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California Voting Rights Act

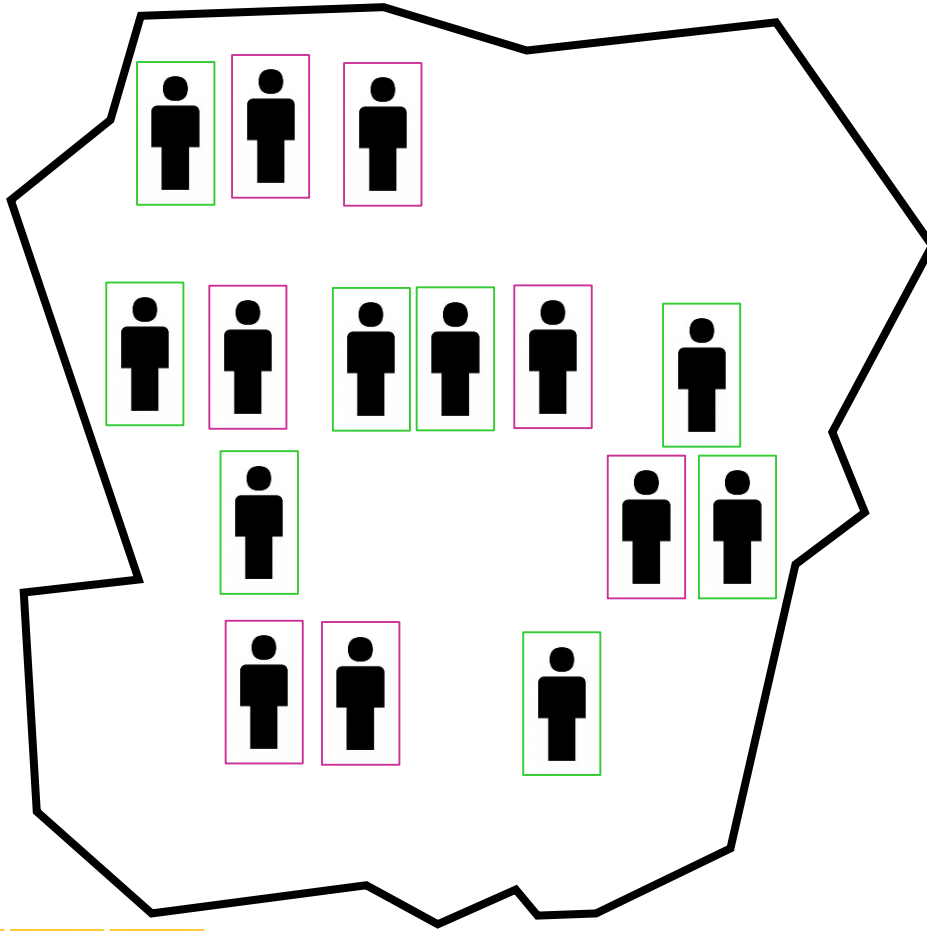
Temple City Unified School District
















October 13, 2021

William B. Tunick

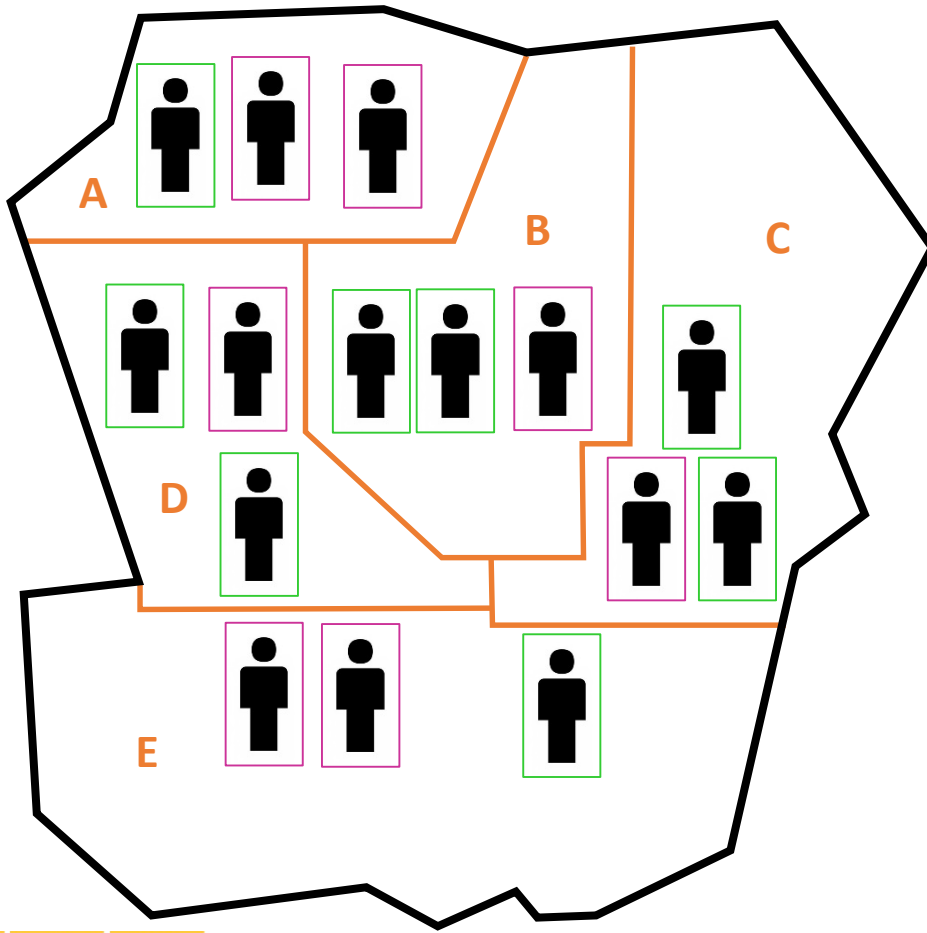
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At-Large vs. By-Trustee Area Elections



Seat	Votes		Result
1	 8 Votes	 7 Votes	
2	 8 Votes	 7 Votes	
3	 8 Votes	 7 Votes	
4	 8 Votes	 7 Votes	
5	 8 Votes	 7 Votes	

At-Large vs. By-Trustee Area Elections



Seat	Votes		Votes		Result
1(A)		1 Votes		2 Votes	
2(B)		2 Votes		1 Votes	
3 (C)		2 Votes		1 Votes	
4 (D)		2 Votes		1 Votes	
5 (E)		1 Votes		2 Votes	

The CVRA's Prohibition

“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....”

(Elec. Code, § 14027)



Remedies

- Litigation over violation.
- *Substantial* attorneys' fees possible.
 - *Awarded or agreed to in every CVRA case.*
- “Appropriate remedies” imposed by a court:
 - Draw trustee area boundaries;
 - Alternative voting systems; and,
 - Enjoin election or election results.

CVRA Cases

- *City of Santa Clara*
 - Found in violation
 - Affirmed on appeal
- *City of Santa Monica*
 - Found in violation
 - Reversed on appeal
 - Pending with California Supreme Court
- Significant attorneys' fees
 - Santa Monica approaching \$30m
 - School districts have seen fees up to \$200k

Timelines

- Challenger must first send notice of challenge.
 - May not file suit within 45 days of notice.
- District may adopt intent resolution:
 - “outlining its intention to transition,”
 - with “specific steps;” and,
 - “an estimated time frame.”
- Suit may not be filed within 90/180 days of resolution.
- If resolution/transition follows notice from challenger, challenger is entitled to receive reimbursement for cost of notice up to \$35,000.



Local School District Elections

At-Large Elections	Transitioning to By-Area Elections	By-Area Elections
Arcadia Unified School District	Azusa Unified School District	Covina-Valley Unified School District
Baldwin Park Unified School District	Charter Oak Unified School District	Downey Unified School District
Bassett Unified School District	Claremont Unified School District	East Whittier City School District
Bonita Unified School District	Duarte Unified School District	Glendale Unified School District
Burbank Unified School District	El Monte Union High School District	Glendora Unified School District
El Monte City School District	Garvey School District	Hacienda-La Puente Unified School District
El Rancho Unified School District	South Pasadena Unified School District	Little Lake City Elementary School District
La Canada Unified School District		Los Nietos Elementary School District
Monrovia Unified School District		Pasadena Unified School District
Montebello Unified School District		Pomona Unified School District
Mountain View School District		Rowland Unified School District
Rosemead School District		South Whittier Elementary School District
San Gabriel Unified School District		Whittier Union High School District
San Marino Unified School District		
Valle Lindo School District		
Walnut Valley Unified School District		
West Covina Unified School District		

Transition Process

- Three Phases:
 - 1) Pre-map
 - 2) Map development/adoption
 - 3) Implementation

Pre-Map (Phase 1)

- Goals:
 - Engage & inform public
 - Begin gathering input on maps (two hearings required)
- Steps:
 - Intent resolution
 - Retain demographer
 - Line drawing presentation
 - First pre-map public hearing
 - Second pre-map public hearing

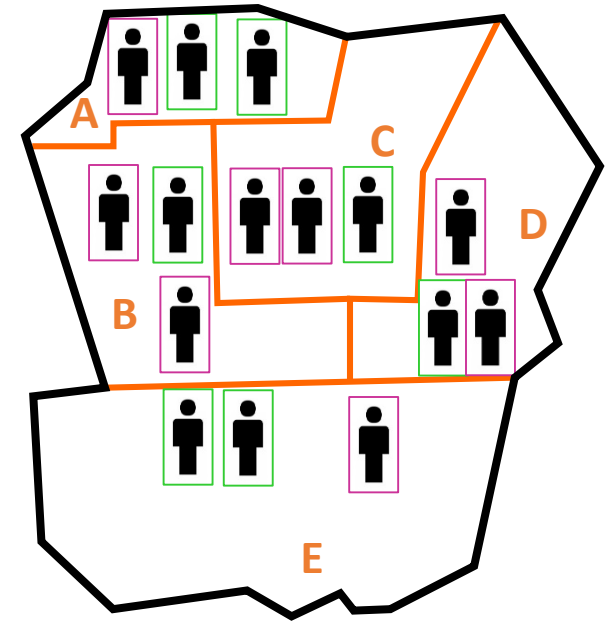
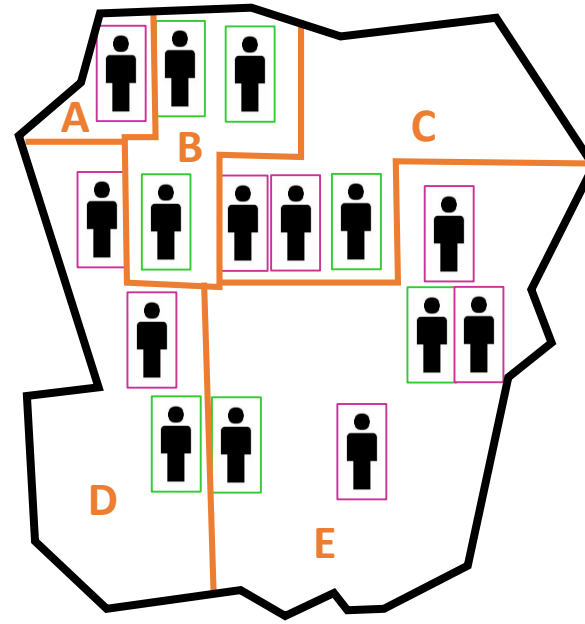
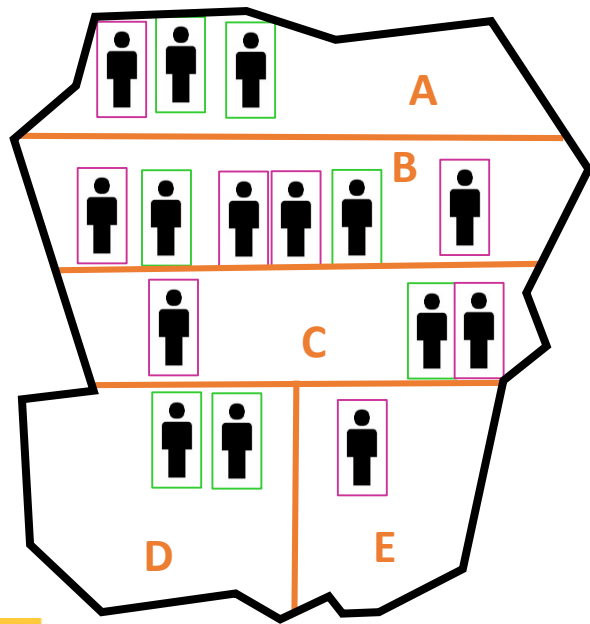


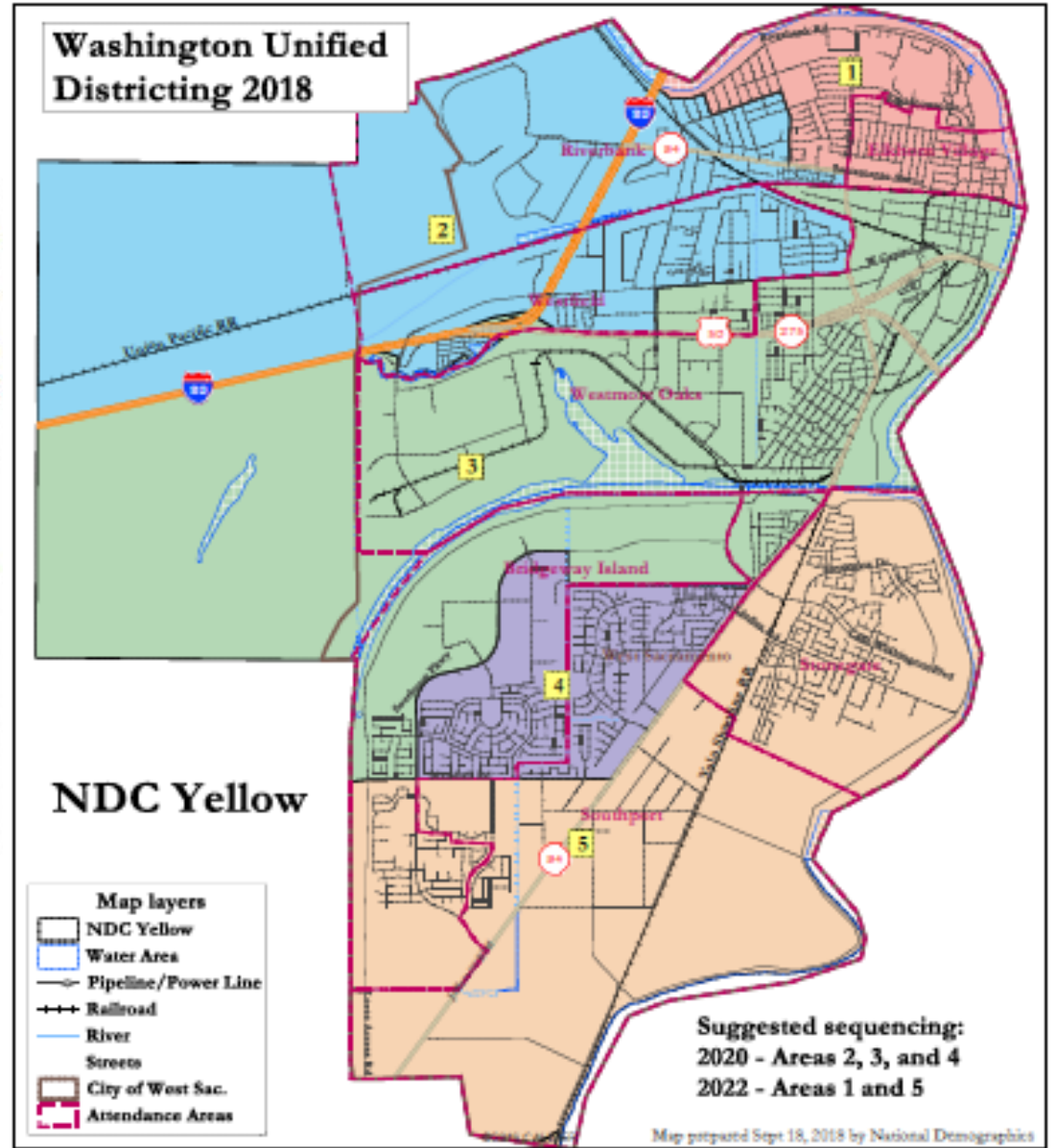
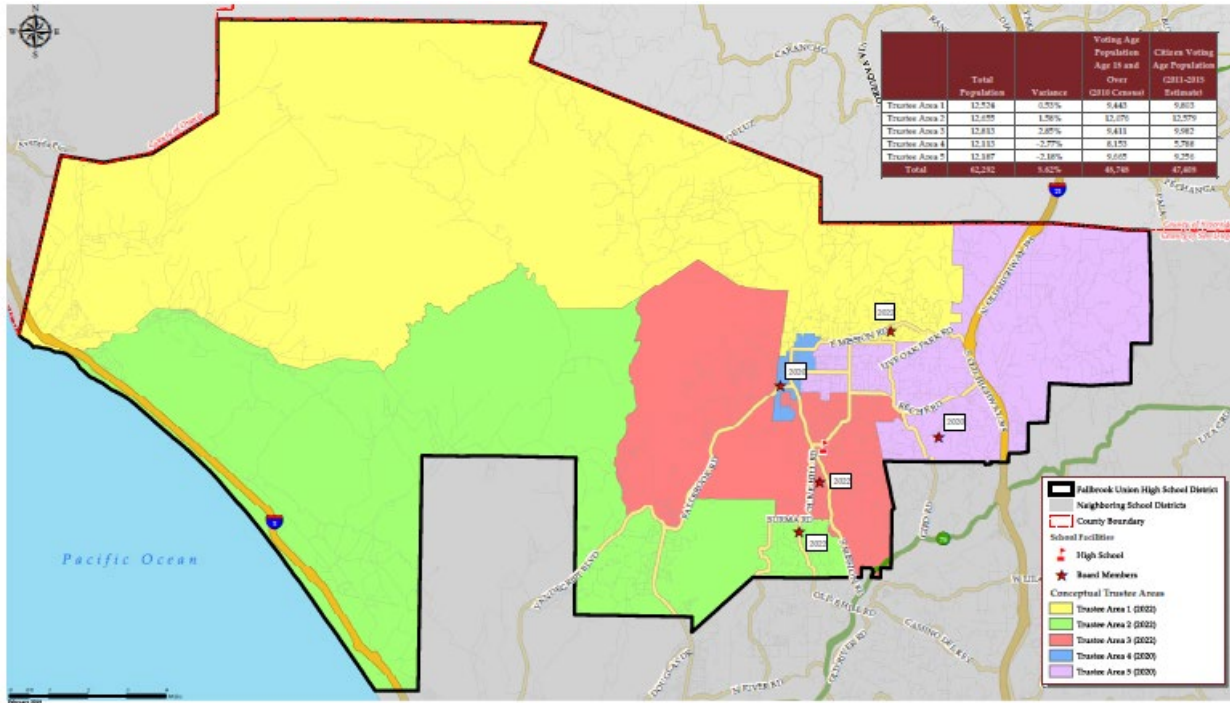
Map Development/Adoption (Phase 2)

- Goals:
 - Develop trustee area boundary maps
 - Incorporate public input (three hearings required)
- Steps:
 - Initial maps drafted
 - Public hearing & discussion on maps
 - Revised maps drafted
 - Public hearing & discussion on revised maps
 - Further revised maps drafted
 - Public hearing, discussion, & adoption of revised maps
 - ~~SBE waiver requirements~~

Drawing the Lines

- Federal requirements:
 - Equal Population
 - Federal Voting Rights Act (Section 2)





Drawing the Lines

- Traditional redistricting criteria.
- Within legal requirements Board can/should adopt resolution providing direction on criteria to be used in drawing trustee areas.



Implementation (Phase 3)

- Goals:
 - Secure final approval and election waiver
 - Work with officials and public for implementation
- Steps:
 - County committee approval & ~~SBE waiver submittal~~
 - ~~Optional election waiver approval by SBE~~
 - Implementation by elections officials