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Settlement in Latino voting case will set Modesto back \$3 million

Lawsuit said council elections deprived city's minority voters

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June 6, 2008

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Modesto is paying \$3 million to settle a voting rights lawsuit the city fought all the way to the U.S. Supreme Court, one of the attorneys who won the case said Thursday.

Modesto will pay over three installments. It had set aside at least \$500,000 because it anticipated owing the attorneys' fees.

The money is going to pay the fees of the three law firms that argued the case on behalf of three Latino residents who claimed Modesto's at-large City Council elections disenfranchised minority voters.

The City Council unanimously approved the settlement in a closed session meeting three weeks ago.

Modesto City Attorney Susana Alcala Wood said it made sense to settle after Modesto voters approved a ballot measure in February that set a course for district elections by 2009.

The lawyers for the Latino residents carried the case under the California Voting Rights Act, which allows groups of people to contest at-large election systems if they can demonstrate that racially polarized voting patterns keep minorities from winning office.

The decisive ruling in the case took place in December 2006, when the 5th District Court of Appeal in Fresno sided with the Latino residents and upheld the voting law.

Modesto appealed that ruling to the U.S. Supreme Court, which rejected Modesto's case in October by deciding not to hear it.

The settlement money will go to:

The Lawyers Committee for Civil Rights of the San Francisco Bay Area

The Heller Ehrman law firm in Menlo Park

Joaquin Avila, a voting rights expert and co-counsel in the case

Robert Rubin, legal director for the lawyers committee, said the court decisions and the settlement strengthened the California Voting Rights Act, which the Legislature passed in 2001.

"It certainly sends a message to other cities and school boards that the at-large election system is

susceptible to challenge, and that it will be very costly to defend these illegal systems," Rubin said.

Modesto is the fourth-largest city in the state with at-large elections, which are more common among smaller cities.

A city committee is holding meetings about how to draw the boundaries for next year's council elections. Its next public meeting will take place June 14 in the Maddux Youth Center.

"The voters were pretty decisive in February," Wood said. "They said go for district elections. We knew this issue belonged in the hands of the voters; that's what we said all along."

There was a risk that the case would continue in Stanislaus County Superior Court even after the U.S. Supreme Court decision.

The high court upheld the constitutionality of the California Voting Rights Act, but the Latino group would have had to go to trial to demonstrate that racial polarization swayed the results of Modesto council elections. That trial became unnecessary when voters approved the February ballot measure.

The Latino residents named in the complaint -- Emma Pinedo, Enrique Sanchez and Salvador Vera -- will not financially benefit from the settlement.

The Lawyers' Committee for Civil Rights used the California Voting Rights Act to force election reforms on Hanford Joint Union School District in 2005.

Avila also filed a claim under the law against the Tulare District Hospital board of directors in August.

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