

**ASSEMBLY BILL**

**No. 277**

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**Introduced by Assembly Member Roger Hernández**

February 11, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 277, as introduced, 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. State-mandated local program: no.

*The people of the State of California do enact as follows:*

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

3 (a) The dilution of votes of a protected class is a matter of  
4 statewide concern.

5 (b) The provisions of the California Voting Rights Act are  
6 reasonably related to the issue of vote dilution and constitute a  
7 narrowly-drawn remedy that does not unnecessarily interfere with  
8 municipal governance.

9 (c) It is the intent of the Legislature that the California Voting  
10 Rights Act shall apply to charter cities, charter counties, and charter  
11 cities and counties.

12 (d) It is further the intent of the Legislature in enacting this act  
13 to codify the holding in *Jauregui v. City of Palmdale* (2014) 226  
14 Cal.App.4th 781.

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

17 14026. As used in this chapter:

18 (a) “At-large method of election” means any of the following  
19 methods of electing members to the governing body of a political  
20 subdivision:

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

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

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

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

1 (c) “Political subdivision” means a geographic area of  
2 representation created for the provision of government services,  
3 including, but not limited to, a ~~city~~, *general law city*, *general law*  
4 *county*, *charter city*, *charter county*, *charter city and county*, a  
5 school district, a community college district, or other district  
6 organized pursuant to state law.

7 (d) “Protected class” means a class of voters who are members  
8 of a race, color or language minority group, as this class is  
9 referenced and defined in the federal Voting Rights Act (42 U.S.C.  
10 Sec. 1973 et seq.).

11 (e) “Racially polarized voting” means voting in which there is  
12 a difference, as defined in case law regarding enforcement of the  
13 federal Voting Rights Act (42 U.S.C. Sec. 1973 et seq.), in the  
14 choice of candidates or other electoral choices that are preferred  
15 by voters in a protected class, and in the choice of candidates and  
16 electoral choices that are preferred by voters in the rest of the  
17 electorate. The methodologies for estimating group voting behavior  
18 as approved in applicable federal cases to enforce the federal  
19 Voting Rights Act (42 U.S.C. Sec. 1973 et seq.) to establish racially  
20 polarized voting may be used for purposes of this section to prove  
21 that elections are characterized by racially polarized voting.