UNITY MAPS, CENSUS 2020, LATINX COMMUNITIES & VOTING RIGHTS IN AN ELECTION YEAR

Voting Rights in an Election Year for Communities of Color
Hosted by: AALDEF, AABANY and the NYU School of Law Women of Color Collective
March 9, 2016
NYU School of Law
Vanderbilt Hall, Room 206
WHO WE ARE IN THE TWENTY FIRST CENTURY

✓ US Census Snapshot: People of color constituted 85% percent of the nation's population growth between 2000-2010

✓ People who identify as multiethnic or multiracial
  ✓ > 5 million Americans - 20% growth between 2000-2010

✓ Today: California a majority “minority” state: “non-hispanic” whites now a plurality, soon to be a minority;
  ✓ California projections: majority Latino by 2040 or earlier

✓ Today: New York’s Growing Multiethnic/Multiracial population: “non-hispanic” whites becoming a plurality;
  ✓ “Non-hispanic” whites are less than 65% of NYS pop today; projected to be less in 2050
  ✓ Communities of color comprise over 40% of NYS population, and 65% of NYC population today, respectively, and growing;

✓ By 2060: U.S. a majority “minority” nation. According to US Census Bureau:
  ✓ “Non-hispanic” whites are 66% of U.S. pop today; projected to be 46% in 2050

✓ Post-racial narratives vs. narratives of resistance to racism and responsible civic engagement
FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION

- A Post-Civil War Amendment, the Fourteenth Amendment includes the Equal Protection Clause, among other critical protections.

- Equal Protection prohibits government discrimination on the basis of race or ethnicity.

- Equal Protection also prevents discrimination with respect to fundamental rights, including the right to vote.
A Reconstruction Era, Post-Civil War Amendment, the Fifteenth Amendment prohibits discrimination in voting.

U.S. Constitution, Amendment XV:

- **Section 1.** The 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 condition of servitude.

- **Section 2.** The Congress shall have power to enforce this article by appropriate legislation.
“Compliance with the letter and spirit of the federal Voting Rights Act [VRA] and its prohibition of vote dilution and retrogression must remain a primary consideration in redistricting.”

“The protection of civil rights is undermined by decision-makers who deny, without sufficient evidentiary proof, the continued existence of factors, including racially polarized voting, that support the creation of remedial districts under the Voting Rights Act.”

“The requirements of the Voting Rights Act should be viewed as a floor, not a ceiling, with respect to the voting rights of voters of color in redistricting.”
Section 2 prohibits standards, practices, or procedures that “result[] in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color” nationwide.

Prior to Shelby County v. Holder (2013):

Section 5: Required states & jurisdictions with a history of voting rights violations to obtain prior approval ("preclearance") from the U.S. Department of Justice or a federal court before implementing any new election law or policy.

Section 4: Contained the coverage formula that determines which jurisdictions are subject to section 5 preclearance.

Sections 4(e), 203 and 208: Language access provisions for bilingual voting materials (covered jxs under 203 – 10,000 or 5% VAP); bilingual voting assistance where requested

LBJ and Martin Luther King Jr. at the signing of the Voting Rights Act of 1965.

HOLDING:
- Struck down the coverage formula in section 4 of the federal Voting Rights Act.
  - Current formula not based on “current burdens and justified by current needs.”
- New coverage formula must be based on “current conditions.”

EFFECTS:
- Jurisdictions with long histories of voting rights violations are no longer subject to preclearance—including 3 counties in California and New York.
- Without the preclearance formula, Voting Rights Act challenges can usually only occur after discrimination has occurred.
“COLORBLIND” VS. “COLOR-CONSCIOUS” ANTISUBORDINATION THEORY IN EQUAL PROTECTION JURISPRUDENCE

“Colorblind” Jurisprudence:
- ignores statistical data and lived experiences with racialized inequities and/or disparities, and treats any “race”-based standard as potentially subject to strict scrutiny.

“Color-conscious” / Antisubordination Jurisprudence:
- race-bound problems carry racially discriminatory effects and continue to subordinate disenfranchised groups, entrenching inequitable outcomes on the basis of race, and therefore continue to require race-conscious remedies -- a compelling government interest that more than satisfies strict scrutiny.

A clear-eyed assessment of communities of interest requires an honest and transparent account of the multiple and systemic discriminatory effects that continue to impact the present, in order to equitably map our future.
STATES WITH RESTRICTIVE VOTING LEGISLATION INTRODUCED SINCE 2011

- 41 states introduced 180 restrictive laws.
- 34 states introduced photo ID laws.
- 17 states introduced proof of citizenship requirements.

STATES WITH RESTRICTIVE VOTING LEGISLATION INTRODUCED SINCE 2011

STATES WITH RESTRICTIVE VOTING LEGISLATION INTRODUCED SINCE 2011

As of February 2016, at least 36 states have passed restrictive laws requiring voters to show some form of identification at the polls, and 33 states are enforcing new Voter ID requirements, many for the first time during a presidential election.

A total of 18 states require voters to present photo identification, while 15 accept other forms of identification.
- In eight (8) of the 18 states that require a photo ID, the requirement is non-strict.
- In the nine (9) remaining states, photo ID is a strict requirement.

![](https://ballotpedia.org/Voter_identification_laws_by_statel)

Positive momentum: Laws to improve the election system and increase voting access passed in at least 16 states since 2012, and these laws will be in effect in 11 states this November, including automatic DMV-based voter registration in Oregon; California’s automatic DMV-based voter registration law passed, but has yet to be implemented.

The most common improvements were online registration and other measures to modernize voter registration, and increased early voting.

VOTER ID LAWS IN EFFECT: ELECTION 2016

Source: National Council of State Legislatures; Voter Identification Requirements | Voter ID Laws
NATIONAL ELECTION PROTECTION COALITION
If The Court were to follow Evenwel Appellants’ Proposals to use CVAP in state legislative apportionment and redistricting, the states would risk major equal protection violations.

IF APPLIED NATIONWIDE, USE OF CVAP WOULD DISPROPORTIONATELY EXCLUDE:

- 55% of the Total U.S. Latina/o Population
- 45% of the Total U.S. Asian American Population
- 30% of the Total U.S. African American Population
- 30% of the Total U.S. Native Hawai’ian/Pacific Islander Population
- 31% of the Total U.S. American Indian/Alaskan Native Population
- 20% of the Total U.S. Non-Hispanic White Population

Further exclusion based on “active” voter rolls could import existing discriminatory registration restrictions into the state legislative apportionment and redistricting process, excluding even larger numbers of the total population.

If states adopt the current voting-age population instead of total population as the metric for drawing districts, a staggering 55 percent of Latinos—those who are under 18 or noncitizens—wouldn’t be counted, according to a brief filed by the Leadership Conference on Civil and Human Rights, as well as 45 percent of Asian Americans and 30 percent of African Americans. “A ruling in favor of the appellants in Evenwel may be as dangerous as the Shelby County case in terms of its far-reaching effects on representation in our society,” says Joanna Cuevas Ingram, associate counsel at LatinoJustice. “It would signal a major retreat from the post–Civil War principle that all people should be fully counted as equal members of society under equal protection.”

THE LEGACY OF RACIAL SEGREGATION: 21ST CENTURY RACIAL POLARIZATION & COMMUNITIES OF INTEREST

This map, created by Dustin Cable at University of Virginia's Weldon Cooper Center for Public Service, is the most comprehensive representation of racial distribution in America ever made. Image: Dustin Cable. White: blue dots; African American: green dots; Asian: red; Latino: orange; all others: brown, as featured in Kyle Vanhemert, "The Best Map Ever Made of America's Racial Segregation", Wired Magazine, Aug. 26, 2013, http://www.wired.com/2013/08/how-segregated-is-your-city-this-eye-opening-map-shows-you/
THE LEGACY OF RACIAL SEGREGATION:
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This map, created by Dustin Cable at University of Virginia’s Weldon Cooper Center for Public Service, is the most comprehensive representation of racial distribution in America ever made. Here: North West and South Central Los Angeles, CA. Image: Dustin Cable White: blue dots; African American: green dots; Asian: red; Latino: orange; all others: brown, as featured in Kyle Vanhemert, “The Best Map Ever Made of America’s Racial Segregation”, Wired Magazine, Aug. 26, 2013, http://www.wired.com/2013/08/how-segregated-is-your-city-this-eye-opening-map-shows-you/
Vote dilution: minority communities do not have equal opportunity to elect their candidates of choice because they are either:

- **Over-concentrated** in a small number of districts ("packing"), or
- **Spread thinly** among a large number of districts (fracturing or "cracking").
VOTE DILUTION

ELEMENTS POINTING TO POSSIBLE VOTE DILUTION:

- Diverse population
- Growth in number of eligible voters from historically underrepresented groups
- Local district representation does not reflect this diverse population
1. Is the community sufficiently large and geographically compact to make up a majority in a district?
   - Is the community greater than 50% of the citizen voting age population?

2. Is the community politically cohesive; this means that the individuals that make up the group vote in similar patterns, e.g. do they vote for the same candidate or the same ballot initiatives?

1. Does the majority voting bloc vote to defeat the community’s preferred candidates?

1. Given the “totality of circumstances,” does the community have less opportunity than other members of the electorate to participate in the electoral process and to elect representatives of its choice?
SECTION 2 COALITION CLAIMS: U.S. SUPREME COURT PRECEDENT FOR SECTION 2 OF THE VRA

- 3 Prong Test or “Gingles Preconditions” for prima facie case of vote dilution under Section 2. (Thornburg v. Gingles, 478 U.S. 30 (1986)):
  - Prong 1: Protected group/class of voters/plaintiffs must comprise a sufficiently large and cohesive group sufficient to form a proposed majority-minority district
  - Prong 2: Plaintiffs can demonstrate racially polarized voting (RPV)
  - Prong 3: Plaintiffs can demonstrate RPV such that it allows white electorate to consistently defeat candidate of choice for protected class or group

- Redistricting: Proportional representation claims according to race are prohibited. (Shaw v. Reno, 509 U.S. 630 (1993)).


- New bright line:
  - Prong 1 of Gingles preconditions racheted up: compactness = >50%
  - Does not explicitly rule either way on coalition claims, but not ruling them out

- Ryan Haygood’s The Dim Side of the Bright Line: Minority Voting Opportunity After Bartlett v. Strickland
**COALITION CLAIMS: CIRCUIT DECISIONS FOR SECTION 2 OF THE VRA**

- *Campos v. City of Baytown, 840 F.2d 1240 (5th Cir. 1988)*: successful coalition claim brought by African American + Latina/o voters.

- *LULAC v. Clements, 999 F.2d 831 (5th Cir. 1993)*:
  - *Gingles* test is not satisfied “[w]hen the record indisputably proves that partisan affiliation, not race, best explains the divergent voting patterns among minority and white citizens.”
  - Second, Fourth, Seventh, Ninth and Eleventh Circuits recognize coalition claims.

- *Romero v. City of Pomona, 883 F.2d 1426 (9th Cir. 1989), Badillo v. City of Stockton 956 F.2d 884 (9th Cir. 1992)*
  - evidence of consistent voter cohesion in primary or more than one election may be necessary to meet the *Gingles* preconditions.

- Outlier: *Nixon v. Kent County 76 F.3d 1381 (6th Cir. 1996)*
61% OF CA POPULATION IS NONWHITE.

Nearly 40% of California’s population is Hispanic or Latino. Despite California’s large Latino population, in many counties, cities, school districts and local municipalities, Latinos have rarely or never been elected to local office.
The California Voting Rights Act (CVRA)

- Prohibits at-large elections that “impair[] the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election.”

- Private right of action for voters to challenge vote dilution caused by:
  - Racially polarized voting
  - In an at-large method of elections.
DEFINITIONS:

At-large elections: voters of the entire jurisdiction elect the members to the governing body.

District-based elections: candidates must reside in a given election district and are only elected by voters who reside within that district.

Racially polarized voting: A majority of “non minority” voters and a majority of “minority” voters in a jurisdiction vote opposite each other.
If a city, school district, water district or other jurisdiction uses at-large elections, a violation of the CVRA can be shown if “racially polarized voting” exists where:

✓ (1) the voting patterns of a protected class (race, color, or language) correlate with that class;
✓ (2) the protected class is unable to influence elections for candidates or ballot measures. **Cal. Elec. Code, §§ 14027, 14028.**

These elements can be shown with:

1) Results of past elections for candidates and ballot measures which affect the protected class,
2) Facts revealing a history of discrimination
3) Facts that show the use of other electoral practices which disenfranchise members of the protected class.

**Cal. Elec. Code, § 14028.**
At-large election system

Electorate:
- 60% white, tends to vote as a bloc together
- 40% Latino, tends to vote as a bloc together
  - Latino voters prefer different candidates than white voters

Latino voters’ votes are diluted.
- White voters could elect candidates of their choice for every position in the government body.
  - Voting together, their candidate of choice would receive 60% of the votes, defeating the Latino voters’ preferred candidate.
- Latino voters could almost never elect their candidate of choice, even if they comprise a significant percentage of the population.
VOTING RIGHTS PROTECTIONS: CVRA VS. VRA

- **Similarities to Section 2 of the VRA:**
  - Close cousin, modeled on Section 2 of the VRA
  - No intentional discrimination standard – a discriminatory effect standard is applied. **CAL. ELEC. CODE § 14028(d).**
  - Borrows Prongs 2 and 3 of the “**Gingles preconditions**”:
    - *(Prong 2)* demonstrated racial polarization harm, which
    - *(Prong 3)* evidence that the current system is dilutive of minority votes in that the current system allows white voters to prevent voters of the protected class from electing a candidate of choice
  - Incorporates expert statistical analyses and methodologies used under Section 2 to prove racially polarized voting
  - Incorporates “Senate factors” – totality of circumstances test, which finds other indicators of discrimination or disparate impact probative of vote dilution and discrimination
  - **Race-neutral, nondiscriminatory under 14th Amendment Equal Protection Jurisprudence**
Differences from Section 2 of the VRA:
- Only applies to discriminatory at-large election systems currently
- No need for a majority >50% of voting population
- Recognizes influence/crossover districts where federal VRA does not

“Protected class” does not have sufficient opportunity to elect a “candidate of choice:
+ Demonstrated racial polarization = violation of the CVRA

A Common Remedy: split up at-large districts that dilute minority votes and voting power
CVRA: THE MOST EFFECTIVE STATE VOTING RIGHTS PROTECTION IN THE U.S.

CVRA in action over the last decade:

- 20+ Cases
- 16+ cases favorably settled or won
- No losses for plaintiffs to date

More than 118+ school districts sought waivers from the CDE or converted voluntarily from at-large to district-based election systems.

Source: Voting Rights Barriers & Discrimination in Twenty-First Century California ( Cuevas Ingram, J. and Evans, R., LCCRSF, 2014)
CVRA: KEY VICTORIES

KEY VICTORIES

- City of Modesto (2007)
- Ceres Unified School District (2009)
- Madera Unified School District (2012)
- San Mateo County (Settled, 2013)
- City of Tulare (Settled, 2011)
- City of Visalia (Settled, 2014)
- City of Palmdale (July 2013); (Appeal, May 2014) (Denied Review by CA Supreme Court, August 2014)
- City of Merced (Settled before filing, July 2014)
Madera Unified School District (MUSD)
Student Pop: 82% Latina/o

- Latina/o candidates had run for school board 8 times in past 12 years, yet only 1 Latino sat on school board in 2008

The Transformation of a Community
- 2008: CVRA Case Filed, Prelim Injunction Granted
  2009: Settled favorably with MUSD
- 2012: Plaintiffs won, fees and county committee issues resolved by court
- 2012: 3 Democratically Elected Latina/o Board Members:
- 2013: Now 5 Democratically Elected Latina/o Board Members
The Palmdale voting rights case has been watched closely by minority activists in the Antelope Valley.

Judge Mark V. Mooney, in an opinion released this week, concluded that Palmdale’s at-large voting system for its city council violated state law because the city has “racially polarized voting” and minority voters are unable to influence the outcome of elections.

The judge agreed with plaintiff Juan Jauregui, who argued that Palmdale had not adequately followed the California Voting Rights Act, which requires district rather than citywide elections if there is any evidence of racially polarized voting, and if it can be shown that a minority district can be drawn. Palmdale is 54.4% Latino and nearly 15% black yet has only elected one Latino city council member and never a black council member in its history, said Jauregui’s attorney, R. Rex Parris. Parris is also the mayor of Lancaster.

“The current absence of any Latinos or African Americans on the Palmdale City Council reveals a lack of access to the political process,” Parris said in a statement following the ruling.

The Justice Department’s probe in the Antelope Valley did not focus on voting. But its report called racial intolerance “an unfortunate part” of the history of the area, which has the highest rate of hate crimes of any region in the county.

During one Palmdale election in the 1990s, the campaign sign of a female African American candidate was spray-painted with the words “Vote White.”

voluntarily sought to change from at-large to district based election systems between 2003 and 2013, according to the 2014 report, *Voting Rights Barriers & Discrimination in Twenty-First Century California* (Cuevas Ingram, J. and Evans, R., LCCRSF, 2014).

Many Asian, African-American, Latino and Pacific Islander voters throughout California may now have a meaningful opportunity to vote for a candidate who reflects their choices in future district-based elections.

However, this does not signify the end of vote dilution in California.
UNITY MAPS: SAN MATEO COUNTY, CALIFORNIA

- Community-Based Redistricting Process:
  - 9 Advisory Board Members: 2 BOS, 2 CC members, 5 diverse residents from across SMC
  - Professional Demographer
  - User-Friendly Participatory Online Interactive Mapping Software and Community Mapping Training
  - Community Outreach Consultant to prioritize diversity in civic engagement;
  - Videographer and Court Reporter to ensure transparency.
  - Interpreters on demand to translate for non-English speaking residents.
  - 6-Month Process in 2013, 10 meetings (twice in each of the county’s districts).
  - Community members submitted testimony en masse—in person, online + by mail. Residents testified about their dynamic histories, the vibrancy of their unique communities of interest and the myriad policy concerns their neighborhoods share.

- ALC and LCCRSF attorneys monitored the process for potential Section 2 vote dilution violations. Based on the broadest community input, draft maps were created, debated + revised, and the Advisory Committee recommended the collectively-drawn Community Unity Map to the SMC BOS.

- Community Unity Map B, ultimately adopted by the SMC BOS, effectively created 3 New BOS Districts with pluralities or majorities of color:
  1. A Majority Asian American District in District 5 (Daily City, Brisbane, Colma, Pacifica)
  2. A Plurality/Coalition Asian American and Latina/o District in District 1 (South San Francisco, San Bruno), and
UNITY MAPS: NEW YORK CITY

- In 2013, a three-judge panel approved a Congressional redistricting map for New York State in *Favors v. Cuomo* (881 F. Supp. 2d 356, E.D.N.Y. 2012) that closely mirrored The Unity Map, a map previously created by community leaders and included months of community input, data analysis and mapping to protect the voting rights of communities of color, by lawyers and analysts at:

  - LatinoJustice PRLDEF
  - The Center for Law and Social Justice, based at Medgar Evers College
  - Asian American Legal Defense and Education Fund (AALDEF)
  - National Institute for Latino Politics (NILP)

- The Unity Map Created 4 new Congressional Districts each with populations that were over 44% Latina/o.

- Congressional Districts 15 (Bronx) and 13 (Washington Heights, Harlem, Inwood), in particular, now represent a population that is over 50% Latina/o. Previously, only Congressman Jose Serrano’s district in the Bronx had a Latina/o/Hispanic population over 50%.

The Unity Plan was a victory for communities of color across the spectrum, but it especially recognized the growth of Hispanics in the city. Latinos are New York City's largest minority group, constituting over 29% of the City's 8.1 million residents.

“Redistricting is never perfect, and even less so when marginalized Latino communities are concerned,” said Juan Cartagena, President and General Counsel, LatinoJustice PRLDEF. “Given the needs of the entire Latino community in NYC, the court-ordered plan in Favors v. Cuomo is an adequate compromise that for the first time creates a second Latino majority Congressional District while still maintaining two additional, effective Latino plurality districts – an important milestone nonetheless.”

Source: LatinoJustice PRLDEF, Court Adopts New York Congressional Redistricting Plan Mirrored after Unity Plan
The Unity Map preserved the number of Congressional districts for the City's 2.2 million Black residents, who constitute 26% of the City's total population.

Under the new Congressional map adopted by the court, District 6 (Asian VAP 37.9%*) corresponded to AALDEF's Unity Map by retaining the Asian American community in Queens (in Flushing/Bayside, Elmhurst and Briarwood/Jamaica Hills) within one district.

As a result of the Florida Supreme Court’s recent decision finding Florida’s congressional map unconstitutional in *League of Women Voters v. Ken Detzner* (Fla. S. Ct. 2015) (re: violation of Fla. Fair Districting State Constitutional Amendments 5 and 6) the Florida Legislature held a special session from August 10-21, 2015 to redraw its congressional districts.

Parties’ proposed remedial maps before the Florida Supreme Court in 2014 drastically reduced the Latino VAP in District 9, an area where significant Latino/Hispanic population growth contributed to the creation of a new congressional district (Osceola/Orange Counties).

This reduction, from **41.4%** of the HLVAP under the 2012 Congressional District Map to **37.23%** under the Appellants’ Remedial Maps and **38.37%** under the Legislature’s remedial map.

**FLA Legislature also failed to consider potential coalition district and voter cohesion in District 9 among African American and Latina/o voters**

Image Source: Florida Senate District Maps: https://www.flsenate.gov/Senators/Districts
LatinoJustice PRLDEF was active in Tallahassee seeking to protect congressional District 9’s Latino vote.

All of the proposed maps would have significantly reduced the number of Latino voters in Central Florida Congressional District 9.

During the special session, LatinoJustice + grassroots community leaders sent statements to house and senate committees detailing how proposed maps would undermine the political voice of the state’s fastest growing population.

Nevertheless, the state senate and house ultimately failed to agree on a new congressional map at the end of the special session. The trial court is waiting on a response from the Florida Supreme Court on how to proceed given the house and senate’s inability to agree upon a map.
The Future of Voting Rights

- Successful implementation of state based coalition claims modeled on CVRA as one remedy in strategic Voting Rights toolbox
- Recognizing the participatory membership rights of multiracial/multiethnic members of protected groups
- More accurate analysis of racial polarization beyond ecological inference
OPPORTUNITIES AHEAD

- Other states passing state VRA legislation modeled on the CVRA, which may incentivize cost-effective elections where elected officials must remain accountable to and live in the local communities they serve, increase diversity in representation and activate broad-based community participation.

- Recognizing the participatory membership rights of multiracial/multiethnic members of protected groups in coalition or opportunity districts.

- Explore analyses of racial polarization even where communities may appear to be somewhat spatially or residentially integrated, yet remain racially polarized along a number of social, economic and electoral factors, as diverse communities experience disparities regarding the impact and effect of gentrification (e.g., Oakland, San Francisco, Brooklyn, Washington, D.C.).
FEDERAL LEGISLATION:
THE VOTING RIGHTS ADVANCEMENT ACT OF 2015

- Voting Rights Amendment Act (2014) (Sensenbrenner-Conyers)
- 15 year review
- States with 5 violations (at least 1 statewide)
- Political subdivisions w/ at least 3 violations
- Political subdivisions w/ “persistent & extremely low minority turnout” and at least 1 violation
- Georgia, Louisiana, Mississippi, Texas

- 25 year review
- States with 15 violations at any level
- States with 10 violations (at least 1 statewide)
- Political subdivisions w/ at least 3 violations
- Covered States upon enactment
- Voter ID Laws, redistricting, vote dilution violations will be included in a “known practices” coverage formula
- Georgia, Louisiana, Mississippi, Texas, Alabama, Arkansas, Arizona, California, Florida, New York, North Carolina, South Carolina & Virginia
STATE LEGISLATION: THE NEW YORK STATE MVRA (NYSMVRA)

- 2015-2016 Modernized Voter Registration Act of New York (NYSMVRA) – A08626, S06631, Sponsored by NYS Assemblymembers Walker & Mosley, among others

- Key Provisions of the NYSMVRA, as proposed:
  - Automatic Voter Registration at Public Agencies beyond the DMV
  - 15 Days Early Voting
  - Same-Day Registration
  - Multilingual ADA Accessible Online Registration
  - Pre-Registration for 16+ Year Olds
  - 90 Day BOE Reports to State Elected Officials and Public
  - Privacy and Security Protocols
  - Absentee Voting
  - Prohibitions on Voter Caging
  - Mandatory Audit Provision
  - Statewide Multilingual Voter Hotline
THE NYSVMRA: PROPOSED VOTER PROTECTIONS & PRECLEARANCE UNDER NYS AG CIVIL RIGHTS BUREAU

- **NYS Preclearance with NYS AG Civil Rights Bureau:**

  - **For any local board of elections with at least 10% African American, Latino/Hispanic, Asian, and/or Native American registered voters who average 50% or less voter turnout:**
    - over the past 5 general elections,
    - and/or has any minority voter complaints or government enforcement actions within the past 10 years (note: including vote dilution and/or redistricting complaints and violations of the proposed NYSMVRA legislation),

  - **The local board of elections (BOE) must submit any changes in administration, regulations, policies, practices, or procedures to the Civil Rights Bureau of the NYS AG’s office for pre-approval.**
Congress may adopt a “known practices” coverage formula in the proposed federal Voting Rights Advancement Act (VRAA) of 2015, bringing jurisdictions within federal protection and oversight for common discriminatory election practices, including significant reductions in voting power and vote dilution in redistricting.
CA may strengthen its CVRA, NYS could pass its own VRA or Modernized Voter Registration Act (NYSMVRA), and other states may engage in the development of state-based voting rights laws designed to address racially polarized voting and vote dilution in both at-large and single-member district-based election systems, providing clearer, prescriptive remedies for future violations than the broad discretion currently provided under Section 2 of the VRA.
MUCHISIMAS GRACIAS  
MANY THANKS

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