

AMENDED IN ASSEMBLY APRIL 7, 2015

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 277

Introduced by Assembly Member Roger Hernández

February 11, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 277, as amended, 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 general law city, general law county,
4 charter city, charter county, charter city and county, a school
5 district, a community college district, or other district organized
6 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.~~) (*52 U.S.C. Sec. 10301 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.~~), (*52 U.S.C.*
14 *Sec. 10301 et seq.*), in the choice of candidates or other electoral
15 choices that are preferred by voters in a protected class, and in the
16 choice of candidates and electoral choices that are preferred by
17 voters in the rest of the electorate. The methodologies for
18 estimating group voting behavior as approved in applicable federal
19 cases to enforce the federal Voting Rights Act (~~42 U.S.C. Sec.~~
20 ~~1973 et seq.~~) (*52 U.S.C. Sec. 10301 et seq.*) to establish racially
21 polarized voting may be used for purposes of this section to prove
22 that elections are characterized by racially polarized voting.