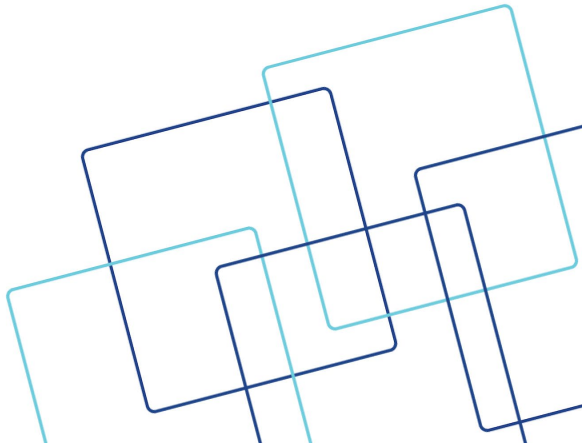
Lozano Smith
ATTORNEYS AT LAW

Transition to Trustee-Area Elections

Presented by: Michelle L. Cannon

Western Placer Unified School District

September 19, 2023



Overview of the California Voting Rights Act (CVRA)

California Voting Rights Act ("CVRA")

Prohibits the use of "**at-large**" elections that impair the ability of a protected class to:

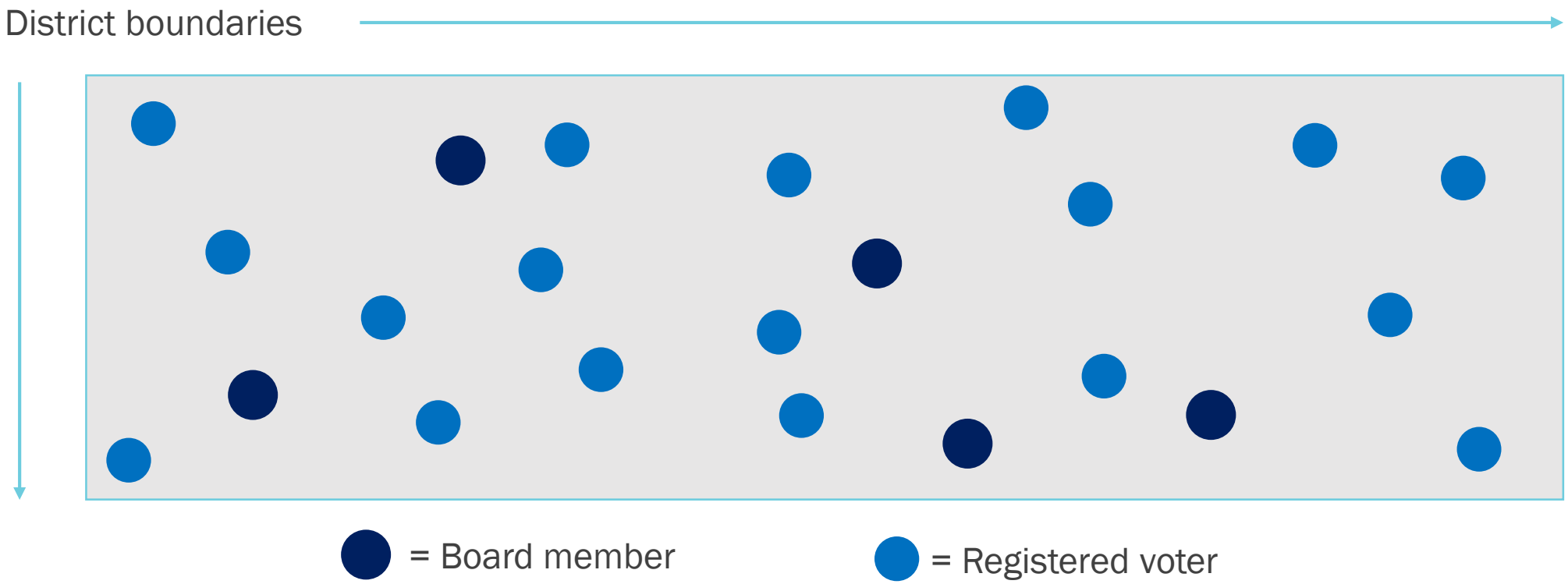
- Elect candidates of its choice; or
- To influence the outcome of an election. (Elec. Code, § 14027)
- "Racially Polarized Voting" (Elec. Code, § 14028)

Proof of intent to discriminate not required.

At-Large Elections

Board members may reside anywhere in the District.

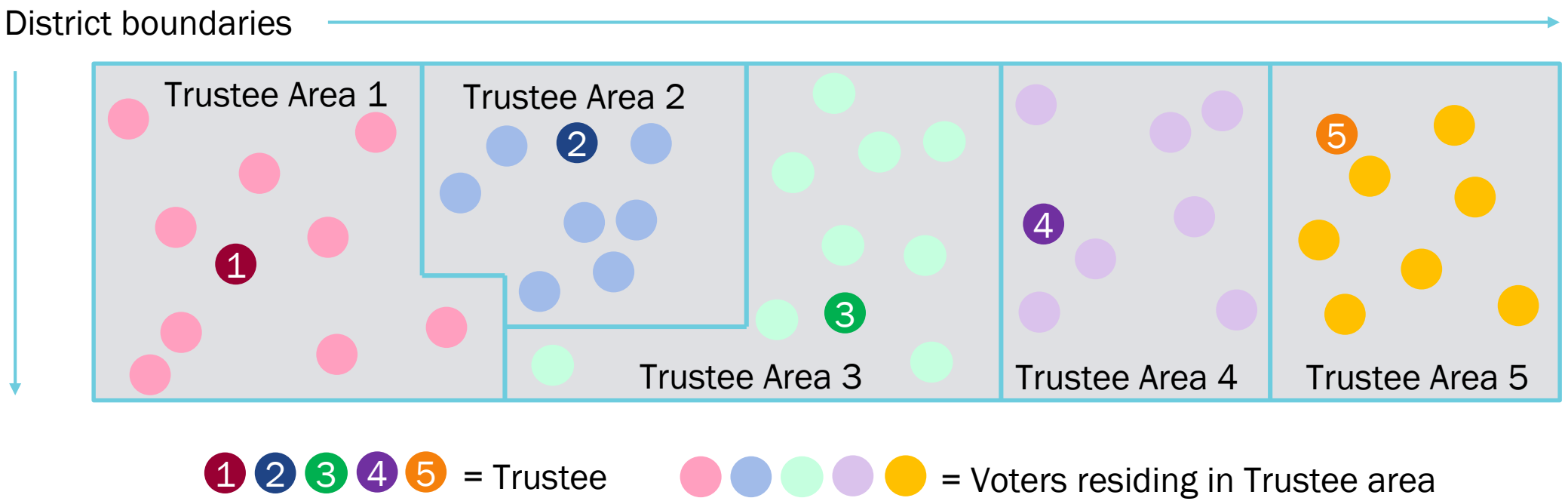
Registered voters within the District may vote for all seats on the Board.



By-Trustee Area Elections: The Only Method of Election Guaranteed NOT to Violate the CVRA

Trustees must reside within specific trustee areas.

Only voters residing within the specified trustee area may vote for that particular trustee.



CVRA Challenges are Costly and Uncertain

High cost of litigation and attorneys' fees.

Public agencies have <u>never</u> successfully defended a CVRA challenge.

Estimated fees and costs to *plaintiff's counsel*:

- City of Santa Clara (Approximately $3 million – court ordered)
- West Contra Costa Unified School District ($310,000 settlement)
- City of Modesto ($3 million settlement)



Demographic Profile

Each of the 5 new Trustee Areas must contain approximately **11,455** people.

NDC will generate all of these data fields for each trustee area in each draft map.

Category	Field	Total
2020 Census	Total Population	57,275
Total Pop.	Hispanic/Latino	19%
	NH White	67%
	NH Black	2%
	NH Asian/Pac.Isl.	8%
	NH Native Amer.	2%
Citizen Voting Age Pop	Total	41,552
	Hisp	14%
	NH White	77%
	NH Black	2%
	Asian/Pac.Isl.	6%
	Native Amer.	1%
Voter Registration (Nov 2022)	Total	41,931
	Latino est.	13%
	Spanish-Surnamed	12%
	Asian-Surnamed	3%
	Filipino-Surnamed	1%
	NH White est.	80%
	NH Black	1%
Voter Turnout (Nov 2022)	Total	28,278
	Latino est.	10%
	Spanish-Surnamed	9%
	Asian-Surnamed	2%
	Filipino-Surnamed	1%
	NH White est.	84%
	NH Black	1%
Voter Turnout (Nov 2020)	Total	34,337
	Latino est.	11%
	Spanish-Surnamed	10%
	Asian-Surnamed	2%
	Filipino-Surnamed	1%
	NH White est.	83%
	NH Black est.	2%

Category	Field	Total
Age	age0-19	24%
	age20-60	43%
	age60plus	32%
Immigration	immigrants	12%
	naturalized	66%
Language spoken at home	english	84%
	spanish	9%
	asian-lang	3%
	other lang	4%
Language Fluency	Speaks Eng. "Less than Very Well"	5%
Education (among those age 25+)	hs-grad	60%
	bachelor	21%
	graduatedegree	13%
Child in Household	child-under18	30%
Pct of Pop. Age 16+	employed	54%
Household Income	income 0-25k	10%
	income 25-50k	13%
	income 50-75k	17%
	income 75-200k	47%
	income 200k-plus	13%
Housing Stats	single family	95%
	multi-family	5%
	rented	19%
	owned	81%

Total population data from California's adjusted 2020 Census data. Citizen Voting Age Population, Age, Immigration, and other demographics from the 2017-2021 American Community Survey and Special Tabulation 5-year data. Turnout and Registration data from California Statewide Database. "Latino" figures calculated by NDC using Census Bureau's Latino undercount by surname estimate.

Process to Establish By-Trustee Area Elections

Step 1: Adopt Intent Resolution

District board adopts intent resolution. (Elec. Code, § 10010(e)(3)(A))

Resolution #23/24.2 - Intent to Initiate a Transition from At-Large to By-Trustee Area Board Elections Commencing with the 2024 Board Election was adopted on August 1, 2023.

Step 2a: Pre-Map Hearings

"Pre-Map" Hearings: Two public hearings prior to preparing proposed by-trustee area maps. (Elec. Code, § 10010(a)(1))

First pre-map hearing scheduled for September 19, 2023 (tonight).

Second pre-map hearing scheduled for October 3, 2023.

Step 2b: Optional (Not Required) Step for Second Pre-Map Hearing

District board can adopt a resolution to list out the criteria it wishes the demographer to consider for establishing trustee-area boundaries. Some criteria to consider include:

- Compact and contiguous boundaries
- Respect communities of interest
- Topography/geography
- Other considerations

Step 3: Map Consideration Hearings

"Map Consideration" Hearings: Two public hearings to consider proposed by-trustee area maps. (Elec. Code, § 10010(a)(2))

First map consideration hearing scheduled for October 17, 2023.

Second map consideration hearing scheduled for November 14, 2023

Maps must be publicly available 7 days in advance of hearings.

Step 4: District Adoption of Map

Map Adoption Hearing: Public hearing before adopting final by-trustee area map, scheduled for December 5, 2023.



Step 5: County Committee Review

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

Update on New Law Affecting Waiver of Election Process

Previously, if County Committee approves the proposal, an election is called seeking voter approval.
(Ed. Code, § 5020 subd. (a))

Senate Bill 442 effective January 1, 2022, removing the voter approval requirement, and allowing the County Committee to, by resolution, approve a proposal to establish trustee areas without bringing the decision to the electorate for approval.

Thank you.
Questions?

For more information, questions and comments about the presentation, please feel free to contact:

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