

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



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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).) ****This is the current method used by the District***

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).) *****This is the only method immune from liability under the CVRA***

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).)

Creation of a By-Trustee Area Election Plan

A demographer and legal counsel can assist the District with dividing the District into Trustee Areas based upon the specific criteria and procedures set forth in the Fair Maps Act

Posting on District Redistricting Website

- **Elections Code Section 21130(b)** states that the Board shall adopt election district boundaries that comply with the U.S. Constitution, the California Constitution, and the federal Voting Rights Act. The Board shall determine whether it is possible to create election districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district. The Board shall publish on its redistricting web page the results of its analysis within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first.

Creation of a By-Trustee Area Plan (continued)

Fair Maps Act Criteria:

Elections Code Section 21130(c) sets forth ranked criteria for adopting election district boundaries:

1. To the maximum extent practicable, election districts shall be geographically contiguous.
2. To the maximum extent practicable, and where it does not conflict with being geographically contiguous, the geographic integrity of any neighborhood or local community of interest shall be respected in a manner that minimizes its division. A community of interest is defined as a population that shares common social or economic interests that should be included within a single election district. Characteristics of communities of interest may include, but are not limited to, shared policy concerns such as education, public safety, public health, environment, housing, transportation, and access to social services. Characteristics of communities of interest may also include, but are not limited to, cultural districts, shared socioeconomic characteristics, similar voter registration rates and participation rates, and shared histories. Communities of interest do not include relationships with political parties, incumbents, or political candidates.

Creation of a By-Trustee Area Plan (continued)

3. To the maximum extent practicable, and where it does not conflict with the preceding criteria, the geographic integrity of a city or census designated place shall be respected in a manner that minimizes its division.
4. To the maximum extent practicable, and where it does not conflict with the preceding criteria, election districts shall be bounded by natural and artificial barriers, by streets, or by the boundaries of the local jurisdiction. Election district boundaries should be easily identifiable and understandable by residents.
5. To the maximum extent practicable, and where it does not conflict with the preceding criteria, election districts shall be drawn to encourage geographical compactness in a manner that nearby areas of population are not bypassed in favor of more distant populations.

Creation of a By-Trustee Area Plan (continued)

Elections Code Section 21130(d) states, “The districting body shall not adopt election district boundaries for the purpose of favoring or discriminating against an incumbent, political candidate, or political party.”

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

The District Process

- The District must conduct four (4) public hearings
- Hearings 1 and 2 occur without maps for the purpose of gathering public input on the mapping
- Hearings 3 and 4 occur after maps have been drawn, with the final selection of the map and election sequencing occurring after the fourth public hearing
- Note also that a map must be publically posted at least seven days (7) prior to adoption by the Governing Board

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

The County Committee Process

- The County Committee must hold at least one public hearing within the District's boundaries. (Education Code Section 5019 (c)(2).)
- Following the public hearing, the County Committee must by resolution either approve or reject the proposal.
- As long as the County Committee finds the transition is in furtherance of the "purposes of the CVRA", no election is required (SB 442, eff. 1/2022)

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 were delayed but were finally released in September of 2021
- It is anticipated that 2030 census results will be released by April of 2031

Question & Answer

Thank You

For questions or comments, please contact:

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