
SENATE COMMITTEE ON APPROPRIATIONS

Senator Sabrina Cervantes, Chair
2025 - 2026 Regular Session

SB 1164 (Cervantes) - Elections

Version: April 27, 2026

Urgency: No

Hearing Date: May 4, 2026

Policy Vote: JUD. 11 - 2, E. & C.A. 4 - 1

Mandate: Yes

Consultant: Robert Ingenito

Bill Summary: SB 1164 would repeal and replace the California Voting Rights Act of 2001 (CVRA) with a state voting rights act, as specified.

Fiscal Impact:

- By imposing specified duties on local elections officials, this bill creates a state-mandated local program. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, local agencies could claim reimbursement of those costs. The magnitude is unknown, but could exceed \$50,000 per year (General Fund).
- This bill would not have a fiscal impact on the Secretary of State (SOS).
- Any costs to the Department of Justice (DOJ) have yet to be identified.

Background: SB 976 (Polanco, 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. Consequently, 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.

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.

In 1965, Congress determined that state officials were failing to comply with the provisions of the 15th Amendment, which (1) “[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,” and (2) authorizes Congress to enact

legislation to enforce its provisions. Consequently, Congress and President Johnson enacted the Voting Rights Act (VRA), which, 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 the state of Louisiana.

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.

In *Louisiana v. Callais*, the U.S. Supreme Court ruled in April 2026 that Louisiana’s congressional map—drawn to include a second majority-Black district—was unconstitutional because race was used too prominently in its design. The Court held that complying with Section 2 of the VRA does not justify race-based redistricting unless it meets strict constitutional limits, effectively narrowing how the law can be used to challenge voting maps. Overall, the decision makes it harder to use the VRA to require majority-minority districts and is expected to impact redistricting nationwide.

Proposed Law: This bill, among other things, would do the following:

- Prohibit a political subdivision or state agency from implementing, imposing, or enforcing any election policy or practice, as defined, that results in, is likely to result in, or is motivated by the intent to result in, voter suppression. An election policy or practice would result in voter suppression if it (1) causes a material disparity in voter participation, access to voting opportunities, or the opportunity

or ability to participate in the political process for members of a protected class, which is defined as any race, color, or language-minority group, or (2) based on the totality of circumstances, causes an impairment of the equal opportunity or ability of members of a protected class to participate in the political process. An election policy or practice would not violate the prohibition on voter suppression if the political subdivision or state agency demonstrates, by clear and convincing evidence, that the election policy or practice is necessary to significantly further a compelling and particularized governmental interest and there is no reasonable alternative that comparably furthers the governmental interest and results in a smaller disparity between members of a protected class and other members of the electorate.

- Prohibit a political subdivision from employing any method of election, as defined, that has the effect, will likely have the effect, or is motivated by the intent, of diluting the vote of protected class members. Vote dilution would be established if there is an impairment of the equal opportunity or ability of protected class members to nominate or elect candidates of their choice, as provided, and another method of election or a change to the existing method of election would likely mitigate the impairment.
- Set forth various factors that courts could, and could not, consider when evaluating whether voter suppression or vote dilution exists within a political subdivision. The Attorney General, or any individual or entity aggrieved by a violation of the prohibitions on voter suppression and vote dilution, would have standing to bring an action, and those actions would be subject to expedited pretrial, trial, and appellate proceedings. If in an action for a violation of these provisions the plaintiff seeks preliminary relief with respect to an upcoming election, the court would be required to grant the preliminary relief if the plaintiff is more likely than not to succeed on the merits and it is possible to implement an appropriate remedy that would resolve the alleged violation in the upcoming election.
- Require a potential plaintiff, before filing an action alleging voter suppression or vote dilution, to send a notice letter to the political subdivision identifying the potential violation how the party's proposed remedy would address it. For allegations of voter suppression, the bill would permit the potential plaintiff to file an action if the political subdivision has not enacted a remedy within 45 days of receipt of the notice letter or if the political subdivision's remedy would not redress the alleged violation. For allegations that a political subdivision's method of election results in vote dilution, the bill would permit the potential plaintiff to file an action if the political subdivision has not, within 45 days, passed a resolution outlining its intention to transition from at-large to district-based elections, passed a resolution outlining its intention to make changes to its district-based method of election, or sought approval from a court to implement a different, appropriate remedy.
- Authorize, notwithstanding the 45-day notice requirement a potential plaintiff to file an action against a political subdivision at any time if the action is for a preliminary injunction with respect to an upcoming election, another party has already submitted a notice letter alleging a substantially similar violation and over

45 days have passed, or the prospect of obtaining relief would otherwise be futile. If the political subdivision provides some or all of the relief sought in a potential plaintiff's notice letter, the bill would authorize the potential plaintiff to recover their costs, which would be capped at \$25,000 for attorneys' fees and \$50,000 for all other costs, subject to an annual inflation adjustment.

- Prohibit any political subdivision from enacting or administering any covered practice without obtaining preapproval from the Attorney General, if the political subdivision, within the previous 10 years, has entered into a settlement agreement admitting liability for a violation of, or been found by a court to have violated, this bill, the federal Voting Rights Act of 1965, the federal Civil Rights Act of 1964 concerning the right to vote of protected class members, the First, Fourteenth, or Fifteenth Amendments to the United States Constitution concerning the right to vote for protected class members, or any other state or federal law concerning the right to vote for protected class members. Under the bill, covered practices would include new or modified methods of election, annexations and deannexations, or reductions in language assistance. The bill would authorize the Attorney General to grant preapproval to a political subdivision only if the covered practice will not diminish the equal opportunity or ability of members of the protected class to participate in the political process or elect candidates of choice and the covered practice is unlikely to violate the provisions of the bill.
- Require any law, regulation, charter, ordinance, or other enactment of the state or any political subdivision relating to voting to be construed liberally in favor of (1) making voting, the fundamental right to vote, and ability to participate in the democratic process more accessible, (2) safeguarding and vindicating the voting rights of all voters, and (3) ensuring members of a protected class have full access to relief from discrimination in voting.

Related 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.

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