

....state action for voting rights

States hold great power to correct many injustices that are inadequately addressed by Congress. Many states have established a higher minimum wage and passed an Equal Rights Amendment for women. In the same spirit, states can go beyond the federal Voting Rights Act (VRA) to increase fair representation in their elections.

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VOTE



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THE STATE VOTING RIGHTS ACT MODEL



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“The Way Democracy Will Be”

RIGHTS

Communities of color, women and political minorities are often underrepresented in state and local elections. While the federal Voting Rights Act (VRA) provides a strong foundation for fair representation, increasingly stingy courts have chipped away at its power. By adopting state voting rights acts (SVRA's), states can both protect and enhance American voting rights.

Today, a geographically dispersed community of color, even when of a substantial size, can face great difficulty in winning an effective voice in government. In reaction to such limitations of the federal VRA, California in 2001 passed a state-level Voting Rights Act to expand disenfranchised groups' access to representation.



“[Upholding the California Voting Rights Act] bodes well for fair and just representation of all people so that one person’s vote is not diluted as a result of their race.”

Robert Rubin,
Lawyers' Committee for Civil Rights

HOW A STATE VOTING RIGHTS ACT WORKS

Under current judicial interpretations of the VRA, to win a case, plaintiffs must prove a history of racially polarized voting and the potential for a compact single-member district to position a racial minority to elect a candidate of choice. SVRA's allow plaintiffs to propose additional remedies for voter empowerment, like proportional voting systems and influence districts.

When properly constructed, an SVRA loosens standing requirements for racial minorities challenging under-representation in state and local elections. It should establish that winning a case depends on proving minority vote dilution due to racially polarized voting and on having a reasonable remedy to that vote dilution, but without any bias toward one remedy or another. It can also create new opportunities to boost the voting rights of women and to strengthen the federal VRA's protections of basic access to the polls.

WHY IT'S NEEDED

Racial minorities remain under-represented in most states and women are under-represented in every state. In some states, like California, a growing dispersion of African Americans is leading to sharp decreases in representation, even while their overall numbers do not change. As our nation becomes less segregated, but continues to experience racially polarized voting, we can expect to see more such declines in fair representation.

HOW FAIRVOTE HAS AN IMPACT

Amicus Briefs

FairVote and California Common Cause filed an amicus brief to defend the California Voting Rights Act and argue that proportional voting systems are sensible remedies in such cases. The California Appeals Court subsequently upheld the act as a race-neutral and constitutional law.

Publicizing the Model

FairVote has highlighted the state voting rights act model as a solution for other states seeking ways to empower communities of color. Our fact sheets and information have been distributed to dozens of legislators and election officials around the nation by mail and at conferences for elected officials.

Building Coalitions

FairVote has developed plans to publicize and work for SVRA's with voting rights leaders like Joaquin Avila, Assistant Professor of Law at Seattle University School of Law, former general counsel of MALDEF and an originator of the California SVRA.

For more information, contact:

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Based in Takoma Park, MD, FairVote is a leading national non-partisan, non-profit pro-democracy organization. We pursue an innovative, solution-oriented agenda that focuses on systemic change and increasing political participation.