

Shareholders
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**Goldstein, Borgen,
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October 30, 2023

Jill Sprague
1600 Franklin Street
Oakland, CA 94612

Via E-Mail Only
jsprague@actransit.org

Re: CVRA – Ward Election Sequencing Proposals

Dear Counsel:

We are glad to hear that the AC Transit transition to a fully ward-based system pursuant to Resolution No. 23-033 ahead of the November 2024 general election has been proceeding smoothly and with active community engagement. We understand that the Board will be selecting a final map at its upcoming November 8, 2023 meeting and will also be deciding the issue of election sequencing.

We understand there are two potential sequencing proposals, and that in one plan, proposed Ward 2 would be up for election in 2024 and in the other proposed Ward 7 would be up in 2024. Under the Ward 2 plan there would be no vacant seat, but under the Ward 7 plan, the seat for the Ward 2 Director would potentially be vacant between the 2024 and 2026 elections.

The Board should proceed with the sequencing plan that results in a balanced, fully staffed Board. The sequencing plan that causes a vacancy leaves voters and residents in proposed Ward 2, where AC Transit ridership is high, without direct representation by an elected Director on the Board. A vacancy is not in the best interests of the voters and residents of AC Transit's jurisdiction, and it does not further the goals of the California Voting Rights Act ("CVRA"). We understand that it was suggested at a meeting that remedial districts must be sequenced first to meet the goals of the CVRA, *see* Elec. Code § 10010(b), favoring an election for proposed Ward 7 in 2024. While we appreciate the Board's concern for moving up an election in the proposed Ward with the highest proportion of Asian American voters, it is not our position that the Board's proposal to elect a Director from Ward 7 first at the expense of an elected representative for Ward 2 between 2024 and 2026 furthers the goals of the CVRA.

Please feel free to reach out if you have questions.

Sincerely,

A handwritten signature in black ink that reads "Ginger L. Grimes".

Ginger L. Grimes