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# California Voting Rights Act

## Fremont Union High School District

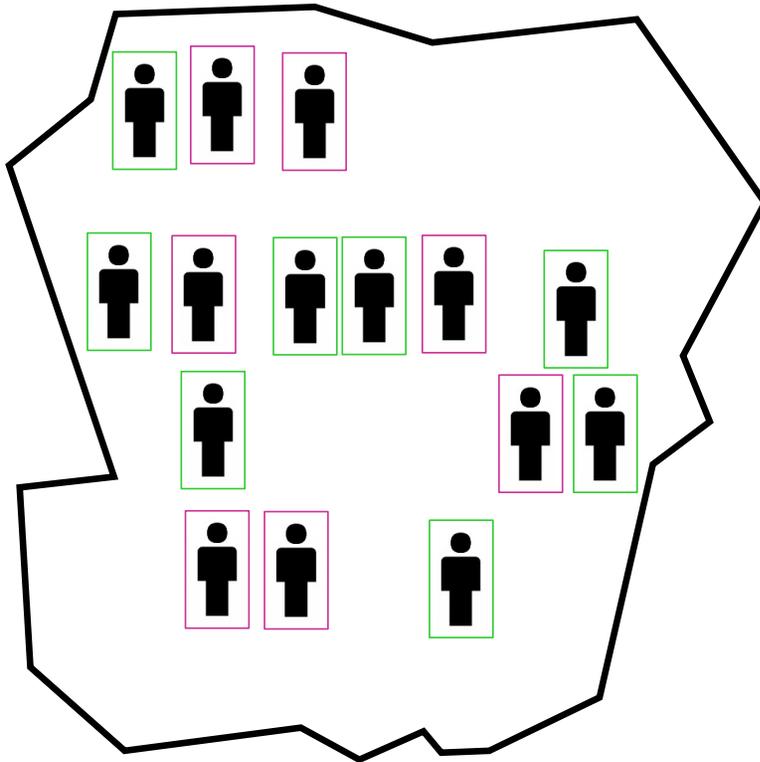
March 7, 2023

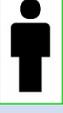
William Tunick

**Danniss Woliver Kelley**

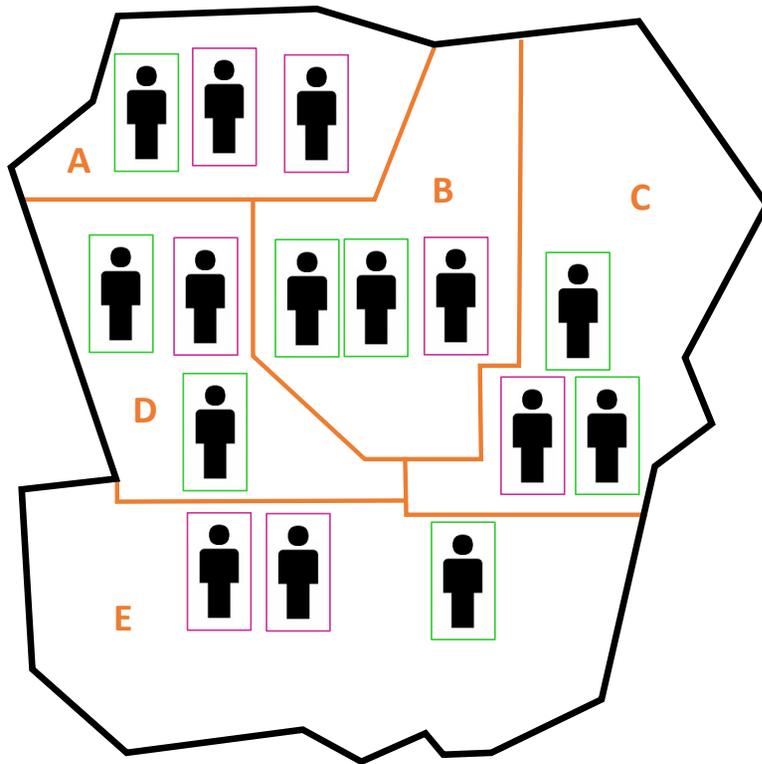
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# At-Large vs. By-Trustee Area Elections



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			

# California Voting Rights Act

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“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

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- 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

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- *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 over \$800k

# Timelines

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- 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.



# Transition Process

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



# Pre-Map (Phase 1)

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- Goals:
  - Engage and 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:

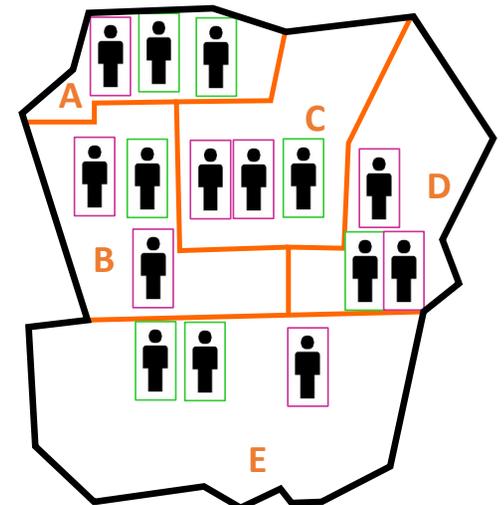
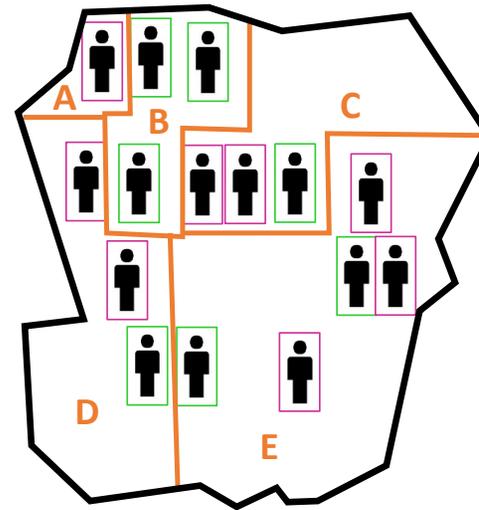
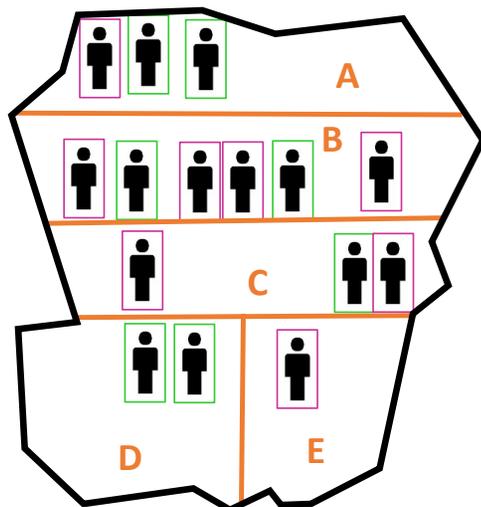
- Develop trustee area boundary maps.
- Incorporate public input (three hearings required).

## 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

# Drawing the Lines

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

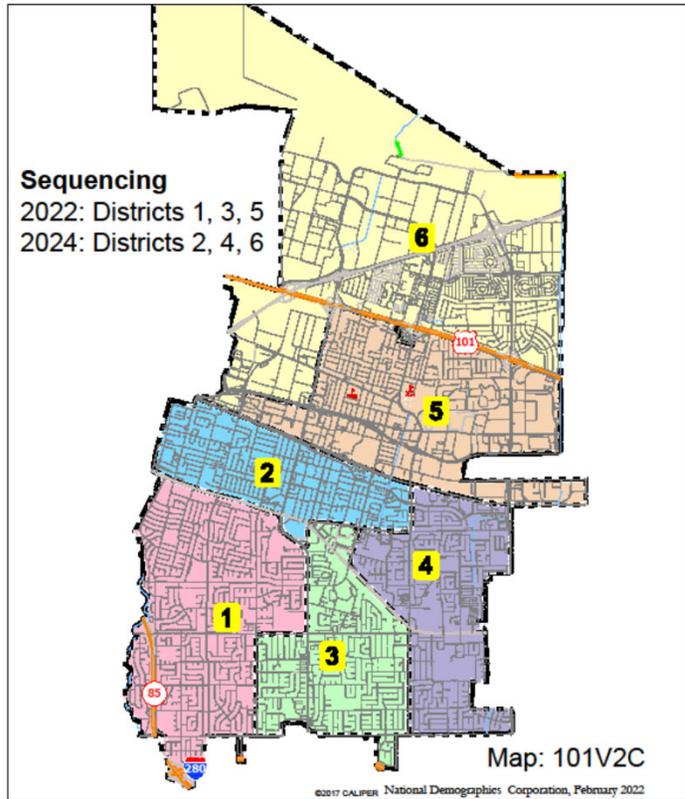


# Drawing the Lines

- Traditional redistricting criteria.
- Within legal requirements Board may adopt resolution providing direction on criteria to be used in drawing trustee areas.
- Election sequence developed as part of mapping.

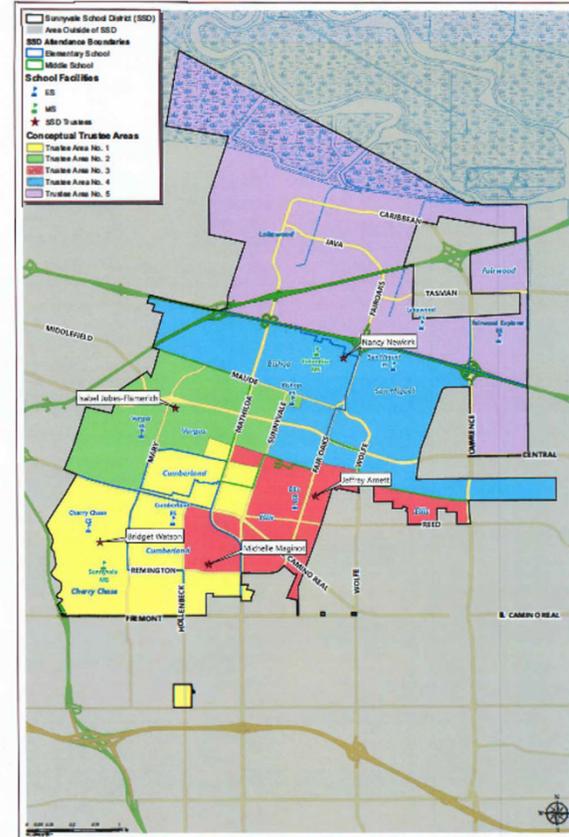


City of Sunnyvale Council District Map



Adopted Feb. 22, 2022 via Resolution No. 1108-22

SUNNYVALE SCHOOL DISTRICT  
ADOPTED TRUSTEE AREAS - SCENARIO 1A



COOPERATIVE  
STATISTICS

# Implementation (Phase 3)

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## Goals:

- Secure final approval
- Work with officials and public for implementation

## Steps:

- County Committee on School District Organization approval
- Submit to elections officials in time for implementation prior to start of election process



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