



County of Monterey

Board of Supervisors
Chambers
168 W. Alisal St., 1st Floor
Salinas, CA 93901

Board Report

File #: 14-730, **Version:** 1

Consider taking a position on the amended version of Assembly Bill 280, by Assembly Member Luis Alejo (D-30), regarding voting rights, which would establish a state preclearance system. (ADDED VIA ADDENDUM)

RECOMMENDATION:

It is recommended that the Board of Supervisors consider taking a position on the amended version of Assembly Bill 280, by Assembly Member Luis Alejo (D-30), regarding voting rights, which would establish a state preclearance system.

SUMMARY/DISCUSSION:

On June 10, 2014, the Board of Supervisors took a “support” position on Assembly Bill (AB) 280, legislation introduced by Assembly Member Luis Alejo (D-30), which pertains to voting rights, and which would establish a state preclearance system applicable only to Monterey, Kings and Yuba Counties.

On June 18, 2014, Assembly Member Alejo and principal coauthor Senator Alex Padilla (D-20) introduced significant changes to AB 280, which would now establish a state preclearance system, rather than a preclearance system applicable only to Monterey, Kings and Yuba Counties. AB 280 will be heard in the California Senate Committee on Elections and Constitutional Amendments on Tuesday, June 24th. Due to the significant changes made to AB 280, Assembly Member Alejo has requested that Monterey County review the changes and consider taking a position on the amended version of the bill.

Specifically, AB 280 (Alejo and Padilla) would require any political subdivision, where two or more racial or ethnic groups represent 20% or more of the voting age population that would change a voting-related law, regulation or policy to be required to obtain pre-clearance through the Secretary of State.

In addition, AB 280 (Alejo and Padilla) would provide protections for covered practices that are known to have a disparate impact on racial or ethnic groups and voters who are limited-English-proficient. The covered practices that would trigger a state-level preclearance are the following: 1) changes to an At-Large election; 2) changes to jurisdiction boundaries; 3) changes through redistricting; 4) changes to voting locations; and 5) changes to bilingual or multilingual voting material.

The Federal Voting Rights Act of 1965 was designed to prohibit and prevent discriminatory voting practices. The Act provides that a change in voting procedures may not take effect in a state or political subdivision that is covered by the preclearance requirements of the Act until the change is approved by a specified federal authority. A state or political subdivision is covered by the preclearance requirements of the Act if it maintained a specified test or device as a prerequisite to voting, and had a low voter registration or turnout, in the 1960s and early 1970s. Since 1971, Monterey County was designated as one of four of the California counties subject to the preclearance requirements of Section 5 of the Act due to California's literacy test and low voter participation in the 1968 presidential election. Kings, Yuba and Merced Counties were also subject to these requirements, although Merced County has since been relieved of this requirement.

In June 2013, the U.S. Supreme Court ruled on the case of *Shelby County v. Holder*, which held that Section 4 (b) of the Act was unconstitutional due to the fact that the voter turnout statistics used to determine coverage

were out of date. Although the Justice Department declines to commit, this Court decision presumably relieved the requirement of Monterey, Kings and Yuba Counties to obtain preclearance under Section 5 of the Act. Despite this action, Monterey County has continued to submit proposed changes to the U.S. Department of Justice, Civil Rights Division. Additionally, the Elections Department continues to disclose and publicize any change affecting voting in Monterey County ahead of each election.

OTHER AGENCY INVOLVEMENT:

Information on AB 280 contained in this report was provided by the Office of Assembly Member Luis Alejo.

FINANCING:

The Elections Department continues to seek Federal preclearance and therefore seeking State preclearance would send similar information to the State. However, the recent Supreme Court decision could result in ending Federal preclearance and result in cost savings to the County. Costs associated with preclearance requirements depend upon the changes proposed and the size of the election, typically costing several hundred to several thousand dollars.

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Attachments:

- Exhibit A - AB 280 (amended June 18, 2014)
- Exhibit B - AB 280 Fact Sheet
- Exhibit C - U.S. Department of Justice explanation of *Shelby County* decision