
**SENATE COMMITTEE ON
ELECTIONS AND CONSTITUTIONAL AMENDMENTS**
Senator Scott Wiener, Chair
2025 - 2026 Regular

Bill No: SB 1164 **Hearing Date:** 4/21/26
Author: Cervantes
Version: 4/14/26
Urgency: No **Fiscal:** Yes
Consultant: Scott Matsumoto

Subject: Elections

DIGEST

This bill repeals and replaces the California Voting Rights Act of 2001 (CVRA) with a state voting rights act that seeks to protect voters from voter suppression and vote dilution.

ANALYSIS

Existing law:

- 1) Prohibits, pursuant to Section 2 of the federal Voting Rights Act of 1965 (VRA), voting practices or procedures that discriminate on the basis of race, color, or membership in a language minority group. This includes any voting standard, practice, or procedure that results in the denial or abridgement of the right of any citizen to vote on account of race, color, or membership in a language minority group.
- 2) Prohibits, pursuant to the CVRA, a political subdivision from imposing or applying an at-large method of election for members of the political subdivision's governing body in a manner that impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election, as specified. For violations of the CVRA, courts provide appropriate remedies, including the imposition of district-based elections.

This bill:

- 1) Prohibits a political subdivision or state agency from implementing, imposing, or enforcing any election policy or practice that results or is likely to result in voter suppression. This includes at-large and district-based jurisdictions.
- 2) Provides a violation of 1) of this bill is established if any of the following is present:
 - a) A material disparity affecting protected class members in voter participation, access to voting opportunities, or the opportunity or ability to participate in any stage of the political process, as a result of the policy or practice.

- b) An impairment of the equal opportunity or ability of protected class members to participate in any stage of the political process based on the totality of circumstances.
 - c) An eligible voter facing an undue burden to their opportunity or ability to participate in any stage of the political process as a result of their incarceration or prior criminal conviction.
 - d) Direct or circumstantial evidence of intentional discrimination.
- 3) Provides a violation of 1) of this bill does not exist if the political subdivision or state agency demonstrates both of the following with clear and convincing evidence:
- a) The election policy or practice is necessary to significantly further a compelling and particularized governmental interest.
 - b) No reasonable alternative election policy or practice exists that comparably furthers the compelling and particularized governmental interest and results in a smaller disparity between protected class members and other members of the electorate.
- 4) Prohibits a political subdivision from employing any method of election that has the effect, will likely have the effect, or is motivated in part by the intent to dilute the vote of protected class members.
- 5) Provides a violation of 4) is established if direct or circumstantial evidence of intentional discrimination exists or both of the following are satisfied:
- a) Either of the following conditions exist:
 - i) Elections in the political subdivision exhibit racially polarized voting resulting in an impairment of the equal opportunity or ability of protected class members to nominate or elect candidates of their choice.
 - ii) Based on the totality of circumstances, the equal opportunity or ability of protected class members to nominate or elect candidates of their choice is impaired.
 - b) Another method of election or a change to the existing method of election exists that could be constitutionally adopted or ordered to mitigate the impairment.
- 6) Provides a specified list of guidelines and rules for evaluating voter suppression claims in 1) of this bill and vote dilution claims in 4).
- 7) Provides that to the extent courts are afforded discretion on any issue, including, but not limited to, questions concerning discovery, procedure, admissibility of evidence, or remedies, it is the policy of the state that courts must exercise that discretion, and weigh other equitable discretion, in favor of the following factors:

- a) Making voting, the fundamental right to vote, and the ability to participate in the democratic process more accessible to eligible voters.
 - b) Safeguarding and vindicating, to the fullest extent possible, the voting rights of all voters, including, but not limited to, equitable access to opportunities to register to vote and vote, and the equal opportunity to elect candidates of choice.
 - c) Ensuring protected class members have full access to relief from discrimination in voting.
- 8) Provides that an action to cure a violation may be brought by any individual, an entity, or by the Attorney General. Notice requirements, including notices alleging a violation of the CVRA, court procedures, court proceedings, and remedies are also prescribed.
- 9) Requires any political subdivision to obtain preapproval from the Attorney General before enacting or administering any specified covered practice, if the political subdivision has entered into a court-approved settlement relating to this bill, a violation of specified federal laws, any other state law or constitutional provision concerning the right to vote for protected class members within the previous 10 years. A covered practice includes any of the following:
- a) A new or modified method of election, including changes to districting plans or maintenance of a method of election following a decennial census.
 - b) An annexation or deannexation.
 - c) A reduction in language assistance.
- 10) Requires the Attorney General to create a process and a timeline for political subdivisions subject to preapproval in order to implement the preapproval procedures in 9).

BACKGROUND

California Voting Rights Act of 2001. SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the CVRA to address racial block voting in at-large elections for local office in California. In areas where racial block voting occurs, an at-large method of election can dilute the voting rights of minority communities if the majority typically votes to support candidates that differ from the candidates who are preferred by minority communities.

In such situations, dividing a jurisdiction up into districts can result in districts in which a minority community can elect the candidate of its choice or otherwise have the ability to influence the outcome of an election. Accordingly, the CVRA prohibits an at-large method of election from being imposed or applied in a political subdivision in a manner that impairs the ability of a protected class of voters to elect the candidate of its choice or to influence the outcome of an election, as a result of the dilution or the abridgement of the rights of voters who are members of the protected class.

Federal Voting Rights Act of 1965. The 15th Amendment to the U.S. Constitution provides, in part, that “[t]he right of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color, or previous conditions of servitude.” Additionally, the 15th Amendment authorizes Congress to enact legislation to enforce its provisions. The 15th Amendment was ratified in February 1870.

In 1965, Congress determined that state officials were failing to comply with the provisions of the 15th Amendment. As a result, Congress passed and President Johnson signed the VRA. The VRA, among other provisions, prohibits any “voting qualification or prerequisite to voting or standard, practice, or procedure” from being imposed by any “[s]tate or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color.”

Section 2 of the VRA is a nationwide prohibition against voting practices and procedures, including redistricting plans and at-large election systems, poll worker hiring, and voting registration procedures, that discriminate on the basis of race, color, or membership in a language minority group. The U.S. Supreme Court is currently considering the protections available under Section 2 as it relates to racial vote dilution in *Louisiana v. Callais*.

Section 2 allowed the U.S. Attorney General or affected private citizens to bring lawsuits in federal court to challenge practices that may violate the VRA. In 2021, in *Brnovich v. DNC*, the U.S. Supreme Court made it more difficult to bring voter suppression claims through the judicial process.

Section 4 of the VRA set the criteria for determining whether a jurisdiction is covered under certain provisions of the VRA, including the requirement for review of changes affecting voting under Section 5.

Section 5 of the VRA requires certain states and covered jurisdictions to receive approval for any changes to law and practices affecting voting from the U.S. Department of Justice or the U.S. District Court of the District of Columbia to ensure that the changes do not have the purpose or effect of “denying or abridging the right to vote on account of race or color.” This is also known as a “preclearance” requirement.

The U.S. Supreme Court, in *Shelby County v. Holder* in 2013, held that a coverage formula in Section 4 of the VRA is unconstitutional and can no longer be used as a basis for subjecting jurisdictions to preclearance under Section 5 of the VRA. The Court did not directly strike down Section 5, which contains the preclearance requirements, but without Section 4, no jurisdiction will be subject to Section 5 preclearance unless Congress enacts a new coverage formula.

COMMENTS

- 1) Author’s Statement. Under the stewardship of Chief Justice John Roberts, the U.S. Supreme Court has gradually chipped away at the federal VRA and is poised to overturn what is left of the VRA through its pending decision in *Louisiana v. Callais*. Because the CVRA only prohibits discriminatory at-large election systems, if the

U.S. Supreme Court acts, California law would be inadequate to provide voting rights safeguards currently in the federal VRA that have protected Californian voters for generations. This bill will enshrine many of the provisions prohibiting vote dilution, voter suppression, and voter discrimination in the federal VRA into state law. This bill will also ensure that California continues to lead on voting rights by providing the California Attorney General and individual California voters with improved means to enforce state elections laws.

- 2) Notice Letters. Under existing law, before commencing with an action to enforce the CVRA, a prospective plaintiff must mail a written notice to the clerk of the political subdivision asserting that the political subdivision's method of conducting elections may violate the CVRA. This bill requires the party sending a notice letter to a political subdivision asserting a violation of the CVRA occurred *and* the type of remedy the party believes would address the violation. Even though this bill requires a remedy to be noted in the letter, the differences in actual content between letters submitted pursuant to existing law and letters that would be submitted pursuant to this bill are not completely clear. In particular, the amount of detail and justification needed for letters submitted under this bill.
- 3) Double Referral. If approved by this committee, this bill will be referred to the Committee on Judiciary for further consideration.

RELATED/PRIOR LEGISLATION

SB 976 (Polanco), Chapter 129, Statutes of 2002, enacted the CVRA to address racial block voting in at-large elections for local office in California.

POSITIONS

Sponsor: The California Democracy Partnership
 AAPIs for Civic Empowerment
 ACLU California Action
 Asian Law Caucus
 California Common Cause
 California Environmental Voters
 Catalyst California
 Inland Empire United
 League of Women Voters of California
 Legal Defense Fund
 Mexican American Legal Defense and Educational Fund (MALDEF)
 Partnership for the Advancement of New Americans
 SEIU California
 UCLA Voting Rights Project

Support: Black Leadership Council
 California Domestic Workers Coalition
 Campaign Legal Center
 Courage California
 Dēmos

Dolores Huerta Foundation
FairVote Action
Hmong Innovating Politics
NextGen California
Starting Over Inc.
Starting Over Strong
VietRISE
Western Center on Law and Poverty

Oppose: None received

-- END --