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**Sunnyside City Council study shows dearth of diversity**

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By PAT MUIR YAKIMA HERALD-REPUBLICSUNNYSIDE - A newly released study says the election system in this mostly Hispanic town unfairly keeps Hispanics off the City Council.

And, while Sunnyside's city manager called the research flawed and "bogus," one of the nation's top voting-rights advocates thinks the report is on to something.

The research, part of a **Whitman** College report titled "The State of the State for Washington **Latinos**: 2006," concludes that the city's at-large elections violate the federal Voting Rights Act by establishing barriers to political representation of Hispanics.

In other words, the research states that allowing every Sunnyside voter to vote for all seven council seats produces different results than if the city were divided into voting districts.

Section 2 of the Voting Rights Act states that voting systems that have discriminatory results against protected groups, including Hispanics, are illegal regardless of whether there is intentional discrimination.

"Sunnyside provides that case quite clearly," said Ian Warner, the student author of the report's chapter on political representation. "If it's 75 percent Latino and has one Latino representative, you've got to be able to find trends that explain that."

Warner, 21, picked Sunnyside as the focus of his study after comparing its 73.1 percent Hispanic population based on the 2000 Census numbers with its 14.3 percent Hispanic council after the 2005 elections.

The city had the greatest contrast in Yakima County, with a 59 percentage-point discrepancy. Other cities, such as Toppenish with a 47-point discrepancy, face similar issues, he said. But nowhere in the county is the discrepancy as sharp as in Sunnyside.

Of Yakima County's 14 towns and cities, only Yakima chooses its city council members from a combination of districts and at-large. All else elect only at-large.

Proving that a group is underrepresented is not enough to mount a legal challenge to an at-large voting system, however. One must also prove that voters generally cast ballots along racial lines.

Checking thousands of voter records in Sunnyside against a Hispanic surname list, Warner found that Hispanic council candidates got more votes in precincts with large Hispanic populations. That, he said, proved racially polarized voting occurs in Sunnyside.

"So we have that," Warner said. "(Proving) that is one of the requirements of the Voting Rights Act."

His method, though, is amateur and severely flawed, Sunnyside City Manager Bob Stockwell said. Using a surname list is problematic because non-Hispanics can have Hispanic surnames and vice versa, he said.

Warner defends the method as standard for this kind of analysis and believes the results are at least 97 percent accurate.

But that's not the main problem with the report, Stockwell said. Its central flaw is that it ignores other possible causes of Hispanic underrepresentation in favor of proving the at-large system as the culprit, he said.

"It looks like somebody is trying to trump something up," Stockwell said.

While conceding there's a worrisome disparity between the council's racial makeup and that of Sunnyside in general, Stockwell doubts the election structure is the reason. With a clear population majority, the city's Hispanics already have the means to elect every candidate they want, he said.

"It's a lack of interest and participation in the process," Stockwell said, adding that in time the council's makeup likely will catch up with the general population on its own.

Paul Garcia, the lone Hispanic council member in Sunnyside, sees both sides of that debate. While he acknowledges that a switch to district-based elections could encourage more people to vote, Garcia does not think the current system is the reason Hispanics are underrepresented.

The underlying problem, Garcia said, is a lack of political involvement within the city's Hispanic community. Addressing that is the key to better representation, not changing the system, he said.

"If we go out tomorrow and divide Sunnyside up into precincts, then we'll still have to find some good candidates who are going to be willing to run," Garcia said.

Getting Hispanics to join city boards, such as the Planning Commission where he got his own start, would help develop strong leaders within the community, Garcia said. Then there would be more Hispanic council candidates and more viable ones at that, he said.

"That's how you get started," Garcia said. "I certainly wouldn't have made the jump from regular citizen to the council."

Warner's professor for the research posits, however, that the lack of interest stems from having a system that is not neutral. Hispanic citizens aren't seeing results from the at-large elections, so they're discouraged, he said.

"If a minority group gets a sense of hopelessness, then people stop turning out to vote," said Paul Apostolidis, the **Whitman** College professor who oversaw the study.

Bengie Aguilar, a former Sunnyside councilwoman who lost a re-election bid in 2005, agrees. A district voting system would encourage people from largely Hispanic districts to run for office, she said.

"The system is broken because there aren't candidates from that part of the community. - It's important to have that representation, so someone can stand up and say, 'You need to look at my area of town.'"

Encouraging candidates from those districts would push more voters to the polls, she said.

"At the beginning it would be hard," Aguilar said. "But I think after a couple of years, you would see the growth of leadership in those (districts)."

Noted farm-worker advocate Tomas Villanueva of Toppenish, who lost a challenge earlier this year against incumbent state Sen. Jim Honeyford of Sunnyside, agreed with Garcia that there are several reasons for the underrepresentation. But he also agreed with Aguilar that changing the elections from at-large to districts could be a big part of the solution.

Villanueva was involved in a similar effort about 30 years ago, when Hispanic leaders successfully pushed the Toppenish school board to adopt voting by district.

"It's a terrific idea," he said.

Along with that, though, there needs to be more voter education, Villanueva said. Some registered Hispanic voters simply don't know how to cast ballots, he said.

Currently, just one of the Toppenish school board's five members is Hispanic.

Given the low turnout among Hispanic voters in Sunnyside - according to Warner's report only 35.2 percent of registered Hispanics voted in 2005 compared to 62 percent of non-Hispanics - the question city leaders need to ask is whether to blame voter apathy or to do something about it, Warner said.

"You can say, 'That's fine,' " he said. "Or you can make an effort to get the community involved - if you're serious about democracy. If you're serious about serving them."

Ideally that would happen far short of a courtroom, he said. It could be as simple as the City Council re-examining the voting system and making some changes, Warner said.

Then again, he said, if that doesn't happen the citizens of Sunnyside might sue to change the system.

Using Warner's research as a starting point, there would be a pretty good chance of winning that case, said Joaquin Avila, a Seattle University law professor who helped Warner on the project.

Avila, a Harvard Law School graduate and former president of the Mexican American Legal Defense and Educational Fund, has brought similar cases in California cities and won.

"What Ian did was groundbreaking," Avila said. "There was really no scholarly work on this in Washington state. His paper is essentially the first effort in this area."

And it's an effort that could have effects far beyond Sunnyside, Avila said. If there is a movement to change things in Sunnyside, the city could become a model for others, he said.

"It puts cities on notice that they need to be concerned about diversity in their governing bodies," Avila said.

He stressed, though, that Warner's report alone would not be enough to bring a lawsuit. While he trusts Warner's research and his methods - indeed he suggested them - Avila said there would need to be much more done before taking the matter to court. Opponents of the current system would need to pay for political scientists to build a case, but that's something Avila has succeeded in facilitating elsewhere, including Watsonville, Calif.

Warner's research is a good starting point, he said.

"This is a very compelling study," Avila said. "I can take this study and present it to other organizations and law firms and say, 'Let's see if there's a potential Section 2 (of the Voting Rights Act) case here.'"

Just by sparking the discussion, Warner may be able to affect change.

Stockwell, despite his lack of faith in Warner's research, said the City Council likely would have to at least examine these issues if people from the community start bringing it up.

Knowing that his research may play a role in such a discussion is gratifying for Warner, who plans to enroll in law school after graduating from **Whitman**.

"I'm going to do it in another city for my thesis," he said.

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Hispanic population compared to Hispanic city council representation

City Hispanic population    Hispanics on council

Sunnyside 73.1 percent    14.3 percent

Tieton 54.3 percent    0 percent

Toppenish 75.7 percent    28.5 percent

Grandview 68 percent    28.5 percent

Wapato 76.2 percent    42.8 percent

Yakima 33.3 percent    0 percent

Moxee 31 percent    0 percent

Union Gap 29.6 percent    0 percent

Mabton 89 percent    60 percent

Selah 11 percent    0 percent

Naches 10.9 percent 0 percent

Zillah 26.9 percent 20 percent

Granger 85.5 percent 80 percent

Harrah 44.1 percent 60 percent

Source: **Whitman** College "State of the State for Washington **Latinos**: 2006" based on 2000 Census and council membership after the 2005 elections

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