

California Supreme Court Grants Review of Landmark Voting Rights Decision

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The California Supreme Court has granted review of the Court of Appeal's landmark voting rights decision in *Pico Neighborhood Association v. City of Santa Monica, et al.*

The Court of Appeal determined that California Voting Rights Act ("CVRA") challengers to at-large elections must prove that the at-large system dilutes the votes of minority voters in a way that changed the outcome of elections. Significantly, the Court of Appeal determined that an increase in electoral influence by switching from at-large elections to another electoral system is insufficient to show actionable dilution without also showing an accompanying change in the electoral outcome. Thus, to show actionable dilution, a CVRA challenge to at-large elections must show that the change from at-large elections would have altered the ultimate electoral outcome.

The California Supreme Court will now review the Court of Appeal's decision. The California Supreme Court has asked the parties to brief one central issue: What must a plaintiff prove in order to establish vote dilution under the California Voting Rights Act? In answering this question, the California Supreme Court will likely review whether an increase in voting influence that falls short of changing the electoral outcome would suffice to establish actionable dilution under the CVRA.

The California Supreme Court also ordered that the Court of Appeal's decision be de-published. Consequently, the Court of Appeal's decision cannot be cited for either binding or persuasive authority.

If you have any questions about the California Voting Rights Act, or how the California Supreme Court's grant of review may impact your jurisdiction, please contact **Jim Markman** or **Stephen Lee**.

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