



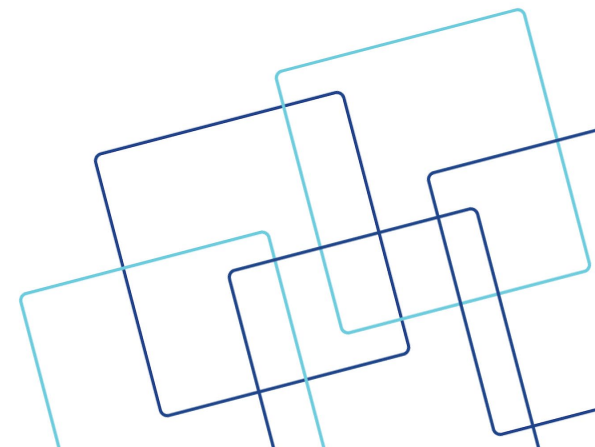
Lozano Smith
ATTORNEYS AT LAW

Transition to Trustee-Area Elections

Presented by: Chelsea Olson Murphy

Santa Maria Joint Union High School District

September 14, 2021





Today's Roadmap

- Review California Voting Options and District's Election History
- The California Voting Rights Act
- Process to Transition to By-Trustee Area Elections
- Review Timing of Transition Process

California's Voting Options and Board Election History



California's Voting Options

At-Large: All voters elect all trustees

- **Santa Maria Joint Union High School District's current method of election**

Hybrid System: Board members live in trustee areas but are elected at-large.

- "From District Voting"

By-Trustee Areas: Board members live in trustee areas and are elected only by voters in those trustee areas.

- "By-District or District-Based Voting"

Current Governing Board Composition



Currently 5-member Board elected using the “at-large” voting system.

Elections are held every two years for four-year terms.

3 Board member terms expire in 2022; 2 Board member terms expire in 2024.



Previous Board Action

On April 10, the Board adopted Resolution No. 15-2017-2018, Intent to Initiate Transition From At-Large to By-Trustee Area Elections

2018

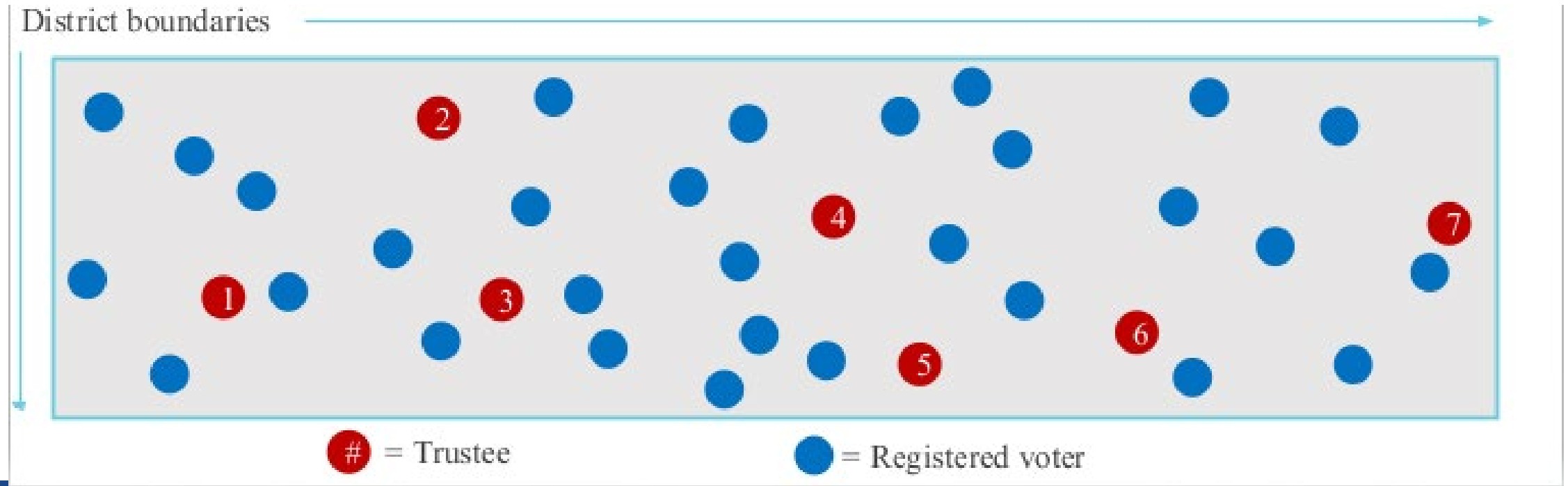
2020

Intent was to wait until the release of the 2020 Census data, and then begin the transition process at that time.

- *More on this later...*

At-Large Elections

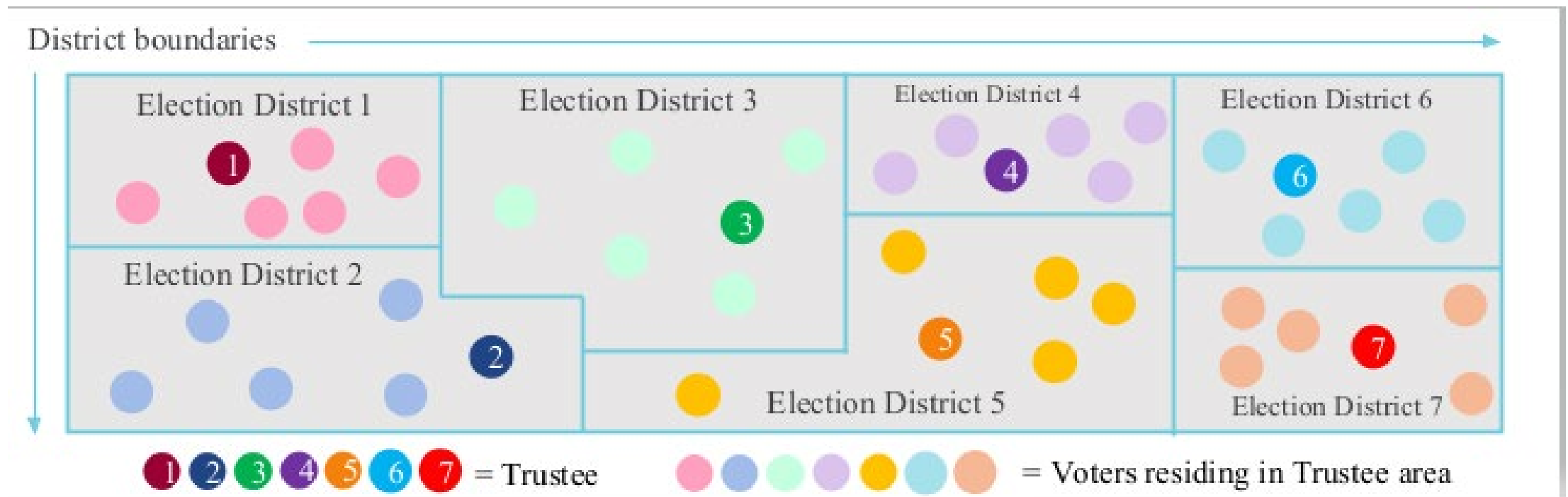
- Board members may reside anywhere in the District.
- Registered voters within the District may vote for all seats on the Board.



By Trustee Area Elections: The Only Method of Election Guaranteed NOT to Violate the CVRA

Trustees must reside within specific trustee areas.

Only voters residing within the specified trustee area may vote for that particular trustee.



California Voting Rights Act ("CVRA")

California Voting Rights Act “CVRA”



- Prohibits the use of “at-large” elections that impair the ability of a protected class to:
 - Elect candidates of its choice; or
 - To influence the outcome of an election.
- “Racially Polarized Voting”
- Proof of intent to discriminate not required.

CVRA Litigation

High cost of litigation to public agencies (attorneys' fees for both sides).

Estimated fees and costs paid to *plaintiff's* counsel:

- City of Santa Monica (\$22 million – court ordered)
- City of Santa Clara (Approximately \$3 million – court ordered)
- West Contra Costa Unified School District (\$310,000 settlement)
- City of Modesto (\$3 million settlement)
- Tulare Regional Medical Center (\$500,000 settlement)
- Madera Unified School District (\$162,500 – court ordered)
- ABC Unified School District (\$140,000 settlement)

CVRA Litigation (Cont.): City of Santa Monica Case

- Trial Court ruled that City's elections violated the CVRA, awarding \$22 million in attorney's fees.
- The 2nd District Court of Appeal reversed, concluding that Latinos would constitute 30 percent of any particular trustee area, and "30 percent is not enough to win a majority and to elect someone to the City Council, even in a district system."
- California Supreme Court granted review, de-published the appellate court case, and the case is now pending.

Transitioning to By- Trustee Area Elections



Step 1: Adopt Intent Resolution

- District board adopts intent resolution, specifying desire to adopt by-trustee area elections.
- SMJUHSD adopted Resolution No.15-2017-2018 on April 10, 2018.



Step 2: Hearing Procedures and Map Development

“Pre-Map” Hearings: Two public hearings prior to preparing proposed by-trustee area maps. (Elec. Code, § 10010(a)(1).)

“Map Consideration” Hearings: Two public hearings to consider proposed by-trustee area maps. (Elec. Code, § 10010 (a)(2).)

Map Adoption Hearing: Public hearing before adopting final by-trustee area map.

Step 3: County Committee Review

- The County Committee on School District Organization has the authority to change the method of election in a school district under its jurisdiction. (Ed. Code, § § 5019 and 5030.)
- County Committee must hold at least one hearing in the District to consider the proposal. (Ed. Code, § 5019.)
- The County Committee shall vote to approve or deny the District's proposal to establish trustee-areas and adopt trustee-area elections. (Ed. Code, § 5019.)
- Voter approval/SBE waiver no longer required as of January 1, 2022 (SB 442)

Timing of Transition Process

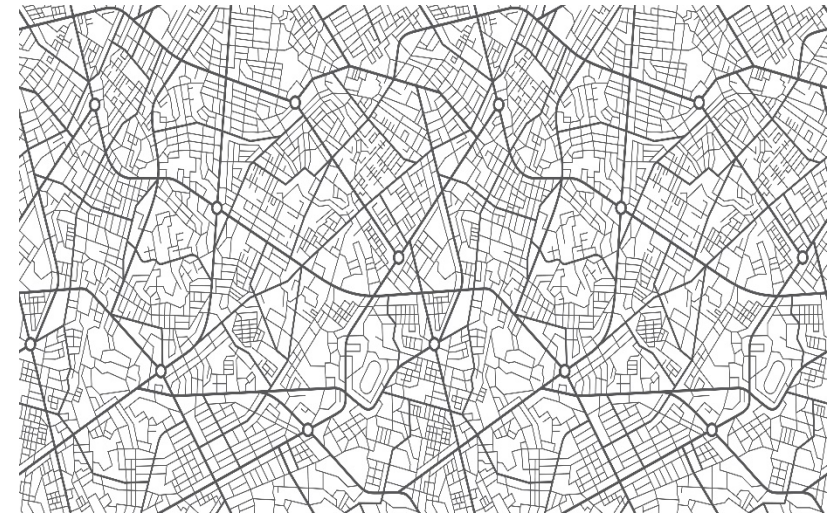
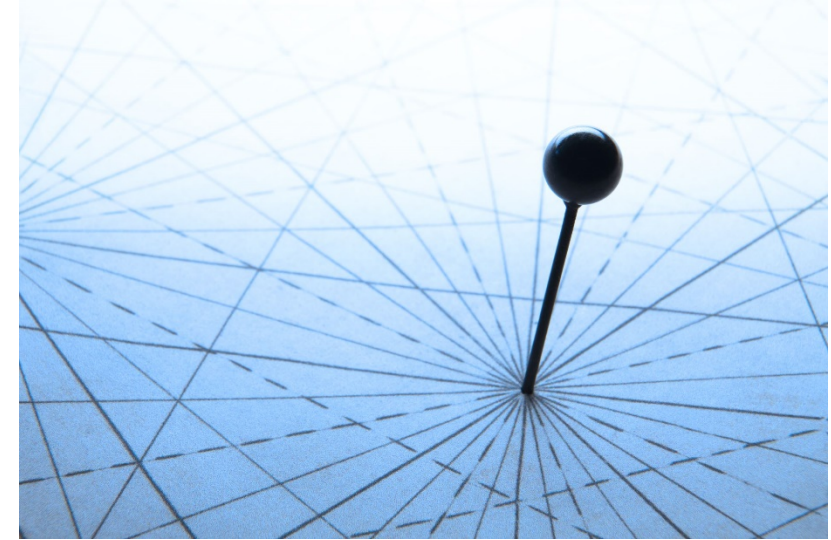
Delay in Release of 2020 Census Data

Per Resolution No. 15-2017-2018, the Board intended to wait until the release of the 2020 Census data, scheduled for March 2021, and then immediately begin the transition process.

However, due to COVID-19 pandemic-related delays, the 2020 Census data is not expected to be made available to state and local agencies by late September.

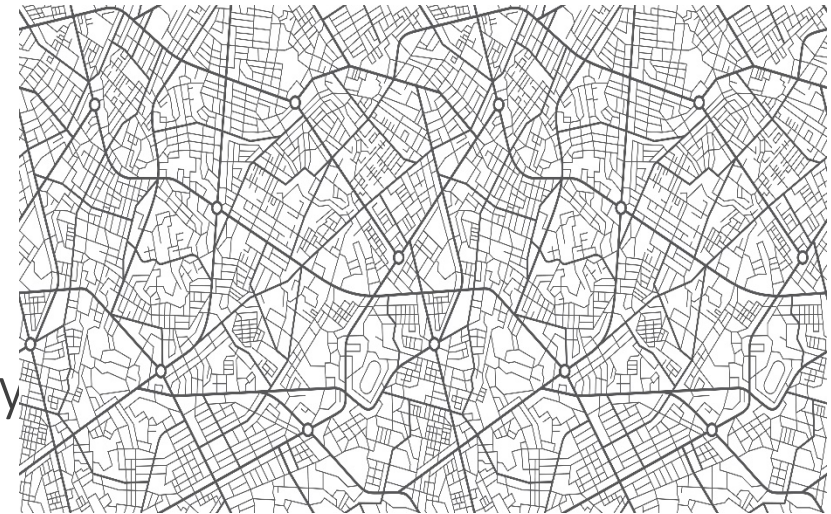
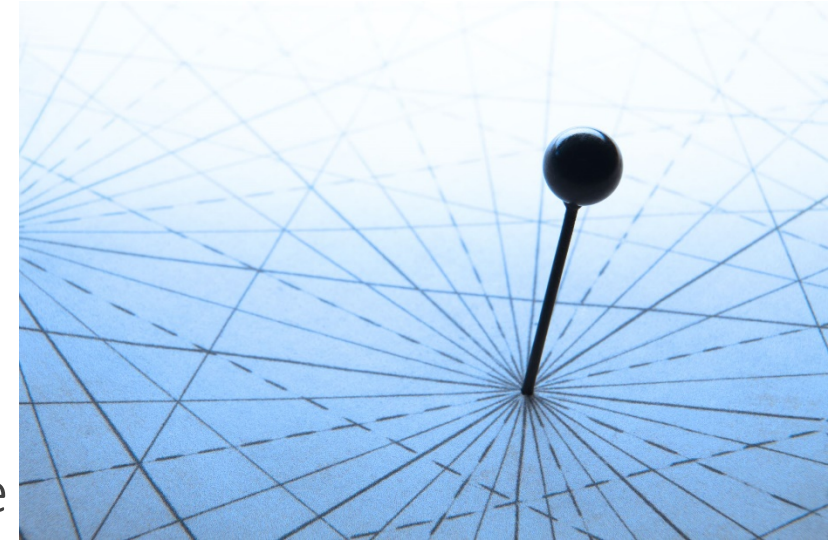
Next Steps

- September 2021: Pre-Map Hearing 1; Community outreach and input.
- October 2021: Pre-Map Hearing #2 hear community input and clarify the criteria the demographer will consider when preparing draft maps.
- Early November 2021: Demographer prepares multiple trustee area map options based on input from the Pre-Map hearings.
- November/December 2021: Demographer presents proposed maps; demographer modifies maps if changes requested by Board. (Map Hearings # 1 and 2)



Next Steps

- January 2022: Final map adopted.
- February 2022: Submit final map to County Committee for consideration.
- November 2022: Elections for three trustee areas seat by trustee-area.
- November 2024: Elections for two trustee area seats by trustee area.



Questions?





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*For more information, questions and
comments about the presentation,
please feel free to contact:*

Chelsea Olson Murphy

Partner

Tel: [805.471.7080]

colsonmurphy@lozanosmith.com

*Or any of the attorneys
in one of our 8 offices.*

The logo consists of the letters 'LS' in a white, serif font, centered within a dark blue square. A thin white horizontal line is positioned below the letters.

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