



# California Voting Rights Act

Presented to the Governing Board on Thursday, March 12, 2020

## California Voting Rights Act (“CVRA”) Basics

The CVRA prohibits the use of “at large” elections for board members if such an election method: “impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election....”

Elec. Code §14027

# GUSD Elections

- Members of the Board are currently elected in “at large” elections.
  - In “at large” elections, all voters in a district’s boundaries can vote for any candidate.
- In “by-trustee area” elections, each trustee represents a portion of the district that is elected by the voters in that area.
  - “By-trustee area” elections comply with CVRA.
- GUSD’s Board of Education has directed staff to take steps to transition to “by-trustee area” elections to ensure our compliance with CVRA.

# Changing Election Method

- Adoption of “by-trustee” elections will not affect the term of any sitting trustee
- Trustees not up for election in 2020 would serve out their terms even if there were a change in the District’s electoral system
- Trustees who are up for election in 2020 would need to run for a district area where they reside (among other eligibility criteria)

# Drawing Trustee District Lines



- Boundaries of each trustee area should represent similar proportions of the population
- Redistricting criteria: geography, cohesiveness, continuity, integrity, compactness of territory, and community of interests of trustee areas
- Additional factors that have been approved:
  - Respecting boundaries of political subdivisions (e.g., school attendance areas, city boundaries)
  - Use of whole census geography
  - Avoiding contests between incumbents
  - Anticipating future population shifts
- Not allowed: racial gerrymandering

# Waiver of Election Requirement

- Changing from “at-large” to “by-trustee-area” elections normally requires voter approval of the change in election method
- In order to have the change to CVRA-compliant elections effective for November 2020 election, GUSD must request the State Board of Education (SBE) to waive the voter approval requirement

# Why Waive the Election Requirement?

- Allows transition to CVRA-compliant election process to be effective for the 2020 election, avoiding potential claims under CVRA
- Avoid costs associated with elections
- Avoid uncertainty as to outcome of election to approve change in election method
- Incompatible with civil rights to ask majority to decide whether minority voting rights should be protected

# Waiver Procedure



- Consult with Advisory Committees
- Consult with Bargaining Units
- Public hearing and Board vote on waiver request
- Submittal of waiver request to State Board of Education (no later than March 13 for SBE May meeting)
- Ed Code § 5322 requires that specifications of an election order be given to the county elections office for trustee elections at least 123 days before an election (i.e., July 3), and the county elections office requires district boundaries be established at least 125 days before the election (July 1)

*Which is why we are presenting to you today!*





QUESTIONS?