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Securing Fair Representation in California

Building on the California Voting Rights Act's Success
to Address Emerging Threats to Democracy

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DEDICATION

This report is dedicated to the memory of Joaquin G. Avila—a visionary civil rights attorney and advocate who fought to protect and expand the right to vote—and to the countless voters who have courageously defended that right, often at great personal risk. May this report stand as both a testament to their vision and sacrifice, and a call to carry forward their mission.

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EXECUTIVE SUMMARY

The California Voting Rights Act of 2001 (“CVRA”) is one of the state’s most significant civil rights laws and a powerful tool to combat vote dilution. Authored by then-Senator Richard Polanco and inspired by the vision of voting rights giant Joaquin G. Avila, the CVRA was enacted in 2002 to address the persistent harms of dilutive at-large election systems in California—systems that have long silenced the voices of political minorities and voters of color and blocked communities from translating political organizing into electoral victories.

Over the past two decades, the CVRA has compelled over 600 local governments to adopt district-based elections, which has expanded opportunities for participation, increased minority representation, and improved government responsiveness.

We use the term “**minority**” in some parts of this report because it tracks the language used in relevant statutes, case law, and research. We recognize that Black, Indigenous, brown, and other communities of color have been referred to as minorities despite, in some cases, not being numerical minorities. We also recognize the term may carry incorrect or negative connotations.

Yet despite this progress, new challenges have emerged. Some jurisdictions conduct transitions with little public input or oversight, resulting in district maps that prioritize incumbents and special interests over the fair representation of a jurisdiction’s diverse communities. And, because the CVRA only applies to at-large elections, communities have limited tools to prevent line-drawers from adopting maps that are themselves dilutive. Meanwhile, special interests that benefited from unfair at-large systems have adapted by shifting their strategies and injecting more money into local district elections.

These challenges are compounded by new threats emerging here at home—including one county’s abrupt elimination of accessible voting technology and a city’s adoption of a burdensome voter ID requirement¹—and by the ongoing weakening of federal protections. In recent years, the U.S. Supreme Court has dealt major blows to the federal Voting Rights Act (“VRA”),² and, in a 2023 decision, the Eighth Circuit Court of Appeals held that private parties, including voters, can no longer bring lawsuits under Section 2 of the VRA in that circuit.³ This year, the Eighth Circuit went even further and held that Section 2 cannot be enforced under a separate federal statute, Section 1983, effectively shutting the courthouse doors.⁴ Although the Supreme Court put that ruling on pause pending a decision on whether to hear the case on the merits,⁵ it then ordered supplemental briefing on a different case out of Louisiana on whether intentionally creating a second majority-Black congressional district to comply with Section 2 might violate the U.S. Constitution.⁶ The continued push to

erode federal safeguards makes clear California must take proactive steps to defend and expand voting rights at home.

Other states have already responded: seven have enacted state-level voting rights acts, using the CVRA as a model but going even further in the protections they offer.⁷ Many more are considering similar bills. California must also act—by defending the CVRA, addressing existing gaps in the law, and expanding state voting rights protections through broader reforms.

KEY RECOMMENDATIONS

This report outlines a roadmap for meeting these challenges through targeted policies grounded in data, legal analysis, and community experience, and calls for renewed focus and decisive action to advance the following policy objectives and recommendations.

POLICY OBJECTIVE: **Protecting and Strengthening the CVRA**

To fulfill the CVRA's promise, Californians must resist efforts to weaken the law's protections and demand stronger tools for implementation. Without meaningful oversight, jurisdictions can adopt district maps that entrench power rather than remedy vote dilution, and when litigation is needed, delays can allow harmful at-large systems to remain in place for years.

- **IMPROVE COMMUNITY OUTREACH** Provide early and more meaningful community outreach during CVRA transitions and offer technical assistance to communities.
- **PROHIBIT JURISDICTIONS FROM RETAINING AT-LARGE SEATS** Bar jurisdictions from retaining at-large seats, including at-large mayoral seats, after CVRA transitions.
- **REQUIRE EXPEDITED REVIEW** Require courts to fast-track CVRA-related cases, including appeals, to prevent prolonged use of discriminatory systems.

POLICY OBJECTIVE: **Providing Broader Protections**

The CVRA's protections currently apply only to at-large election systems, and district elections alone do not guarantee fair outcomes. Incumbents can gerrymander districts that fracture communities, while spending by special interests and other emerging tactics pose additional threats to equitable access to the ballot.

- **CODIFY BAN ON VOTE DILUTION IN DISTRICT ELECTIONS** Codify a version of Section 2 to ban district election systems that deny minority voters equal opportunities to elect candidates of choice.
- **ESTABLISH A PRECLEARANCE PROGRAM** Require covered jurisdictions to get state approval before implementing certain election changes such as redistricting or reductions in language assistance.
- **ADOPT A DEMOCRACY CANON** Enact a judicial canon that directs courts to interpret voting and election laws liberally in favor of voters.
- **ADDRESS MONEY IN POLITICS** Address the outsized role of money in district elections, e.g., by lifting the ban on public campaign financing.

By advancing these reforms, California will not only uphold the CVRA's original promise but also strengthen and expand legal protections to meet current challenges. The fight against vote dilution and unequal representation is far from over, and the CVRA and other voting laws must serve as powerful tools for securing equal political access for all communities.

Introduction

California's voting rights landscape is shifting, shaped by challenges within the state and attacks on federal protections. While the CVRA has been a critical tool to address the harms of at-large election systems, new challenges require a stronger and more expansive response. This report outlines the next generation of reforms needed to secure fair representation, including strengthening the CVRA and advancing additional state-level protections like establishing preclearance and adopting measures that curb the influence of money in politics.

PART I: BACKGROUND ON THE CALIFORNIA VOTING RIGHTS ACT provides the legal and historical context behind the CVRA's adoption in 2002. It explains how at-large election systems have been used to dilute the voting power of communities of color and why the CVRA was a needed response. The section also briefly discusses the benefits of district elections. This background is essential to understanding why the law remains necessary today, especially as both the CVRA and VRA face increasing legal and political pressures.

PART II: THE SUCCESS OF THE CVRA reviews the CVRA's impact over the past two decades. It draws on academic research and case studies showing that the CVRA has contributed to narrowing voter participation gaps and increasing minority representation in local government. Part II also includes community stories and advocacy experiences that highlight how the CVRA has supported local organizing, improved responsiveness from elected officials, and led to concrete policy outcomes that better reflect the needs of underrepresented communities.

PART III: EXISTING CHALLENGES AND RECOMMENDATIONS presents targeted policy recommendations to strengthen the CVRA and expand other state-level protections. These reforms are designed to close legal loopholes, address emerging tactics that threaten fair representation, enhance public participation, and prevent discriminatory election practices across California.

The report builds the case for timely and critical reform. As the landscape of voting rights continues to shift, California must not only protect the gains achieved under the CVRA but also equip itself to face ongoing barriers to fair representation. Strengthening state-level protections is essential to ensuring that every voter has an equal voice in local democracy.

Part I

Background on the California Voting Rights Act

AT-LARGE ELECTIONS

What are At-Large Elections?

In 1965, Congress passed the federal Voting Rights Act (“VRA”) to outlaw various forms of voter disenfranchisement. The VRA’s prohibition on discriminatory practices quickly led to an increase in Black voter registration.⁸ In response, there was a broad effort throughout the country to institute dilutive schemes to cancel out the impact of Black voters.⁹ One of those dilutive practices was the widespread replacement of single-member district elections (also known as by-district elections) with at-large elections.¹⁰ This shift raises an important question: What is an at-large election, and why is this system often preferred by those who are hostile to minority voting rights?

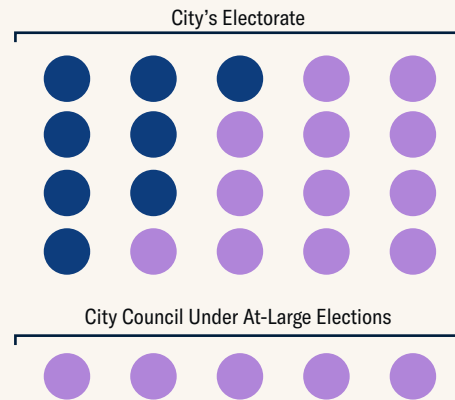
Vote dilution occurs when an election system interacts with voting patterns that are polarized along racial lines to minimize or cancel out the voting strength of minority communities, preventing them from influencing election outcomes or electing their preferred candidates.

At-large elections allow every voter in a jurisdiction to vote for every seat up for election. In a five-member city council, for example, at-large elections allow every voter to vote for every seat on the council. If a racial *majority* votes cohesively (i.e., tends to vote for the same candidates), it can defeat the racial minority in an at-large system even if the minority group also votes cohesively. Systematic differences in the patterns of voting between different ethnic groups is referred to as “racially polarized voting.” When there is racial polarization in a city that has at-large elections and the city’s electorate is, say, 60% white and 40% Latine, it is possible for the white majority to elect their preferred candidates to every council seat because all five of their preferred candidates will get about 60% of the citywide vote. In other words, even though under a fair system Latine voters would have about two representatives on the council, under an at-large system the Latine vote is diluted, and the Latine community gets no representation because of the interaction between the system and racial polarization.

Fig 1. At-Large Elections

Description: Each council seat is elected by a majority of voters citywide.

● Latine ● White



The U.S. Supreme Court has long recognized that at-large elections “tend to minimize the voting strength of minority groups by permitting the political majority to elect *all* representatives in the [jurisdiction].”¹¹ But racial vote dilution is not the only problem with at-large elections:

- **LACK OF POLITICAL REPRESENTATION** At-large elections tend to dilute the vote of *any* political minority, whether it be voters who identify with a particular party or voters who have different policy preferences than the majority of the electorate.
- **LACK OF ECONOMIC REPRESENTATION** Similarly, a majority bloc of high- and middle-income voters can cancel out the choices of lower-income voters.
- **COSTLY CAMPAIGNS** Compared to district elections, running a jurisdiction-wide campaign is often more costly than running smaller campaigns that need to reach only a fraction of the electorate.
- **LACK OF GEOGRAPHIC REPRESENTATION** Relatedly, at-large elections favor well-resourced candidates and often lead to legislative bodies dominated by officials from affluent neighborhoods, leaving other areas without meaningful representation.

The culmination of these harms is an unresponsive government. When all city representatives are elected by a voting majority, minority communities and neighborhoods can be entirely ignored in policy decisions, depriving them of resources like green spaces, affordable housing, accessible public transportation, and local health services, while often leaving them with a disproportionate share of less desirable infrastructure like polluting facilities. Unresponsive governments, in turn, lead to diminished electoral participation by voters who are already unrepresented.

Remedying Dilutive At-large Election Systems

Section 2 of the Federal Voting Rights Act

To address, among other things, the proliferation of harmful at-large systems,¹² Congress amended Section 2 of the VRA in 1982 to clarify that, in addition to prohibiting intentional discrimination, it had always meant to prohibit practices or procedures that result in a denial or abridgement of a person's right to vote "on account of race."¹³ Under Section 2's "results test," dilutive systems are unlawful regardless of whether they are deliberately intended to impede a voter's ability to elect a candidate of choice. What matters is that the systems have the *effect* of diluting the vote. A plaintiff may bring a Section 2 claim by alleging that the at-large system is dilutive or, as is sometimes the case in districting and redistricting, that the manipulation of single-member district lines results in racial vote dilution by "packing" voters into a few districts when they might control more, or by "cracking" them across several districts so that they are not the majority in any one district.¹⁴

The Power of Preclearance: Section 5 of the Federal VRA

Another tool that was available to fight vote dilution and other forms of discrimination in voting was Section 5 of the federal VRA.¹⁵ Section 5 required jurisdictions with histories of discrimination to seek approval from either the District Court for the District of Columbia or the U.S. Department of Justice ("DOJ") before making any change in election rules. Section 5 was incredibly successful in stopping harmful and discriminatory voting practices by putting the burden on jurisdictions to prove that a practice did not discriminate against minority voting groups, instead of placing the burden on voters to establish a violation.¹⁶ The provision, however, covered only four counties in California.¹⁷ Unfortunately, in 2013, the U.S. Supreme Court in *Shelby County v. Holder* struck down the coverage formula for Section 5, effectively putting an end to preclearance.¹⁸ We discuss preclearance in more detail later in the report.

The U.S. Supreme Court has articulated a two-step inquiry to assess vote dilution claims under Section 2. First, a plaintiff must demonstrate three prerequisites, known as the *Gingles* preconditions:

1. the minority group is **sufficiently large and geographically compact** to constitute a majority in one or more single-member districts;
2. the minority group is **politically cohesive**; and
3. the majority group **votes sufficiently as a bloc** to enable it "usually to defeat the minority's preferred candidate."¹⁹

Together, the second and third factors describe “legally significant” racially polarized voting.²⁰ If these preconditions are established, a court must then engage in the second step of the inquiry and “consider[] whether, on the totality of circumstances, minorities have been denied an equal opportunity to participate in the political process and to elect representatives of their choice.”²¹ In assessing the totality of circumstances, Congress identified several factors, known as the “Senate Factors,” relevant to determining whether a Section 2 violation has been established.²²

Following the 1982 amendments, private attorneys filed a handful of Section 2 lawsuits on behalf of voters challenging at-large systems in California.²³ These efforts yielded mixed results.²⁴ In two costly, long-running, and ultimately unsuccessful challenges against the El Centro School District and the City of Santa Maria, the jurisdictions sought to collect costs from the plaintiffs.²⁵ These outcomes made it riskier for private individuals to file similar challenges after 1992, undermining federal VRA enforcement efforts that had largely relied on the private bar.²⁶

State Voting Rights Act Visionary



Illustration of Joaquin G. Avila

JOAQUIN G. AVILA was a voting rights giant. He joined the Mexican American Legal Defense and Education Fund (MALDEF) in 1975 and served as its President from 1982 to 1985.²⁷ Avila worked on the 1982 federal VRA amendments that created the Section 2 “results test.”²⁸ He also represented voters in *Gomez v. City of Watsonville*, a VRA lawsuit that forced the City of Watsonville to transition from at-large to district-based elections,²⁹ and *Garza v. County of Los Angeles*, a VRA lawsuit that created the first Los Angeles County Latine-majority supervisorial district.³⁰ In 1996, Avila was awarded the MacArthur Genius grant for his “vision of voting rights advocacy that is premised on the conviction that government functions best if it is reflective and representative of the range of its constituents.”³¹ During his decades-long career, Avila worked on more than 70 voting rights cases and argued before the U.S. Supreme Court twice.³²

In 2001, Avila drafted the language for California Senate Bill 976, the enacting legislation for the CVRA.³³ Shortly before his passing, he also consulted on the Washington Voting Rights Act of 2018.³⁴ The CVRA has since served as a model for seven other state voting rights acts as well as numerous pending bills.³⁵

THE CALIFORNIA VOTING RIGHTS ACT

There are several reasons why Section 2 is a poor fit to remedy dilutive systems in California. *Gingles* requires a showing of the first precondition, that a minority population be sufficiently concentrated to constitute a majority in a single-member district. Over the years, the U.S. Supreme Court has narrowly interpreted Section 2 to make nationwide judicial administration of the law more streamlined: it requires that a plaintiff prove that the minority community, without crossover votes from the majority community, makes up more than 50% of the eligible voting population in the hypothetical single-member district.³⁶ This bright-line demographic rule applies even if the minority community is large but dispersed and even if the minority community in reality needs less than a numerical majority of a district's voting population to elect candidates of their choice.

Proving a Section 2 claim can also be very costly because of the Senate Factor evidence required to establish that, under the totality of the circumstances, minority voters are being denied an equal opportunity to participate in the political process.³⁷ That is, even when a plaintiff can show that there is racially polarized voting and that the interaction between racially polarized voting and the election system is diluting the vote of the community at issue, a plaintiff still needs to present additional evidence that shows, for example, socioeconomic disparities, a history of discrimination, and racial appeals in campaigns.³⁸ Demonstrating these factors often necessitates presenting substantial fact and expert evidence in addition to the evidence necessary to establish the three *Gingles* preconditions.

For these and other reasons, and despite a promising start for Section 2 litigation against at-large elections in *Gomez v. City of Watsonville*, as of 2002, only 29 of California's 482 cities—and hundreds of school, community college, and special districts—had district elections.³⁹ To combat the expansiveness of the problem in California and the cost and difficulty of mounting successful Section 2 litigation, Joaquin Avila worked with State Senator Richard Polanco, the legislative author, to draft and pass the CVRA, which was enacted in 2002.⁴⁰

The CVRA departs from the federal VRA in key respects. First, a plaintiff is not required to present Senate Factor evidence to establish a violation, lowering the overall costs of proving a claim.⁴¹ Second, the CVRA does not require a plaintiff to establish the first *Gingles* precondition, permitting minority communities that are harmed but do not meet the bright-line 50% demographic threshold to seek redress for their harms.⁴² Instead, a CVRA plaintiff needs to show that there is racially polarized voting (the second and third *Gingles* preconditions) in order to prove a violation of the law. More recently, the California Supreme Court held that a plaintiff must also demonstrate that the minority group would be able to elect its preferred candidates in an alternative “undiluted” voting system.⁴³ Third, drawing on the experience in the cases against the

City of Santa Maria and the El Centro School District, the law prohibits prevailing local jurisdictions from collecting costs.⁴⁴ Finally, the CVRA applies to dilutive at-large election systems but not to dilutive district election systems.⁴⁵ Avila recognized that this was a shortfall of the CVRA,⁴⁶ and two of several bill attempts to expand the CVRA to single-member districts were passed by the legislature but were unfortunately vetoed by then-Governor Jerry Brown.⁴⁷

Unlike its federal counterpart, the CVRA additionally prohibits vote dilution when a jurisdiction's at-large election system "impairs the ability of a protected class to... influence the outcome of an election."⁴⁸ California courts have not reached the question of what a plaintiff must show to establish an ability-to-influence CVRA claim.⁴⁹

After the CVRA was enacted, the trial court in *Sanchez v. City of Modesto* ruled that the CVRA was unconstitutional.⁵⁰ In 2006, however, a California Court of Appeal overturned that decision, and both the California and U.S. Supreme Courts declined to review the case, allowing the appellate decision upholding the CVRA's constitutionality to stand.⁵¹ There was a slow but significant uptick in transitions away from at-large elections after these decisions, beginning with school and community college boards in the Central Valley, followed by a well-publicized case in Palmdale in 2013 and other challenges in Southern California.⁵² By the end of 2016, 47 cities and 191 other local jurisdictions had at least begun the process of shifting from at-large to single-member district elections—or, in a few cases, to alternative forms of elections—as a direct result of the CVRA.⁵³ After the passage of a series of CVRA bills in 2015 and 2016, including of California Assembly Bill 350 (Alejo),⁵⁴ California saw another significant increase in the number of CVRA transitions, many of them initiated by jurisdictions.

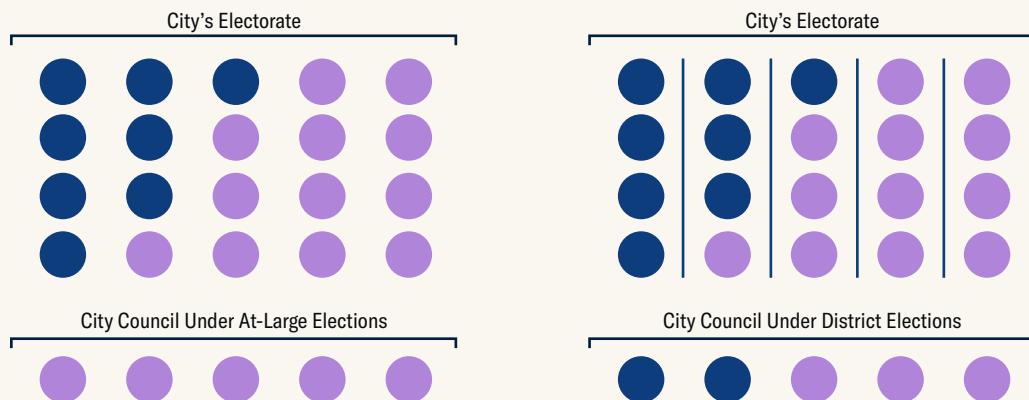
AB 350, enacted in 2016, created a “**safe harbor**” process that requires a prospective plaintiff to send a pre-litigation notice letter before filing a CVRA action.⁵⁵ The safe harbor allows a jurisdiction that receives a letter to assess its risk of liability and avoid litigation by: 1) transitioning to district-based elections within a specified time; and 2) reimbursing a prospective plaintiff for the fees and expenses associated with sending a notice letter, not to exceed \$30,000, as adjusted for inflation.⁵⁶ The limited reimbursement provision was a key part of the compromise that the League of California Cities supported when the legislature enacted AB 350.⁵⁷

THE BENEFITS OF DISTRICT ELECTIONS

The California Legislature recognized when it enacted the CVRA that transitioning from at-large to district-based elections is an effective way to address a history or pattern of racial inequity in voting.⁵⁸ The U.S. Supreme Court has similarly observed that “at-large plans [] generally pose greater threats to minority-voter participation . . . than do single-member districts—which is why we have strongly preferred single-member districts for federal-court-ordered reapportionment.”⁵⁹ This is because a numerical minority “may be unable to elect any representatives in an at-large election, yet may be able to elect several representatives if the political unit is divided into single-member districts.”⁶⁰ When a minority community, for example, moves from being only 20% of the electorate in a citywide race to 50% in a single-member district, their chances of electing their preferred candidate to the council dramatically increase.

Fig 2. District Elections

Description: Each council seat is elected by a majority of voters in each district.



District elections have benefits beyond remedying vote dilution. When drawn properly, districts also have the following benefits:

- **EMPHASIZE COMMUNITIES OF INTEREST AND NEIGHBORHOOD REPRESENTATION**
The FAIR MAPS Act, California’s local redistricting law, requires line drawers to prioritize keeping communities of interest and neighborhoods together.⁶¹ A community of interest is a group of residents that shares common social or economic interests.

- **LESS COSTLY CAMPAIGNS** Compared to at-large elections, which require candidates to campaign across the entire jurisdiction, district elections involve a smaller electorate. As a result, candidates can run viable campaigns with fewer resources.

Before the City of Anaheim transitioned to district elections in 2016, candidates with limited resources had to face off against Disney-funded candidates in citywide campaigns. After Anaheim transitioned to district elections, it became easier for candidates like Jose Moreno to mount successful smaller campaigns even when they were outspent by their Disney-backed opponents.⁶³

- **INCREASE IN VOTER TURNOUT** As discussed in more detail below, district elections have been shown in some instances to increase minority voter turnout.⁶⁴
- **HELP CLOSE VOTER PARTICIPATION GAPS** There is also evidence that district elections help close voter participation gaps.⁶⁵
- **RESPONSIVE GOVERNMENT** District elections can also help create a more responsive government and policies that better reflect the interests of all communities.⁶⁶

Under district elections, “councilmembers have to be accountable to district residents, so residents are able to put pressure on their representatives in their own backyards,” said Jonathan Paik, executive director of the Orange County Civic Engagement Table (“OCCET”).⁶⁷

- **INCREASE MINORITY REPRESENTATION** District elections tend to increase the number of elected officials who are from historically disenfranchised communities.⁶⁸

The overwhelming majority of U.S. senators—who are elected at-large in their state—continue to be white, while U.S. representatives—who are elected from districts—are increasingly from diverse backgrounds.⁶⁹

- **LEADERSHIP PIPELINE** District elections can also serve as a pipeline for higher office for minority candidates.⁷⁰

In Part II, we discuss in depth how many of these benefits have already been realized because of the CVRA.

Sunnyvale

Before the City of Sunnyvale switched to district elections in 2020, all seven councilmembers lived in the affluent southern part of the city, leaving the northern half—home to many lower-income and Latine residents—without representation.⁶² After the Asian Law Caucus sent the city a CVRA demand letter, Sunnyvale adopted district elections in 2020. Now, the city has councilmembers who reflect the full geographic and socioeconomic diversity of its residents, not just those from its wealthiest neighborhoods in the southern part of the city.

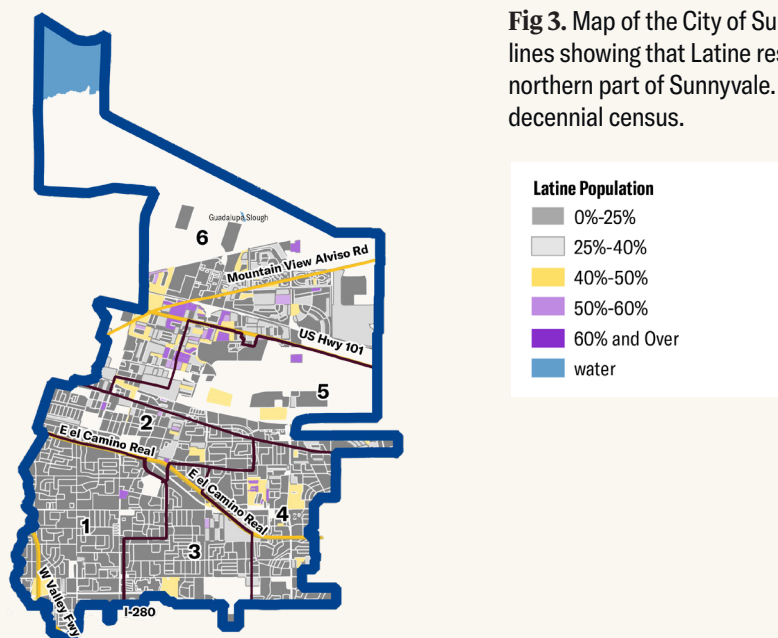


Fig 3. Map of the City of Sunnyvale with existing district lines showing that Latine residents largely live in the northern part of Sunnyvale. Population data from 2020 decennial census.

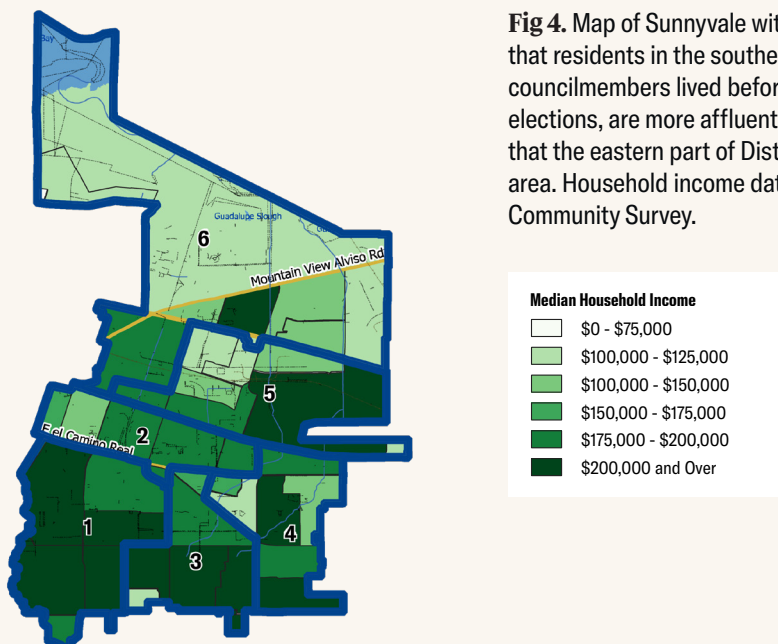


Fig 4. Map of Sunnyvale with existing district lines showing that residents in the southern part of the city, where all councilmembers lived before the city's transition to district elections, are more affluent than northern Sunnyvale. Note that the eastern part of District 5 is largely a commercial area. Household income data from 2022 five-year American Community Survey.

ALTERNATIVE VOTING SYSTEMS

Although the CVRA favors single-member district election systems where geographically compact minority populations have an opportunity to elect candidates of choice,⁷¹ it leaves open the possibility for jurisdictions to adopt alternative systems such as limited voting, cumulative voting, and ranked choice voting.⁷² These systems are meant to encourage proportional representation of all political minorities. For this reason, where single-member districts are not practical due to the geographic distribution of minority populations, alternative voting systems that are at-large may be preferable to traditional at-large systems and have been successfully implemented as a remedy for vote dilution in the past.⁷³

- **LIMITED VOTING** In multi-winner elections, or elections with more than one open seat, voters receive fewer votes than there are open seats. For example, in an election for five council seats, with each candidate competing against every other candidate, each voter might have one vote, and the five candidates with the most votes would be elected.
- **CUMULATIVE VOTING** Each voter has as many votes as there are open seats and can allocate them to one candidate or split them among several candidates.
- **RANKED CHOICE VOTING (RCV)** Voters rank candidates in order of preference, and they may rank one, some, or all candidates. Single transferable vote, a form of RCV, applies in multi-winner elections. A voter's first choice receives their vote, but if the candidate is not elected in one round of counting, that voter's second choice is counted in the next round, and so on. Candidates are eliminated in successive rounds until the number of candidates equals the number of open seats.

Alternative voting systems are meant to prevent a political majority from dominating elections for *all* seats, as might be the case in traditional at-large elections, by lowering the threshold for victory depending on the number of seats up for election. Alternative voting systems therefore have the potential to give sufficiently large and cohesive minority communities the opportunity to elect some candidates of their choice or influence the outcome of elections, even if voters are dispersed throughout the jurisdiction.

These systems, however, can also have drawbacks. Incumbents who live near each other may prefer alternative voting systems out of self-interest, given that district-based systems may force them to run against each other. These preferences may persist even when it is possible to draw minority opportunity-to-elect districts or when voters prefer geographic representation. Further, alternative voting systems may still require candidates to campaign across the entire jurisdiction, which demands significant resources. Voters are also less familiar with alternative systems, requiring additional and continuing community voter education efforts.⁷⁴ Importantly, the Secretary of State has previously declined to certify alternative voting election systems for use in general law cities because the Elections Code, which applies to general law city elections, does not expressly authorize such systems and does not include ballot tabulation requirements necessary to test the systems.⁷⁵ This has meant that, currently, only charter cities have the option to adopt alternative voting systems.

Part II

The Success of the California Voting Rights Act

The CVRA has been extremely effective in pushing jurisdictions to abandon at-large election systems that are dilutive and have the strong potential to inhibit the representation of all political minorities, not just racial minorities. Following successful lawsuits and the adoption of AB 350 in 2016, the pace of CVRA transitions accelerated significantly, with many jurisdictions opting to transition voluntarily to avoid liability and to encourage representation of all groups. **As of December 2024, over 600 jurisdictions have abandoned their at-large election systems.**⁷⁶ By removing the barriers of at-large elections, the CVRA has helped close voter participation gaps and increase minority representation on local government bodies. It has also impacted local policies and responsiveness to minority communities, created opportunities to build organizing bases and develop new leaders and candidates, and is starting to support a pipeline to higher office.

EARLY SIGNS OF SUCCESS

A Measurable Improvement in Turnout

California continues to have a racial voter participation gap. In the 2024 California general election, 58.4% of Latine voters and 65.7% of Asian-American voters turned out, compared to a 74.4% turnout rate for the rest of the electorate.⁷⁷ One proven way to help address these disparities is through fair district election systems. Research consistently shows that voting districts with sizable minority voting populations lead to higher political participation among those voters than districts with smaller minority populations, helping to close voter participation gaps.⁷⁸ A study by Bernard L. Fraga found a 9-point increase in Black voter turnout and a 6.4-point increase for Latine voter turnout when the proportion of the minority electorate in a district shifted from 10% to 50%.⁷⁹ The CVRA promotes this exact shift. That is, when the remedy is appropriate, it requires jurisdictions to move away from at-large systems—where a minority community makes up only a small percentage of the electorate—to single-member districts—where the community is sizable.⁸⁰

We see this effect on turnout because an unfair election system where minority voters lose every election is “discouraging, undermines the perceived legitimacy of the system, and should drive down participation.”⁸¹ In contrast, fair election systems signal to minority voters that their “participation is likely to have an impact on politics.”⁸² Such districts also result in candidates’ directing greater resources to mobilizing minority voters because candidates need their support to be successful.⁸³

These improvements in voter turnout are evident not only in the context of the federal VRA,⁸⁴ but also under the CVRA. That is, since 2007, and especially since the 2016 amendments to the CVRA, there has been a measurable improvement in minority voter participation and a narrowing of the racial turnout gap in impacted jurisdictions. A 2023 study found, for example, that CVRA transitions “from at-large to by-district elections led to a decrease in the Hispanic-White and Asian-White turnout gaps.”⁸⁵ Researcher Zachary L. Hertz came to this conclusion by comparing voter turnout rates in thirty cities that had fully transitioned to district elections (i.e., there had been at least one election in each new district) with those in thirty demographically and socioeconomically similar cities that retained at-large election systems.⁸⁶ In particular, Hertz “estimate[s] the average effect of a CVRA-induced switch from at-large to by-district elections on the Hispanic-White turnout gap to be a shift of 5.6 percentage points in the turnout difference” and “a nearly 26 percentage point decrease in the difference between Asian and White turnout.”⁸⁷ As Thomas A. Saenz, president and general counsel of MALDEF, has noted, “[s]ometimes it takes a transition period of election cycles before you see the effect of the change in election outcome[s].”⁸⁸ Nevertheless, Hertz’s research demonstrates a measurable impact in a relatively short time.

Closing voter participation gaps requires more than fair election systems. The CVRA, however, has contributed to narrowing these gaps in impacted jurisdictions. Thus, implementing reforms that require line-drawers to adopt maps that address vote dilution, including by codifying a version of Section 2 of the federal VRA in state law or by instituting a preclearance process, will ensure that the full potential of fair maps to boost turnout is realized.

THE NUMBERS

An Increase in Minority Representation

After adopting a remedial election system, either as a result of the CVRA or the federal VRA, it often takes several election cycles for communities to elect candidates of their choice to local office. This delay is in part due to turnout disparities, the need to politically organize the community and identify candidates, and the fact that voters may be more familiar with incumbents. Despite the expected delay, fair election systems eventually lead to an increase in minority, or descriptive, representation. Numerous studies, for example, show that the enforcement of the federal VRA to require jurisdictions to transition from at-large to single-member districts increased Black representation in the American South.⁸⁹ An analysis by the National Association of Latino Elected and Appointed Officials (NALEO) similarly shows that Latine elected school board members and community college trustees in California increased from 427 in 2002—when the CVRA was first enacted—to 782 in 2019.⁹⁰

Descriptive representation refers to “the extent to which public officials reflect the demographic composition of the constituents that they serve.”⁹¹ The tangible effects that descriptive representation has on improving the lives of minority communities are well documented. Studies have found, for instance, that more minority school board members leads to more minority administrators and teachers and a greater investment in students from these communities, which translates into improved educational outcomes for minority students.⁹² Descriptive representation has also “been shown to increase minority groups’ trust in government, lead to higher quality legislative support for constituent minority groups, and provide other substantive benefits.”⁹³

Importantly, research directly links the increase in descriptive representation to the CVRA. For instance, research conducted by Professor J. Morgan Kousser and released as an appendix to this report analyzed all school district and city council CVRA transitions to district elections between 2008 and 2021. In that research, titled *The California Voting Rights Act in 2025: The Success of Model Civil Rights Legislation in Increasing Minority Representation*, Professor Kousser found that the share of Latine candidates elected to school boards that transitioned to district elections increased by 68%.⁹⁴ He further found that the share of Latine candidates elected to city councils that transitioned during the same period increased by 53%. Because most city councils transitioned after 2016, Professor Kousser’s findings indicate that it is not surprising that there is a smaller increase in the percentage of Latine candidates who have been elected to these city councils compared to transitioned school boards, as there have been fewer election cycles for city councils.

Fig 5. 68% Growth in Percentage of Latine Representatives on School Boards That Switched to Districts

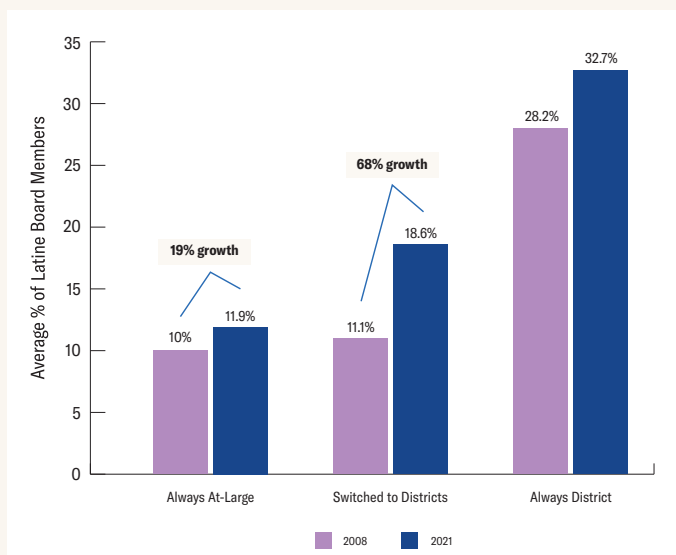
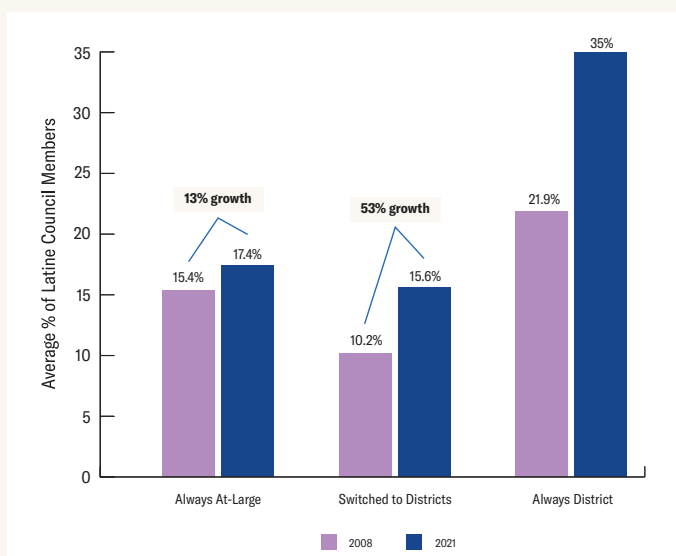


Fig 6. 53% Growth in Percentage of Latine Representatives on City Councils That Switched to Districts



To ensure that these increases did not simply reflect a trend toward electing more Latine candidates, Professor Kousser compared jurisdictions that remained at-large, jurisdictions that were districted before the adoption of the CVRA, and jurisdictions that transitioned to district elections as a result of the CVRA. His analysis shows that the share of Latine candidates elected to at-large school boards and city councils grew by only two percentage points from 2008 to 2021, compared to school boards and city councils that transitioned, which saw a much more significant increase of seven and five percentage points, respectively.

A study by Loren Collingwood and Sean Long also examined whether CVRA-driven transitions to district elections increased minority representation, focusing specifically on a subset of city transitions.⁹⁵ Collingwood and Long paired 30 cities that transitioned between 2010 and 2018 with 30 cities that remained at-large during the same period that were politically and demographically similar, and then analyzed whether minority representation increased after a city transitioned and whether similar changes occurred in the paired city during the same period.⁹⁶ Collingwood and Long concluded that “shifting from at-large to election districts leads to, on average, between 10% and 12% increase in minority representation on a city council,⁹⁷ and that the increase was higher—upward of 20 percentage points—in cities with larger shares of Latine residents.⁹⁸ Both of these studies are limited to a few election cycles and may underestimate the true impact of districts on descriptive representation. Even with the existing limitations, however, it is clear that the CVRA has increased minority representation. In some jurisdictions like Anaheim, discussed below, the CVRA has dramatically transformed local politics.

Anaheim

The City of Anaheim experienced a dramatic increase in Latine representation on its city council after transitioning from at-large to district elections in 2016. This change was prompted by a 2012 CVRA lawsuit filed by the ACLU Foundation of Southern California and the law firm Goldstein, Borgen, Dadarian & Ho on behalf of Latine voters. Among the plaintiffs was Dr. José F. Moreno, a longtime Anaheim resident and associate professor and chair of the Department of Chicano & Latino Studies at California State University, Long Beach. Before the transition to district elections, only three Latine people had served on the council in the city's over 140-year history.⁹⁹ This was the case even though by the time of the transition in 2016, Latines made up 36% of Anaheim's citizen voting age population ("CVAP").¹⁰⁰ After the parties settled the *Moreno v. City of Anaheim* lawsuit, voters expanded the council from four to six members and adopted district elections.¹⁰¹ The council adopted a map following a lengthy map-drawing process led by an advisory commission of retired judges that incorporated months of community testimony.¹⁰² The map included three districts—3, 4, and 5—that had more than 45% Latine CVAP.¹⁰³ The new district lines were implemented in November 2016, and it became immediately apparent that the new election system was going to have a transformative impact on Anaheim.

During the 2016 general election, voters elected two Latine candidates to the Anaheim City Council: Denise Barnes to represent District 1 and Moreno to represent District 3 for a two-year term.¹⁰⁴ Moreno was reelected in 2018 and became a strong advocate for Anaheim's Latine community, as well as a staunch opponent of special interests and the corruption that had long marred the city.¹⁰⁵ In 2020, Jose Diaz defeated Denise Barnes to represent District 1, a district that, while not majority Latine, has nonetheless proven to elect Latine candidates that were previously unelectable at-large.¹⁰⁶ That same year, District 4 voters elected Avelino Valencia. Moreno termed out in 2022, and voters elected a Latina, Natalie Rubalcava, to represent the district. Anaheim voters also elected the first Latine candidate to District 2, Carlos A. Leon. And, in 2024, District 4 voters elected Norma Campos Kurtz. Thus, Anaheim voters have elected seven Latine representatives to the council in the nine years since district elections went into effect.

Notably, the mayor's seat remains at-large and thus serves as an unintended comparator to assess the impact of district elections. To date, no Latine candidate has ever been elected mayor in Anaheim even though the city's Latine citizen voting age population is now 40.5%.¹⁰⁷



Illustration of José F. Moreno

THE CVRA'S TRUE IMPACT

Long-Term Political Empowerment



*Illustration of Former State Senator
Richard Polanco*

Lawmakers passed the federal VRA and the CVRA to ensure that minority voters have an “equal opportunity to participate in the political process....”¹⁰⁸ As **Senator Polanco** emphasized, the purpose of the CVRA is to counter the exclusionary effects of at-large elections: **“I authored the CVRA more than 20 years ago because I recognized how at-large elections stifle minority voices in municipal government. The CVRA is a means of protecting and creating long-term political empowerment for these communities.”**

District elections have opened doors for communities to elect their preferred candidates, advocate for their preferred policies, and build a leadership bench for local and higher office. They also improve access to government, making elected officials more responsive and local politics more inclusive.

Community Empowerment

The shift to district elections sends a powerful message to minority communities: running for and winning local office is achievable. Jonathan Paik, one of the plaintiffs who challenged Fullerton’s at-large elections, told NBC News that when the city was still at-large “a lot of folks felt that the process was more hopeless, whether it’s because they couldn’t afford to run or because of the color of their skin—[they felt] that they’d never be able to reach and build a trust with the high propensity voter.”¹⁰⁹ After the transition, Paik noted that minority residents were excited about the prospect of electing Asian-American and Latine councilmembers, and minority candidates knew they would have the resources to canvass in smaller geographic areas and target likely supporters.¹¹⁰

Organizing opportunities under district elections extend beyond electing preferred candidates. A single representative on a city council or school board, for example, can be a powerful tool for smart advocacy, even if they stand alone on most policy issues. As Thomas Saenz from MALDEF explains: “Access to officials is access to information. When you have a representative, you have someone who can attend meetings and share information that the community would otherwise be deprived of.”¹¹¹ Board President Ricardo Favela’s work on the Fallbrook Unified Elementary School District (“UESD”) Board illustrates this point. After his election, he has continued to meet with the community group VOCES de Fallbrook to share board updates, and he encourages other Latine electeds to do the same.¹¹²

Researchers Michael Hankinson and Asya Magazinic have similarly observed that “one voice may suffice to bring new concerns and perspectives to the table, to set the agenda, or to have an impact on the behavior and opinions of other councilmembers”¹¹³ Councilmembers often have the power to nominate or appoint individuals to key commission and board seats, including library, Community Development Block Grant, law enforcement oversight, planning, arts and culture, and rent control commissions and boards.¹¹⁴

The CVRA can also foster more accessible and inclusive governments. When Fred Jung first ran for a district seat on the Fullerton City Council, he observed that Korean-American residents were largely disengaged from city politics and hoped that electing a Korean-American councilmember could inspire greater participation.¹¹⁵ The shift to district elections not only made representation more attainable, but also resulted in changes to improve access: as part of the settlement in Fullerton’s CVRA lawsuit, the city was required to provide Korean and Spanish interpretation and in-language materials at public hearings related to the transition to district elections.¹¹⁶ Today, the council continues to offer interpretation services upon request¹¹⁷—removing barriers that once kept many residents from engaging fully in local government.

Leadership Pipeline

The CVRA has helped to create a leadership pipeline from local to higher office. As more minority candidates run for and are elected to city councils, school and community college boards, and special district boards, we can expect the number of individuals advancing through this pipeline to increase. And, with an increase in minority representation at the state and federal level, we can also anticipate the introduction and enactment of policies that better address the needs of minority communities.

This emerging pipeline can be seen in communities like Fallbrook, where district elections have opened new opportunities for minority candidates. Board President Favela was not the only member of Fallbrook’s Latine community who was inspired to run for office. Following Fallbrook UESD’s transition, the high school, health, and fire protection districts also adopted district elections.¹¹⁸ “This shift helped to level the playing field, and just seeing opportunities open up gave people the motivation to identify candidates and to run for office,” Favela explained.¹¹⁹ By 2020, young Latine candidates from migrant families had been elected to these districts, signaling the emergence of a new generation of leaders.¹²⁰

Across California, these growing local leadership benches have contributed to a pipeline of minority candidates advancing to higher office. Two key examples illustrate this trend. Juan Carrillo was first elected to the Palmdale City Council in November 2016,¹²¹ during the city's first district elections after Palmdale abandoned its at-large system in response to a CVRA lawsuit.¹²² He then successfully ran for and was elected to the Assembly in 2022.¹²³ Similarly, Avelino Valencia was one of many Latine candidates elected to the Anaheim City Council after it transitioned to district elections. He was then elected to the Assembly in 2022 and is now running for State Senate.¹²⁴ Importantly, as an assemblymember, Valencia has sponsored and supported legislation responsive to the community's needs: in 2023, he authored an independent redistricting commission bill for the Orange County Board of Supervisors and has been a strong supporter of immigrants' rights.¹²⁵

Santa Ana

The City of Santa Ana has long been home to Asian and Latine refugee and immigrant communities. For decades, however, Asian Americans had no representation on the city council. This included a large Vietnamese community in west Santa Ana. In 2018, the city transitioned to by-district elections following a demand letter and lawsuit from Asian Americans Advancing Justice - Los Angeles alleging that the city's at-large system diluted the vote of Asian Americans, who comprised nearly a fifth of the electorate.¹²⁶ The new six-member ward map was first used in November 2020 and included a district, Ward 1, where 44% of voters were Asian American.¹²⁷

Santa Ana's transition to by-district elections quickly changed the city's political landscape. In November 2020, Ward 1 residents elected Thai Viet Phan, the first Vietnamese American to serve on the council.¹²⁸ That same year, residents of Ward 5, heavily working class district with a large renter population, elected Johnathan Hernandez. Then, in 2022, high school teacher Benjamin Vazquez defeated incumbent Nelida Mendoza by 80 votes, despite Mendoza's receiving strong backing from the Santa Ana police union.¹²⁹

"Ward elections have opened the door to candidates who don't rely on the financial backing of powerful special interests like police unions and apartment associations," said Tracy La, co-founder and executive director of VietRISE.¹³⁰ **"Under a by-district system, candidates can focus on the issues that matter most to their communities and can also focus on connecting with low propensity and young voters to encourage them to register to vote and turnout."**¹³¹

By-district elections have also fostered leadership development. "Community-based organizations like El Centro Cultural de Mexico have nurtured generations of organizers, including Hernandez and Vazquez," said La.¹³² This past January, Councilmember Hernandez announced his candidacy for the State Assembly seat opened up by Assemblymember Avelino Valencia's announcement that he is running for State Senate, continuing the leadership pipeline made possible by years of organizing and the CVRA.¹³³

Importantly, the switch to by-district elections has enabled Asian-American residents to more effectively participate in the governance of their city. Councilmember Phan has been a strong advocate for the city's Vietnamese community, immigrants, renters, and working class people. Early in her tenure, Phan laid out her vision: to make it possible for Vietnamese residents to call into council meetings in their own language and have them attend events in the city.¹³⁴ At the time, the city relied solely on Phan and on Google Translate to translate materials and social media posts into Vietnamese and relied on Phan to conduct outreach to the community.¹³⁵ To change that, in March 2021 Phan appointed Indigo Vu, a longtime resident of Santa Ana's Little Saigon neighborhood, to the city's Arts and Culture Commission.¹³⁶

Then, during the 2021 city budget process, Phan successfully advocated to set aside funds for a Vietnamese Community Liaison tasked with providing the community with in-language support to access the city's services and with building relationships with the city's Vietnamese-American businesses, religious institutions, and media.¹³⁷

The CVRA has not just benefitted the city's Asian-American community. The resulting ward election system has made "all Santa Ana councilmembers more responsive and accountable to their constituents, and has made it easier to organize immigrant and working class communities across the city," said La.¹³⁸ Vietnamese residents, including elders who live in mobile homes and who have been subjected to unaffordable rent increases in the past, now have a direct line to City Hall through Councilmember Phan.¹³⁹ As a result of these new organizing opportunities, community members have engaged in multi-racial and multi-generational campaigns directed at the council. In the fights for rent control and immigrant rights, for example, Vietnamese mobile home residents have joined with groups like VietRISE, Esperanza Union de Inquilinxs Santa Ana (a tenants' rights group), El Centro Cultural de Mexico, and the Harbor Institute for Immigrant Justice.¹⁴⁰

In turn, Councilmember Phan has worked with other councilmembers who have large renter and immigrant constituencies, including Councilmembers Hernandez and later Vazquez, to institute policies and raise issues directly responsive to the needs of their residents. These efforts have included issuing a formal apology for the 1906 burning of Santa Ana's Chinatown, passing a series of rent control ordinances, increasing the city's deportation defense fund from \$200,000 to \$300,000, creating a police oversight commission, and placing rent control and immigrant voting measures on the city's 2024 general election ballot.¹⁴¹

"The first time I [met with Councilmember Phan] was to ask for her help and support in the campaign to allow immigrants in Santa Ana to have a voice . . . I did not know if she was sympathetic [to our cause] or if she understood the Vietnamese language well . . . But after [meeting] with her, I realized that . . . her Vietnamese was [] good and she [was] ready to support [our campaign.]"

- PHUONG VU, a longtime resident of Santa Ana



Illustration of Phuong Vu

Part III

Existing Challenges and Recommendations

EXISTING CHALLENGES

The California Voting Rights Act has been immensely effective in securing fairer representation, particularly for communities long excluded from local decision-making. Even so, some lawmakers have proposed reforms that would undermine the law,¹⁴² overlooking the fact that its protections remain highly relevant. To date, hundreds of jurisdictions still use at-large elections that, as detailed in Part I, dilute the votes not only of racial minorities, but of all political minorities. With so many jurisdictions still operating under at-large election systems, California should strengthen the CVRA, not weaken it.

But a strong CVRA alone cannot meet the moment. In recent years, we have seen restrictions on the vote that the CVRA does not address. For example, in 2023, Shasta County abruptly terminated its contract with Dominion Voting Systems, opting instead for hand-counting ballots based on the debunked claim that the 2020 presidential election was stolen.¹⁴³ The decision left voters with certain disabilities without an accessible voting option and left all voters with an unreliable ballot tabulation system. Then, in 2024, the City of Huntington Beach passed a voter ID requirement for its elections, creating unnecessary barriers for eligible voters in response to a problem—voter impersonation—that is virtually nonexistent.¹⁴⁴

These actions are not isolated. Although they were promptly challenged, attacks on voting rights will continue because they are fundamentally about limiting political power. Research shows that when minority communities grow large enough to influence politics, the likelihood of efforts to reduce the impact of their votes increases, even in places without a documented history of discrimination.¹⁴⁵

Meanwhile, federal voting rights protections have continued to erode. In addition to decades of case law narrowing the types of vote dilution challenges voters can bring under Section 2 of the VRA, we have seen a wave of more forceful attacks over the past decade. In 2013, the U.S. Supreme Court in *Shelby County v. Holder* effectively gutted Section 5 preclearance by invalidating the coverage formula,¹⁴⁶ opening the floodgates for previously covered jurisdictions to impose restrictive voting laws.¹⁴⁷ More recently, voters challenged the constitutionality of Section 2 in *Allen v. Milligan*.¹⁴⁸ Although that challenge failed, in 2023 the Eighth Circuit Court of Appeals heavily restricted the VRA in its circuit by holding that private individuals cannot bring enforcement actions under the law.¹⁴⁹

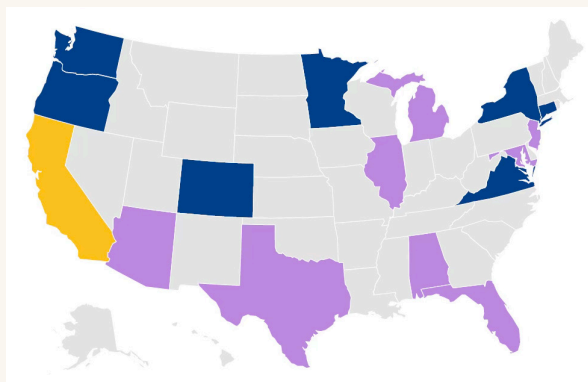
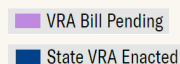
This year, the Eighth Circuit went further and ruled that Section 2 cannot be enforced under a separate federal statute, Section 1983, effectively shutting the courthouse doors.¹⁵⁰ The Supreme Court put that ruling on pause pending a decision on whether to hear the case on the merits,¹⁵¹ but it has already ordered supplemental briefing on a different case out of Louisiana on whether intentionally creating a second majority-Black congressional district to comply with Section 2 might violate the U.S. Constitution.¹⁵² With escalating threats to federal protections, California voters could lose additional safeguards if the Supreme Court further weakens or strikes down Section 2.

In addition to the erosion of voting rights protections in court, President Trump issued an executive order earlier this year that purports to require documentary proof of citizenship to register to vote, another solution to a nonexistent problem that could exclude millions of citizens from the political process.¹⁵³ The SAVE Act, currently pending in Congress, would impose a similar requirement.¹⁵⁴ These efforts are part of a broader campaign to restrict access to the ballot, and we know the attacks will not stop there. While state legislation may not be enough to stop every federal attack, we can act now to adopt reforms that protect our voters and prepare us for what's next.

The CVRA remains an important tool and has paved the way for other states. But California now lags far behind, to the detriment of its voters. Starting with Washington in 2018, numerous states have adopted voting rights acts: Oregon (2019), Virginia (2021), New York (2022), Connecticut (2023), Minnesota (2024), and Colorado (2025).¹⁵⁵ While California fails to act, leaders in these states have moved decisively to strengthen protections against threats to voting rights. New York and Connecticut in particular adopted robust voting rights acts that go far beyond the CVRA.¹⁵⁶ These laws prohibit vote dilution in at-large *and* district elections, establish preclearance programs, provide votable ballots to language communities that meet certain population thresholds, and include Democracy Canons that require courts to interpret voting laws in favor of voters, among other reforms. In addition, legislators have introduced state voting rights act bills in New Jersey, Maryland, Michigan, Alabama, Arizona, Florida, Illinois, and Texas.¹⁵⁷

Fig 7. State Voting Rights Acts

Information from Legal Defense Fund as of June 2025.



RECOMMENDATIONS

Meeting these challenges demands renewed focus and decisive action. The following policy objectives and recommendations outline a path forward.

POLICY OBJECTIVE: **PROTECTING AND STRENGTHENING THE CVRA**

Californians must push back against legislation that weakens the CVRA's existing provisions and demand tools that ensure its promise is fully realized. As Lori Pesante, formerly at the Dolores Huerta Foundation, observes, transitions from at-large to district elections often proceed with minimal public participation or oversight.¹⁵⁸ This is especially true when a transition is initiated without grassroots support, either through a demand letter or a local government's unilateral action. Without close monitoring, jurisdictions may adopt election structures that protect incumbents and entrench existing power, rather than remedying vote dilution.

Further, when litigation is required to challenge an at-large system under the CVRA, it can take years for court-ordered remedies to take effect, allowing the use of dilutive at-large election systems during the pendency of the lawsuit.

Recommendations:

- Improve community outreach during CVRA transitions
- Prohibit jurisdictions from retaining at-large seats following a CVRA transition
- Require expedited review of lawsuits, including appeals

POLICY OBJECTIVE: **PROVIDING BROADER PROTECTIONS**

The CVRA's protections currently apply only to at-large election systems,¹⁵⁹ and district elections alone do not guarantee fair elections. As recent redistricting cycles have shown, incumbents can and sometimes do gerrymander district maps and fracture communities of interest.¹⁶⁰ Even when jurisdictions adopt fair election systems, however, outsized spending by special interests can skew the democratic process. And while voter ID laws and efforts to eliminate secure voting systems are not new nationally, their recent emergence in California reflects increasingly creative attempts to restrict access to the ballot.

Recommendations:

- Codify a version of Section 2 that bans vote dilution in district elections
- Establish a preclearance program to block discriminatory voting practices before they take effect
- Adopt a Democracy Canon that requires courts to interpret voting laws in favor of voters
- Address the influence of money in local elections through campaign finance reform

Protecting and Strengthening the CVRA

Improve Community Outreach During CVRA Transitions

To ensure CVRA transitions are fair and transparent, the state should require earlier and more meaningful community outreach—beginning as soon as a jurisdiction receives a demand letter or considers a voluntary transition—and provide communities with technical assistance. Early engagement gives communities time to learn about election systems, organize, and help shape their representation.

Currently, jurisdictions must hold two public hearings within a 30-day period before releasing draft maps, followed by two additional hearings within a 45-day period after the maps are published.¹⁶¹ But in practice, many residents only learn about transitions after the initial hearings or once draft maps have already been released. By that point, participation is largely reactive, with limited opportunities for communities to organize, propose alternatives, or advocate for better outcomes. Often, too, it is community-based organizations, not the jurisdictions themselves, that provide the training and tools needed for residents to engage meaningfully.

The state should close this gap by requiring earlier outreach and by offering direct technical support to communities, such as access to mapping tools and demographic data. These changes would make public input timely, informed, and impactful, while keeping transition timelines on track.

Prohibit Jurisdictions from Retaining At-Large Seats Following a CVRA Transition

For jurisdictions transitioning to district elections that do not have a strong-mayor form of government—which is the overwhelming majority jurisdictions—the Legislature should require that all seats of the legislative body be elected by-district. If a jurisdiction proposes to elect a mayor at-large, it must add a new seat and obtain voter approval through a ballot measure. For example, a jurisdiction with five council seats could, with voter approval, transition to a five-member district map with an additional at-large seat for the mayor.

In the years since CVRA transitions picked up, there has been a pattern of jurisdictions opting to transition from an at-large five-member council (where the mayor is either appointed or elected at-large) to a structure with four district-based councilmembers and an at-large mayor. Similar legislation introduced this year would allow a jurisdiction to keep 20% of its seats at-large after a transition if certain conditions are met.¹⁶² These “4-1” systems are an attractive option for incumbents, particularly those living near each other, because they allow an incumbent to run for mayor while others run for district seats, enabling them to retain power post-transition. This structure also guarantees that a single geographic area will be

represented by both the mayor and a councilmember, concentrating political power in more affluent neighborhoods and leaving historically underrepresented communities with less meaningful representation.

4-1 systems also increase the threshold for victory for minority communities within districts and threaten to re-legitimize at-large election practices that the CVRA was specifically enacted to dismantle. In practical terms, a four-district map results in larger electorates within each district compared to a five-district map, meaning that a minority community may be too small to influence elections or elect candidates of choice. The number of districts is thus crucial because it can determine whether a system remedies vote dilution or if it simply reinforces the existing dilutive status quo. 4-1 systems are similar to other mixed systems, which also use a combination of at-large and district-based seats and have the potential to dilute minority votes. Courts throughout the country have invalidated some mixed systems precisely because of their discriminatory effects.¹⁶³ For these reasons, and to ensure that a new election system effectively addresses vote dilution, the New York and Connecticut voting rights acts explicitly permit courts to “reasonably *increas[e]* the size of the governing body,” not decrease the size.¹⁶⁴

California should adopt a similar rule by prohibiting jurisdictions from retaining an at-large seat. Failing to do so risks perpetuating the very inequities the CVRA was designed to correct.

Require Expedited Review of CVRA Lawsuits

Although most CVRA transitions occur without the need for litigation, as of December 2024, 53 jurisdictions had transitioned only after being sued.¹⁶⁵ When litigation is necessary, minority communities often wait years for relief and must continue voting under dilutive at-large elections due to California’s rule staying certain remedies during the appeals process.¹⁶⁶

In the challenge to the City of Palmdale’s at-large election system, for example, plaintiffs filed suit in April 2012. Even after success at the trial court and on appeal,¹⁶⁷ the parties did not reach a settlement until 2015, and district elections were not implemented until 2016.¹⁶⁸ As a result, two election cycles moved forward under the at-large system while the case made its way through the courts.

In Santa Monica, although the trial court ruled that the city’s system violated the CVRA and ordered the adoption of a new system, that order was stayed and appeals are still ongoing.¹⁶⁹ Since the case was filed in 2016, at least five election cycles have occurred under the challenged at-large system.¹⁷⁰

Legislation currently under consideration would require remedial systems to take effect immediately, regardless of appeals.¹⁷¹ But even if that legislation passes, prolonged delays in litigation will continue to create uncertainty for voters, candidates, and organizers, and will complicate campaign planning and outreach. **To fully address the problem, California should make clear that CVRA cases, like most other election-related matters,¹⁷² must be prioritized and resolved expeditiously at both the trial and appellate levels.**

Broader Democracy Recommendations

Codify a Ban on Vote Dilution in District Elections

To ensure that voters in jurisdictions with district-based elections remain protected from vote dilution as federal safeguards are weakened, California should codify a state-level version of Section 2 of the VRA. Like its federal counterpart, this provision would provide a cause of action for voters when a jurisdiction’s failure to create one or more majority-minority districts denies impacted communities an equal opportunity to elect candidates of choice.¹⁷³ Unlike Section 2, however, California’s version would differ in a few ways, including by not requiring plaintiffs who establish vote dilution to additionally present Senate Factor evidence.¹⁷⁴ As explained in Part I, demonstrating those factors is often prohibitively costly, requiring extensive factual development and expert analysis on top of meeting the *Gingles* preconditions. Codifying this protection would act as a critical backstop against further erosion of federal law.

Every state other than California that has enacted a voting rights act prohibits dilutive district election systems, although some, like Oregon, limit their provision to certain legislative bodies.¹⁷⁵ Legislators in Minnesota introduced their state voting rights act precisely to respond to the Eighth Circuit’s 2023 decision holding that private individuals, including impacted voters, cannot bring enforcement actions under Section 2.¹⁷⁶ In 2015, California attempted to extend similar protections to voters in jurisdictions with district elections, but that effort was vetoed because Governor Brown believed at the time that the federal VRA already provided “sufficient safeguards” to protect minority voters.¹⁷⁷ Since then, the landscape has significantly changed.

This vulnerability will continue to have significant consequences for California communities. As noted above, over 600 jurisdictions have transitioned to district elections as a result of the CVRA, with dozens more likely to follow before the next redistricting cycle, increasing opportunities for gerrymandering as district lines are drawn and redrawn. In 2018, for example, MALDEF sued the City of Placentia after the city council transitioned to a district map that created a weak Latine-majority district composed of two disconnected areas.¹⁷⁸ Although MALDEF ultimately prevailed, it did so only by enforcing a settlement agreement—without it, there would have been no codified claim under state law.¹⁷⁹ Following the most recent redistricting cycle, counties like Riverside and Stanislaus adopted dilutive district maps that cracked Latine communities across multiple districts, prompting a lawsuit against one county based on a novel state constitutional argument due to the absence of a state statutory cause of action, and a lawsuit against the other county that had to rely on Section 2 of the federal VRA.¹⁸⁰

California does not need to wait for a devastating federal ruling to be forced into action. Codifying a state-level version of Section 2 now will ensure that communities harmed by gerrymandered district maps have a viable remedy grounded in state law.

Establish a Preclearance Program

California should implement a preclearance program to prevent discriminatory voting practices from taking effect and to safeguard the progress made under the CVRA and other election reforms. At a minimum, covered jurisdictions should be required to submit redistricting plans, reversions to at-large elections, annexations, de-annexations, and reductions in language assistance to a designated state agency for review. Preclearance will protect all voters in jurisdictions identified through a data-driven assessment as high risk for voting discrimination, including those voters in covered districted jurisdictions outside the scope of the CVRA.¹⁸¹ The state should also consider offering prospective plaintiffs a limited preclearance option for pre-litigation CVRA transitions to ensure that election systems are tailored to remedy violations.¹⁸²

To understand the value of a state-level preclearance program, it helps to briefly review how federal preclearance under the Voting Rights Act operated. Section 5 of the federal VRA required jurisdictions with histories of voting discrimination to submit all voting-related changes for review by the DOJ or the U.S. District Court for the District of Columbia.¹⁸³ It prohibited changes if they were adopted for discriminatory purposes or, since 1976, if they had a “retrogressive” effect, meaning the change worsened the position of minority voters relative to the status quo.¹⁸⁴ Section 5 thus placed the burden on government actors, not on voters, to ensure that voting changes were not retrogressive.

Section 5 was incredibly effective: between 1982 and 2006, it blocked over 700 discriminatory voting changes, and more than 800 proposed changes were altered or withdrawn following requests for information.¹⁸⁵ The program also functioned as a form of alternative dispute resolution by preventing jurisdictions from implementing dilutive election systems in the first instance, reducing the need for costly litigation.¹⁸⁶ What's more, the program was a streamlined administrative process for jurisdictions with nondiscriminatory changes; it was only a hurdle for those submitting discriminatory proposals.

Section 5 helped to close voter registration gaps, increased descriptive representation, and prevented covered jurisdictions in California and across the country from implementing laws that diminished minority votes.¹⁸⁷ Despite this success, the U.S. Supreme Court in its 2013 decision, *Shelby County v. Holder*, rendered Section 5 unenforceable by striking down the coverage formula on federalism grounds.¹⁸⁸ The court dealt this crushing blow to the crown jewel of the Civil Rights Movement even as it acknowledged that “voting discrimination still exists.”¹⁸⁹

Since *Shelby County*, efforts to update the coverage formula have stalled in Congress.¹⁹⁰ About a decade ago, California legislators and advocates sought to address the gap by proposing state-level preclearance programs. In particular, in 2013 and 2015, MALDEF sponsored bills that would have required preclearance for changes such as redistricting, reversions to at-large elections, and reductions to language assistance.¹⁹¹ Although the 2015 bill passed both houses, Governor Brown vetoed it, stating he was “unconvinced that a California-only remedy is needed.”¹⁹² Congress, however, has failed to reinstate Section 5's protections, making a California-only remedy more urgent than ever.

Other states have not waited. New York and Connecticut have enacted preclearance provisions in their state voting rights acts, and legislators in New Jersey, Maryland, Florida, Michigan, and Alabama have introduced similar bills.¹⁹³ Some laws go further than just replacing Section 5. Connecticut's, for example, bars not only retrogressive changes but also any changes that violate its voting rights act.¹⁹⁴

California must follow the lead of these states and take decisive action by implementing its own preclearance program—one that protects all voters in a jurisdiction, assists election officials in preventing discriminatory changes, and reduces the need for costly litigation.

Adopt a Democracy Canon

The U.S. Supreme Court has long recognized that voting is a fundamental right that is “preservative of other basic civil and political rights.”¹⁹⁵ **To safeguard this right, California should adopt a strong Democracy Canon that directs courts to interpret voting laws liberally in favor of voters.**

A Democracy Canon is a term used by legal scholars to describe the principle of statutory interpretation that is sometimes used by courts to construe laws, policies, procedures, or practices in favor of voters.¹⁹⁶ Liberal construction of election laws that further the franchise plays a role in promoting “free and competitive elections,” recognizes that the right to vote “is a right protected by both the constitution of the United States and the state,” and serves “to allow the greatest scope for public participation in the electoral process.”¹⁹⁷

While California does not have Democracy Canon, its laws include voter-friendly measures like Section 14312 of the Elections Code, which directs officials to interpret provisional voting rules in favor of the voter.¹⁹⁸ California also has canons of construction to protect other rights. For instance, to protect the right to access government information, the California Constitution instructs courts to broadly construe a law if such an interpretation “furthers the people’s right of access,” and to narrowly construe a law if it “limits the right of access.”¹⁹⁹

In 2014 and 2015, legislators introduced California Senate Bill 1365 (Padilla) and Assembly Bill 182 (Alejo), respectively, which included Democracy Canons. AB 182 stated that: “the provisions of [the CVRA] shall be construed liberally in furtherance of this legislative intent to eliminate minority vote dilution.”²⁰⁰ Although the bills cleared the legislature, Governor Brown unfortunately vetoed the bills.²⁰¹

Since then, several states have adopted voting rights acts with robust Democracy Canons. The New York VRA, for example, instructs courts to interpret laws in favor of the right to cast a ballot, preventing the impairment of the vote, and preventing vote dilution.²⁰² The act also imposes heightened judicial scrutiny by requiring that “policies and practices that burden the right to vote [] be narrowly tailored to promote a compelling policy justification that must be supported by substantial evidence.”²⁰³ Similarly, the voting rights acts for Washington, Connecticut, Minnesota, and Colorado—and proposed legislation for New Jersey, Maryland, Michigan, and Florida—include Democracy Canons that apply to all laws that relate to the right to vote, including election systems.²⁰⁴ California should follow suit to better protect its voters.

The need for a codified Democracy Canon is particularly urgent as a tool in litigation to counter growing local efforts to restrict voting rights, through measures like voter ID, and to challenge unrepresentative voting systems, especially dilutive district maps where the CVRA does not apply. By adopting a canon that directs courts to, when in doubt, rule in a manner that safeguards the franchise, California will be well prepared in the future to meet new, evolving, and increasingly creative threats to the right to vote.

Address the Influence of Money on Local Elections

The CVRA's goal is fair representation, but well-funded special interests can undermine this goal by exerting outsized influence on district elections. While district-based systems reduce the number of voters candidates must reach, significant outside spending by developers, law enforcement associations, and other interests can overwhelm grassroots campaigns and drown out underrepresented voices.

Jonathan Paik of OCCET, one of the plaintiffs in the challenge that led the City of Fullerton to adopt district elections, has seen how these dynamics play out locally.²⁰⁵ “City elections in Anaheim showed us how outsized corporate and law enforcement resources can *still* create barriers for working-class candidates to be viable for office,” said Paik.²⁰⁶ In 2024, for instance, Disney spent nearly \$1 million on three Anaheim city council district races.²⁰⁷ In nearby Santa Ana, real estate and police associations spent hundreds of thousands of dollars in that year's mayoral and city council races: real estate interests spent \$93,000 to oppose Councilmember Thai Viet Phan, a proponent of rent control, and the police association spent \$130,000 backing challengers to three councilmembers—Benjamin Vazquez (mayoral race), Johnathan Hernandez (Ward 5 incumbent), and Jesse Lopez (Ward 3 incumbent)—who had voted against its preferred union contract.²⁰⁸ These examples demonstrate that even in by-district systems, outside spending remains a powerful force.

To reduce the influence of money in local elections, the California Legislature and local jurisdictions should engage in campaign finance reform that promotes fairer and more equitable elections. This could include public campaign financing that provides candidates with a fair chance regardless of wealth or corporate connections. Currently, only charter cities in California can adopt public campaign financing systems.²⁰⁹ Expanding this option to general law cities is one way to support elections that reflect community interests rather than the influence of big money.²¹⁰

Conclusion

The California Voting Rights Act has delivered meaningful progress, empowering communities to challenge exclusionary at-large voting systems and win fairer representation. It has helped shift local power dynamics, opened the door for new voices in government, and created pathways for accountability where none previously existed. Yet that progress is at risk. Jurisdictions have exploited gaps in the law, federal protections are eroding, and voter suppression tactics are constantly evolving in form and sophistication.

Protecting the right to vote requires more than defending past gains. It means recognizing how electoral systems can be designed or manipulated to entrench power and responding with reforms that shift control back to voters. The threats are structural, and the solutions must be as well. California must act before the next wave of legal attacks and before the next round of redistricting.

Fair representation cannot depend on the hope that all actors, including incumbents and special interests, will choose to do the right thing. Instead, it must be guaranteed through clear laws that embed fairness and accountability into the very design of our electoral systems. By establishing rules that make equitable participation the default rather than the exception, California can create a durable framework that protects voting rights not just today, but for future generations.

Endnotes

ENDNOTES

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106 When the district map was first adopted in February 2016, the most-recently available data at that time showed that district 1 was only 31.7%. Feb. 2016 Anaheim Clerk Report, *supra* note 103, at 1.

107 *Past Anaheim City Officials*, City of Anaheim, <https://www.anaheim.net/332/Past-Anaheim-City-Officials> (last
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108 *Thornburg v. Gingles*, 478 U.S. 30, 44 (1986) (quoting S. Rep. No. 97-417 at 28).

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110 Paik Interview, *supra* note 67.

111 Interview with Thomas A. Saenz, MALDEF President and General Counsel (Dec. 16, 2024).

112 Interview with Ricardo Favela, Fallbrook UESD Board President (Mar. 7, 2025) [hereinafter “Favela Interview”].

113 Michael Hankinson & Asya Magazini, *Districting Without Parties: How City Council Maps Increase Minority
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static/5864202ad2b8574e99ae0d71/t/644029553aab3522ec9b7747/1681926488395/California_Districting.
pdf).

114 For example, each Fullerton councilmember can directly appoint a commissioner to the city’s Library Board of
Trustees, Planning Commission, and Community Development Citizens’ Committee (evaluates and implements
Community Development Block Grant Program), among other commissions. Fullerton, Cal. Municipal Code §§
2.11.020(B) & (H) (appointments generally) & 2.16.020 (appointments to Library Board); *see also* *Commissions,
Committees and Boards*, City of Fullerton, [https://www.cityoffullerton.com/government/departments/city-
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115 Jeong Park, *Fullerton’s Large Korean American Community Likely to Elect First Council Rep in Decades*, The
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an-american-community-likely-to-elect-first-council-rep-in-decades/).

116 Settlement Agreement at 4, *Paik v. City of Fullerton*, No. 30-2015-00777673 (Super. Ct., Orange Cnty. July 9,
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120 *Id.*; *see also* Huntsberry, *supra* note 118.

121 Los Angeles County Election Results for 2016 General Election, [https://results.lavote.gov/#year=2016&elec-
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tion=3496).

122 Erika Aguilar, *Palmdale Settles Voting Rights Lawsuit, Moves to District Elections*, LAist (May 7, 2015), [https://
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laist.com/news/kpcc-archive/palmdale-settles-voting-rights-lawsuit-moves-to-di).

123 November 8, 2022 General Election Statement of the Vote at 73, [https://elections.cdn.sos.ca.gov/
sov/2022-general/sov/65-state-assemblymember.pdf](https://elections.cdn.sos.ca.gov/
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124 Kaitlyn Schallhorn, *Assemblyman Avelino Valencia Launches 2026 Bid for State Senate Seat*, The Orange
County Register (Dec. 12, 2024), [https://www.ocregister.com/2024/12/12/avelino-valencia-launches-2026-bid-
for-state-senate-seat/](https://www.ocregister.com/2024/12/12/avelino-valencia-launches-2026-bid-
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view with Tracy La, Co-Founder and Executive Director of VietRISE (Feb. 11, 2025) (noting Assemblymember
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to Maria D. Huizar, Santa Ana City Clerk, <https://www.santa-ana.org/documents/election-demand-letter/>; 2018
Ward Re-boundary, City of Santa Ana, <https://www.santa-ana.org/2018-ward-re-boundary/> [hereinafter “*Santa
Ana Ward Re-boundary*”].

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A became ward 1).

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164 N.Y. Elec. Law § 17-206(5)(a)(v) (emphasis added); see also Conn. Gen. Stat. § 9-368j(e) (courts may “reasonably increas[e] the size of the legislative body”).

165 Appendix, Kousser, *supra* note 94.

166 See *Daly v. San Bernardino Cnty. Bd. of Supervisors*, 11 Cal. 5th 1030, 1035 (2021) (noting an injunction that requires a defendant to take affirmative action is automatically stayed during the pendency of the appeal).

167 *Jauregui v. City of Palmdale*, 226 Cal. App. 4th 781, 788 (2014).

168 Erika Aguilar, *Palmdale Settles Voting Rights Lawsuit, Moves to District Elections*, LAist (May 7, 2015), <https://laist.com/news/kpcc-archive/palmdale-settles-voting-rights-lawsuit-moves-to-di>.

169 *Pico v. Neighborhood Ass’n v. City of Santa Monica*, 15 Cal. 5th 292, 308-310 (2023) (noting that case was stayed on appeal and ruling in favor of plaintiffs, but remanding case back to Court of Appeal for further proceedings).

170 *Election Archive*, City of Santa Monica, <https://www.santamonica.gov/election-archive>.

171 Assemb. B. 1079 (2025) (as passed by Sen. Judiciary Comm. Jul. 3, 2025).

172 See Cal. Elec. Code § 13314 (giving priority at to certain election-related matters); Cal. Rules of the Ct., Rule 8.240 & Advisory Comm. Note (providing a process for requesting expedited appellate review, including in election-related cases).

173 See *Thornburg v. Gingles*, 478 U.S. 30, 50-51 (1986) (setting out three-part *Gingles* test).

174 52 U.S.C. § 10301(b).

175 Rev. Code Wash. § 29A.92.020 (prohibiting the use of dilutive election systems, including dilutive district election systems, by any political subdivision); Or. Rev. Stat. §§ 255.400, 255.405 (same for school districts, education service districts, and community collect districts); Va. Code Ann. § 24.2-126 (same for the state and political subdivisions); N.Y. Elec. Law § 17-206(2)(a) (same for boards of elections and political subdivisions); Conn. Gen. Stat. §§ 9-368i(a)(7), 9-368j(b)(1) (same for towns, cities, boroughs, school districts, and special districts); Minn. Stat. § 200.54(2) (same for political subdivisions and entities responsible for election administration); Colo. S.B. 25-001 (enacted May 12, 2025) (same for political subdivisions).

176 Mike Cook, *‘Minnesota Voting Rights Act’ Seeks to Guarantee Equal Opportunity at the Ballot Box*, Minn. H.R. (Mar. 6, 2024), <https://www.house.mn.gov/sessiondaily/Story/18132>.

177 Assemb. B. 182 (2015) (vetoed); Oct. 10, 2015 Gov. Brown Veto Message for Assemb. B. 182, https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/AB_182_Veto_Message.pdf.

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179 *Id.*

180 *Latinx Voters Sue Riverside for Discriminatory Redistricting*, ACLU of Southern California (June 15, 2022), <https://www.aclusocal.org/en/press-releases/latinx-voters-sue-riverside-discriminatory-redistricting>; *MALDEF Challenges 2021 Redistricting Maps for Stanislaus County*, MALDEF (Apr. 23, 2025), <https://www.maldef.org/2025/04/maldef-challenges-2021-redistricting-maps-for-stanislaus-county/>.

181 New York’s preclearance program, for example, covers jurisdictions with a history of discrimination and disparate arrest rates, among other criteria. N.Y. Elec. Law § 17-210(3). Scholars such as J. Morgan Kousser and Bernard L. Fraga have also proposed population triggers based on a review of successful voting discrimination actions. J. Morgan Kousser, *A New Coverage Scheme for Section 5 of the Voting Rights Act*, Elec. L.J. (Mar. 5 2025), available at <https://www.liebertpub.com/doi/abs/10.1089/elj.2024.0044> (after reviewing 4000 voting rights cases, Section 5 objections, and settlements from 1957 through the present, proposing coverage of jurisdictions where 25% of the citizen voting age population is Latine, African American, Asian American, or Native American); Fraga, *A Population-Limited Trigger*, *supra* note 145 (after reviewing voting litigation spanning four decades, proposing a population trigger that captures jurisdictions with growing minority populations).

182 For an example of a preclearance approach where an evidentiary showing by the plaintiff shifts the burden to the defendant jurisdiction, see Joaquin G. Avila, Barbara Phillips & Molly Matter, *How a Targeted Triggering Approach Can Repair the Voting Rights Act: Congress Can Eliminate the Blight of Voting Discrimination Once and for All!*, 85 Miss. L.J. 1163 (2017).

183 52 U.S.C. § 10303(b).

184 52 U.S.C. § 10304; *see also LaRoque v. Holder*, 831 F. Supp. 2d 183, 190-91 (D.C. Cir. 2011), *vacated on other grounds by* 679 F.3d 905 (2012) (noting that 2006 federal VRA amendments clarified that Section 5 prohibits voting changes adopted for any discriminatory purpose); *Reno v. Bossier*, 528 U.S. 320, 324 (2000) (explaining that a redistricting plan only has a prohibited discriminatory “effect” under Section 5 if it is retrogressive); *Beer v. United States*, 425 U.S. 130, 141 (1976) (plurality opinion) (ruling that “the purpose of [section] 5 has always been to insure that no voting-procedure changes would be made that would lead to a retrogression in the position of racial minorities with respect to their effective exercise of the electoral franchise”).

185 *Shelby Cnty. v. Holder*, 570 U.S. 529, 571 (2013) (Ginsburg, J., dissenting) (citing H.R. Rep. No. 109-478 at 21, 40-41).

186 *The Need to Enhance the Voting Rights Act: Practice-Based Coverage: Hearing on H.R. 4 Before the H. Comm. on the Judiciary*, 117th Cong. 10 (2021) (statement of Thomas A. Saenz, President and General Counsel of MALDEF); *see also Shelby Cnty.*, 570 U.S. at 572 (Ginsburg, J., dissenting) (noting that Section 2 litigation “occurs only after the fact, when the illegal voting scheme has already been put in place and individuals have been elected pursuant to it, thereby gaining the advantages of incumbency” and that Section 5 lessens the likelihood and burden of costly litigation).

187 *Shelby Cnty.*, 570 U.S. at 540 (noting that, in covered jurisdictions in the South, “[v]oter turnout rates and registration rates now approach parity,” “[b]latantly discriminatory evasions of federal decrees are rare,” and “minority candidates hold office at unprecedented levels”) (quoting *Northwest Austin Mun. Util. Dist. No. 1 v. Holder*, 557 U.S. 193, 202-03 (2009)); Avila, Lee & Ao, *supra* note 16, at 155-61 (providing overview of Section 5’s success in deterring and blocking discriminatory voting changes in California).

188 *Shelby Cnty.*, 570 U.S. at 556-57.

189 *Id.* at 536.

190 *See, e.g.*, H.R. 14, 117th Cong. (2023-2004).

191 Assemb. B. 280 (2013-2014) (held Sen. Appropriations suspense file); Assemb. B. 1301 (2015) (vetoed).

192 Oct. 10, 2015 Gov. Brown Veto Message for Assemb. B. 1301, https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/AB_1301_Veto_Message.pdf.

193 N.Y. Elec. Law § 17-210; Conn. Gen. Stat. § 9-368m; N.J. Assemb. B. 4083 (as passed by Assemb. Comm. on State & Local Gov’t., Dec. 13, 2024); Md. H.B. 0800 (as introduced, Jan. 31, 2024); Fla. H.B. 1035 (as introduced, Dec. 27, 2023); Mich. S.B. 0401 (as passed by Senate, Sep. 17, 2024); Ala. S.B. 7 (as introduced for Feb. 2, 2025 Sen. Judiciary review).

194 Conn. Gen. Stat. § 9-368m; *see also* N.J. Assemb. B. 4083 (as passed by Assemb. Comm. on State & Local
Gov't., Dec. 13, 2024) (requiring precleared changes to comply with the state's voting rights act, the federal VRA,
and other state and federal laws).

195 *Reynolds v. Sims*, 377 U.S. 533, 562 (1964) (citing *Yick Wo v. Hopkins*, 118 U.S. 356, 370 (1886)).

196 Richard L. Hasen, *The Democracy Canon*, 62 Stan. L. R. 69, 71-73 (2009).

197 *Id.* at 77 (citations omitted).

198 Cal. Elec. Code § 14312. Similarly, state regulations provide that voter identification requirements must “be
liberally construed to permit voters and new registrants to cast a ballot,” and that “[a]ny doubt as to the
sufficiency of proof or a document presented shall be resolved in favor of permitting the voter or new registrant
to cast a regular ballot.” 2 C.C.R. § 20107(a) & (b).

199 Cal. Const. art. 1, §§ 3(b)(1) & (2).

200 Assemb. B. 182 (2015) (vetoed).

201 Oct. 10, 2015 Gov. Brown Veto Message for Assemb. B. 182, [https://archive.gov.ca.gov/archive/gov39/wp-con-
tent/uploads/2017/09/AB_182_Veto_Message.pdf](https://archive.gov.ca.gov/archive/gov39/wp-content/uploads/2017/09/AB_182_Veto_Message.pdf).

202 N.Y. Elec. Law § 17-202.

203 *Id.*

204 Rev. Code Wash. § 29A.92.720 (Democracy Canon for provisions that relate to the right to vote); Conn. Gen. Stat.
§ 9-368o (same); Minn. Stat. §§ 200.53 (same) & 200.58 (requiring liberal construction of remedies for voter
suppression and vote dilution); Colo. S.B. 25-001 (enacted May 12, 2025) (Democracy Canon for provisions that
relate to the right to vote); N.J. Assemb. B. 4083 (as passed by Assemb. Comm. on State & Local Gov't., Dec. 13,
2024) (same); Md. H.B. 0800 (as introduced, Jan. 31, 2024) (same); Mich. S.B. 0401 (as passed by Senate, Sep.
17, 2024) (same); Fla. H.B. 1035 (as introduced, Dec. 27, 2023) (same).

205 Paik Interview, *supra* note 67.

206 *Id.*

207 Hosam Elattar, *Disney Spends Nearly \$1 million in Anaheim 2024 election*, Voice of OC, (Oct. 29, 2024), [https://
voiceofoc.org/2024/10/disney-spends-nearly-1-million-in-anaheim-2024-election/](https://voiceofoc.org/2024/10/disney-spends-nearly-1-million-in-anaheim-2024-election/).

208 Hosam Elattar, *Police Union, Real Estate Interests Spend Big in Santa Ana Elections*, Voice of OC (Oct. 16, 2024),
<https://voiceofoc.org/2024/10/police-union-real-estate-interests-spend-big-in-santa-ana-elections/>; Hosam
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209 See Gov't Code § 85300.

210 There is an effort to put this question to voters during the November 2026 elections. S.B. 42 (as passed by
Assm. Comm. on Appropriations Jul. 2, 2025).

Appendix

The California Voting Rights Act in 2025:

The Success of Model Civil Rights Legislation in Increasing Minority Representation

The California Voting Rights Act (“CVRA”) was signed into law in 2002 to address the persistent problem of minority vote dilution caused by at-large elections.¹ After the California Court of Appeal in *Sanchez v. City of Modesto* ruled that the CVRA is constitutional in late 2006,² the CVRA began to have measurable and important effects. To date, more than 680 local jurisdictions in California—school and community college boards, city councils, and special districts—have shifted from at-large elections to by-district or alternative voting systems, or are in the process of doing so.³ School districts that have shifted because of the CVRA have seen a 68% increase in Latine representation between 2008 and 2021, while city councils that have shifted, many of which changed more recently than school districts, have seen a 53% increase in Latine representation in the same period.

These advances form a stark contrast to the assault on voting rights across the rest of the United States during this period. Because of adverse U.S. Supreme Court decisions, most importantly the 2013 decision in *Shelby County v. Holder* which negated the most successful part of the federal Voting Rights Act (“VRA”),⁴ protection of minority voting rights by the federal government has diminished markedly. Since the end of 2006, following a decision from a state court of appeal upholding the CVRA’s constitutionality, plaintiffs have won 289 cases nationwide under the federal VRA—only 42% of the number of changes brought about as a direct result of the CVRA.⁵

California’s efforts to combat minority vote dilution has increasingly inspired other state VRAs—Washington, Virginia, Oregon, New York, Connecticut, Minnesota, and Colorado, among others⁶—even as some states roll back important civil rights protections. The Golden State’s leadership deserves celebration as we look at the impact the law has had in the 23 years since its passage, while recognizing that challenges remain and hundreds of jurisdictions still use at-large elections.

*The data and analysis of the impact of the CVRA referenced throughout this document is based on the research of J. Morgan Kousser, Professor of History and Social Science, Emeritus, at the California Institute of Technology. Since 2009, Professor Kousser has collected data on voting rights cases, Department of Justice objections and other actions under Section 5 of the federal Voting Rights Act, settlements of such cases, and changes to local election systems as a result of the CVRA. Unless otherwise noted, the data used in this report is current through December 2024.

1 S.B. 976 (2001-2002) (enacted).

2 145 Cal. App. 4th 660 (2006), review denied (Cal. 2007), cert. denied, 552 U.S. 974 (2007).

3 J. Morgan Kousser CVRA Transition Database (Dec. 2024) (on file with authors) [hereinafter “Kousser CVRA Database”].

4 570 U.S. 529 (2013).

5 Kousser CVRA Database, *supra* note 3; J. Morgan Kousser Federal Voting Rights Act Database (Dec. 2024) (on file with authors).

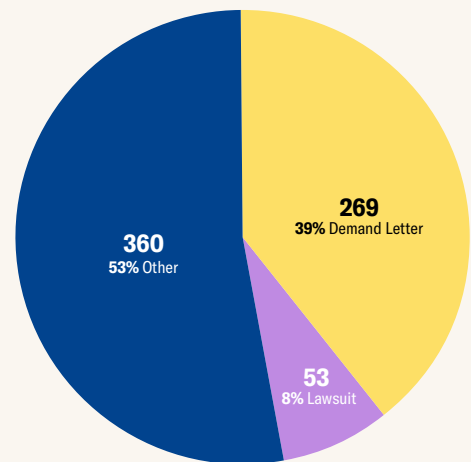
6 For an overview of enacted state voting rights acts and pending state voting rights acts bills, see State Voting Rights Acts: Protecting Access to the Ballot Box State by State, NAACP Legal Defense Fund, <https://www.naacpldf.org/state-voting-rights-protect-democracy/> (last visited July 23, 2025).

Compliance with the CVRA

Civil rights statutes have historically faced staunch resistance, and the CVRA is no exception. But after surviving initial challenges to its validity, the CVRA has nonetheless led to more than 680 jurisdictions complying with the statute as of December 2024. Notably, only six cases have gone to full trials, despite some jurisdictions with racially polarized voting resisting changing their election systems even in the face of threatened or actual litigation.

In most jurisdictions, transitions to district elections have occurred without lawsuits or demand letters. (Figure 1). Instead, governing bodies have initiated these changes to achieve compliance with the law, whether through their own review, legal counsel’s advice, community pressure for an electoral change, or other political considerations. In addition, legislation passed in 2016 established a safe harbor period, allowing jurisdictions time to transition before they can be sued.⁷

Fig 1. Precipitating Event for Switch from At-Large Elections



⁷ Assemb. B. 350 (2015-2016) (enacted).

Impact by Region and Type of Governing Body

At first primarily concentrated in the Central Valley and affecting school and community college boards, changes under the CVRA eventually reached all areas of the state. And while CVRA cases initially focused on Latine voting rights, the CVRA has also been used to protect the voting rights of California's growing Asian-American population, including in the cities of Santa Clara and Fullerton. Figure 2 illustrates the CVRA's statewide reach by region, and Figure 3 shows that the majority of changes in election structure have been in school boards. Legislation passed in 2015 and 2016 gave cities the flexibility to convert from at-large elections to districts via ordinance without voter approval,⁸ and, since then, more city councils have adopted district elections to protect against the vote dilution of underrepresented communities.

Fig 2. CVRA Events by Region

INLAND EMPIRE Riverside and San Bernardino Counties

CENTRAL VALLEY Fresno, Kern, Kings, Madera, Merced, San Joaquin, Stanislaus, Tulare, Yolo, and Yuba Counties

CENTRAL COAST Monterey, San Benito, San Luis Obispo, Santa Barbara, and Ventura Counties

S.F./BAY AREA Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma Counties

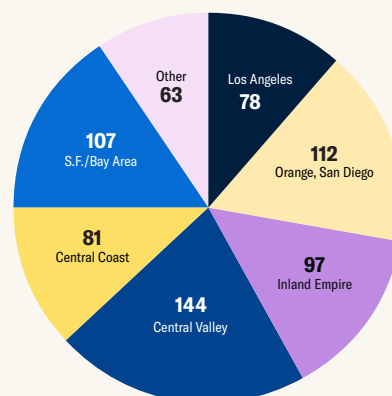
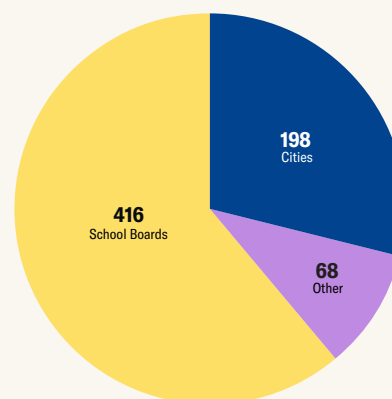


Fig 3. Local Government Types



⁸ S.B. 493 (2015) (enacted) (authorized cities with populations under 100,000 to transition to district elections via ordinance, without the need for voter approval); Assemb. B. 2220 (2016) (enacted) (authorized all cities, not just those with populations under 100,000, to transition to district elections via ordinance).

Impact on Minority Representation

The CVRA is working to achieve its core purpose: eliminating barriers that have prevented underrepresented communities from having a voice in local government and being elected to office. One way to evaluate its impact is by examining descriptive representation, or “the extent to which public officials reflect the demographic composition of the constituents that they serve.”⁹

The CVRA was not widely used until late 2007, following the resolution of early legal challenges. As a result, the most comprehensive way to assess its impact on the election of minority candidates is to compare the number of Latine elected officials in each legislative body in January 2008 (capturing the initial wave of transitions) with that in January 2021. The National Association of Latino Elected Officials (NALEO) conducts surveys where elected officials self-report their ethnicity and provides up-to-date data. Because 90% of city councils that transitioned to districts did so after January 2016, it is not surprising that a smaller share of Latines have been elected to those city councils compared to school boards, many of which transitioned earlier and have had more election cycles under districts.

To make sure comparisons between 2008 and 2021 do not simply reflect a time trend toward electing more Latine candidates, it is useful to compare school boards and city councils that shifted to district elections as a result of the CVRA with two other groups of legislative bodies over the same period: those that already used districts in 2008 and kept them, and those that continued using at-large elections. This analysis reveals that there has been a 68% increase in the proportion of Latine candidates elected to school boards across California that switched to districts and a 53% increase in the proportion of Latine candidates elected to city councils that made the same transition.

9

Bridgett King, Descriptive Representation in Election Administration, MIT Election Data + Science Lab (May 17, 2018), <https://electionlab.mit.edu/articles/descriptive-representation-election-administration#:~:text=Descriptive%20representation%20describes%20the%20extent%20to%20which,citizens%20evaluate%20and%20interact%20with%20elected%20officials.>

Figure 4 shows that while Latine representation on school boards with at-large elections grew somewhat (from 10% to 11.9%), the proportion of Latine candidates elected under at-large systems in 2021 was only about a third of that of school boards that have always had districts (11.9% in 2021 for always at-large vs. 32.7% in 2021 for always districts).¹⁰

Fig 4. 68% Growth in Percentage of Latine Representatives on School Boards That Switched to Districts

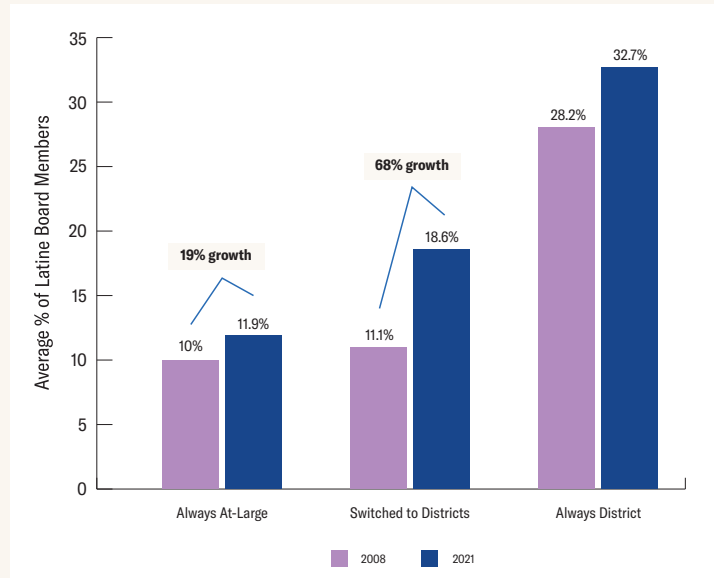
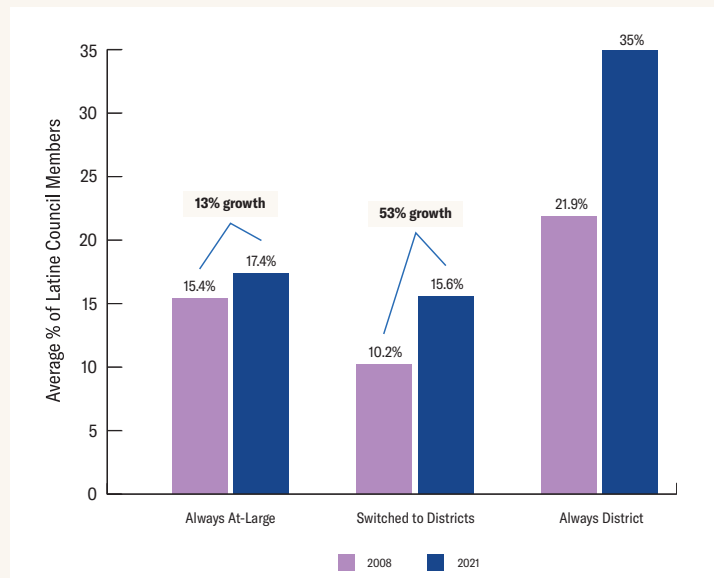


Fig 5. 53% Growth in Percentage of Latine Representatives on City Councils That Switched to Districts



¹⁰ Note that since the 2018 version of this analysis was released, the CVRA Transition Database has been updated to reflect new information, including updates to data from earlier years.

The starkest contrast is between the districts that retained at-large elections and those that switched to districts. In 2008, Latine representatives comprised a slightly smaller share of members elected in at-large systems compared to those elected in school districts that later switched to district elections (10% compared to 11.1%). **But while the share of Latine candidates elected in jurisdictions that retained at-large systems grew by 19% over the 13-year period, the share of Latine candidates elected in jurisdictions that switched to district elections grew by 68%.**

For city councils, the comparison between the growth of Latine representation across jurisdictions that switched to districts and those that retained at-large systems between 2008 and 2021 was 13% versus 53%. (Figure 5). And, of course, the true long-term impact of the CVRA will not be realized for many years to come, as several jurisdictions have held only one or two elections cycles since reforming their election systems during the period analyzed, and leadership development and electoral organizing take time.

