



LAWYERS' COMMITTEE
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LOWELL VOTING RIGHTS LAWSUIT

(Huot et al. v. City of Lowell et al.)

FREQUENTLY ASKED QUESTIONS

What Is This Lawsuit About?

This case is about inclusiveness and fairness. Under federal law, everyone should have an equal opportunity to elect the candidate of their choice, which Lowell's current "at-large" electoral system does not allow. This lawsuit seeks to change the way City Councilors and School Committee members are elected, to make the process more fair and representative.

Lowell's strength is in its diversity. Its elected bodies should reflect that diversity. A change will make our city stronger and more inclusive and create a government that is more representative of all of our interests.

Do Lowell's Elected Bodies Reflect Lowell's Diversity?

No. More than 49% of Lowell's residents are people of color. Currently, Lowell's population is approximately 22% Asian-American, 18% Hispanic/Latino, and 7% black/African American. Yet Lowell has an all-white City Council and School Committee. Many candidates of color have run over the years, but very few have been elected. In fact, only four minority officials have *ever* been elected to the City Council. To our knowledge, there has never been a person of color elected to the School Committee, even though two-thirds of students in the Lowell Public Schools are students of color.

There is also a lack of neighborhood representation on the City Council and School Committee. Historically, many elected officials come from the Belvidere neighborhood. Other neighborhoods, such as the Acre, have had little or no representation at all.

What Is An “At-Large” Plurality Electoral System?

At the polls, Lowell voters are presented with a list of candidates for both City Council and School Committee, and may vote for up to nine total City Council candidates and six total School Committee candidates. Each of the candidates runs city-wide, or “at-large.” The top nine and top six vote-getting candidates are elected to the City Council and School Committee, respectively. Candidates do not need a majority of all votes cast to win a seat.

This can be contrasted with “district” elections, in which a city is divided up into different geographic districts, and voters within that district vote for their representative.

Why Are Exclusively “At-Large” Electoral Systems Unfair?

Courts have ruled that at-large systems are unfair – and illegal – if they dilute the vote of communities of color. At-large systems may allow a majority voting bloc of 51% to control all of the seats and win all of the races. Most large Massachusetts cities and towns have moved away from exclusively at-large electoral systems in recognition of this inherent unfairness.

I Still Don’t Understand. Majority Rule Sounds Fair. Why Isn’t It?

For elections where there is a single seat (*e.g.*, a Senate race), it may be fair to have a system where whoever gets the most votes win. The problem arises in elections where there are multiple seats. If every seat in every election always goes to a majority voting bloc, then the minority ends up having no voice at all and in that way their vote is diluted.

OK, It Sounds Unfair. But Is It Illegal?

The federal Voting Rights Act of 1965 prohibits any “standard, practice, or procedure” that “results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.” At-large electoral systems such as Lowell’s have frequently been held to be illegal under the Voting Rights Act because they dilute the vote of communities of color. Many successful challenges to at-large systems have been brought throughout the country.

Do Other Massachusetts Cities Have Exclusively At-Large Plurality Electoral Systems?

Not many. Lowell is the last Massachusetts city with over 100,000 residents to have an exclusively at-large plurality electoral system. Either by litigation or otherwise, most Massachusetts cities have moved to district-based electoral systems, or systems that combine some at-large seats and some district-based seats. Boston, Springfield, Worcester, and many others fall into this category.

Why Does Equal Representation Matter?

Without adequate representation in city government, the needs of Lowell's communities of color are often overlooked.

For example, the City of Lowell is currently in the process of moving Lowell High School. This is a critical issue for all residents in Lowell, including communities of color (because, again, approximately two-thirds of Lowell's student body are students of color). Yet until late in the process, there was little outreach or notice to minority communities about this issue, and little attempt to engage the community in this discussion.

Similarly, a citizen petition recently asked the City Council to limit local law enforcement cooperation with federal immigration authorities. The City Council declined to enact a policy on this, with little recognition of the fact that there are significant concerns in the immigrant community right now about this issue.

Lack of community representation also results in unequal distribution of basic city services and amenities. For example, it took years and a major effort just to get lights turned on in Clemente Park—a park frequented by many members of Lowell's minority communities. And there are few, if any, translation services at City Council or School Committee meetings. Non-English speakers are left out of the loop on major decisions.

Who Are The Plaintiffs?

Plaintiffs are a coalition of Lowell residents who want to make their city stronger by changing the unfair electoral system and allowing equal opportunity for all Lowell residents to elect representatives of their choice. They are a diverse group: some Asian-American; some Hispanic/Latino; some young and some old; and many are longtime residents of Lowell. They share a desire to strengthen their city by making the city's elected bodies reflect Lowell's incredible diversity.

Who Are The Defendants?

The Defendants are the City of Lowell, the City Manager, the City Council, the School Committee, and the Election and Census Committee.

What Laws Are The Lawsuit Seeking To Enforce?

In addition to the federal Voting Rights Act, the lawsuit alleges violations of the 14th and 15th Amendments to the United States Constitution.

What Court Is Hearing The Case?

The case is pending in federal United States District Court in the District of Massachusetts. The judge hearing the case is the Honorable William G. Young.

What Is Plan E, And Will This Lawsuit Mean Lowell Cannot Be A Plan E City?

Under Plan E, the City of Lowell's residents elect nine members to the City Council to serve a two-year term of office. City Councilors then elect one of their members to serve as City Mayor, who serves as the official head of the city, presiding over City Council and School Committee meetings. A city manager is appointed to manage the town.

The lawsuit does not prevent Lowell from having a Plan E form of government. Cities can be Plan E cities and still not have exclusively at-large plurality electoral systems. For example, both Worcester and Cambridge have a Plan E form of government with a city manager. Worcester has an 11-member City Council that is elected through a combination of district and at-large voting. Cambridge has 9 City Councilors and uses a "proportional representation" form of voting.

What Kind Of Electoral System Do You Want?

We think the current exclusively at-large system is illegal and needs to be changed. The lawsuit seeks to change the City Council and School Committee election system to something more fair, such as district-based elections. Many cities in Massachusetts have a combination of at-large and district-based seats, which could also be a fair solution.

Why Is A Lawsuit Necessary?

The lawsuit was filed because recent efforts to change the system through other means have been unsuccessful. The City has had many opportunities to change and has refused to do so:

- For example, in 2009, a proposal to change the City’s election system was on the ballot. Hispanics/Latinos and Asian-Americans overwhelmingly voted in favor of the referendum. However the majority voting bloc voted approximately 2-1 against it, thereby defeating it.
- In 2010 and 2011, the City Council was asked to consider changing the election system. The City Council agreed to discuss changes, but nothing happened.
- In 2016, a City Councilor once again proposed to discuss whether the current electoral system should be changed. No other City Councilor seconded that motion, and the matter died without even a discussion of the issue.

Who Are The Attorneys Representing The Plaintiffs?

The Lawyers’ Committee for Civil Rights and Economic Justice (LCCR) and the law firm of Ropes & Gray are representing the plaintiffs. LCCR is a non-profit legal organization dedicated to civil rights and racial justice. Ropes & Gray is a private law firm that is providing its services *pro bono*.

What Are Others Saying About The Lawsuit?

The lawsuit has received significant media attention from outlets including the [Lowell Sun](#), the [Boston Globe](#), the [Associated Press](#), WGBH radio ([here](#), [here](#), and [here](#)), [Commonwealth Magazine](#), [Fox 25](#), [LTC News](#), Telemundo, and the [Bay State Banner](#).

The Boston Globe also ran an [editorial](#) entitled “Lowell should dismantle ‘majority rule’ system,” calling for “Lowell, a city of immigrants if there ever was one, to settle the lawsuit and create a government that is more reflective of its constituents.”

How Do I Stay Informed About The Lawsuit?

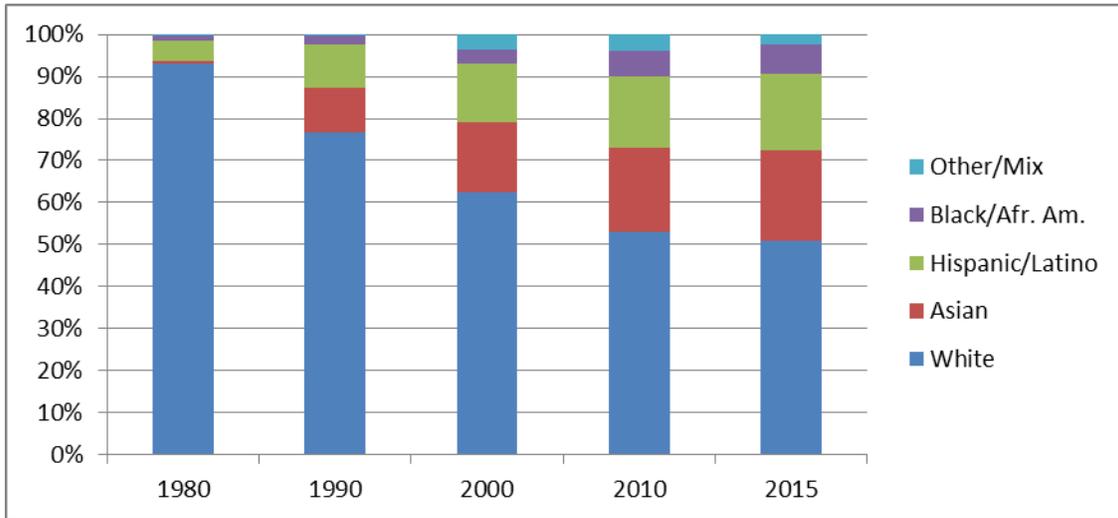
The Lawyers' Committee for Civil Rights and Economic Justice has information about the lawsuit on its website (www.lawyerscom.org) and will post updates as they occur.

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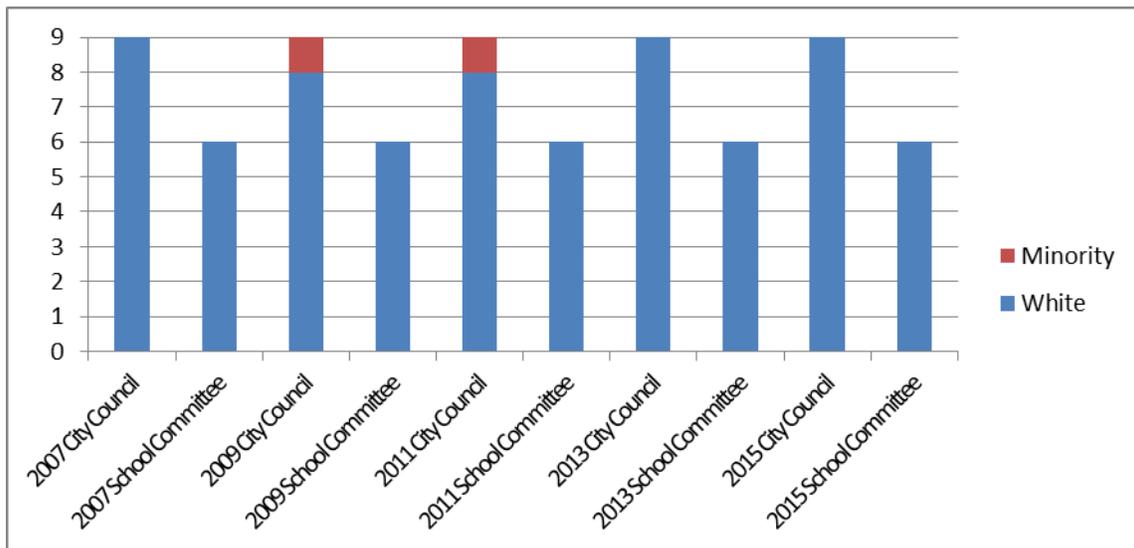
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FAST FACTS

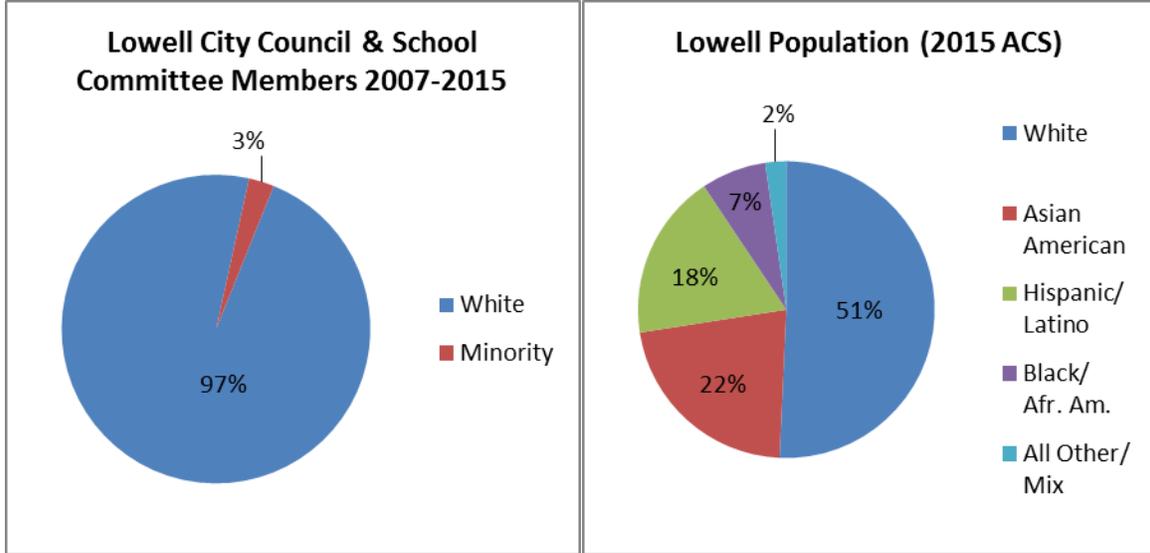
**Lowell Demographics
by Percentage of Total Population 1980 to 2015**



**Minority Representation on Lowell City Council
and Lowell School Committee 2007-2015**



Minority Representation on Lowell City Council and Lowell School Committee 2007-2015 Compared to Lowell Population



Minority Representation on Lowell School Committee Compared to Lowell Public Schools Student Population

