
UNFINISHED BUSINESS

Bill No: SB 1164
Author: Cervantes (D)
Amended: 8/20/26
Vote: 21

SENATE JUDICIARY COMMITTEE: 11-2, 4/21/26

AYES: Umberg, Allen, Ashby, Caballero, Durazo, Laird, Reyes, Stern, Wahab,
Weber Pierson, Wiener

NOES: Niello, Valladares

SENATE ELECTIONS & C.A. COMMITTEE: 4-1, 4/21/26

AYES: Wiener, Allen, Cervantes, Umberg

NOES: Choi

SENATE APPROPRIATIONS COMMITTEE: 5-2, 5/14/26

AYES: Cervantes, Cabaldon, Grayson, Richardson, Wahab

NOES: Seyarto, Dahle

SENATE FLOOR: 29-9, 5/20/26

AYES: Allen, Archuleta, Arreguín, Ashby, Blakespear, Cabaldon, Caballero,
Cervantes, Cortese, Durazo, Gonzalez, Grayson, Hurtado, Laird, Limón,
McGuire, McNerney, Menjivar, Padilla, Pérez, Reyes, Richardson, Rubio,
Smallwood-Cuevas, Stern, Umberg, Wahab, Weber Pierson, Wiener

NOES: Alvarado-Gil, Choi, Dahle, Jones, Niello, Ochoa Bogh, Seyarto,
Strickland, Valladares

NO VOTE RECORDED: Becker, Grove

ASSEMBLY FLOOR: Passed, 8/25/26

SUBJECT: Elections

SOURCE: California Democracy Partnership

DIGEST: This bill revises and expands 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.

Assembly Amendments added coauthors, added specificity for CVRA challenges and remedies, and included legislative findings and declarations.

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) Defines "protected class" means any group of eligible voters who are members of any race, color, or language-minority group, including two or more such groups, as specified.
- 2) 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. A violation is established when an election policy or practice disproportionately makes it harder for protected classes to vote or participate politically, unless the government can show the policy is necessary and that a less discriminatory alternative is not reasonably available.
- 3) Prohibits a political subdivision from employing a method of election that has the effect, or will likely have the effect, of diluting the vote of members of a protected class of voters. A violation is established when 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. A violation could also exist if, 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.

- 4) Establishes guidelines and rules for evaluating voter suppression and vote dilution claims. Relevant factors in evaluating a claim may include any history of discrimination against members of, and historical disparities in political and voting participation and electoral success by, members of the protected class. Ongoing civil litigation filed before this bill becomes effective is governed by the legal standards in the existing CVRA for the purpose of establishing liability.
- 5) Permits an action to cure a violation related to voting to be brought by an affected voter in the jurisdiction or by the Attorney General (AG). A party, other than the AG, before bringing an action against a political subdivision, must send a notice to the political subdivision explaining how the policy or procedure, or method of election, may violate this bill and propose a remedy that would address the violation, unless certain conditions are met. The political subdivision has an opportunity to address the violation in response to such a letter before an action may be filed, unless certain conditions are met.
- 6) Provides that actions brought under this bill to proceed expeditiously. A court may order appropriate relief tailored to remedy a violation, including remedies not otherwise allowed under existing state law.
- 7) Requires any political subdivision to obtain preapproval from the AG before changing its method of election, annexing or de-annexing territory affecting the jurisdiction's population, or reducing language assistance, if the subdivision was found liable in the previous 10 years for violating this bill or a law or constitutional provision related to the right to vote for members of a protected class. The AG may grant approval for a covered change only if it will not diminish the ability of protected class members to participate in the political process or elect candidates of its choice. The AG must also create a process and a timeline for political subdivisions subject to preapproval for covered practices.
- 8) Prohibits a political subdivision that changes its method of election under this bill or the existing CVRA from reverting to the method of election it previously used without first obtaining a court order.
- 9) Requires a governing body engaged in local redistricting to comply with the requirements of this bill when adopting new district boundaries. A governing

body cannot adopt district boundaries for nonpartisan offices using party affiliation data when redistricting or from relying on partisan advantage or political ideology to defend district boundaries in a legal challenge.

10) Contains legislative findings and declarations.

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. In *Louisiana v. Callais*, the U.S. Supreme Court ruled in April 2026 that Louisiana's congressional map was unconstitutional because race was used too prominently in its design. The Court held that complying with Section 2 of the VRA did not justify race-based redistricting unless it met strict constitutional limits. The ramifications of this decision are not fully known, but other states are evaluating how this decision affects a jurisdiction's current boundaries.

Section 2 also 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 Supreme Court of the United States has gradually chipped away at the federal VRA, culminating with its recent horrific decision in *Louisiana v. Callais*. Because the CVRA only prohibits discriminatory at-large election systems, California law is now inadequate to provide voting rights safeguards that have protected Californian voters for generations. This bill will enshrine many of the provisions prohibiting vote dilution, voter suppression, and other forms of voter discrimination that once existed in the federal VRA into state law. This bill will also ensure that California continues to lead on voting rights by providing the

AG and individual California voters with improved means to enforce state elections laws.

- 2) *Remedies and the Courts.* Under the existing CVRA, a political subdivision is prohibited 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. The adoption of district elections has been viewed as a typical response to CVRA violation. This bill allows challenges to *district-based methods* of election that impair a protected class' ability to elect candidates of choice or influence election outcomes.

This bill also creates a cause of action allowing affected voters to challenge any election policies or practices that result in voter suppression, including practices unrelated to district boundaries, such as the placement of voting locations, the timing of elections, or the method of electing people to office. This provides the courts with a considerable amount of discretion in selecting a remedy should it be needed. This could include structural electoral changes, such as mandating a governing body to switch to district elections or expanding the size of the governing body. It could also include modifications to the mechanics of an election, such as changing the current election method to a "shared-based" election method (such as proportional representation) or ranked-choice voting.

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.

FISCAL EFFECT: Appropriation: No Fiscal Com.: Yes Local: Yes

According to the Assembly Committee on Appropriations:

- 1) Costs of approximately \$1.3 million in fiscal year (FY) 2026-27, \$2.3 million in FY 2027-28, and \$2.2 million annually thereafter to the Department of Justice (DOJ) for increased workload to develop and defend regulations, provide and defend pre-approval to certain political subdivisions, and conduct related engagement, reviews, investigations, and enforcement (General Fund (GF)). DOJ anticipates needing at least nine new positions and an external consultant for specialized workload on issues pertinent to voting rights, elections, district maps, and demographics.
- 2) Costs of approximately \$859,000 in the first year and \$574,000 annually thereafter to the SOS to promulgate regulations and examine, test, certify, or

conditionally approve voting systems, software, procedures, and voting technologies adopted to remedy a CVRA 2026 violation (GF). The SOS anticipates needing three additional positions for the increased workload while maintaining separation of duties between certification and monitoring functions and operational continuity during peak election periods.

- 3) By requiring a political subdivision to follow CVRA 2026 procedures and modifying the duties of local elections officials, this bill likely creates a state-mandated local program. If the Commission on State Mandates determines the provisions of this bill create a new program or impose a higher level of service for which the state must reimburse local costs, a local agency could claim reimbursement from the state (GF). The magnitude of these costs is unknown, but definitely significant.

Additionally, a local agency may incur non-reimbursable costs to the extent the agency is subject to an action brought by the AG or an aggrieved individual or entity.

- 4) Ongoing cost pressures of an unknown, but potentially significant amount, to the courts in additional workload by allowing the AG or an aggrieved individual or entity to bring an action to enforce voting rights on an expedited timeline, allowing an aggrieved individual or entity to bring an action to challenge a preapproval determination granted by the AG, and requiring a court to certify certain election methods would not violate CVRA 2026 (GF or Trial Court Trust Fund (TCTF)). It is unclear how many actions may occur statewide and how much court time may be needed to resolve each case, but it generally costs approximately \$1,000 to operate a courtroom for one hour. Although courts are not funded on the basis of workload, increased pressure on staff and the TCTF may create a demand for increased court funding from the GF. The state budget provides annual GF backfills to the TCTF to offset revenue reductions, totaling approximately \$117.3 million in fiscal year 2025-26.

SUPPORT: (Verified 8/26/26)

California Democracy Partnership (source)

AAPIs for Civic Empowerment

ACLU California Action

Asian Law Caucus

California Black Power Network

California Common Cause

California Environmental Voters

California Native Voter Project

Catalyst California
CHIRLA
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
Luis A. Alejo, Monterey County Supervisor, District 1
AFSCME
American Association of University of Women of California
Asian Americans Advancing Justice Southern California
Asian Law Alliance
Asian Pacific Environmental Network Action
Black Leadership Council
California Domestic Workers Coalition
California Federation of Labor Unions, AFL-CIO
California School Employees Association, AFL-CIO
Campaign Legal Center
Chinese Progressive Association
Courage California
Dēmos
Dolores Huerta Foundation
FairVote Action
Hmong Innovating Politics
NextGen California
Starting Over Inc.
Starting Over Strong
UDW/AFSCME Local 3930
VietRISE
Western Center on Law and Poverty

OPPOSITION: (Verified 8/26/26)

City of Buena Park
City of Concord

City of Folsom
City of Glendora

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