

The California Voting Rights Act

Paso Robles Joint Unified School District

February 26, 2019

LS



Roadmap

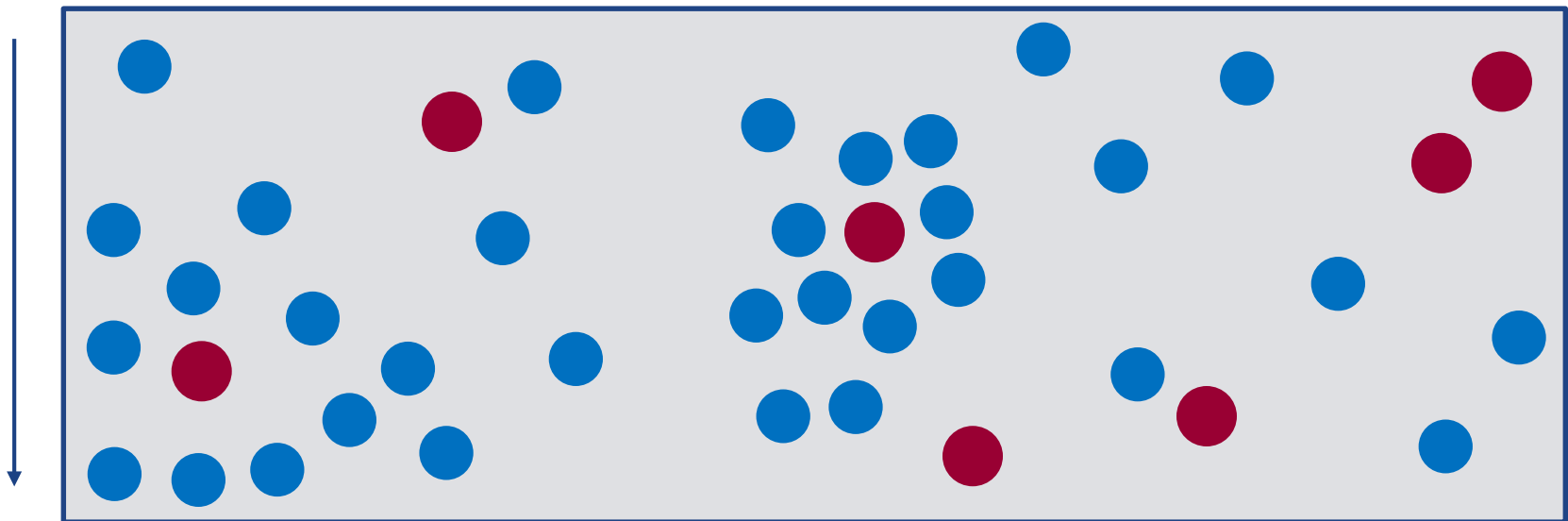
The California Voting Rights Act

Process to Transition to District-Based Method of Elections

At-Large Method of Elections

- Board members may reside anywhere in the District.
- Voters within the District elect all seats on the Board.

District boundaries



● = Trustee

● = Registered voter

California Voting Rights Act (“CVRA”)

- Prohibits the at-large method of elections that impact ability of protected class:
 - to elect candidates; or
 - to influence the outcome of an election.

(Elec. Code §§14027-28, 14032.)

- Key factor: minority board representation
- No requirement to show intent to discriminate.

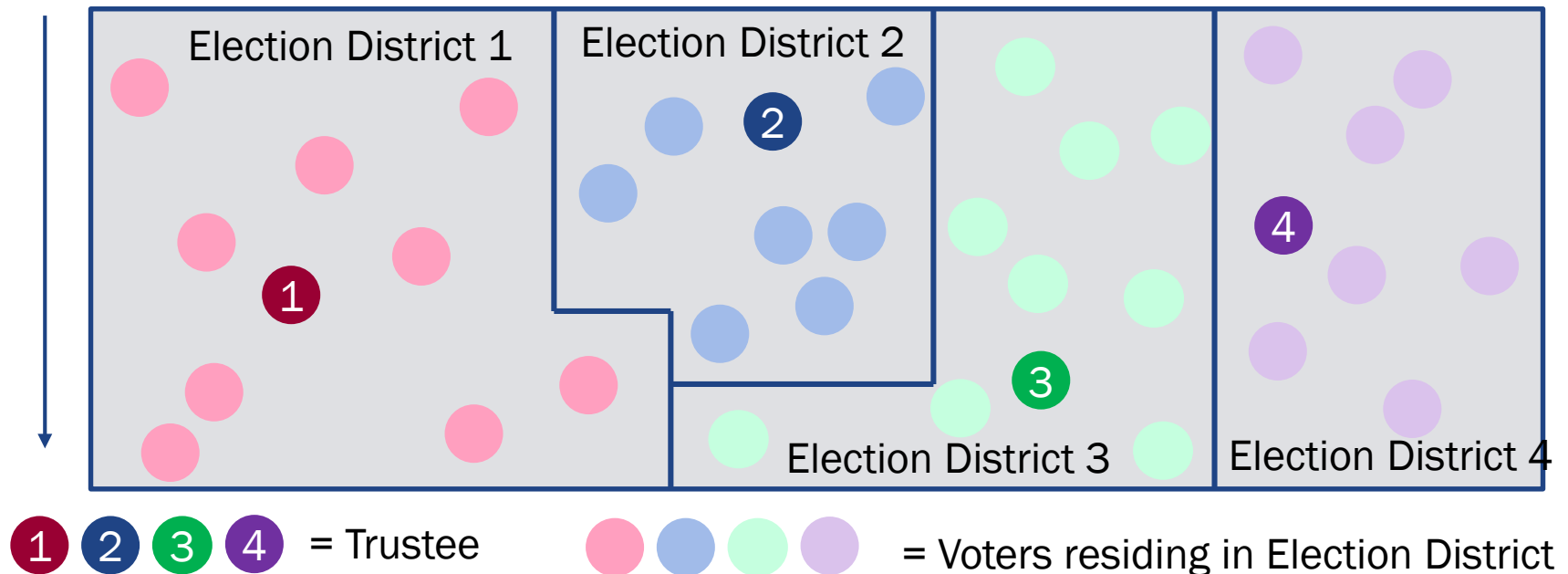
California Voting Rights Act Litigation

- Unlikely to successfully defend at large elections
- High costs due to expert & legal fees
- Plus fees for *plaintiff's* counsel & costs:
 - Santa Clara City: \$3.2 million award in 2019
 - Palmdale City: \$4.5 million award in 2014
 - ABC Unified: \$140,000 settlement in 2013
 - Madera Unified: \$1.8 million request in 2010/2012
 - Modesto City: \$3 million award in 2007
 - Hanford Joint Unified: \$110,000 settlement in 2004

District-Based (“Trustee-Area”) Method of Election

- Under CVRA, only method that can protect against liability.
- Trustees must reside within specified “election districts.”
- Voters residing in election area can only vote for trustee in area.

District boundaries



Alternatives

- Hybrid at large. (Elec. Code §14026(a).)
 - Only some seats at-large
 - Fewer areas than trustees
 - Trustees live in areas & represent all voters
- Various voting models, but still “at large.”
 - Cumulative Voting: voters distribute votes
 - Ranked Choice Voting: voters rank votes

Process to Establish District-Based Elections



Transitioning to By-Trustee Area Elections

- School districts can avoid CVRA litigation with a transition during the “safe-harbor” periods:
 - Safe Harbor 1: Adopt resolution signaling intent to begin process to transition to by-trustee area elections within 45 days* from receipt of the letter alleging violation.
 - Safe Harbor 2: Complete required five hearings within 90 days from passage of resolution.
 - Safe Harbor 3: With agreement of parties, another 90 days (total of 180 days) is possible.
- Safe harbors cap plaintiff’s fees & protect District

*Here, the claimant has offered the District an extra day to allow for 2/26 Board Meeting

Step 1: Adopt Intent Resolution

- District board adopts intent resolution to transition.
- Adoption triggers next safe harbor of 90-days.

Step 2: District Development and Adoption of Map

Election Code requires five (5) public hearings:

- Pre-Map” Hearings: Two (2) public hearings prior to preparing proposed “district-based” area maps.
- “Map Consideration” Hearings: Two (2) public hearings to consider proposed maps.
- Map Adoption Hearing: One (1) public hearing to adopt final “district-based” map.

(Elec. Code §10010; Ed. Code §5019.)

Step 3: County Committee Review

- The County Committee has the authority to change the method of election in a school district under its jurisdiction. (Ed. Code §§ 5019, 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.)

*PRJUSD straddles two counties, Monterey and San Luis Obispo, necessitating coordination between the counties.

Step 4: Election (or SBE Waiver)

- If County Committee approves the proposal, an election is called seeking voter approval. (Ed. Code §5020(a).)
- This voter approval requirement can be waived by the State Board of Education (“SBE”). (Ed. Code §§33050-33053.)
 - Eliminates the cost associated with an election
 - Expedites the transition process
- SBE waiver can be requested early in the process (Step 2).
- School districts that seek this waiver generally receive it.

Estimated Timelines – May be Extended/Delayed

- February 26, 2019: Adopt resolution of intent.
- March 2019: Two (2) pre-map hearings, community outreach meetings, and SBE waiver request.
- April 2019: Two (2) post-map consideration hearings, and community outreach meetings.
- May 2019: One (1) final hearing to adopt the map and request County Committee review; County Committee hearing & approval; SBE hearing.
- November 2020: Next Election.

Other Considerations

- District boundaries do not change.
- Terms of current board members do not change.
- Maps must be adjusted after each federal census.



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ATTORNEYS AT LAW

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