California Voting Rights Act

The California Voting Rights Act of 2001 ("CVRA") (Elec. Code § 14025 et seq.) has fundamentally changed the election landscape in California. The Act’s purpose is to protect the rights of voters who are members of a protected class. "An at-large method of election may not be imposed or applied in a manner that impair the ability of a protected class to elect candidates . . . " through dilution of their voting power or otherwise (Section 14027.) The method the Act uses to accomplish this goal is to compel public agencies to transition from at-large elections to district-based elections. The impact of CVRA is extensive. It has been used to force counties, cities and special districts throughout the state to transition to district-based elections.

Key Provisions

- Burden of Proof Under the CVRA is More Relaxed than Under Federal Law

- Under Federal Law, the U.S. Supreme Court established a 4-part test:
  - Can the protected class constitute the majority of a district?
  - Does the protected class vote as a bloc?
  - Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
  - Does the “totality of circumstances” indicate race is a factor in elections?

- Under the CVRA, all that is Required is a Finding of "Racially Polarized Voting.
  - Vague standard with no clear definition.
  - Proof that a person in a protected class did not win an election could be enough.
  - Several agencies that fought claims have paid a million or more in damages and fees.

Safe Harbor

- Requires Voluntary Conversion to District-Based Elections
- Strict Timelines
- Limits Exposure to Attorney’s Fees to No More than $30,000

Considerations When Creating Districts

- Federal Laws
  - Equal Population
  - Federal Voting Rights Act
  - No Racial Gerrymandering

- Traditional Redistricting Principles
  - Communities of Interest
  - Compact
  - Contiguous
  - Visible (natural & man-made) boundaries
  - Planned future growth