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May 17, 2010

The Honorable Eric H. Holder, Jr.  
Attorney General  
Department of Justice  
950 Pennsylvania Avenue, NW  
Washington, D.C. 20530-0001

RE: Procedural Concerns re Section 5 Pre-Clearance Submission 2010-2157

Dear Mr. Holder:

I am writing to express concerns regarding the Civil Rights Divisions' procedural handling of Section 5 Pre-Clearance Submission 2010-2157, which relates to Monterey County, a substantial part of my district.

On Tuesday, April 27, 2010 California Governor Arnold Schwarzenegger issued a proclamation to hold a special election due to a vacancy in State Senate Seat 15, which includes Monterey. As you know, Monterey County is subject to Section 5 of the Voting Rights Act. The result of the proclamation is that Monterey County is scheduled to hold the special primary election on June 22, 2010 and the special general election on August 17, 2010.

I was joined by other elected officials in expressing concern to DOJ regarding the timeline for this election, which contemplates the special primary election being held within the standard 60-day review period DOJ. DOJ was urged to take the necessary time to perform due diligence when conducting the pre-clearance review.

I understand that Monterey County issued their initial submission for pre-clearance on Tuesday, May 4, 2010. I also understand that DOJ issued a letter granting the pre-clearance on Monday, May 10, 2010, only six days after the initial submission. I find timeframe in which the review was conducted perplexing from a procedural standpoint.

I am concerned that DOJ's six-day review period does not provide the public with the ability to provide any meaningful input. This is further compounded given that it appears as though the review was conducted *over only three business days*. There is no question that the public was not provided sufficient opportunity to have their voice heard and considered by DOJ prior to the issuance of the pre-clearance.

This is even more concerning given the fact that there was significant community opposition to this election. I understand that on May 7, 2010 the Chair of the Monterey Board of Supervisors, Simon Salinas, transmitted a letter via facsimile to you and AAG Perez indicating that he believed that the timing of the election would have a discriminatory effect on minority voters in Monterey County. It would seem that such a strong statement from the elected leader of the county at issue should, at minimum, trigger procedures to allow further community input regarding the issue.

The special election at issue has become a point of extreme interest in our community. The media have provided extensive coverage of the issues related to the conducting of the election, the lawsuit filed in Federal Court related to the election, and the Temporary Restraining Order issued by Judge Fogel on this matter. I understand that experts have been retained and are in the process of drafting, for DOJ's review, a detailed analysis of the concerns expressed by members of our community.

As a representative of the people of Monterey County, I urge you to institute procedures that will allow our community to have a meaningful opportunity to comment on the balance of the review process. Such procedures will allow our community to have a strong sense of confidence in the review process and the conclusions reached.

Sincerely,

A handwritten signature in black ink that reads "Sam Farr". The signature is fluid and cursive, with the first name "Sam" and last name "Farr" clearly distinguishable.

SAM FARR  
Member of Congress

SF/rd

**Please be sure to visit my website at [www.farr.house.gov](http://www.farr.house.gov).**