
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Sabrina Cervantes, Chair
2025 - 2026 Regular

Bill No:	AB 1079	Hearing Date:	7/15/25
Author:	Ávila Farías		
Version:	7/3/25		
Urgency:	No	Fiscal:	No
Consultant:	Carrie Cornwell		

Subject: Civil appeals: stay of enforcement

DIGEST

This bill specifies that a superior court order must be enforced during a pending appeal of a case brought under laws relating to local electoral district boundaries, except as specified.

ANALYSIS

Existing law:

- 1) Stops the enforcement of a judgement or order from a superior court during a pending appeal of the court's decision, except in very limited specified instances.
- 2) Creates the California Voting Rights Act (CVRA) to ensure that at-large elections in local jurisdictions do not impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election. The CVRA generally requires the creation of electoral districts for the governing board members of local jurisdictions.
- 3) Specifies, pursuant to the Fair and Inclusive Redistricting for Municipalities And Political Subdivisions (FAIR MAPS) Act, the criteria and processes that local jurisdictions must use when they adjust the boundaries of the electoral districts for members of the jurisdictions' governing bodies. These include substantial public hearing and outreach requirements.

This bill:

- 1) Expresses the intent of the Legislature to ensure that remedial measures ordered by a superior court to address violations of the CVRA or the FAIR MAPS Act are implemented promptly, regardless of any appeal, except where the superior court determines that such prompt implementation is antithetical to the CVRA, the FAIR MAPS Act, or the orderly administration of the state's elections.
- 2) Specifies that the perfecting of an appeal shall not stay the judgement of the superior court, unless it orders otherwise, if the superior court finds that:

- a) A jurisdiction's at-large method of election violates or is likely to violate the CVRA.
 - b) A jurisdiction's election district boundaries violate or are likely to violate the FAIR MAPS Act.
- 3) Permits, notwithstanding 2) above, the enforcement of a judgment or order from the trial court while an appeal is pending, if the Secretary of State files a certification in the trial court declaring that the order or judgment is necessary for the orderly administration of the state's elections.
 - 4) Requires a jurisdiction that has been sued, but pursuant to 2) above the court stays the order or judgement, to reimburse the county elections official for administering elections that later result from a judgment or order of the trial court or from orders issued by a court of appeal.
 - 5) Exempts from its provisions a judgment or order entered in an action or a proceeding commenced on or before January 1, 2026 that includes at least one CVRA or FAIR MAPS Act cause of action.

BACKGROUND

California Voting Rights Act. SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the CVRA to address racially polarized voting in at-large elections for local offices in California and use district-based elections instead, allowing the political will of minority communities to be expressed. An at-large method of election can dilute the voting rights of minority communities, if the majority typically votes to support candidates who differ from the candidates who are preferred by minority communities.

When this occurs, breaking a local jurisdiction up into districts can result in districts in which a minority community can elect a candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits using an at-large election in a city, county, or other political subdivision in a manner that impairs the ability of a protected class of voters, such as Latino voters, to elect candidates of its choice or to influence the outcome of an election.

The first case brought under the CVRA was filed in 2004, when the City of Modesto challenged the constitutionality of the law. Ultimately, the City of Modesto appealed the case all the way to the United States Supreme Court, which in October 2007 let stand a lower court ruling upholding the law. Since that time, hundreds of local jurisdictions in California have converted or are in the process of converting from an at-large method of election to district-based elections.

CVRA and Santa Monica Litigation. The City of Santa Monica has a seven-member city council with members elected at-large to staggered four-year terms. In April 2016, the Pico Neighborhood Association and others sued the City of Santa Monica, alleging that the at-large method of electing city council members violated the CVRA and the equal protection clause of the California Constitution.

In 2019, the Los Angeles County Superior Court ruled in favor of the plaintiffs on both

counts and ordered the city to adopt district-based elections. Citing the long standing dilution of Latino voting rights in Santa Monica, the Superior Court ordered all future elections for seats on the city council be district-based elections pursuant to a district map outlined by the court, ordered that a district-based special election for all seven seats on the city council be held in July 2019, and prohibited each existing city council member from continuing to serve on the council after August 15, 2019, unless the member was elected to a seat at the district-based special election in July 2019.

The City of Santa Monica appealed the decision, which automatically stopped the orders of the Superior Court from being enforced. The Court of Appeals subsequently reversed the Superior Court's decision, finding that Santa Monica's at-large method of electing city council members did not violate the CVRA nor the California Constitution.

The plaintiffs appealed that ruling to the California Supreme Court, which granted review to determine what constitutes dilution of a protected class's ability to elect the candidates of its choice or to influence the outcome of an election within the meaning of the CVRA. In August 2023, the California Supreme Court ruled the Court of Appeal "misconstrued" the CVRA. The Supreme Court did not reinstate the Superior Court's orders. The Supreme Court expressly stated that it was not expressing a view on whether Santa Monica's at-large voting system was consistent with the CVRA. Instead, the Supreme Court remanded the case for further proceedings under the correct standard of review. As a result, the case is pending on remand in the Court of Appeal.

Since the Los Angeles Superior Court's 2019 ruling, Santa Monica has held three municipal elections to elect city council members, all three of which were conducted using the at-large election system that the Superior Court found to be in violation of the CVRA.

FAIR MAPS Act. AB 849 (Bonta), Chapter 557, Statutes of 2019, created the FAIR MAPS Act, which revised and standardized the criteria and process counties and cities use when they adjust the boundaries of the electoral districts for members of the jurisdictions' governing bodies. AB 849 required counties and cities to comply with substantial public hearing and outreach requirements as part of the process for adjusting the boundaries of electoral districts. Prior to the enactment of AB 849, the rules that govern the local redistricting process generally had not been changed in decades.

In 2023, AB 764 (Bryan), Chapter 343, Statutes of 2023 added special districts, school districts, community college districts, and county boards of education to criteria and process requirements of the FAIR MAPS Act. AB 764 also increased the public hearing and outreach requirements that apply to all local jurisdictions as they adjust the boundaries for districts for members of their governing boards.

COMMENTS

- 1) Author's Statement. This bill would have a positive impact on the ability of underserved and marginalized communities to access the justice system, as it increases the practicality of accessing the justice system. If cities or districts are able to delay justice to marginalized and underserved communities by simply filing a Notice of Appeal, it is not practical to those marginalized and underserved

communities to utilize the justice system, because, as Dr. Martin Luther King Jr. said in his Letter from a Birmingham jail: “justice delayed is justice denied.” Why would members of marginalized and underserved communities use the justice system when it is denying them justice?

- 2) Arguments in Opposition. Opponents of this bill come from various neighborhood associations in the City of Santa Monica. All opponents previously supported the bill, until amendments on May 19, 2025 made it clear that the bill would not apply to the situation in their city over which one of the opponents, the Pico Neighborhood Association, sued in 2016. The Wilshire Montana Neighborhood Coalition writes:

Our City leaders have chosen to spend millions of dollars ever since 2018, fighting district elections and will continue to do so though we are in financial straits. This bill as amended would create an exception for the City of Santa Monica if it continues to appeal against the (Los Angeles) Superior Court ruling supporting district elections for our small city. Ironically this bill is about doing exactly the opposite for all other cities, not allowing them to use the appellate process to maintain at large elections.

RELATED/PRIOR LEGISLATION

AB 764 (Bryan), Chapter 343, Statutes of 2023, added special districts, school districts, community college districts, and county boards of education to criteria and process requirements of the FAIR MAPS Act.

AB 849 (Bonta), Chapter 557, Statutes of 2019, also known as the FAIR MAPS Act, revised and standardized the criteria and process to be used by counties and cities when they adjust the boundaries of the electoral districts

SB 976 (Polanco), Chapter 129, Statutes of 2002, created the CVRA to ensure that at-large elections in local jurisdictions do not impair the ability of a protected class of voters to elect candidates of its choice or to influence the outcome of an election.

PRIOR ACTION

Senate Judiciary Committee:	10 - 1
Assembly Floor:	55 -16
Assembly Elections Commimtte:	4 - 2
Assembly Judiciary Committee:	7 - 3

POSITIONS

Sponsor: Author

Support: None received

Oppose: Pico Neighborhood Association
Santa Monica Northeast Neighbors

Santa Monica United
Wilshire Montana Neighborhood Coalition

-- END --