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10 UNITED STATES DISTRICT COURT  
11 EASTERN DISTRICT OF WASHINGTON

11 Bertha Aranda Glatt,

No.

12 Plaintiff,

13 v.

14 CITY OF PASCO, MATT  
15 WATKINS, in his official capacity as  
16 Mayor of Pasco, and REBECCA  
FRANCIK, BOB HOFFMANN,  
TOM LARSEN, SAUL MARTINEZ,  
and AL YENNEY, in their official  
capacity as members of the Pasco  
City Council,

**COMPLAINT**

17 Defendants.

18 **I. INTRODUCTION**

19 1. This Complaint is a challenge to the at-large election system utilized by  
the City of Pasco, Washington to elect members of its City Council. The

1 current at-large scheme impermissibly denies Latino/a voters an equal  
2 opportunity to participate in the political process and elect representatives  
3 of their choice, in violation of Section 2 of the Voting Rights Act, 42  
4 U.S.C. § 1973.

## 5 **II. JURISDICTION**

6 2. This is an action for injunctive and declaratory relief under Section 2 of  
7 the Voting Rights Act, 42 U.S.C. § 1973.

8 3. Jurisdiction is proper under 28 U.S.C. §§ 1331, 1343(a)(3), 1343(a)(4),  
9 and 1367. Plaintiff's action for declaratory and injunctive relief is  
10 authorized by 28 U.S.C. §§ 2201 and 2202. Venue is proper under 28  
11 U.S.C. § 1391.

## 12 **III. PARTIES**

13 4. Plaintiff Bertha Aranda Glatt is a Latina, registered voter, and resident of  
14 the City of Pasco.

15 5. Plaintiff desires to participate in the electoral and political processes of  
16 the City of Pasco on an equal basis with all other residents, and to ensure  
17 that all Latino/a voters can also do so.

18 6. Defendant City of Pasco is a governmental entity that maintains an  
19 electoral system comprised of seven positions—five residency district  
positions and two at-large positions—for the Pasco City Council (the

1 “City Council”). In the general election, all seven City Council seats are  
2 elected at-large.

3 7. Defendants Matt Watkins, the Mayor of the City of Pasco, Rebecca  
4 Francik, Bob Hoffmann, Tom Larsen, Saul Martinez, and Al Yenney are  
5 the current elected members of the City Council. The City Council has  
6 authority to set voting districts. The City Council members are each sued  
7 in their official capacity only.

#### 8 IV. FACTS

##### 9 A. The City of Pasco

10 8. Pasco is a non-charter code city. Under Wash. Rev. Code 35A.12.180,  
11 non-charter code cities may divide their city into wards but may not limit  
12 voting in general elections to voters residing in wards unless the system  
13 was set up prior to 1994. Pasco did not set up a districted voting system  
14 for primary elections prior to 1994.

15 9. According to data provided by the United States Census Bureau, the City  
16 of Pasco has a total population of 62,295 and a voting-age population of  
17 40,451.

18 10. Latino/as comprise approximately 32% of the City of Pasco’s voting-age  
19 population, and comprising approximately 54.13% of the city’s  
population.

1 **B. The Pasco City Council**

2 11. The City Council is comprised of seven (7) non-partisan seats.

3 12. City Council positions 1, 2, 3, 4, and 5 are residency districts. Positions 6  
4 and 7 are at-large seats.

5 13. In the primary, only those who live in a residency district associated with  
6 positions 1-5 vote to determine who will proceed from the primary to the  
7 general election. In the primary, positions 6 and 7 are elected at-large.

8 14. In the general election all City Council positions are elected at-large.

9 15. City Councilmembers serve staggered, four-year terms such that either  
10 three or four of the seven seats are up for election biannually. The last  
11 general election for positions 1, 5, and 6 was held on November 3, 2015.  
12 The last general election for positions 2, 3, 4 and 7 was held on November  
13 5, 2013.

14 16. Despite the fact that there is a substantial Latino/a population, no Latino/a  
15 has won a contested election.

16 **C. Pasco's Latino/a Community**

17 17. Latino/as in Pasco have expressed clear political preferences that are  
18 distinct from those of the majority of non-Latino/a voters. In elections  
19 where Latino/a candidates have run, a statistically significant percentage  
of Latino/a voters in Pasco vote for the same candidates.

- 1 18. As a result of racially polarized bloc voting, no Latino/a candidate has  
2 ever won a contested election for a seat on the City Council.
- 3 19. These patterns have continued through the most recent elections in the  
4 Pasco City Council. In 2015, six Latinos ran for two positions on City  
5 Council. Despite vigorous efforts and strong support in the Latino/a  
6 community, the two Latinas who survived the primary election were both  
7 defeated in the general November 2015 election.
- 8 20. Latino/as in the City of Pasco are physically and geographically compact  
9 enough to compose the majority of at-least one single-member district,  
10 and it is possible to draw a single-member district plan for the Pasco City  
11 Council that contains three districts with Latino/a citizen voting-age  
12 population majorities.
- 13 21. The totality of the circumstances demonstrate that Latino/a voters in the  
14 City of Pasco have less opportunities than white members of the  
15 electorate to participate in the political process and elect representatives of  
16 their choice.
- 17 22. There has been discrimination against Latino/as in their efforts to  
18 participate equally with other residents in the political process.
- 19 23. There is significant evidence of racially polarized voting in Pasco City  
Council elections. Bloc voting patterns in the City have consistently

1 prevented Latino/a voters from electing their preferred candidates. This  
2 racially polarized voting results in the limited representation and  
3 indifference to the Latino/a community's interests on the City Council.

4 24. The City of Pasco has used voting practices or procedures that enhance  
5 the opportunity for discrimination against Latino/a voters.

6 25. Latino/as in the City of Pasco have been subjected to and continue to bear  
7 the effects of official and private discrimination on the basis of race and  
8 ethnicity in employment, education, health services, and housing. As a  
9 result of historical discrimination against Latino/as in employment,  
10 education, health services, and housing, many Latino/as in the City of  
11 Pasco have a lower socioeconomic status.

12 26. According to the 2011-2013 American Community Survey ("ACS") 3-  
13 Year Estimates, Latino/as in Pasco are less likely to own homes than  
14 white residents. Estimates indicate that 77.7% of white residents owned  
15 the home they occupied while only 51.8% of Latino/a residents did.

16 27. According to the 2011-2013 ACS 3-Year Estimates, while 14.2% of the  
17 City of Pasco's non-Hispanic white residents aged 18 to 64 lack health  
18 insurance, 43.8% of Latino/as aged 18 to 64 lack the same.

19 28. According to the 2011-2013 ACS 3-Year Estimates, the poverty rate for  
Latino/a residents of the City of Pasco is more than six times higher than

1 the rate for non-Hispanic white residents (32.9% to 5.1% respectively).

2 Relatedly, the median household income for Latino/a residents in the city  
3 is approximately half that of non-Latino/a white residents. The median  
4 household income for Latino/a residents is \$33,645, while the median  
5 income for non-Hispanic whites is \$66,222.

6 29. While a Latino/a has run for a City Council position nearly every election  
7 cycle since 1990, not one Latino/a candidate has won a contested City  
8 Council election. The sole Latino elected to the City Council, Saul  
9 Martinez, was first appointed to the Council, and subsequently ran  
10 unopposed. The only other Latino/a that has sat on the City Council, Luisa  
11 Torres, was appointed in 1989 but lost subsequent bids for City Council.

12 30. These factors have allowed elected officials to remain unresponsive to the  
13 needs of the Latino/a community in Pasco.

14 31. The City's at-large election system, racially polarized voting, and  
15 historical and ongoing discrimination have hindered Latino/as' ability to  
16 participate effectively in the political process and have diluted Latino/as'  
17 ability to elect representatives of their choice.

**COUNT ONE**  
**VIOLATION OF SECTION 2 OF THE VOTING RIGHTS ACT OF 1965**

1  
2 32. The allegations contained in Paragraphs 1 through 31 are hereby  
3 incorporated in Count One of the Complaint as if set forth herein.

4 33. The Latino/a community in the City of Pasco is sufficiently numerous and  
5 geographically compact such that one or more properly apportioned  
6 single-member electoral districts can be drawn in which Latino/as would  
7 constitute an effective majority of eligible voters.

8 34. Latino/as in the City of Pasco constitute a politically unified group that  
9 votes cohesively as a bloc.

10 35. Racially polarized voting persists in Pasco City Council elections. White  
11 voters consistently vote as a bloc to elect candidates favored by the white  
12 community and defeat the Latino/a community's candidates of choice.

13 36. Under the totality of the circumstances, the at-large method of electing  
14 members of the Pasco City Council denies Latino/a citizens an  
15 opportunity to participate in the political process and elect representatives  
16 of their choice equal to that afforded other members of the electorate,  
17 thereby diluting Latino/a voting strength.

18 37. This vote dilution violates Section 2 of the Voting Rights Act, 42 U.S.C. §  
19 1973.



1 38. Unless enjoined by order of this Court, the City of Pasco will continue to  
2 violate Section 2 by conducting elections for the Pasco City Council  
3 pursuant to the current at-large method in staggered elections.

4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff prays that the Court enter an order:

- 6 1. Declaring that the at-large method of electing Pasco City Council  
7 members violates Section 2 of the Voting Rights Act of 1965;
- 8 2. Enjoining Defendants, their agents and successors in office, and all  
9 persons acting in concert with any of these individuals from  
10 administering, implementing, or conducting any future elections for the  
11 City of Pasco under the current method of electing City Council members;
- 12 3. Ordering the implementation of an election system for the Pasco City  
13 Council that complies with Section 2 of the Voting Rights Act of 1965;
- 14 4. Retaining jurisdiction of this action and granting Plaintiff any further  
15 relief which may in the discretion of this Court be necessary and proper to  
16 ensure that timely and lawful procedures are used in elections for the  
17 Pasco City Council;
- 18 5. Granting Plaintiff the attorneys' fees and costs they incur, pursuant to 42  
19 USC § 1973l(e) and 42 U.S.C. § 1988; and

1 6. Granting any other relief that the Court may determine to be just and  
2 equitable.

3 DATED this 4th day of August, 2016.

4 Respectfully submitted,

5 By:

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18 \* Application for admission to the Eastern District of Washington pending.