

## Strengthen Democracy in Local Elections: Pass the Washington Voting Rights Act

### What is the Washington State Voting Rights Act?

The Washington Voting Rights Act (WVRA) is a bill to help ensure that every voter has an equal opportunity to elect the candidate of his or her choice. The WVRA empowers local governments to fix the widespread problem of voter exclusion in local elections.

### What is the problem the WVRA seeks to address?

In Washington, nearly all of our local elections are held at-large, meaning all of the voters in a jurisdiction vote for and elect every representative for a given office (i.e. city council, school board, etc.). While at-large elections are not inherently problematic, they can result in the exclusion of communities from a fair chance at representation because they can allow **a slim majority of voters to elect 100% of the candidates**.

For instance, imagine that a city elects 7 city councilmembers at-large. 60 percent of voters live in the west side of the city, which is largely wealthier and mostly white voters. 40 percent of voters live in the east side, which includes lower income communities and is mostly Latino. The voters have different needs, since the east side of town needs investments in basic infrastructure like sidewalks, while the west side of town is prioritizing investments in larger recreational infrastructure.

In this scenario, despite strong support for both sets of priorities across the city, the majority 60% of voters would elect 100% of the city councilmembers and leave a large part of the community excluded from representation. In addition, the 7 city council members, while accountable to all voters, would need to follow through on their promises to prioritize the issues they campaigned on. While all of the issues voters cared about are important to their quality of life in this scenario, the election system excludes 40% of the population, Latinos on the east side of the city, from an opportunity to elect candidates of their choice who represent their needs. This is known as “polarized voting.” The WVRA provides local jurisdictions with a clear process for solving the problem of polarized voting and ensuring that all voters, including communities of color, have a fair chance to have their voices represented.

### How will the WVRA help local governments?

Local democracy is strongest when everyone is engaged and has an opportunity to have their voice heard. But across Washington state, election systems have failed to keep up with the changing demographics of our cities, towns and school districts, sometimes leaving communities of color excluded from a fair chance at representation. At the same time, local jurisdictions that want to do the right thing and protect the freedom of all voters are left with limited, if any, options for changing their election system in a manner that is fair and tailored to local needs. The WVRA provides the necessary protections for both voters and local governments by creating a clear and collaborative process for addressing the problem of polarized voting without costly federal litigation.

### Have other states passed similar legislation?

In 2002, California passed the California Voting Rights Act. Since then, the California VRA has worked to restore fairness where elections systems in localities have excluded minority communities. The WVRA is modeled on that successful legislation.

## Common Responses from Legislators:

### **“It will result in a lot of costly lawsuits for local governments”**

Right now, local jurisdictions are already subject to the federal Voting Rights Act and cannot exhibit polarized voting that denies communities of color an equal opportunity to influence elections. If they are not compliant, they are vulnerable to lawsuits in federal court, as we saw in Yakima last year. Federal lawsuits are costly for both the community and for local jurisdictions, both in terms of the amount of time they take to be resolved—leaving the community in limbo—and the costs associated with the lawsuits for jurisdictions (\$2.9 million for Yakima). The WVRA provides similar protections from polarized voting as the Federal Voting Rights Act, but also includes provisions that limit the costs to local jurisdictions, including a notice provision which requires plaintiffs to provide 180 days notice prior to filing suit, a reasonable analysis of data demonstrating a problem, and a potential remedy to the impact jurisdiction. If the local government chooses to change their election systems during that window, a resolution takes place without litigation and local governments avoid significant costs. As a result, the WVRA promotes resolving problems of polarized voting without the need for lawsuits instead of resulting in more.

### **“I only vote for the best interests of my district—and it is not the right fit for mine.”**

The WVRA does not require every local government to change their election system. It only applies to jurisdiction where polarized voting exists that denies communities a fair chance at representation. If your district is not experiencing polarized voting, then it is unaffected by the WVRA and no changes are necessary. If polarized voting is occurring in your district, then the WVRA allows you to address this issue without a lawsuit. There should be no reason as to why the WVRA is not a good fit because it does not require you to change unless communities are being excluded from a fair chance at representation. If there are representation issues and groups within your district are not having equal opportunity, it should be in your best interests to address it.

### **“The problem is we do not have enough candidates of color running.”**

While the WVRA does not address the need for more candidates to run for office, we have seen in other areas that candidates do run when they think they have a fair chance of running and being elected on the merits of their campaigns. In Yakima, for instance, 24 candidates ran for 7 positions on the council after the city moved to districted elections, including numerous Latino candidates. Similar increases in the number of candidates of color has taken place in other jurisdictions after successful voting rights act cases.

### **“We already have diverse candidates.”**

The WVRA is not only about encouraging diverse racial representation for elected officials. Though it would address this issue for many communities, it is also about groups lacking equal voice in elections. It does not require that people of color be elected to local government. It only mandates that every individual has equal opportunity to elect a candidate that represents their interests. Our local democracy is strongest when everyone’s voice is heard.