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AB-277 California Voting Rights Act of 2001. (2015-2016)

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Assembly Bill No. 277

CHAPTER 724

An act to amend Section 14026 of the Elections Code, relating to elections.

[Approved by Governor October 10, 2015. Filed with Secretary of State October 10, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

AB 277, Roger Hernández. California Voting Rights Act of 2001.

Existing law, the California Voting Rights Act of 2001 (CVRA), prohibits the use of an at-large election in a political subdivision if it would impair the ability of a protected class, as defined, to elect candidates of its choice or otherwise influence the outcome of an election. The CVRA provides that a voter who is a member of a protected class and who resides in a political subdivision where a violation of the act occurs may bring an action in superior court to enforce its provisions. The CVRA requires a court to implement appropriate remedies, including the imposition of district-based elections, that are tailored to remedy a violation of the act. The CVRA defines "political subdivision" to mean a geographic area of representation created for the provision of government services, including, but not limited to, a city, a school district, a community college district, or other district organized pursuant to state law. The state courts have determined that the provisions of the CVRA apply to a charter city.

This bill would amend the CVRA's definition of "political subdivision" to expressly include a charter city, charter county, or charter city and county. The bill would also state that it is the intent of the Legislature in enacting this bill to codify the holding of the state courts regarding the applicability of the CVRA to charter cities.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. The Legislature finds and declares all of the following:

- (a) The dilution of votes of a protected class is a matter of statewide concern.
- (b) The provisions of the California Voting Rights Act are reasonably related to the issue of vote dilution and constitute a narrowly-drawn remedy that does not unnecessarily interfere with municipal governance.
- (c) It is the intent of the Legislature that the California Voting Rights Act apply to charter cities, charter counties, and charter cities and counties.
- (d) It is further the intent of the Legislature in enacting this act to codify the holding in *Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781.

SEC. 2. Section 14026 of the Elections Code is amended to read:

14026. As used in this chapter:

(a) "At-large method of election" means any of the following methods of electing members to the governing body of a political subdivision:

(1) One in which the voters of the entire jurisdiction elect the members to the governing body.

(2) One in which the candidates are required to reside within given areas of the jurisdiction and the voters of the entire jurisdiction elect the members to the governing body.

(3) One which combines at-large elections with district-based elections.

(b) "District-based elections" means a method of electing members to the governing body of a political subdivision in which the candidate must reside within an election district that is a divisible part of the political subdivision and is elected only by voters residing within that election district.

(c) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, a general law city, general law county, charter city, charter county, charter city and county, a school district, community college district, or other district organized pursuant to state law.

(d) "Protected class" means a class of voters who are members of a race, color, or language minority group, as this class is referenced and defined in the federal Voting Rights Act (52 U.S.C. Sec. 10301 et seq.).

(e) "Racially polarized voting" means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act (52 U.S.C. Sec. 10301 et seq.), in the choice of candidates or other electoral choices that are preferred by voters in a protected class, and in the choice of candidates and electoral choices that are preferred by voters in the rest of the electorate. The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act (52 U.S.C. Sec. 10301 et seq.) to establish racially polarized voting may be used for purposes of this section to prove that elections are characterized by racially polarized voting.