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**Governor's Call on Special Election is Violation of Voting Rights Act, Disenfranchises Latino Voters – Federal Court Asked to Stop Election**

*Compressed Timeline Keeps Monterey County from Seeking Required Federal Preclearance*

SACRAMENTO – Represented by renowned voting rights attorney Joaquin Avila and the noted civil rights firm of Rosen, Bien & Galvan, LLP, plaintiffs Maria Buell, Antonio Alvaro Morales, and Guadalupe Joan Perez from Monterey County will file this morning a complaint with the United States District Court for the Northern District of California seeking to halt the special election called for in Senate District 15. The complaint states that the special election for Senate District 15 cannot be administered or implemented prior to securing approval pursuant to Section 5 of the Voting Rights Act of 1965. To date Monterey County and the State of California have not secured the required Section 5 approval from either the United States District Court for the District of Columbia or the United States Attorney General. The plaintiffs in this action seek an injunction preventing Monterey County from seeking to administer or implement the change in election dates until the requisite approval is obtained. This clear violation of Section 5 results in a disenfranchisement of minority voters since the setting of special election results in depressed minority voter turnout.

“The Governor’s decision on calling this election will disenfranchise Latino voters in Monterey County – the Governor should have consolidated the special election schedule with the general election to be conducted on November 2, 2010. Such a consolidation would have permitted the United States Attorney General to review the impact of this election date change on minority voting strength within the statutory 60 day time period specified by Section 5. Instead the first election, unless enjoined by the federal court, is scheduled to take place without regard for the time period established by Congress to permit a thorough review of changes affecting voting. Thus, without relief from the court, there can only be a truncated and rushed process to seek a determination prior to the June 22<sup>nd</sup> special primary election. This limited and rushed process does not provide minority communities with a meaningful opportunity to have input into the Section 5 administrative process,” Avila said. “The Governor’s decision not only results in a violation of Section 5, the decision effectively locks out the minority community from the Section 5 process by shortening the time period for the submission of written comments and election analysis.”

The complaint asks for a temporary restraining order so that the Federal Department of Justice has the opportunity to meaningfully review the change in election date and to solicit and receive public comment on the election date change. In addition, it is anticipated that Monterey County will reduce the number of polling places that will be available in the June 22<sup>nd</sup> special primary election and the special run-off election scheduled for August 17<sup>th</sup>. Thus the decision to call a special election on a date other than the general election scheduled for November 2, 2010 will have a discriminatory effect on minority access to the political process and cause significant voter confusion.

Continued Avila: “Our right to vote is sacred and the decision to hold a special election for a senate district seat will thwart voter turnout within minority communities and is unacceptable.”

The complaint will be filed in the United States District Court, for the Northern District of California in San Jose this morning.

The California Democratic Party will provide funding for the lawsuit.

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