

# de Castro, P.C.

Attorneys & Counselors

VIA ELECTRONIC MAIL AND U.S. CERTIFIED MAIL

RECEIVED

November 8, 2021

NOV 15 2021

City of National City  
Hon. Luz Molina, City Clerk  
1243 National City Boulevard  
National City, CA 91950

Office of the City Clerk  
City of National City

**Re: Notice of Violation of California Voting Rights Act of 2001**

Clerk of the City of National City,

This notice is being sent to you pursuant to California Elections Code §10010(e)(1). We represent several residents and communities-of-interest in the City of National City (the "City") who are members of the Filipino/API community. This community represents the 2<sup>nd</sup> largest ethnic group in the City. There is also substantial private investment in the City because of it— which substantially contributes to the City's economy and culture.

Yet, the City's at-large elections have resulted in vote-dilution and political disempowerment for the Filipino/API community. It has been denied adequate representation on the City's five-member council for decades. In the last twenty years alone, the City has not been successful in electing more than a single Filipino/API candidate, despite having several candidates run for office.<sup>1</sup> In addition, the at-large elections have denied the community the fair opportunity to just influence the outcome of an election. The City's at-large election system violates the California Voting Rights Act of 2001 ("CVRA"). Cal. Elec. Code §§14025 et. seq.

On behalf of the constituents working with this firm, we demand the City adopt a resolution within 45 days of receipt of this notice outlining its intention to transition from at-large to district-based elections, specific steps it will undertake to facilitate this transition, and an estimated timeframe for doing so in accordance with Cal. Elec. Code §10010(e)(3)(a).

If the City fails to comply with this request, this firm will seek injunctive relief and all other available remedies to enforce §§14027, 14027, and any other applicable sections of the CVRA. As you are probably well aware, the City will be responsible for all legal fees and costs, including experts, if the represented parties prevail. As the likelihood of prevailing on such an action is very high, it would be more prudent for the City to adopt an ordinance to transition to district based elections.

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<sup>1</sup> Former Councilmember Fideles Ungab served on the Council as an appointment to fill a vacancy.

City Clerk, City of National City  
November 8, 2021, continued

Please submit this notice to the City Council for consideration at the earliest available meeting, but no later than the time frame necessary to comply with the CVRA.

If you have any questions, please feel free to contact me.

Sincerely,



Audie J. de Castro  
DE CASTRO, P.C.

cc: Hon. Alejandra Sotelo-Solis, Mayor (via email)  
Hon. Jose Rodriguez, Vice-Mayor (via email)  
Hon. Ron Morrison, Councilmember (via email)  
Hon. Marcus Bush, Councilmember (via email)  
Hon. Mona Rios, Councilmember (via email)