we believe that Fallbrook’s at-large election system violates the CVRA and must be changed to a district election system.

The CVRA, which is a part of the California Elections Code, states in relevant part:

§ 14027. [A]n at-large method of election may not be imposed or applied in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as a result of the dilution or abridgement of the rights and the privileges of members of a protected class.

Latino residents of Fallbrook are a “protected class,” and we believe that the at-large election system does result in dilution of their voting rights. Our analysis of population data from census figures shows that 44% of the population of Fallbrook PUD is Latino. However, none of the five current members of the Fallbrook Board is Latino. There has been no Latino Board member elected going back at least seven election cycles, perhaps longer. Based on our review of election returns, demographic information, Spanish-surname analysis of votes cast by precinct, we believe that the lack of success of Latino voters in selecting candidates of their choice results from persistent racially polarized voting by the

electorate. Our methodology is consistent with that universally accepted by federal courts, as §14026(e) of the CVRA requires.

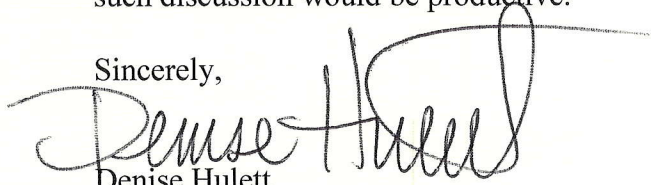
In light of the lack of Latino representation and the inability of Latino voters to select candidates of their choice and to influence the outcome of elections, in violation of the California Voting Rights Act, and in the context of racially polarized voting as occurs among Fallbrook voters, we demand that Fallbrook PUD change its at-large system to a district-based system.

Furthermore, it is our understanding that Fallbrook is taking steps to combine Fallbrook PUD with Rainbow Municipal Water District. We have examined election results for the larger Fallbrook/Rainbow/Bonsall area. We are of the opinion that should the districts combine, and convert Rainbow's district election system to an at-large system, the resulting successor elections would also violate the CVRA.

We request your response to this demand by April 20, 2015. In the absence of a satisfactory response, we and our clients will be forced to seek judicial relief in the form of an action to obtain and order changing the election system from at-large to by-district, together with other relief provided for in the CVRA, including awards of litigation and expert witness costs, and attorneys' fees.

We would be pleased to discuss the subject of this letter with you should you believe such discussion would be productive.

Sincerely,



Denise Hulett  
National Senior Counsel

Cc: Robert H. James, Fallbrook PUD General Counsel  
Paula C.P. de Sousa, Special Counsel to Fallbrook PUD  
Dennis Sanford, Board President, Rainbow MWD  
Lloyd W. Pellman, Special Counsel, Rainbow MWD  
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Adrian R. Ochoa, General Counsel, Rainbow MWD  
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