

State Voting Rights Act

2014 POLICY GUIDE



State Policy

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State Voting Rights Acts can help ensure fairer representation for all racial minority voters in jurisdictions with racially polarized voting.

The Problem: Communities of color in many jurisdictions around the nation are under-represented in the political process. Racial and ethnic minority vote dilution exacerbates racial polarization and undermines the goals of representative democracy. While lawsuits to remedy vote dilution can be brought under the federal Voting Rights Act, such lawsuits can be very cumbersome and expensive. Furthermore, federal jurisprudence has required the ability to draw a majority-minority district as an element of liability for such suits, even when the most appropriate remedy is a fair representation system in at-large elections rather than the use of districts. This interpretation unnecessarily limits voting rights, constrains local options and leaves geographically dispersed racial minorities and multiracial communities without a remedy.

The Solution: States should pass their own Voting Rights Acts that create liability for vote

dilution to ensure that protection of minority voting rights can be upheld in state courts and not left only to federal judges. State VRAs should clarify that winning a case only depends on proving that minority vote dilution occurs due to racially polarized voting in winner-take-all elections. This new state framework would give more flexibility in state-level remedies to minority vote dilution, including fair representation systems. It would also allow states to have such suits addressed in state courts, returning local control to this critical area of elections.

Success Story: In 2002, California passed the California Voting Rights Act. This bill expands on voting rights granted under the federal Voting Rights Act by, among other things, granting standing to groups who are too geographically dispersed to elect their candidate of choice from a single member district. Dozens of California communities now have more inclusive elections.

Key Facts

In 2002, California passed a state Voting Rights Act, providing a model for strengthening the federal VRA with a state VRA. Among its provisions, the Act grants legal standing to members of minority groups whose votes are diluted but are too geographically dispersed to elect their candidate of choice from a single-member district.

Fiscal Impact

Jurisdictions with racially polarized voting that use voting methods that result in racial minority vote dilution may incur costs if they are sued. The state itself would not incur any costs, unless it itself is sued.

Part Two Resources

- Model Statutory Language