Olivehurst Public Utility District

Agenda Item Staff Report

Meeting Date: May Committees

Item description/summary:

Voting Rights Act Ward Based OPUD Board Elections. This item has been discussed at numerous committees and Board meetings. The last meeting that the Board discussed this item they decided to start up the process of moving to ward-based elections once the 2020 census was complete. With the census now complete we will continue with the progress we had made before. See attached staff reports for information.

Fiscal Analysis:

N/A

Employee Feedback

None

Sample Motion:

Info Only

Prepared by:

John Tillotson, P.E., General Manager

Olivehurst Public Utility District

Agenda Item Staff Report

Meeting Date: February 21, 2019

Item description/summary:

Receive report on pending federal legislation regarding Voting Rights Act and Status of California Voting Rights Act (Strategic Plan VS-6, CV-1, 6.0, 8.0).

Federal Voting Rights Act:

House Democrats on January 5, 2019 introduced a legislative package of reforms emphasizing voting rights, marking the next step in a process by which Democrats hope to restore a provision of the Voting Rights Act that was dismantled by the Supreme Court in 2013.

Two bills will be proceeding on separate tracks.

We The People Bill

The first bill — known as "We the People Democracy Reform Act" or HR1 — makes a congressional finding that the 2013 decision in *Shelby County v. Holder* led to a wave of voter suppression and instructs Congress to build a record upon the finding.

The "We the People" legislation includes several other provisions expanding the franchise that have been championed by voting rights activists, such as automatic voter registration, same day voter registration, mandated early voting, a requirement that states set up independent redistricting commissions to prevent gerrymander, and a campaign finance overhaul.

H.R.1 - For the People Act of 2019
https://www.congress.gov/bill/116th-congress/house-bill/1/text?q=%7B%22search%22%3A%5B%22VRAA%22%2C%22VRAA%22%5D%7D
Status
https://www.congress.gov/bill/116th-congress/house-bill/1/all-actions-without-amendments?q=%7B%22search%22%3A%5B%22VRAA%22%2C%22VRAA%22%5D%7D

Voting Rights Restoration Act

A separate bill that would restore the provision of the Voting Rights Act that required states and localities with a history of racial voter discrimination to get election policy changes pre-approved by the federal government is moving on its own track so the House can build a record of voter challenges that have occurred since the decision was handed down by the U.S. Supreme Court in 2013. Such a public record could forestall future challenges to Voting Rights Act revisions, if passed.

H.R.196 - Democracy Restoration Act of 2019
https://www.congress.gov/bill/116th-congress/house-bill/196/text?q=%7B%22search%22%3A%5B%22Sewell%22%5D%7D
Status:
https://www.congress.gov/bill/116th-congress/house-bill/196/all-

actions?q=%7B%22search%22%3A%5B%22Sewell%22%5D%7D&overview=closed#tabs

A 2017 bill called the Voting Rights Restoration Act, on which no action has been taken in the last year, also proposed a new set of criteria for what would trigger the requirement — known as "preclearance" — that states and localities get approval either from the Justice Department or a federal court to change their election policies. That is because since the *Shelby* decision, there have been a number of voting restrictions — including tougher voter ID laws, cutbacks to early voting, and the closure of voting locations — implemented in places that were previously required to get preclearance for election changes. The Justice Department, along with private civil rights organizations, succeeded in getting courts to block those requirements. For instance, a North Carolina voter restriction package the GOP legislature passed weeks after the Shelby decision was struck down in 2016 by an appeals court, which said the law targeted minority voters with "almost surgical precision." Similarly, a voter ID law that Texas implemented after *Shelby*, that had previously been rejected twice in preclearance, was invalidated by the 5th U.S. Circuit Court of Appeals.

H.R.2978 - Voting Rights Advancement Act of 2017
https://www.congress.gov/bill/115th-congress/house-bill/2978/text?q=%7B%22search%22%3A%5B%22Sewell%22%5D%7D

California Voting Rights Act

California already has a Voting Rights Act (Elections Code Sections 14025, et seq.) that is intended to protect the rights of voters and to avoid "racially polarized" voting. For special districts that have or will receive the letter from an out-of-town attorney claiming that their at-large voting system violates the California Voting Rights Act ("CVRA"), the requisite timeline for implementing the transition to district-based elections can be daunting.

As reported to the Board of Directors last year, the passage of AB 2123 (Cervantes) provided some desired relief. Effective January 1, 2017, the Elections Code has been amended to allow special districts to change from at-large voting to a by-district voting by resolution rather that by requiring an election to vote on the change. Elections Code Section 10650 permits a governing body of a special district to require, by resolution, that members of its governing body be elected using district-based elections without being required to submit the resolution to voters for approval. A resolution adopted pursuant to this provision must include a declaration that the change in the method of electing members of the governing body is being made in furtherance of the purposes of the California Voting Rights Act of 2001.

On February 8, 2019, a federal judge dismissed a constitutional challenge to the California Voting Rights Act brought in the wake of the U.S. Supreme Court's *Shelby* decision in *Higginson v. Becerra,* 17-CV2032.

Fiscal Analysis:

None.

Employee Feedback

None.

Sample Motion:

N/A

Prepared by:

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