

Local Advocacy on the California Voting Rights Act

Issue: Your city council / school board / other district is changing from at-large elections to district elections. What role, if any, should the LWV play?

LWVC Guidance: You are not alone. This is occurring all over California. You can read more below.

Local Leagues should consult with the LWVC Advocacy Team before taking any local action on California Voting Rights Act issues.

California Voting Rights Act (CVRA): What is it?

The California Voting Rights Act (CVRA) was signed into law in 2002. It builds on the federal Voting Rights Act enacted in 1965. In particular, the CVRA provides a way for minority voters to prove that their votes are being diluted by at-large elections. If they can show that they would have the power to elect representatives from their own communities or otherwise influence the outcome of the election by using district elections, it can be mandated that the local government change to district elections. A voter – or group of voters – may sue to enforce this act.

History of CVRA lawsuits

Over the years since its passage, there have been an increased number of lawsuits and complaints based on the CVRA. As a result, more local governments are switching to district elections. Whether a jurisdiction engages in districting (establishing districts for the first time) or redistricting, the criteria for drawing the district lines are the same; however, some of the requirements for public participation and outreach may differ.

CVRA: Why is this a state issue?

Elections and how we choose our representatives are core issues for the League: they are a key part of the Making Democracy Work framework.

The CVRA is an important voting rights tool for Californians. It helps ensure that local governments in California are accountable to the entire community they serve – that all voices in the community have equal opportunities to be heard.

A CVRA challenge in your community may seem to be a simple local issue, but these challenges can – and do -- reverberate throughout the state.

Because of the potential statewide implications of every one of these challenges, local Leagues should consult with the LWVC before taking any action locally.

CVRA: What is the remedy?

The standard remedy to a CVRA challenge is to implement district based elections. This allows smaller populations to select representatives of their choice, and helps ensure better representation.

Some groups are promoting Ranked Choice Voting (RCV) as a remedy. While there is some limited evidence that this might be the case, RCV is not considered a “safe harbor”, in other words RCV has not been legally found to be a remedy for a CVRA challenge.

What can Leagues do?

Local Leagues are encouraged to:

- Inform the public about what’s going on and how to be involved
- Encourage a robust public discussion about the benefits of district elections
- Advocate for a process that is transparent and fair – both in deciding about whether to use district elections, and in drawing the district lines.

Any advocacy from your local League about converting to district elections should be done in consultation with the LWVC.