

February 13th 2018

Leah C. Aden, Senior Counsel
NAACP Legal Defense &
Educational Fund
40 Rector Street, 5th Floor
New York, NY 10006

Dear Ms. Aden,

Thank you again for your November 17, 2017 and December 15, 2017 letters regarding your organization's review, at the request of Everyday People for Positive Change, of our city's at-large electoral method for members of City Council. We are confident, when presented with objective data, the NAACP Legal Defense & Educational Fund will find that the current system of electing members to Columbus City Council on an at-large basis meets the requirements of Section 2 of the Voting Rights Act of 1965.

It is important to remember, despite the assertions in your November 17 letter, Columbus operates under a charter form of government, not under the provisions of Chapter 705 of the Ohio Revised Code. As you know, Columbus voters have overwhelmingly supported continuation of the current electoral system designated in the Columbus City Charter. Ballot initiatives for charter amendments that would create districts were defeated in 1968, 1975, and most recently, 2016. Given these results it appears that the majority of Columbus' citizens, including those in majority minority wards are satisfied with the current electoral system.

Of course, as you note, it is important to ensure that, regardless of voter satisfaction, Columbus' system is compliant with current federal and state law. We have recently undertaken an objective review of data regarding the election of City Council candidates. While we are pursuing validation of our findings by a third party validator, we are confident that the data will show that Columbus' system meets all the requirements of the *Gingles* test, including the requirement that voters in majority minority wards are electing their preferred candidates. *Thornburg v. Gingles*, 478 U.S. 30 (1986). Despite your assertions to the contrary, we are also confident that the data indicates that the "special circumstance" of incumbency does not lead to minority voter dilution in violation of Section 2 as majority minority wards in Columbus are electing their candidates of preference by a wide margin. *Id.* at 57. Finally, as noted in *Gingles*, "loss of political power through vote dilution is distinct from the mere inability to win a particular election". *Id.* citing *Whitcomb v. Chavis*, 403 U.S. 124. It is our belief, evidenced by the objective data, that voters of color in Columbus are fully able to elect their preferred candidates in City Council elections.



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We continue to be appreciative of the NAACP Legal Defense & Educational Fund's interest in Columbus' electoral system. We remain confident that our system is the best for continuing to elect diverse, representative members to City Council who represent the best the interests of all our citizens.

Kind Regards,



Shannon Hardin
Council President
Columbus City Council



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