

San Mateo County seeks dismissal of suit that says at-large voting system discriminates

By Jesse Dungan
Daily News Staff Writer

Posted: 06/13/2011 07:22:35 PM PDT

Updated: 06/14/2011 12:34:24 AM PDT

San Mateo County asked a judge Monday to dismiss a lawsuit that alleges its at-large voting system discriminates against minorities by weakening their clout.

The board of supervisors is elected countywide instead of by district, a system that critics say favors well-known incumbents over minorities and other low-profile candidates without the financial means to build name recognition.

Although San Mateo is the only county in California to still use an at-large voting system, board President Carole Groom said Monday that doesn't matter. "I don't think it's relevant what other counties do or don't do. I think you look at how well this county is run, how well this county operates."

In its motion asking a San Mateo County Superior Court judge to dismiss the lawsuit, the county argues that its voting system is permitted by the state's constitution, required by the county's charter and supported by residents.

"The county is simply expressing its rights under the state's constitution," said James Wagstaffe, an attorney representing the county. He added that "the county has decided for good reasons this is the way it wants to go."

On April 14, the Lawyers Committee for Civil Rights of the San Francisco Bay Area sued the county on grounds that its at-large system violates the California Voting Rights Act by diluting the ability of minority residents to elect representative candidates.

Data from the 2010 U.S. Census shows white

residents make up 42.3 percent of the county's population while Latinos make up 25.4 percent and Asians 24.5 percent. Yet the current five-member Board of Supervisors has no Latino or Asian members. And in the past 16 years, only one Latino served as supervisor and no Asians did, according to the suit.

In essence, "it's an at-large system that is plagued by racially polarized voting," Robert Rubin, director of litigation for the Lawyers Committee, said in a phone interview.

The county notes that in addition to being allowed by the state and required by the county's charter, the at-large system has been chosen by voters in elections held in 1932, 1978 and 1980.

But Rubin countered that "one might question the relevance of elections that are over 30 years old."

Last July, after the topic had resurfaced, the Board of Supervisors decided not to put a measure on the ballot asking voters if they prefer electing only candidates representing their district and not the whole county.

"By being elected at large, I have responsibility to every voter. ... no matter what city," Groom said in defending the board's decision last year.

But her newly elected colleague, Supervisor David Pine, looks at the issue differently. He said district elections could strengthen the board by making races more competitive and allowing people without the means for a countywide campaign to toss in

The Mercury News

MercuryNews.com

their hats.

"I don't know if we're in violation of (the California Voting Rights Act) or not, but I do think there would be an improved chance of minorities on the board," Pine said.

Nevertheless, Pine added, the "lawsuit is unfortunate" and the matter should be settled by voters.

The lawsuit asks the court to order the county to find an alternative method for electing supervisors.

Email Jesse Dungan at jdungan@dailynewsgroup.com.