

The California Voting Rights Act

2

- Largely written by attorneys Joaquin Avila
- Signed into law by Gov. Gray Davis in 2002
 - ▣ Suspended until 2006 by initial ruling in the Modesto case



- Adopted in 1965
- Supreme Court's *Gingles v Thornburg* tests for a violation
 1. Can the protected class constitute the majority of a district?
 2. Does the protected class vote as a bloc?
 3. Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 4. Do the “totality of circumstances” indicate race is a factor in elections?



- Makes it significantly easier for plaintiffs to force jurisdictions into “by-district” election systems
 - ▣ Eliminates two of the US Supreme Court *Gingles* tests
 - ~~1. Can the protected class constitute the majority of a district?~~
 2. Does the protected class vote as a bloc?
 3. Do the voters who are not in the protected class vote in a bloc to defeat the preferred candidates of the protected class?
 - ~~4. Do the “totality of circumstances” indicate race is a factor in elections?~~
 - ▣ Liability is determined only by the presence of racially polarized voting

- While other systems may be defensible, only by-district elections provide a “safe harbor.”

CVRA settlements:

- ▣ Palmdale (fought & lost): \$4.7 million
- ▣ Modesto: \$3 million
- ▣ Anaheim: \$1.2 million
- ▣ Whittier: over \$1 million
- ▣ Santa Barbara: \$600,000
- ▣ Tulare Hospital: \$500,000
- ▣ Madera Unified: plaintiff attorneys asked for \$1.8 million, received about \$170,000
- ▣ Costa Mesa: \$55,000 (letter only)
- ▣ Merced: \$42,000
- ▣ Placentia: \$20,000 (letter only)
- ▣ Highland: TBD



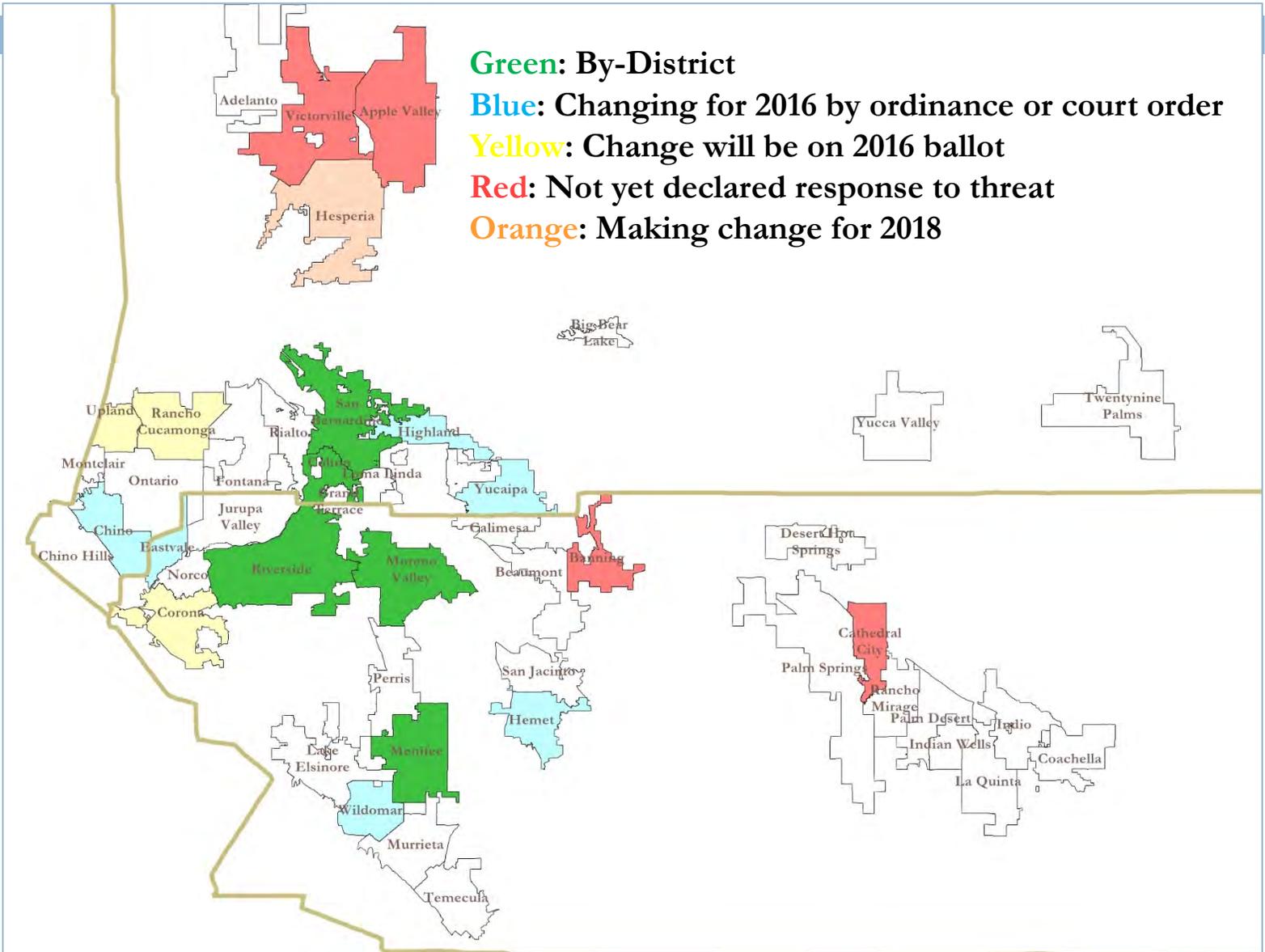
- ▣ Changed or changing election systems (so far):
 - ▣ 134 school districts
 - ▣ 34 cities
 - ▣ 1 County
 - ▣ 3 County Boards of Education
 - ▣ 4 special districts

Factors Leading to Lawsuits

6

- Election System
- Demographics
- Election history
- Location / Region
- Local Controversy Trigger

Inland Empire Cities



IE Cities

Green: By-District

Blue: Changing for 2016 by ordinance or court order

Yellow: Change will be on 2016 ballot

Red: Not yet declared response to threat

Orange: Making change for 2018

52 cities total

5 previously by-district

11 changing

4 more challenged

City	2010 Census
Riverside	303,871
San Bernardino	209,924
Fontana	196,069
Moreno Valley	193,365
Rancho Cucamonga	165,269
Ontario	163,924
Corona	152,374
Victorville	115,903
Murrieta	103,466
Temecula	100,097
Rialto	99,171
Jurupa Valley	94,927
Hesperia	90,173
Hemet	78,657
Chino	77,983
Menifee	77,519
Indio	76,036
Chino Hills	74,799
Upland	73,732
Apple Valley	69,135
Redlands	68,747
Perris	68,386
Eastvale	53,563
Highland	53,104
Colton	52,154
Lake Elsinore	51,821

City	2010 Census
Yucaipa	51,367
Cathedral City	51,200
Palm Desert	48,445
Palm Springs	44,552
San Jacinto	44,199
Coachella	40,704
La Quinta	37,467
Beaumont	36,877
Montclair	36,664
Wildomar	32,176
Adelanto	31,765
Banning	29,603
Norco	27,063
Desert Hot Springs	25,938
Twentynine Palms	25,048
Loma Linda	23,261
Barstow	22,639
Blythe	20,817
Yucca Valley	20,700
Rancho Mirage	17,218
Grand Terrace	12,040
Canyon Lake	10,561
Calimesa	7,879
Big Bear Lake	5,019
Indian Wells	4,958
Needles	4,844

What Are Your Options?

9

1. Do nothing
2. Research the issue and your city's position, but await a letter before acting
3. Proactively make the change to by-district elections
4. Prepare to fight a challenge

What do you need?

10

- CVRA-experienced demographer
- CVRA- or VRA-experienced legal specialists
- One jurisdiction's mistake can cost every overlapping jurisdiction
- Be careful of setting bad precedents

How Long Does Change Take?

11

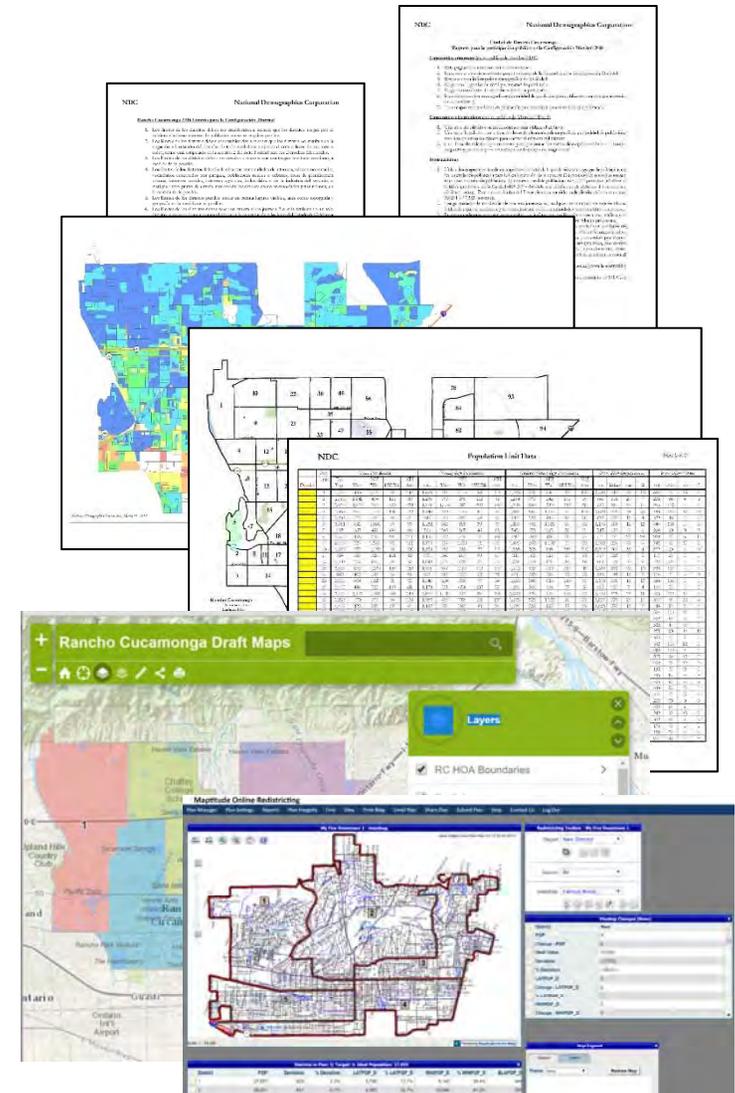
- Ideally, 4 to 9 months

- Requires a minimum of 3 public hearings plus an additional meeting for 2nd reading of the ordinance

- Deadline:
 - ▣ The real deadline is the County Registrar's precincting deadline:
 - July 1 in San Bernardino County
 - June 6 in Riverside County

□ NDC’s “3 E’s” of districting:

1. Engage
2. Educate
3. Empower
 1. Comment forms
 2. Simple & Full Mapping kits
 3. Online review tools
 4. Online redistricting system



- Follow NDC and CVRA Facebook pages for updates

- Coverage includes:
 - Updates on CVRA and by-district activity
 - Lists of jurisdictions converting to by-district elections
 - Track potential CVRA changes in Sacramento and/or legal rulings

