

# Voting Rights are Local Rights

By Gil Cedillo

**T**o social justice advocates, redistricting is a familiar lever for causing political change. While it sparks the imagination of a certain breed of political junky, in most people it generates something akin to math anxiety.

The rewards of engaging in the redistricting process can be plainly seen in what was achieved in California this year with the first truly open and public Commission drawing the state's legislative and congressional lines. Social justice groups were able to shape the Commission, drive the discussion, and create outcomes that will have ramifications for the next decade. Their success can be measured in the number of majority minority districts created.

According to analysis by Paul Mitchell of Redistricting Partners, the old map provided for 19 majority minority Latino districts, whereas the new map provides for 29, and one that is over 50 percent Asian. In addition, the Commission preserved several districts that, while not majority minority black, are likely to continue electing representatives from that community. "These lines provide a 20-year correction—finally reflecting the true electoral strength of minority communities," says Mitchell.

The primary tool used in statewide redistricting is the Federal Voting Rights Act (VRA) of 1964, which is concerned with matters, such as ballot languages, number and placement of polling locations, poll taxes, literacy tests, and discriminatory redistricting—to ensure that elections are conducted in a way that does not disenfranchise protected minorities. The courts have deemed illegal any electoral structures that deny minority groups their electoral choice, including the practice of creating districts by dividing up ethnic groups to preserve the status quo.

The VRA has resulted in greater numbers of minorities serving in the legislature and congress. Even where members of a protected class are not elected, it still provides for a stronger voice in their

representation. Without access to congress and the state legislature we would not have achieved many of the civil rights gains of the past 50 years.

## California Voting Rights Act Provides Strong Tools

The California Voting Rights Act (CVRA) was enacted in 2002 and focuses exclusively on the use of at-large election systems. As defined in the law, at-large systems include any election method other than the system where area voters select their representative in single member districts. If you find yourself voting in elections for more than one candidate, or voting for water board, school board, and council candidates in city-wide elections, you are in an at-large system, although most Californians probably are unaware of the system being used.

The at-large system is not an issue if there is no evidence that a sizeable ethnic group is losing their rights to representation. In the city of Santa Monica, for example, white voters are not voting significantly different from non-whites, so an at-large community college board election is unlikely to be subject to the CVRA. However, the system can pose a problem for the 131 Latino-majority, or the dozens of African American- or Asian-majority cities. A recent analysis of census data and elected boards by GrassrootsLab, a Sacramento consulting firm, shows that over a dozen of the state's majority-Latino cities have all-white boards and 40 more have white-majority boards elected in at-large systems. Most, if not all of these cities will be forced to change to the single member district system to comply with the CVRA.

Moreover, a city, school board or other local elected board does not have to have a majority



minority population to face scrutiny. Recent lawsuits show that local governments with ethnic population concentrations as low as 25 percent could face serious scrutiny under CVRA if they show little history of electing members of that population. There are approximately 1,000 such cities, school boards and other locally elected boards.

To be successful, a CVRA claim has to meet three conditions: (i) an at-large election system, (ii) a history of racially polarized voting that can be shown using statistical methods, and (iii) the ability to remedy the situation by creating districts where the impacted group could influence the outcome of the elections.

The new “influence” standard is particularly important. Under federal law it requires the ability to create districts with a 50 percent concentration, but under state law, the population concentration can be as low as 25 percent, provided that it gives the ethnic group sufficient votes to “influence” the election of their representative.

### Reason to Celebrate but Not Rest on Laurels

It took just one year for the social justice community to create 10 new majority minority legislative and congressional districts in 2011! But it would be a mistake for the leadership to rest on its laurels. In

cities like San Jose and Stockton, counties like Los Angeles and San Diego, there are new opportunities to create advancements within the traditional redistricting; as also in hundreds of local governments that may have to convert under CVRA.

The social justice community has a major role to play in pushing their local governments to study the law and if applicable, to create new districts where disaffected minority populations can be in the majority, or influence voting outcomes. Many cities, school boards, water boards, and special districts are making changes voluntarily to avoid public criticism but others are requiring lawsuits. The county of San Mateo, the city of Compton, and the community colleges of Compton and Cerritos are among those being sued by the Lawyers’ Committee for Civil Rights. But that may prove to be just the tip of the iceberg as more groups work to enforce the law.

Ten years from now, the benefits of generating local electoral opportunities for Asians, Latinos, and African Americans under the CVRA should swamp the 10 new legislative and congressional seats created by the Citizen’s Commission. In fact, the 10 new seats will have limited meaning without a pipeline of qualified, experienced, and empowered locally elected officials that can rise to those offices. ■

Photo:  
President Lyndon B. Johnson meets with Martin Luther King, Jr. at signing of Voting Rights Act, August 6, 1965.

Source: United States Federal Government

*Senator Gil Cedillo is author of the California Dream Act and is known for his commitment to passing legislation to allow undocumented immigrants to obtain driver’s licenses. He represents the 46th California State Assembly District.*