



Civil Rights Division

Voting Section - NHB.
950 Pennsylvania Avenue, N.W.
Washington, DC 20530

December 8, 2003

Attorney Wayne Dernetz
City Attorney
-for the City of Vista
P.O. Box 1988
600 Eucalyptus Avenue
Vista, California 92080

Attorney Marquerite Leoni
Nielsen Merksamer
591 Redwood Highway
4000
Mill Valley, California 94941

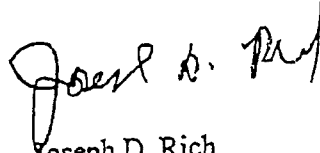
Dear Ms. Leoni and Mr. Dernetz:

This letter is to inform you that the Voting Section is closing its investigation of the Vista City Council method of election under Section 2 of the Voting Rights Act, 42 U.S.C. 1973.

As you are aware, the first precondition that must be met to show a Section 2 violation under the Supreme Court's holding in *Thornburg v. Gingles*, 478 U.S. 30 (1986), is that the relevant "minority group must be able to demonstrate that it is sufficiently large and geographically compact to constitute a majority in a single-member district." *Thornburg* at 50. Since we began our investigation, the Bureau of the Census has issued citizenship census tract data that allow more precise calculations than we were able to do previously of where the Hispanic citizen population resides in Vista. According to this data, it is not possible at this time to draw a majority-Hispanic citizen voting district. Therefore, one of the key preconditions required by law to show a Section 2 violation cannot be met in this matter.

We appreciate the cooperation you have extended to us throughout this investigation. If you have any questions, please do not hesitate to contact me. We thank you for your time and consideration in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Joseph D. Rich". The signature is written in a cursive style with a large initial "J".

Joseph D. Rich
Chief
Voting Section