



Lozano Smith
ATTORNEYS AT LAW



Transition to Trustee-Area Elections

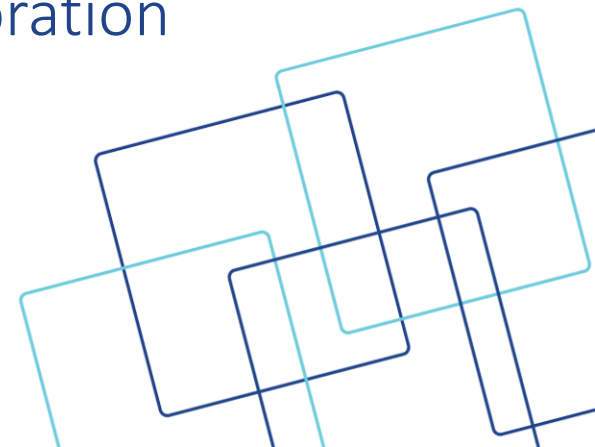
Presented by: Jonathan Berry-Smith, Lozano Smith

Introduction to Districting

Presented by: Dr. Douglas Johnson, National Demographics Corporation

Sam Mateo Union High School District

August 26, 2021



Transition to Trustee-Area Elections

Presented by: Jonathan Berry-Smith, Lozano Smith

Overview of the 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.
(Elec. Code, § 14027)
- “Racially Polarized Voting”
(Elec. Code, § 14028)

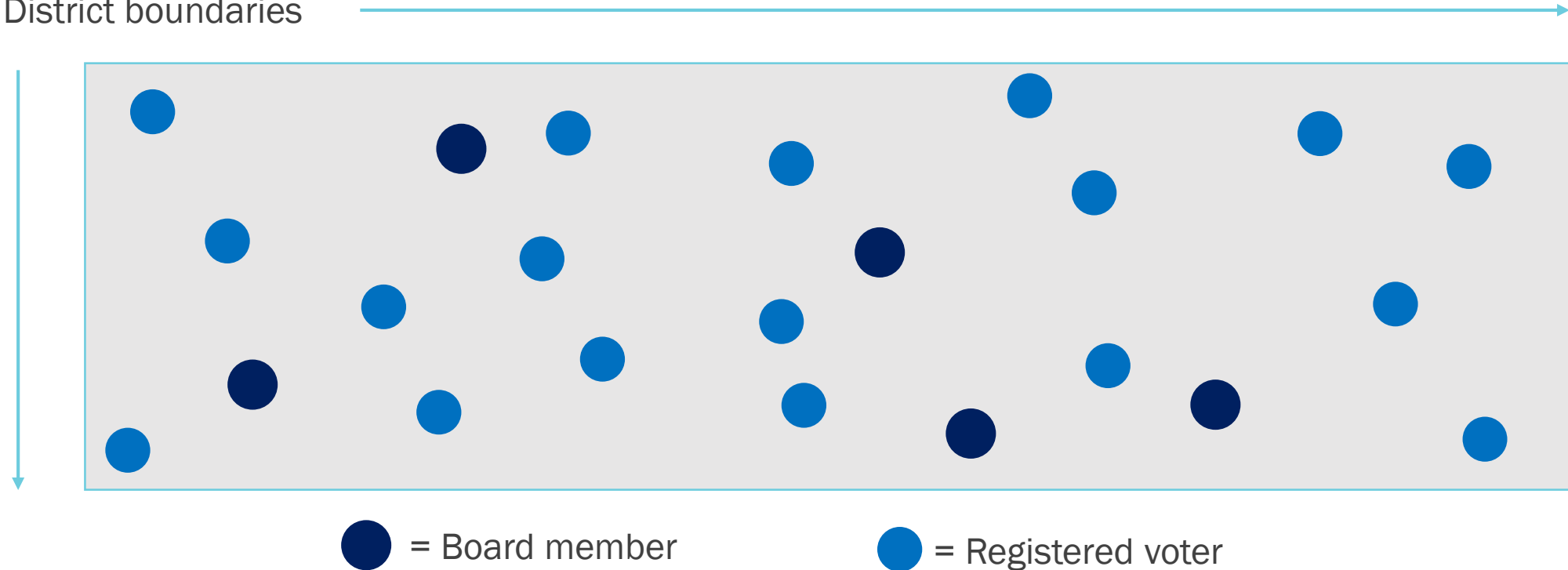
Proof of intent to discriminate not required.

At-Large Elections

Board members may reside anywhere in the District.

Registered voters within the District may vote for all seats on the Board.

District boundaries

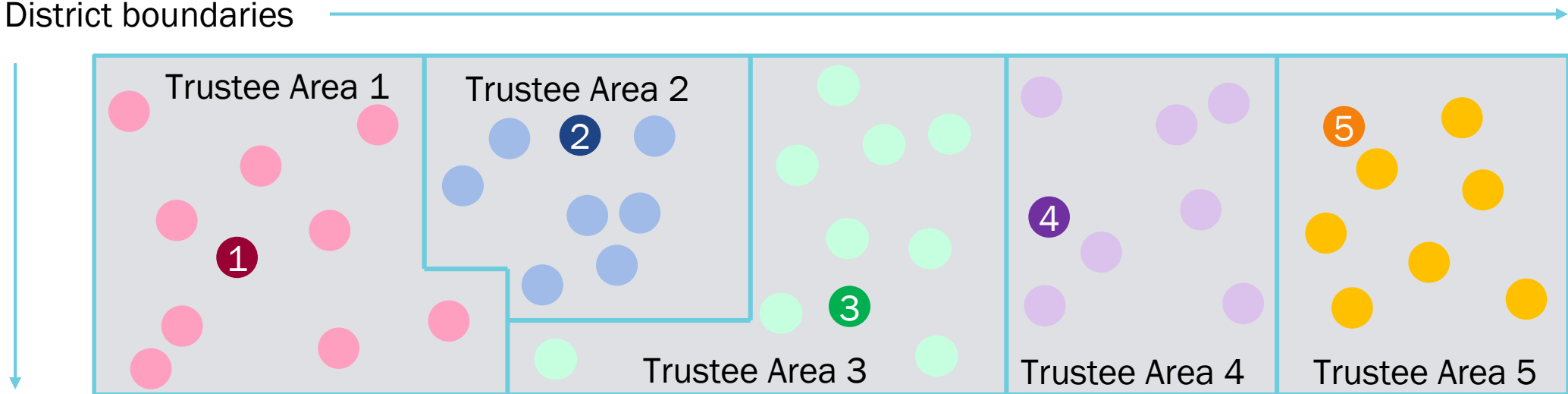


By-Trustee Area Elections: The Only Method of Election Guaranteed NOT to Violate the CVRA

Trustees must reside within specific trustee areas.

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

District boundaries



1 2 3 4 5 = Trustee

● ● ● ● ● = Voters residing in Trustee area

CVRA Challenges are Costly and Uncertain

High cost of litigation and attorneys' fees.

Public agencies have never* successfully defended a CVRA challenge.

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

- City of Santa Clara (Approximately \$3 million – court ordered)
- West Contra Costa Unified School District (\$310,000 settlement)
- City of Modesto (\$3 million settlement)

*Exception: pending Santa Monica case





Process to Establish By-Trustee Area Elections



Step 1: Adopt Intent Resolution

District board adopts intent resolution. (Elec. Code, § 10010(e)(3)(A))

Resolution 20-21-12 “A Resolution of the Board of Trustees of the San Mateo Union High School District to Initiate a Transition to By-Trustee Area Elections Commencing with the 2022 Board of Trustees Election” was adopted on February 26.

Step 2a: Pre-Map Hearings

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

First pre-map hearing scheduled for **August 26 (tonight).**

Second pre-map hearing scheduled for **September 9.**

Step 2b: Recommended (Not Required) Step for Second Pre-Map Hearing

District board can adopt a resolution to list out the criteria it wishes the demographer to consider for establishing trustee-area boundaries. Some criteria to consider include:

- Compact and contiguous boundaries
- Respect communities of interest
- Topography/geography
- Other considerations

Step 3: Map Consideration Hearings

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

First map consideration hearing scheduled for **January 20**.

Second map consideration hearing scheduled for **February 10**.

Maps must be publicly available 7 days in advance of hearings.

Step 4: District Adoption of Map

Map Adoption Hearing: Public hearing before adopting final by-trustee area map, scheduled for **February 24**.



Step 5: County Committee Review (**before May 10**)

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)

Update on New Law Affecting Waiver of Election Process

Previously, if County Committee approves the proposal, an election is called seeking voter approval.

(Ed. Code, § 5020 subd. (a))

Senate Bill 442 recently passed, removing the voter approval requirement, and allowing the County Committee to, by resolution, approve a proposal to establish trustee areas without bringing the decision to the electorate for approval.

- **SB 442 is effective January 1, 2022.**

Introduction to Districting

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Rules and Goals

Federal Laws

- ❑ Equal Population
- ❑ Federal Voting Rights Act
- ❑ No Racial Gerrymandering



Traditional Redistricting Principles

- ❑ Communities of interest
- ❑ Compact
- ❑ Contiguous
- ❑ Visible (Natural & man-made) boundaries
- ❑ Respect voters' choices / continuity in office
- ❑ Planned future growth
- ❑ Minimize voters shifted to different election years
- ❑ Preserving the core of existing election areas

Defining Neighborhoods

1st Question: What is your neighborhood?

2nd Question: What are its geographic boundaries?

Examples of physical features defining a neighborhood boundary:

- Natural neighborhood dividing lines, such as highway or major roads, rivers, canals and/or hills
- Areas around parks or schools
- Other neighborhood landmarks

In the absence of public testimony, planning records and other similar documents may provide definition.



Beyond Neighborhoods: Defining Communities of Interest

1st Question: What defines your community?

- Geographic Area, plus
- Shared issue or characteristic
 - Shared social or economic interest
 - Impacted by city policies
- Tell us “your community’s story”

2nd Question: Would this community benefit from being “included within a single trustee area for purposes of its effective and fair representation”?

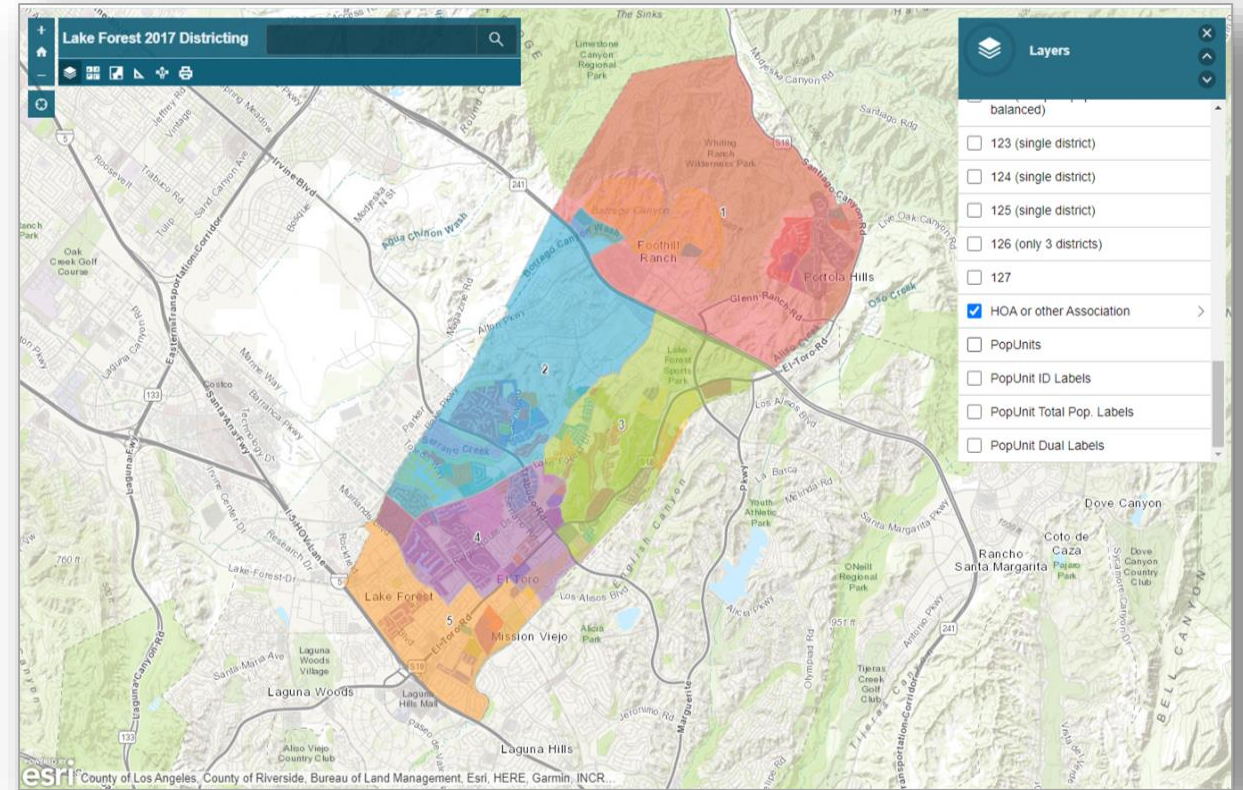
- Or would it benefit more from having multiple representatives?

Definitions of Communities of Interest may not include relationships with political parties, incumbents, or political candidates.

Simple Map Review Tool

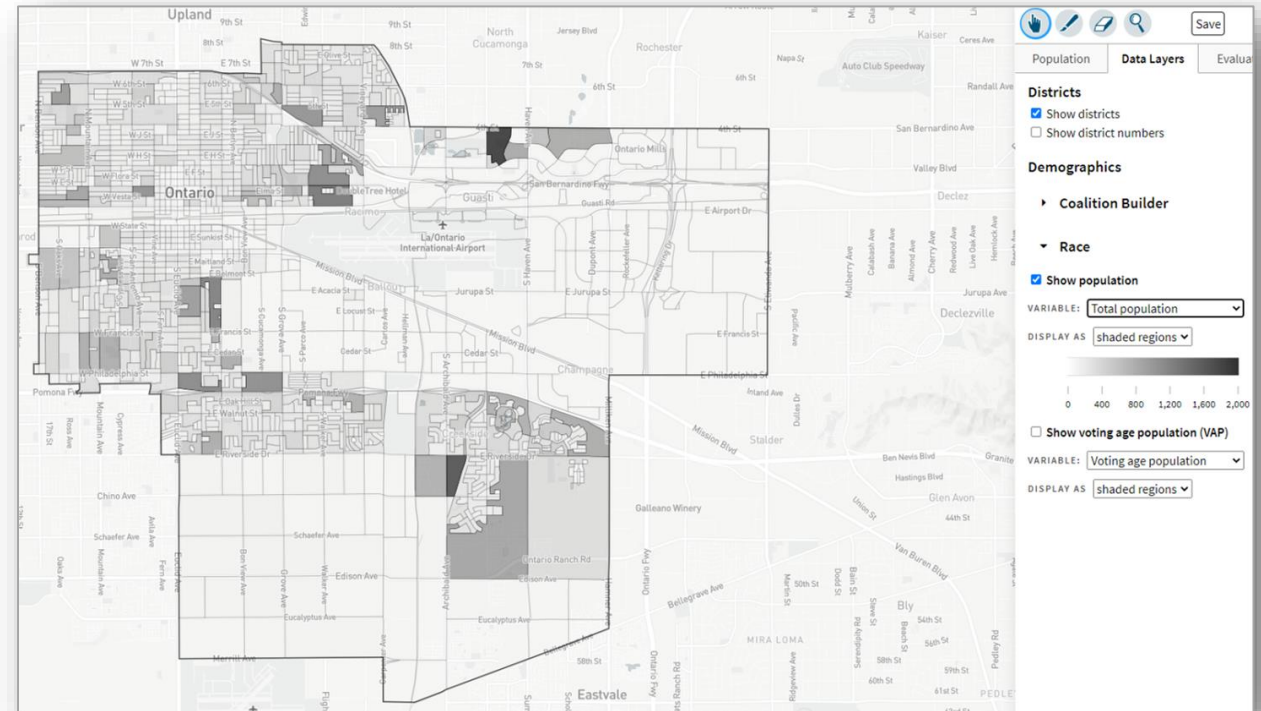
Online Interactive Review Map

- ❑ ESRI's "ArcGIS Online" – similar to Google Maps in ease of use
- ❑ Used to review, analyze and compare maps, not to create them
- ❑ Includes overlays of "community of interest" and other data

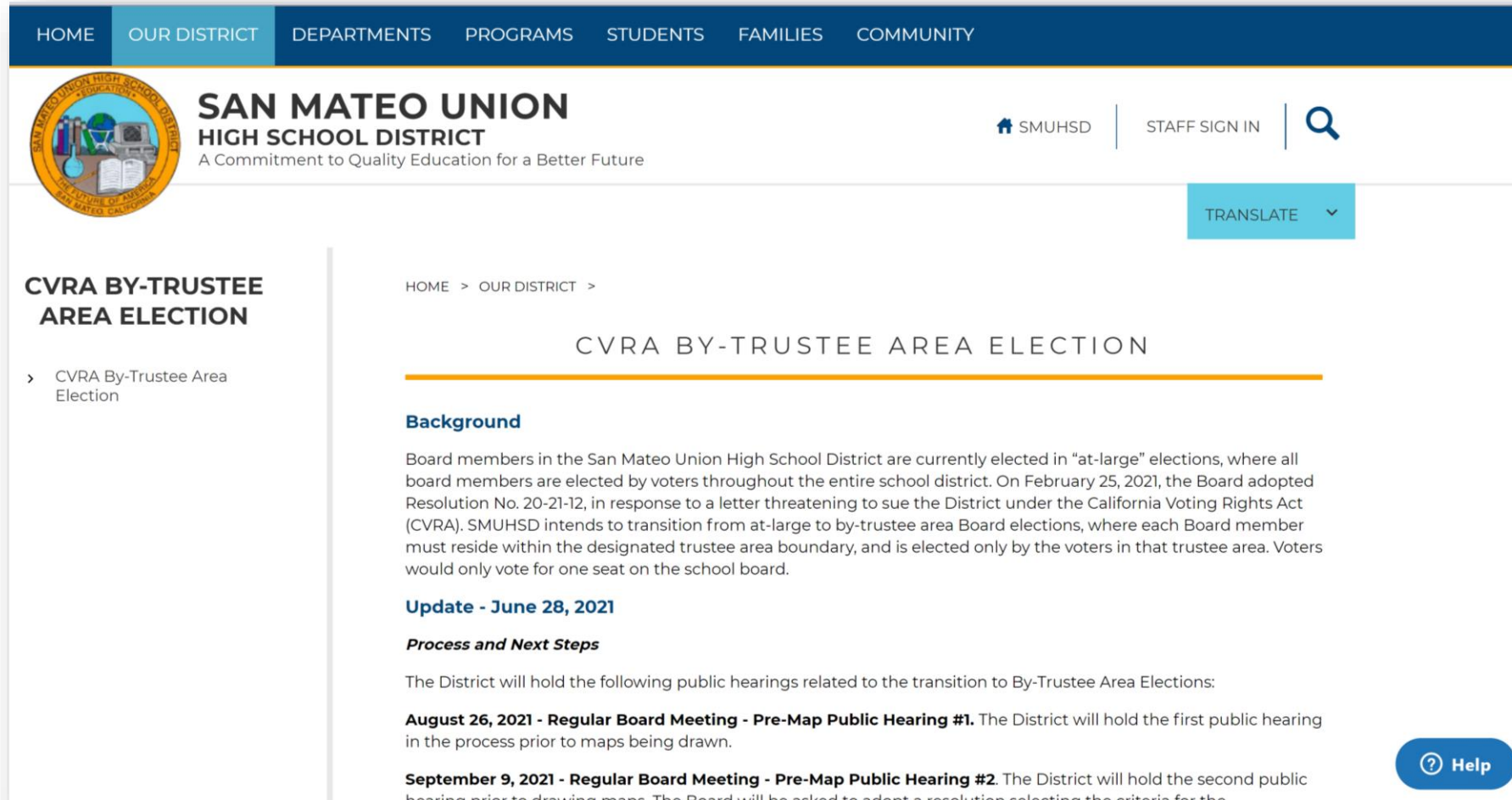


“Draw Your Community of Interest” focus

- ❑ **districtR.org**
- ❑ Also includes simple district-mapping tool; Only available in English
- ❑ Similar external options:
Representable.org,
DrawMyCACommunity.org



Stay Informed



The screenshot displays the San Mateo Union High School District (SMUHSD) website. The top navigation bar includes links for HOME, OUR DISTRICT, DEPARTMENTS, PROGRAMS, STUDENTS, FAMILIES, and COMMUNITY. The district's logo and name are prominently featured, along with the tagline "A Commitment to Quality Education for a Better Future". A search bar and a "STAFF SIGN IN" link are also present. A "TRANSLATE" button is located on the right side of the page.

The main content area is titled "CVRA BY-TRUSTEE AREA ELECTION". A breadcrumb trail shows the path: HOME > OUR DISTRICT > CVRA BY-TRUSTEE AREA ELECTION. The page is divided into two columns. The left column contains a sidebar with a link to "CVRA By-Trustee Area Election". The right column contains the main text, which includes a "Background" section explaining the transition from at-large to by-trustee area elections, an "Update - June 28, 2021" section, and a "Process and Next Steps" section detailing public hearings.

CVRA BY-TRUSTEE AREA ELECTION

HOME > OUR DISTRICT >

CVRA BY-TRUSTEE AREA ELECTION

Background

Board members in the San Mateo Union High School District are currently elected in "at-large" elections, where all board members are elected by voters throughout the entire school district. On February 25, 2021, the Board adopted Resolution No. 20-21-12, in response to a letter threatening to sue the District under the California Voting Rights Act (CVRA). SMUHSD intends to transition from at-large to by-trustee area Board elections, where each Board member must reside within the designated trustee area boundary, and is elected only by the voters in that trustee area. Voters would only vote for one seat on the school board.

Update - June 28, 2021

Process and Next Steps

The District will hold the following public hearings related to the transition to By-Trustee Area Elections:

August 26, 2021 - Regular Board Meeting - Pre-Map Public Hearing #1. The District will hold the first public hearing in the process prior to maps being drawn.

September 9, 2021 - Regular Board Meeting - Pre-Map Public Hearing #2. The District will hold the second public hearing prior to drawing maps. The Board will be asked to adopt a resolution selecting the criteria for the

[Help](#)

Public Hearing & Discussion

- ✓ What is your community of interest and what are its boundaries?
- ✓ Would you prefer your community of interest be in one trustee area or that it have multiple representatives on the Board?



Thank you.
Questions?

Contact

For more information, questions and comments about the presentation, please contact:

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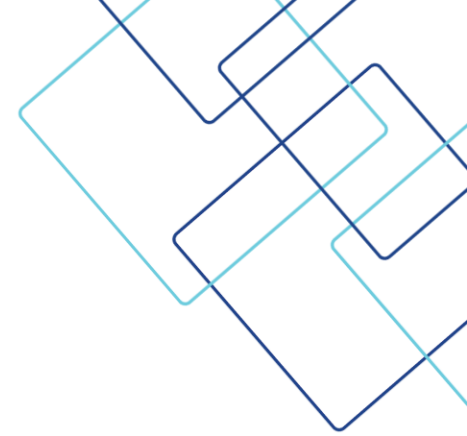
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