

Bond Case Briefs

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ELECTIONS - CALIFORNIA

City of Redondo Beach v. Padilla

Court of Appeal, Second District, Division 7, California - March 23, 2020 - Cal.Rptr.3d - 2020 WL 1328970 - 20 Cal. Daily Op. Serv. 2581 - 2020 Daily Journal D.A.R. 2620

Charter city filed petition for writ of mandate against the Secretary of State, seeking to prohibit the Secretary from applying to the city the California Voter Participation Rights Act (VPRA), requiring political subdivisions to consolidate local elections with statewide on-cycle elections if the local jurisdiction's turnout falls at least 25% below the locality's average voter turnout in the previous four statewide general elections.

The Superior Court issued writ of mandate. Secretary appealed.

The Court of Appeal held that Legislature did not demonstrate clear intention to apply the VPRA to charter cities.

Legislature did not demonstrate clear intention to apply to charter cities the California Voter Participation Rights Act (VPRA), requiring political subdivisions to consolidate local elections with statewide on-cycle elections if the local jurisdiction's turnout falls at least 25% below the locality's average voter turnout in the previous four statewide general elections; in other statutes, Legislature used specific language when intending the term "political subdivision" to include charter cities, Legislature made contemporaneous amendment of the California Voting Rights Act (CVRA) to expressly include charter cities, and senator's comments suggested that Legislature deliberately left unresolved the question whether VPRA applied to charter cities.