

December 15, 2017

By USPS Mail & Email

Zach Klein, Council President
c/o Gina Space, Legislative Aide
& Edward Roberts, Chief of Staff
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Dear Mr. Klein:

We are in receipt of your summary response to our [initial letter](#) to you dated November 19, 2017. Our organization remains deeply concerned that Columbus' at-large voting method fails to provide an equal opportunity for the City's Black voters to elect councilmembers of their choice, which the Voting Rights Act of 1965 guarantees. Rather than engaging us on this issue and explaining how the process of appointment—by which every Black member of the City Council has assumed a seat before being elected as an incumbent—provides such an equal opportunity, your letter focuses on the diversity of the councilmembers and the “strong record of electing minority candidates to [the] City Council.” However, the Voting Rights Act is not primarily concerned about the racial makeup of the body at issue, but rather on minority voters' equal opportunity to elect candidates of *their* choice. *See Thornburg v. Gingles*, 478 U.S. 30, 31, 57 (1986) (holding that “proof that some minority candidates have been elected does not foreclose a § 2 [of the Voting Rights Act] claim,” particularly where “special circumstances, such as the absence of an opponent, *incumbency*, or the utilization of bullet voting, may explain minority electoral success.”) (emphasis added). Moreover, the U.S. Supreme Court has warned that unconstitutional racial stereotyping can occur when officials assume of racial minorities that “they think alike, share the same political interests, and prefer the same candidates.” *Shaw v. Reno*, 509 U.S. 630, 631 (1993).

Going forward, at the behest of our client, Everyday People for Positive Change, we will continue to review the City's electoral method. Please look forward to further correspondence from us on this issue. At the same time, as we indicated in our initial letter, we know that the Council itself is best suited to consider and potentially remedy this issue for the benefit of all of the City's residents. LDF stands ready to provide our expertise on this matter and engage in further dialogue with the Council. In particular, we would be happy to meet in 2018 in Columbus to discuss this electoral reform issue directly.

Sincerely,



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