

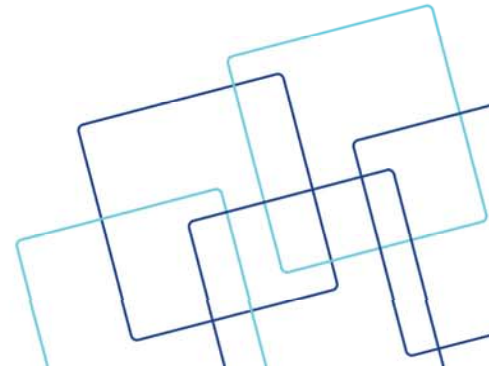


# Transition to Trustee-Area Elections

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Elk Grove Unified School District

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## Today's Roadmap

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



# California's Voting Options and Board Election History



# California's Voting Options

- At-Large: All voters elect all trustees.
- Hybrid System: Board members live in trustee areas but are elected at-large. ("From District Voting")
  - Elk Grove's current method of election
- 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 seven-member Board elected using the “hybrid model.”
- Elk Grove board members represent seven geographic areas and are elected at large.

Trustee Area	Board Member	Term Ends
1	Anthony “Tony” Perez	12/2024
2	Dr. Crystal-Martinez-Alire	12/2022
3	Sean J. Yang	12/2024
4	Gina Jamerson	12/2022
5	Beth Albiani	12/2022
6	Nancy Chaires Espinoza	12/2024
7	Carmine S. Forcina	12/2024

## District's Board Election History


- 1959: Elk Grove Unified School District was created through a unification process.
- Seven trustee areas established to ensure representation of prior merged school districts.




## District's Board Election History (Cont.)

- 2011: Trustee areas last updated for population balance.
- 2019: Board passes a Resolution to Initiate a Transition to a By-Trustee Area Election System Commencing with the 2022 Governing Board Election.





# California Voting Rights Act (“CVRA”)





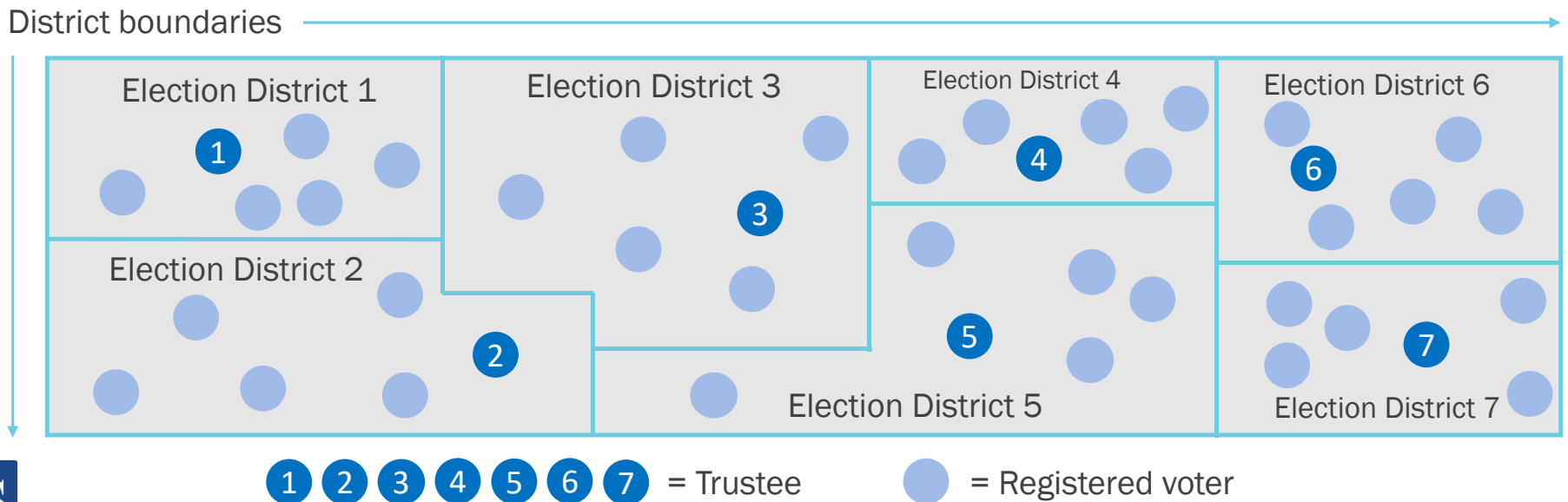
## California Voting Rights Act (“CVRA”)

- 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.



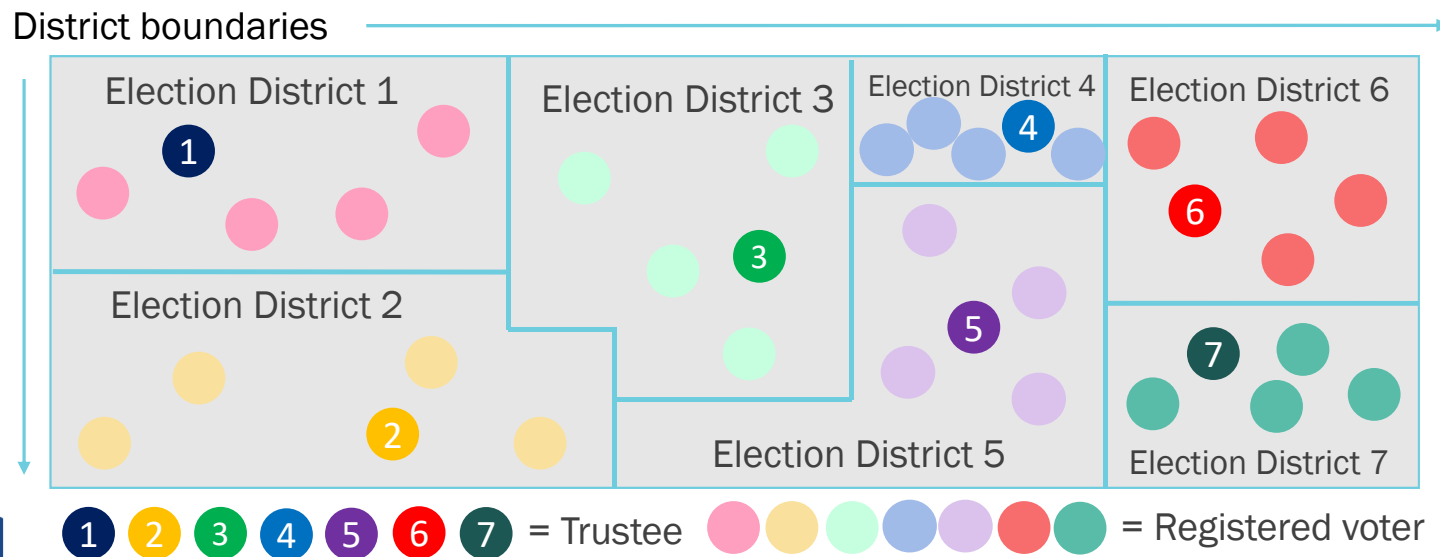
## At-Large/Hybrid Elk Grove Model

- Trustees reside within an election district.
- All voters elect all trustees: Form of at-large voting.



## 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.



## 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 2<sup>nd</sup> 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.

## Step 2: Hearing Procedures and Map Development

- “Pre-Map” Hearings: Two public hearings prior to preparing proposed by-trustee area maps.
- “Map Consideration” Hearings: Two public hearings to consider proposed by-trustee area maps.
- 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.
- County Committee must hold at least one hearing in the District to consider the proposal.
- The County Committee shall vote to approve or deny the District's proposal to establish trustee-areas and adopt trustee-area elections.



## Step 4: Election or Waiver from State Board of Education

- If County Committee approves the proposal, an election is called seeking voter approval.
- This voter approval requirement can be waived by the State Board of Education, upon an application from the District.  
These waivers are typically sought and routinely granted.



# Timing of Transition Process





## Delay in Release of 2020 Census Data

- Per Resolution No. 32, 2019-20, 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 until at least September 30, 2021.



## Potential Impacts of Delay in Release of Census Data

- Tighter timelines to complete the process in time for 2022 Board elections;
- Less opportunity for robust public input process;
- Decreased demographer capacity and availability; and
- Extended timeframe of potential District liability under the CVRA.

# Potential Options Moving Forward

Option 1: Complete the process now using 2010 Census data.

- Begin and complete the transition process now, using the 2010 Census data.
- Once the 2020 Census data is released, review the data using the District's newly adopted trustee area maps, and determine whether adjustments are necessary.

Option 2: Await 2020 Census data.

- Hold pre-map hearings prior to the release of the 2020 Census data.
- Await the release of the 2020 Census data.
- Once the 2020 Census data is released, move forward quickly to complete the transition.

## Proposed Actions

- If Option 1 (start process now using 2010 Census data):
  - Action required? Yes. Board should adopt the Resolution before the Board, and hold the first pre-map hearing tonight.
- If Option 2 (await release of 2020 Census data):
  - Action required? No. Board does not need to take any action tonight.



## Redistricting Considerations

- If Option 1 is selected, the District will become a by-trustee area voting district.
- By-trustee area districts must analyze the 2020 Census data to determine whether each trustee area has appropriate population balance.
- If appropriate balance is maintained, then no further action required.





## Redistricting Considerations (con't)

- If appropriate balance is not maintained, then the District must adjust its trustee areas.
- Only one public hearing/board meeting required.
- Additional hearings optional.
- County Committee approval not required.
- No election requirement so no SBE waiver needed.
- Complete process before March 1, 2022.

Thank you. Questions?





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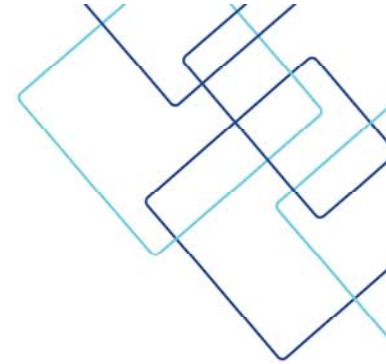
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