
Some election systems prevent all communities from being fairly represented in local governing bodies, such as one’s city council, board of supervisors, school board, utility district, and other elected boards. This constitutes unlawful vote dilution.

Unlawful vote dilution is particularly a risk where racially polarized voting (RPV) exists. RPV can be found where voting patterns are divided along racial lines such that a protected community does not have a sufficient opportunity to elect a candidate of choice. *See Sanchez v. City of Modesto*, 145 Cal. App. 4th 660, 667 (App. 5 Dist. Cal. 2007) cert. denied, 552 U.S. 974 (2007) (upholding CVRA as a constitutional voting rights protection).

The CVRA addresses systemic voting discrimination and dilution on a deeper level than existing federal law, providing a remedy where there is no majority voting population, and recognizing proposed influence, crossover, coalition districts as potential remedies for continuing violations.

The CVRA provides opportunities for local governments to resolve this continuing problem as it persists in at-large election systems that often harm historically disenfranchised African American, Latino, Asian and Native American communities. The remedy provision of the CVRA (Cal. Elec. Code § 14029) is written broadly to include a variety of potential options:

- **District-based election systems** (where candidates are elected by voters in local trustee areas or districts) that eliminate dilutive at-large systems
- **Community-based redistricting in the creation of district-based election systems**
- **Cumulative voting**
- **Ranked-choice voting**
- **Other creative remedies**

When Communities Are Excluded From Equal Access To Fair Representation, The CVRA Provides An Effective Remedy.

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<td>Where Section 2 of the federal Voting Rights Act of 1965 (VRA) requires communities prove they comprise over 50% of a proposed, compact district in order to bring a case addressing unlawful vote dilution and discrimination, the CVRA removes these barriers for communities experiencing voter discrimination and dilution.</td>
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<th>THE MOST EFFECTIVE STATE VOTING RIGHTS LAW IN THE NATION</th>
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<td>✓ 21 CVRA Cases Filed Since 2003</td>
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<td>✓ 16 CVRA Cases Favorably Settled or Won by Plaintiffs</td>
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<td>✓ Zero Losses On The Merits</td>
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<td>✓ 4 Cases Pending</td>
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<td>✓ Dozens more jurisdictions are now working to comply voluntarily with CVRA</td>
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<td>✓ City of Modesto (2007)</td>
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<td>✓ Ceres Unified School District (2009)</td>
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<td>✓ City of Tulare (2011)</td>
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<td>✓ San Mateo County (2013)</td>
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Since 2003, more than 118 school districts and community college districts in California have either sought waivers from the California Department of Education, or have converted voluntarily from at-large to district-based election systems due to community action, advocacy, and concerns regarding potential violations of the CVRA.

Key Elementary, High School and Unified School Districts:

- Atwater Elementary SD
- Caruthers Unified SD
- Le Grand Union Elementary SD
- Merced City Elementary SD
- Merced Union HSD
- Monson-Sultana Joint Elementary SD
- Central Unified SD
- Fowler Unified SD
- Oak Grove Elementary SD
- Southern Trinity Joint Unified SD
- West Fresno Elementary SD
- Central Union Elementary SD
- Lemoore Union Elementary & HSD
- Mendocino County Office of Education
- Pioneer Union Elementary SD
- Reef-Sunset Unified SD
- Visalia Unified SD
- Escondido Union SD & HSD
- Exeter Union Elementary & HSD
- Firebaugh-Las Deltas Joint Unified SD
- Kingsburg Elementary Charter SD
- Kue Carson Union Elementary SD
- Lakeside Union Elementary SD
- Lindsay Unified SD
- Riverside Unified HSD
- Selma Unified SD
- Tulare Joint Union HSD
- Woodland Joint Unified SD
- Vista Unified SD
- Yosemite Unified SD
- Calaveras Unified SD
- Downey Unified SD
- Fairfield-Suisun Unified SD
- Patterson Joint Unified SD
- Lake Tahoe Unified SD

Key Community College Districts:

- Monterey Peninsula CCD, Mount San Antonio College CCD, State Center CCD

“First came Modesto. Then Compton, Anaheim, Escondido, Whittier, Palmdale and others were pushed into the growing ranks of California cities under pressure to change how they elect their city councils…”


Communities also often look to district-based elections as a way to reinforce good governance and low-cost campaigns that prioritize community and civic engagement. Many communities across California are organizing to hold their elected officials accountable for community change and representation through direct action, community advisory committees, or local referenda.

Noteworthy Examples:

- 2012: San Mateo County Measure B
- 2013-2014: Community Advocacy in City of Ceres; City of Santa Maria; City of Woodland; Manteca USD; Newman-Crows Landing USD

COMMONSENSE AMENDMENTS TO STRENGTHEN THE CVRA

ACLU of California, Asian Americans Advancing Justice-Los Angeles, LCCR, MALDEF, California NAACP and the NALEO Educational Fund are supporting California Senate Bill (SB) 1365 (Padilla), introduced in February 2014, to improve the effectiveness of the CVRA. SB 1365:

1. Clarifies that the purpose of the CVRA is to address ongoing vote dilution and discrimination as matters of statewide concern in order to enforce the fundamental rights guaranteed under the California Constitution.
2. Addresses racial polarization and vote dilution in both at-large and single-member district systems.
3. Provides clearer guidance for judges and courts on how to design appropriate remedies for CVRA violations.
KEY TERMS

**Protected class**: A class of voters who are members of a race, color, or language minority group, as this is referenced and defined in the federal Voting Rights Act.

**Candidate of choice**: The choice of candidates or other electoral choices that are preferred by voters in a protected class.

**Racial polarization/racially polarized voting**: Voting in which there is a difference 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.

**At-large election**: Voters of the entire jurisdiction elect members of the governing body.

CASE STUDY: Madera Unified School District (MUSD)

**Facts**:

- 2008 MUSD student population more than 82% Latino
- Latino candidates had run for MUSD Board of Trustees 8 times over the past 12 years, yet only one Latino sat on MUSD Board of Trustees in 2008

**CVRA Case Timeline**:

- 2008: CVRA Case Filed, Preliminary Injunction Granted
- 2009: Plaintiffs settled favorably with MUSD
- 2012: Plaintiffs won, resolved remaining questions in court
- 2012: 3 Latino Board Trustees Elected to 7-Member Board
- 2013: 5 Latino Board Trustees Elected to 7-Member Board

INDICATORS OF POTENTIAL CVRA CONCERNS IN CALIFORNIA

- Does your city council, school district, or utility district reflect the full diversity of your community?
  - Have candidates from communities of color or language minority communities run for office and won?
- Is your community growing? Is there little to no diversity of representation on your local city council, school board, water or utility district board that reflects diverse community choices?
- Is the larger community racially polarized? In other words, is the electorate largely segregated along racial lines? Do white voters generally vote for white candidates only?
- Are candidates elected “at-large”? Has your community been able to elect a candidate of choice in “at-large” elections?

OTHER PROBATIVE FACTORS

- Has your neighborhood precinct closed right before an election?
- Is information about local elections available in more than one language (e.g. Spanish, Tagalog, Hindi, Korean, Cantonese, Mandarin, Vietnamese, Khmer)?
- Have you been turned away from the polls?
- Have you been asked for your I.D. to vote?
MORE INFORMATION, TECHNICAL ASSISTANCE, AND KNOW YOUR RIGHTS WORKSHOPS

For more information about the CVRA, technical voting rights assistance in your community, or to schedule a Know Your Rights: Voting Rights Workshop, please contact:

Joanna Cuevas Ingram, Esq.
Equal Justice Works Voting Rights Fellow
Lawyers’ Committee for Civil Rights of the San Francisco Bay Area
415.543.9444 ext. 207 | jcuevasingram@lccr.com.