

Transitioning To A By-Trustee Area Election Method



Copper Mountain College

Presented by:

Todd M. Robbins, Partner
Atkinson, Andelson, Loya, Ruud and Romo

aa/r/r

**Atkinson, Andelson
Loya, Ruud & Romo**
A Professional Law Corporation

Types of Elections that Can Be Used by School Districts



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).)

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).)

California Voting Rights Act of 2001



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.

What Constitutes a Violation of the CVRA?



- 14028. (a) **A violation [of the CVRA] is established if it is shown that racially polarized voting occurs** in elections for members of the governing body of the political subdivision or in elections incorporating other electoral choices by the voters of the political subdivision.
- 14028. (d) **Proof of an intent** on the part of the voters or elected officials to discriminate against a protected class **is not required.**

So You've Decided To Change Election Methods.....Now What?



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

The Process Pre-AB 684

- Three processes could be utilized to change from an at-large trustee area system to either of the other two options:
 - 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).)

Public Input

The Process

- Recent amendments to Elections Code section 10010 added the following:
- Prior to preparing proposed trustee area maps, a local entity must hold at least two public hearings to gather community input on the composition of the trustee area maps.
- A local entity must publish at least one proposed trustee area map for consideration by the community.
- Publish the potential sequence of elections to show how the staggered terms will impact individual trustee areas.
- Hold at least two additional public hearings over a 45 day period to gather input on proposed map(s) and election sequencing.
- If revisions are made, publish for at least 7 days prior to adoption.

Creation of a Trustee Area Plan

- A demographer assists the District with dividing the District into Trustee Areas based upon a number of factors:
 1. Constitutional “one person, one vote” factor
 2. Communities of Interest
 3. Natural and man-made boundaries
 4. Federal Voting Rights Act Compliance
 - » Citizen Voting Age Population
 - » “Packing” and “Cracking”
 5. Respecting Incumbency
 6. Other Factors

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

The Process Post-AB 684

- **AB 684 added Section 72036 to the Education Code**
- Under AB 684, Community College Districts can now transition to a by-trustee area election system with the approval of the Board of Governors of the California Community Colleges
- Eliminates necessity of approval by County Committee on School District Organization
- Eliminates the election requirement and the need for a waiver
- Allows Districts to establish a top-two primary system and increase trustee membership to nine (9) members

► CONCEPTUAL TIMELINE FOR TRUSTEE AREA PROCESS

DATE	ACTIVITY
August, 2021	Board meeting: First Pre-Map Public Hearing
September, 2021	Board meeting: Second Pre-Map Public Hearing
September – October 2021	Review new Census Data and Preparation of draft trustee area scenarios
October 2021	Board Meeting: First Public Hearing on Trustee Area Scenarios
November, 2021	Board Meeting: Second Public Hearing on Trustee Area Scenarios
December, 2021	Board Meeting: Third Public Hearing on Trustee Area Scenarios Board Selection of Trustee Area Map Board Consideration of Change in Election Method
December 2021 – February 2022	Submit College Election Method Transition Materials to Board of Governors for Approval pursuant to Education Code section 72036
November 8, 2022	First Election Held Utilizing Trustee Areas

Implementing By-Trustee Area Election Method

Regardless of the method utilized 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 should be released in September 2021.

Updating Trustee Areas

- Districts that *already* utilize a By Trustee Area Election Method must update their trustee areas every ten (10) years following the decennial census.
- Each district is required, by March 1, 2022, to adjust the boundaries of its trustee areas utilizing the census population figures validated by the Population Research Unit of the California Department of Finance. Validated data will be available from the Department of Finance in September 2021

Question &

Answer

Thank You

For questions or comments, please contact:



Todd M. Robbins
(951)683-1122
trobbsins@aalrr.com

aalrr

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Loya, Ruud & Romo
A Professional Law Corporation