



Northern
California

January 18, 2022

Sent via Email

Visalia City Council
c/o Michelle Nicholson
City of Visalia Chief Deputy City Clerk
220 N. Santa Fe St.
Visalia, CA 93292
cityclerk@visalia.city

Re: City Council Redistricting and Compliance with the Voting Rights Act

Dear Members of the City Council:

The American Civil Liberties Union Foundation of Northern California writes in response to remarks made at the January 10, 2022 public hearing on redistricting. Specifically, the City’s consultant noted that only one of the proposed maps considered that day creates two districts with majority Latinx citizen voting age population (“CVAP”).¹ But the consultant then immediately qualified that “that’s not a criteria unless you . . . state it as such, unless that’s what you want to do.”² We write to clarify any confusion regarding the role of Voting Rights Act of 1965 (“VRA”) in the City’s redistricting process.

The City Council—like all legislative bodies across the country—*must* comply with Section 2 of the VRA to ensure that the final district map does not dilute the voting power of any protected communities. *See* 52 U.S.C. § 10301; *see also* Cal. Elec. Code § 21621(b) (requiring council district boundaries to comply with the U.S. Constitution, the California Constitution, and the federal VRA). In 2015, when the City transitioned to by-district elections and drew the existing map, 34% of its CVAP was Latinx. Under the current map, only one of the City’s five districts has greater than 50% Latinx CVAP. Based on a review of recent demographics, the City’s Latinx population, including its CVAP, has grown significantly. Now, approximately 43% of the City’s CVAP is Latinx. It is incumbent on you to work closely with counsel and consultants to avoid potential VRA litigation and explore the apparent need to create a second

¹ Redistricting Public Hearing No. 4 at 46:58–47:05, Visalia City Council (Jan. 10, 2022), http://visalia.granicus.com/player/clip/144?view_id=1&redirect=true.

² *Id.* at 47:06–47:16.

American Civil Liberties Foundation of Northern California

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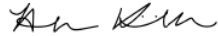
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Section 2 compliant district where Latinx voters have a real opportunity to elect candidates of their choice.

If you have any questions, please feel free to contact me at hkieschnick@aclunc.org.

Sincerely,



Hannah Kieschnick
Staff Attorney
ACLU Foundation of Northern California

cc: Allison Mackey, City of Visalia Communications Manager,
communityfeedback@visalia.city