

# The California Voting Rights Act and the Process for Transitioning To A By-Trustee Area Election Method



## Santa Ana Unified School District

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### **At-Large Elections**

Candidates must reside within the District's boundaries and are elected by all the voters who reside in the District's boundaries. (Education Code Section 5030(a).)

### **From-Trustee Area Elections**

Candidates must reside in specific geographic areas within the District's boundaries called "Trustee Areas," but are elected by all the voters who reside in the District's boundaries. (Education Code Section 5030(c).)

### **By-Trustee Area Elections**

Candidates must reside in specific Trustee Areas within the District's boundaries and are elected only by the voters who reside in the same Trustee Areas. (Education Code Section 5030(b).)

# The California Voting Rights Act of 2001

- Added Elections Code Section 14027 Which Provides:
  - An **at-large method of election** may not be imposed or applied in a manner that **impairs the ability of a protected class to elect candidates of its choice**;
  - or its ability to influence the outcome of an election;
  - as a result of the dilution or the abridgment of the rights of voters who are members of a protected class.

# Process for Transitioning to By-Trustee Area Elections



# Transitioning From At-Large to By-Trustee Area Election Process

## The Process

- Three different procedures can be used to change from an at-large trustee area process to a by-trustee area election process:
  - Initiated by petition of the electorate;
  - Initiated by the county committee; and
  - **Initiated by resolution of the district (“District-initiated”).**  
(Education Code Section 5019(c)(1))

# Transitioning to By-Trustee Elections

## The Process

- Recent amendments to Elections Code section 10010 added the following:
- **Prior** to preparing proposed trustee area maps, a local entity must hold **at least two public hearings to gather community input** on the composition of the trustee area maps.
- A local entity must publish at least one proposed trustee area map for consideration by the community.
- Publish the potential sequence of elections to show how the staggered terms will impact individual trustee areas.
- Hold at least **two additional public hearings over a 45-day period** to gather input on proposed map(s) and election sequencing.
- If revisions are made, publish for at least 7 days prior to adoption.

# Creation of a By-Trustee Area Plan

A demographer and legal counsel can assist the District with dividing the District into Trustee Areas based upon a number of factors:

1. Constitutional “one person, one vote” factor
2. Communities of Interest
3. Natural and man-made boundaries
4. Federal Voting Rights Act Compliance
  - » Citizen Voting Age Population
  - » “Packing” and “Cracking”
5. Respecting Incumbency
6. Other Factors

# Additional Community Input Options

## The Process

- Once published after the initial public hearing process, the maps can be posted on the District's website for review and comment 24 hours a day, 7 days a week.
- The District can hold community input meetings at locations within the District. At these meetings, community members can: learn more about the CVRA transition process; ask questions of the District's demographer; make suggestions for potential map revisions; and provide written feedback.

# Transition From At-Large to By-Trustee Area Election Process

## The Process

- District-Initiated Process:
  - After the public hearing process and any community input meetings, the District **adopts a by-trustee area election map**
  - The Board also adopts a **resolution** requesting that the County Committee on School District Organization approve the transition from an at-large election process to a by-trustee area election process.

# Transition From At-Large to By-Trustee Area Election Process

## The Process

- The Orange County Committee on School District Organization must hold at least one public hearing within the District's boundaries. (Education Code Section 5019 (c)(2).)
- Following the public hearing, the Orange County Committee must, by resolution, either approve or reject the proposal and set a date for an election on the sole question of the transition to trustee areas.

# Transition From At-Large to By-Trustee Area Election Process

## New Legislation Impacting County Committee Process

- Prior to SB 442, County Committees called for an election on the narrow question of whether a district should transition to by-trustee area elections.
- CDE allows for a waiver of this election process and all school districts have taken advantage of that waiver.
- SB 442 allows County Committees to include language in its resolution that approves the transition without an election so long as the transition “is being made in furtherance of the purposes of the California Voting Rights Act of 2001.”

# Timeline

The timeline for completing the process before the County Committee may range from four to six months and involve, at a minimum, two school board meetings and at least one County Committee meeting.

# Implementing By-Trustee Area Election Method

Regardless of the method used to implement the transition, there is no immediate impact on the term of any current member of the District's Governing Board. (Education Code Section 5021).

Instead, all future elections would occur in the trustee areas in which the Board members whose terms are expiring currently reside.

# Implementing By-Trustee Area Election Method

## Decennial Updates

- By law, Trustee Areas must be updated following every decennial census. (Education Code Section 5019.5)
- The 2020 census results will be released in September 2021.

# Term Limits for School Boards



# Education Code 35107(c)

Notwithstanding any other provision of law, the governing board of a school district may adopt or the residents of the school district may propose, by initiative, a proposal to limit or repeal a limit on the number of terms a member of the governing board of the school district may serve on the governing board of the school district....

# Education Code 35107(c) (continued)

...Any proposal to limit the number of terms a member of the governing board of the school district may serve on the governing board of the school district shall apply prospectively only and shall not become operative unless it is submitted to the electors of the school district at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

# Term Limits – Takeaways

- Process can be initiated by the Board or by initiative.
- Term limits would be prospective only.
- Term limits would not take effect until approved by the electorate in a regularly scheduled election.

# Question & Answer

# Thank You

For questions or comments, please contact:

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