

ASSEMBLY BILL

No. 245

Introduced by Assembly Member Lackey

February 9, 2015

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

LEGISLATIVE COUNSEL'S DIGEST

AB 245, as introduced, Lackey. California Voting Rights Act of 2001.

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 violation of the act is established if it is shown that racially polarized voting, as defined, has occurred, and provides that the occurrence of racially polarized voting shall be determined from examining the results of elections in which at least one candidate is a member of a protected class or elections involving ballot measures or other electoral choices that affect the rights and privileges of members of a protected class. The CVRA provides that a voter who is a member of a protected class, as specified, may bring an action in superior court to enforce the provisions of the CVRA, and, if the voter prevails in the case, he or she may be awarded reasonable litigation costs and attorney's fees.

This bill would make technical, nonsubstantive changes to provisions of law defining several terms for purposes of the CVRA.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

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

SECTION 1. Section 14026 of the Elections Code is amended to read:

14026. As used in this chapter:

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

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

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

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

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

(c) “Political subdivision” means 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.

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

(e) “Racially polarized voting” means voting in which there is a difference, as defined in case law regarding enforcement of the federal Voting Rights Act (42 U.S.C. Sec. 1973 et seq.), 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. The methodologies for estimating group voting behavior as approved in applicable federal cases to enforce the federal Voting Rights Act (42 U.S.C. Sec. 1973 et seq.) to establish racially

- 1 polarized voting may be used for purposes of this section to prove
- 2 that elections are characterized by racially polarized voting.

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