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July 16, 2015

The Honorable Roger Hernández
State Capitol
P.O. Box 942849
Sacramento, CA 94249-0058

RE: AB 277 - California Voting Rights Act of 2001 - SUPPORT

Dear Assemblymember Hernández,

On behalf of California Common Cause and our members, I am writing with a letter of support for AB 277, which codifies the holding in *Jauregui v. City of Palmdale* (2014) 226 Cal.App.4th 781 that the California Voting Rights Act (CVRA) applies to charter cities and counties.

The CVRA prohibits cities and other local government bodies from using at-large elections when there is a pattern of racially polarized voting in the jurisdiction which impairs the ability of a protected class of voters to elect a candidate of their choice. The CVRA is one of California's landmark voting rights laws. Since its enactment in 2001, over 140 local governments have transitioned from at-large to district-based elections.

However, up until 2014 there was some question as to whether the CVRA applied to charter cities. Charter cities have autonomy over their "municipal affairs" -- including conducting local elections -- under Article 11, Section 5 of the California Constitution. The City of Palmdale, a charter city, argued that this home rule protection precluded application of the CVRA in its case.

However, in *Jauregui* the court of appeal rightly held that the dilution of the voting power of a protected class in at-large elections is as a matter of statewide concern, thereby superseding the traditional autonomy of charter cities when it comes to elections. Charter city autonomy in elections is an important safeguard for local self-determination, but this right should not be used as a shield against laws to prevent racial discrimination. AB 277 amends the definition of "political subdivisions" in the CVRA to expressly include charter cities and counties, codifying the result in *Jauregui*. This means that citizens of charter cities that use at-large election systems now enjoy the same CVRA voting protections afforded to citizens of general law cities also using at-large elections. AB 277 thus clarifies existing law and provides an important reassurance to voters: their votes will be protected no matter what city they live in.

For these reasons, California Common Cause supports AB 277, and we look forward to working with your office. Please contact me at nheidorn@commoncause.org or (916) 520-4070 if you have any questions.

Sincerely,



Nicolas Heidorn
Policy and Legislative Counsel