

CLIENT NEWS BRIEF

Every Vote Counts: Local Election Invalidated Under California Voting Rights Act

On May 28, 2014, a California appellate court upheld a decision to invalidate the City of Palmdale's city council election for violating the California Voting Rights Act (CVRA), a decision that comes at no small expense for the City.

The CVRA, enacted in 2002, applies to all California public agencies. The law was designed to protect minority voters by prohibiting public agencies from conducting elections that impair racial, ethnic, or language minority groups' ability to elect candidates of their choice or to influence election outcomes. The remedies under the CVRA for non-compliant elections include imposing an alternate election and requiring the public agency to pay plaintiffs' attorneys' fees, both of which remedies can be very expensive. Successful plaintiffs in these cases have been awarded several hundred thousand to over one million dollars, even when the cases settled at the outset of litigation.

Like many California cities, the City of Palmdale used an at-large election system. At-large elections allow all members of a community to vote for each seat on a city council or other legislative body. In *Jauregui v. City of Palmdale* (May 28, 2014) __ Cal.App.4th __ 2014 WL 2200912, the plaintiffs challenged a City election by alleging that the City's at-large voting system diluted Latino and African-American votes, in violation of the CVRA. On appeal, the City did not dispute the evidence that minority votes were diluted, but argued that the City was not subject to the CVRA as a charter city because its elections were "municipal affairs." The Court rejected the City's argument, stating: "(t)he dilution of votes of a protected class is a matter of statewide concern," and clarifying that the CVRA applies to all public agencies, including charter cities.

In contrast to at-large election systems, by-district elections (also known as by-trustee area elections for school districts) require candidates to reside within defined districts. Only voters residing within the same specified districts can vote for those candidates. A minority group with a high concentration in a district or trustee area has a higher probability of electing its candidate of choice in by-district elections because votes will not be diluted by the population outside of the district or area where the group is concentrated. A hybrid system is sometimes also used, which requires candidates to reside within a specified district or area but allows the entire community to vote for each candidate. However, such elections are defined as at-large elections by the CVRA.

Jauregui acts as a reminder that all public agencies with at-large or hybrid election systems should review their election practices to ensure that they comply with the CVRA. It is likely that lawsuits alleging a violation of the CVRA will continue to be filed against public agencies that use at-large or hybrid systems, especially due to the ability to recover attorneys' fees.

If you have questions about your agency's election practices or the CVRA, please contact one of our [eight offices](#) located statewide. You can also visit our [website](#), follow us on [Facebook](#) or [Twitter](#), or download our [Client News Brief App](#).

June 2014
Number 29



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