



From: Martin Klein <mklein@MALDEF.org>
Sent: Thursday, November 9, 2023 4:24 PM
To: Comm - Chicago Elected Rep. School Board Spec. Committee <ChicagoERSBCommittee@senatedem.ilga.gov>;
RedistrictingCommittee@hds.ilga.gov
Cc: Griselda Vega Samuel <Gvegasamuel@MALDEF.org>
Subject: MALDEF submission RE: Chicago Elected Representative School Board

Dear Members of the Senate and House Committees,

Please find attached a submission to the committees on behalf of Griselda Vega Samuel, Midwest Regional Counsel for the Mexican American Legal Defense and Educational Fund, on the proposed maps for the Chicago Elected Representative School Board. Let me know if you encounter any difficulty accessing the attached document so I can resend.

Kind regards,

Martín E. Klein
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November 9, 2023

VIA EMAIL

Illinois General Assembly
Senate President Don Harmon
and Speaker of the House Emanuel "Chris" Welch
Springfield, IL 60507

Email: ChicagoERSBCommittee@senatedem.ilga.gov
RedistrictingCommittee@hds.ilga.gov

Re: Chicago Elected Representative School Board Districting

Dear Illinois General Assembly, Senate President Don Harmon, and Speaker of the House Emanuel "Chris" Welch:

On behalf of MALDEF (Mexican American Legal Defense and Educational Fund), I write to urge you to meet your obligations under the federal Voting Rights Act and to adopt a districting plan for the Chicago Elected Representative School Board that includes three Latino citizen voting age population (CVAP)-majority districts out of ten-district plan, and six Latino CVAP-majority districts of the twenty-district plan.

Section 2 of the Voting Rights Act (VRA), 52 U.S.C. §10301, requires the Illinois General Assembly to construct a plan that includes three out of ten Latino-majority districts, and six out of twenty Latino-majority districts in which Latinos constitute a majority of the citizen voting age population. Federal law is clear that in determining compliance under Section 2 of the VRA, "CVAP is the appropriate measure to use in determining whether an additional effective majority-minority district can be created," *Barnett v. City of Chicago*, 141 F.3d 699, 704 (7th Cir. 1998) (Posner, J.), cert. denied, *Bialczak v. Barnett*, 524 U.S. 954 (1998), and "this is consistent with the caselaw." *Id.* at 705 (citing *Negron v. City of Miami Beach*, 113 F.3d 1563, 1567-69 (11th Cir. 1997); *Luna v. County of Kern*, 291 F.Supp.3d 1088, 1107 (E.D. Cal. 2018) (quoting *Cano v. Davis*, 211 F.Supp.2d 1208, 1233 (C.D. Cal. 2002)). In light of the growth of the Latino population in the city, at 27% of the total population, where a Latino CVAP-majority school board district is possible, the districting plan must include three of the ten-district plan, and six of the twenty-district plan to comply with VRA section 2 in its adopted districting plan.

The Illinois General Assembly's proposed map, first published on October 31, 2023, only contains two Latino CVAP-majority districts of the twenty-district plan. The ten-district map proposed under Senate Bill 0689, House Amendment 002, only contains one Latino CVAP-majority district of the ten-district plan.

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www.maldef.org

In our letters to the committees on May 9, 2023, and May 18, 2023, and in our testimony to the Senate Special Committee on the Chicago Elected Representative School Board on October 3, 2023, we shared and discussed a demonstrative map—submitted with the May 9th letter—that shows that it is possible to draw two compact school board districts on the North side, and four compact school board districts on the South side of the city that would have greater than 50% Latino CVAP, while also maintaining seven African American districts, and being respectful of the Asian communities of interest. We also demonstrated that it is possible to have a ten-district map with three districts that would have greater than 50% Latino CVAP, that similarly protects African American and Asian communities of interest while also complying with federal requirements. It is incumbent upon the Illinois General Assembly to provide Latino voters the opportunity to elect their candidate of choice in Chicago’s first elected school board district plan.

The Illinois General Assembly should direct its staff to construct a map with the six of the twenty-district, and three of the ten-district, VRA-compliant Latino-majority districts in the Chicago Elected Representative School Board.

If you would like to discuss further, I am available at gvegasamuel@maldef.org, or at (312) 427-0701. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Griselda Vega Samuel". The signature is fluid and cursive, with a large initial "G" and "S".

Griselda Vega Samuel, Regional Counsel
MALDEF Midwest Regional Office