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Diversity

The Washington Voting Rights Act

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A key theme emerging from the 2012 elections is the growing power of Latino, Asian and Pacific Islander, and other immigrant voters. Here in Washington, minority populations are increasing dramatically and voting in greater numbers. Yet, in many local governing bodies across the state – from school boards to city councils – there is a dearth of minority representation.

Voters want an equal opportunity to elect the candidate of their choice, regardless of skin color, and can benefit from a tool that ensures representation. The Washington Voting Rights Act (WVRA), if enacted by the legislature, is an innovative and effective tool that seeks to ensure accountability, fairness, and equal opportunity in elections – the overriding values of any healthy democracy. The WVRA looks specifically at polarized voting by race – a constitutionally protected category – where there is a difference in the choice of candidates preferred by voters in a protected class and those preferred by the rest of the electorate. This can be proven through election data and statistical analysis accepted by the courts. Within at-large

districts characterized by polarized voting, slim majorities are able to dominate elections, resulting in significant blocs of voters never having the opportunity to elect leaders who represent them in their neighborhoods, school districts, or the part of the city in which they live.

The likelihood of communities voting in blocs was highlighted in a 2012 primary election race for Washington State Supreme Court. Steven González, a highly qualified King County Superior Court Judge, raised over \$300,000 for his statewide campaign and received numerous bipartisan endorsements. His opponent, Bruce Danielson, raised no money, did not campaign, and received no meaningful endorsements. González won the race, but Danielson beat him in every county east of the mountains – often by substantial margins. While the WVRA would not impact Supreme Court races, this example shows racially polarized voting is in Washington State.

Voters in many jurisdictions across Washington and advocates for the WVRA were not surprised by the González results since polarized voting has been a problem at the local level for a long time.

There is real risk it might play out at the local level: imagine that a city elects 10 council members at-large. If 60 percent of its voters continually prefer funding for parks, then only candidates who run in support of parks will win and occupy all 10 council seats. So, while 40 percent of voters prefer funding for youth programs, their position will have no representation on the council, and those elected have no incentive to consider that viewpoint.

But under the WVRA, that city would be empowered to change to a district-based election system so that the 40 percent minority could elect at least some representatives to the council to represent their viewpoint. Government becomes more accountable to “we the people.”

Here’s how it works. Upon passage of the WVRA, local jurisdictions would have more flexibility to move from at-large to district-based elections, since there are currently some restrictions. If a challenge were brought under the WVRA, local jurisdictions would have 45 days to review evidence of polarized voting that denies protected classes of voters an equal opportunity to influence elections. If convinced, jurisdictions could choose to voluntarily adopt acceptable election systems and avoid litigation. If a jurisdiction chose not to voluntarily conform to the WVRA, litigation would ensue and the courts would determine whether changes to the election system were necessary.

The federal Voting Rights Act (VRA) has been an important tool in defense of voting rights for years, but it has come

under attack and may be struck down altogether. The WVRA is a solution that allows local governments to voluntarily craft their own, locally-tailored remedies to unique electoral issues, while avoiding expensive federal litigation under the federal VRA.

The WVRA has precedent. After encountering similar barriers to government accountability in their state, California legislators adopted their California Voting Rights Act of 2002. This law has been an unmitigated success in California, restoring fairness and accountability to local elections to great acclaim.

A broad coalition of advocates for stronger local democracy across Washington State have come together in support of the WVRA, including the ACLU of Washington, OneAmerica, Win-Win Network, the Korematsu Center, League of Women Voters, Asian Pacific Islander Americans for Civic Empowerment (APACE), and others.

All communities should have a voice in local government. This session, legislators have a chance to help make local governments more representative and accountable to the people.

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