

Review of The California Voting Rights Act Process for Transitioning To A By-Trustee Area Election Method



Ocean View School District

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

October 14, 2025

aa|rr
Atkinson, Andelson
Loya, Ruud & Romo
A Professional Law Corporation

Trustee Voting Area Process

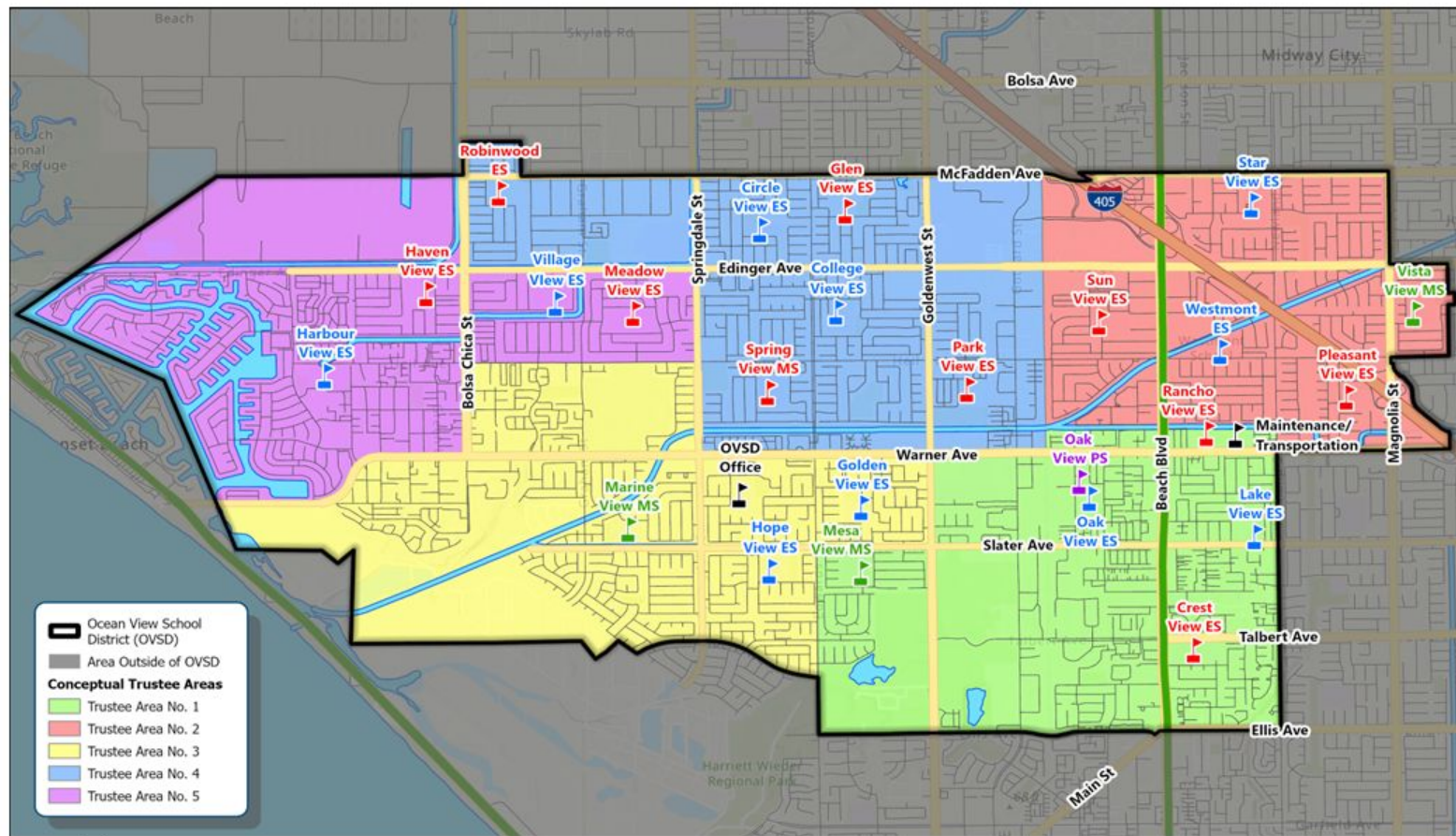
DATE	ACTIVITY
January 28, 2025	Board Meeting: First Pre-Map Public Hearing and Presentation
February 25, 2025	Board Meeting: Second Pre-Map Public Hearing and Presentation
March 25, 2025	Board Meeting: First Public Hearing on Voting Area Scenarios
April 8, 2025	Board Meeting: Second Public Hearing on Voting Area Scenarios
May 13, 2025 & October 14, 2025	Board Meeting: Third Public Hearing on Voting Area Scenarios Board Selection of Voting Area Map Board Consideration of Change in Election Method
TBD	County Committee on School District Organization Holds a Public Hearing and Considers Trustee Area Map. Woolpert sends Final Voting Area Map to the County of Registrar of Voters
November 3 2026	First Elections Held Utilizing Voting Areas

Agenda Item I. 4.: Review of Remaining Mapping Scenarios and Selection of a Map



Conceptual Trustee Areas

Scenario 2



Conceptual Trustee Areas

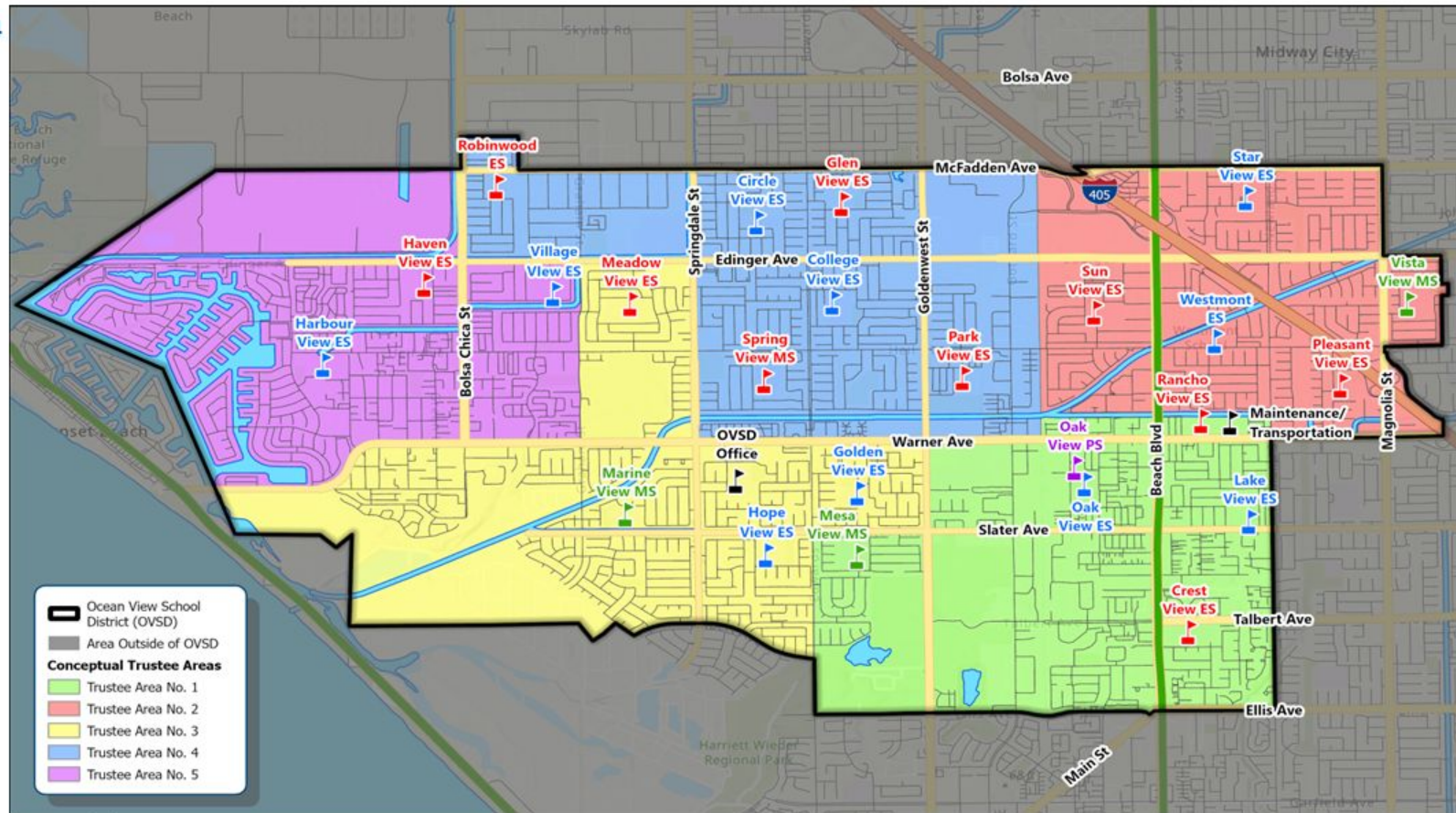
Scenario 2

Total Population:	97,861	Ideal Trustee Area Size:	19,572	Variance:	8.4%
-------------------	--------	--------------------------	--------	-----------	------

TRUSTEE AREA	Trustee Area 1		Trustee Area 2		Trustee Area 3		Trustee Area 4		Trustee Area 5	
TP* vs. CVAP**	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP
Population	20,380	14,351	20,258	13,849	19,180	15,021	19,316	14,762	18,727	16,249
Population Variance	4.1%	N/A	3.5%	N/A	-2.0%	N/A	-1.3%	N/A	-4.3%	N/A
Hispanic/Latino	44.0%	34.4%	23.0%	16.1%	15.5%	14.4%	21.0%	13.2%	18.0%	18.7%
White	37.2%	45.3%	36.8%	51.0%	63.9%	69.2%	54.9%	67.3%	64.1%	65.9%
Black/African American	1.1%	1.4%	1.8%	1.8%	1.1%	1.6%	1.8%	2.2%	0.9%	1.2%
American Indian/Alaska Native	0.3%	0.1%	0.2%	0.6%	0.1%	0.3%	0.1%	0.0%	0.2%	0.0%
Asian	12.3%	15.1%	32.3%	26.4%	12.5%	9.8%	15.3%	13.6%	10.2%	9.6%
Native Hawaiian/Other Pacific Islander	0.2%	0.7%	0.4%	0.3%	0.1%	0.2%	0.4%	0.1%	0.3%	0.1%
Other	0.6%	N/A	0.7%	N/A	0.5%	N/A	0.6%	N/A	0.8%	N/A
Two or More Races	4.2%	3.1%	4.7%	3.8%	6.2%	4.4%	6.0%	3.5%	5.5%	4.6%

Conceptual Trustee Areas

Scenario 4



Conceptual Trustee Areas

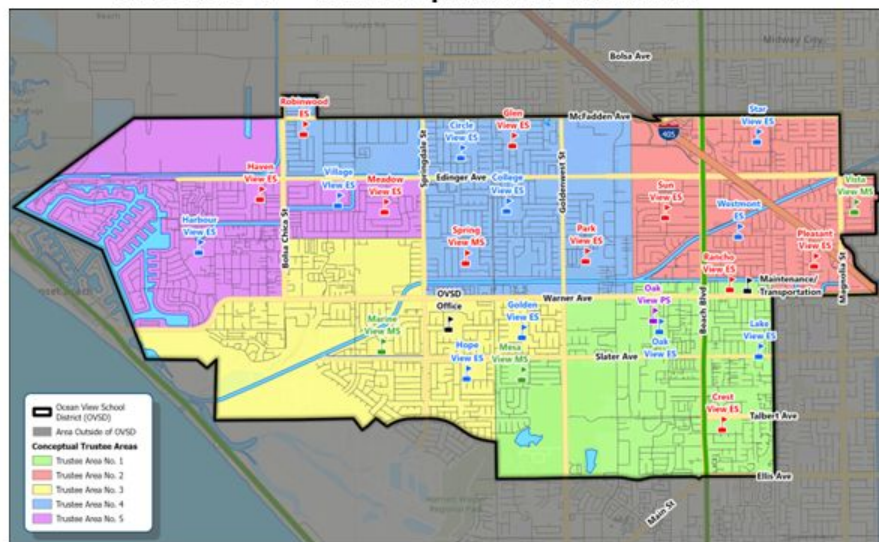
Scenario 4

Total Population:	97,861	Ideal Trustee Area Size:	19,572	Variance:	9.9%
-------------------	--------	--------------------------	--------	-----------	------

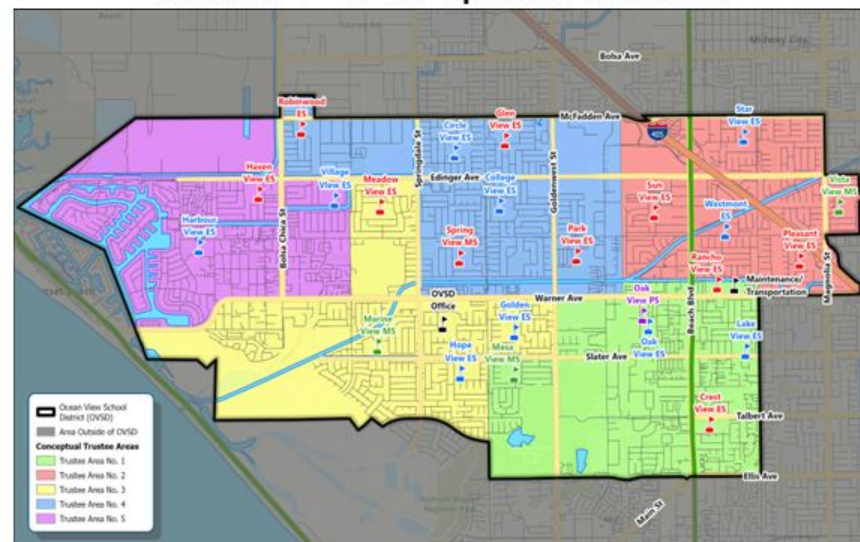
TRUSTEE AREA	Trustee Area 1		Trustee Area 2		Trustee Area 3		Trustee Area 4		Trustee Area 5	
TP* vs. CVAP**	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP	TP	CVAP
Population	20,380	14,351	20,258	13,849	18,445	14,670	19,316	14,762	19,462	16,600
Population Variance	4.1%	N/A	3.5%	N/A	-5.8%	N/A	-1.3%	N/A	-0.6%	N/A
Hispanic/Latino	44.0%	34.4%	23.0%	16.1%	15.8%	14.8%	21.0%	13.2%	17.6%	18.3%
White	37.2%	45.3%	36.8%	51.0%	64.2%	69.1%	54.9%	67.3%	63.8%	66.1%
Black/African American	1.1%	1.4%	1.8%	1.8%	1.1%	1.5%	1.8%	2.2%	1.0%	1.3%
American Indian/Alaska Native	0.3%	0.1%	0.2%	0.6%	0.2%	0.3%	0.1%	0.0%	0.2%	0.0%
Asian	12.3%	15.1%	32.3%	26.4%	11.9%	9.6%	15.3%	13.6%	10.9%	9.8%
Native Hawaiian/Other Pacific Islander	0.2%	0.7%	0.4%	0.3%	0.1%	0.3%	0.4%	0.1%	0.3%	0.0%
Other	0.6%	N/A	0.7%	N/A	0.5%	N/A	0.6%	N/A	0.7%	N/A
Two or More Races	4.2%	3.1%	4.7%	3.8%	6.3%	4.4%	6.0%	3.5%	5.5%	4.6%

Conceptual Trustee Areas

Scenario 2 – 8.4% Population Variance



Scenario 4 – 9.9% Population Variance



Voting Area Process

Pursuant to AB 764's revisions to the FAIR MAPS Act, effective January 1, 2024, Elections Code § 21130 (b)(1) states:

"Consistent with the districting body's existing obligations under the federal Voting Rights Act, the districting body shall determine whether it is possible to create an election district or districts in which a minority group is sufficiently large and geographically compact to constitute a majority in a single-member district, as set forth in Thornburg v. Gingles, 478 U.S. 30 (1986), and as interpreted in case law regarding enforcement of the federal Voting Rights Act with respect to redistricting. The districting body shall publish on its redistricting web page, at a minimum, the results of its analysis within seven days of completing the analysis or prior to adopting election district boundaries, whichever occurs first."

Based on total population, District-wide, the two (2) largest protected classes comprise the following population percentages:

Hispanic/Latino – 24.5%

Asian – 16.7%

Citizen Voting Age Population (CVAP) figures estimate the number of persons who are both U.S. citizens and over the age of 18. Based on the most recent CVAP estimates, the two (2) largest protected classes comprise the following CVAP percentages District-wide:

Hispanic/Latino – 19.3%

Asian – 14.6%

Voting Area Process

The configuration and distribution of census blocks within the boundaries of the District, the fact that the two main protected classes are distributed across similar geographic areas together and thirdly, that they exist as insufficient population concentrations based on CVAP data, makes it not possible to draw a majority Hispanic/Latino or Asian CVAP majority area. Even if the District attempted to impermissibly "racially gerrymander" in violation of the law to "pack" an area with the largest concentration of residents from any of the protected classes by CVAP, it does not appear a majority can be achieved.

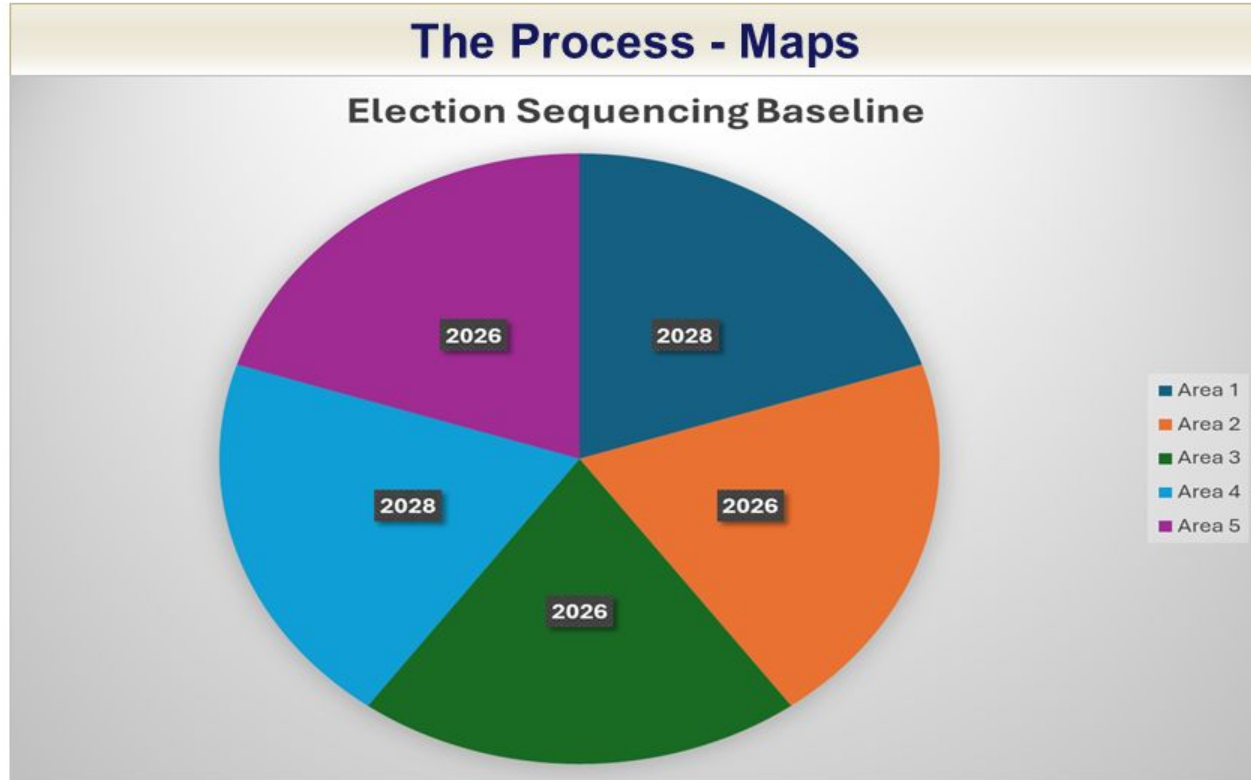
However, both map options being considered at this time do provide at least one or more trustee areas with notably increased influence for both protected class populations by CVAP. Specifically, the largest concentrations for the Hispanic/Latino population by CVAP per trustee area amounts to 34.4% - an increase compared to the District-wide average of 19.3%. The largest concentrations for Asian population by CVAP per trustee area amounts to 26.4% - an increase compared to the District-wide average of 14.6%.

Question & Answer

Agenda Item I. 5.:Review of Sequencing and Selection of Sequencing



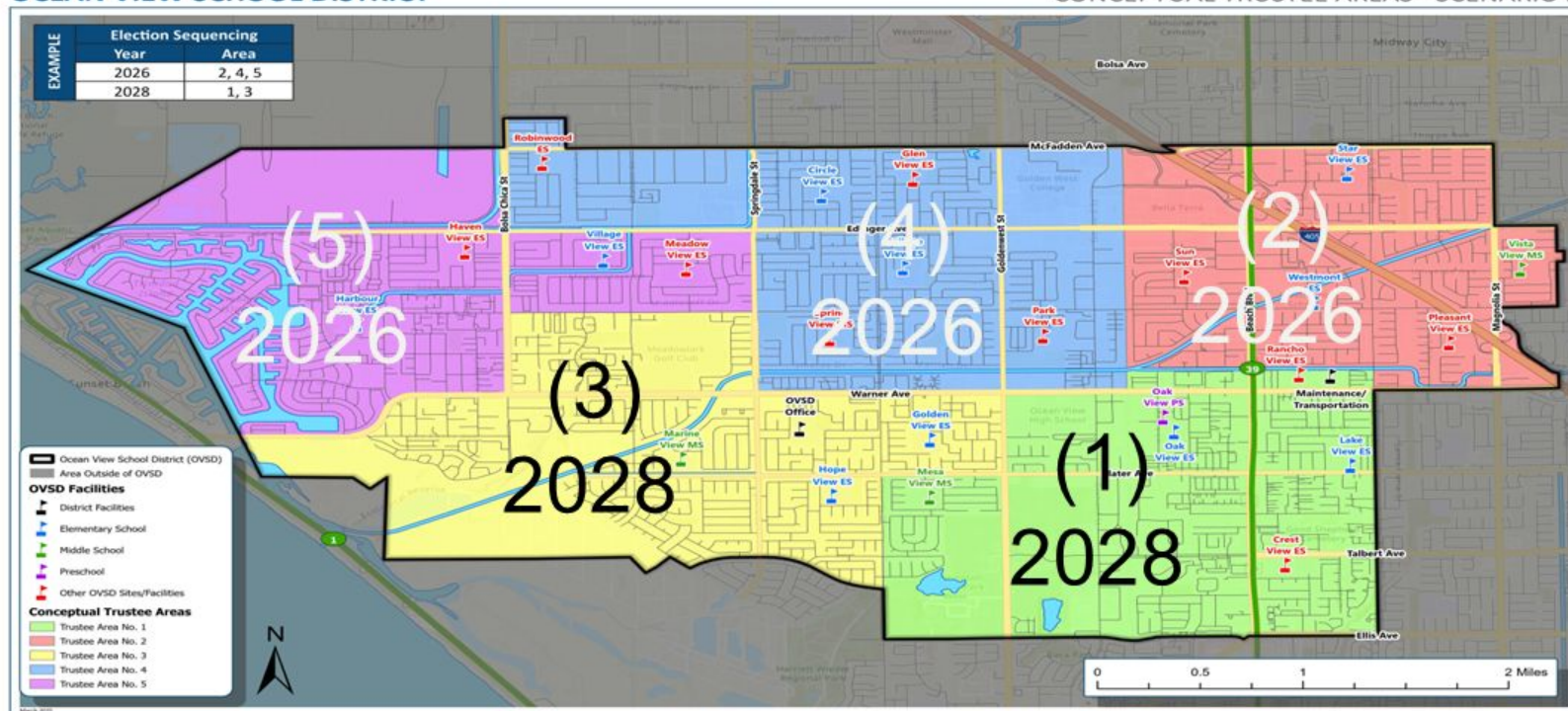
What does “Sequence of Elections Mean?”



Scenario 2 Sequencing Baseline Example

OCEAN VIEW SCHOOL DISTRICT

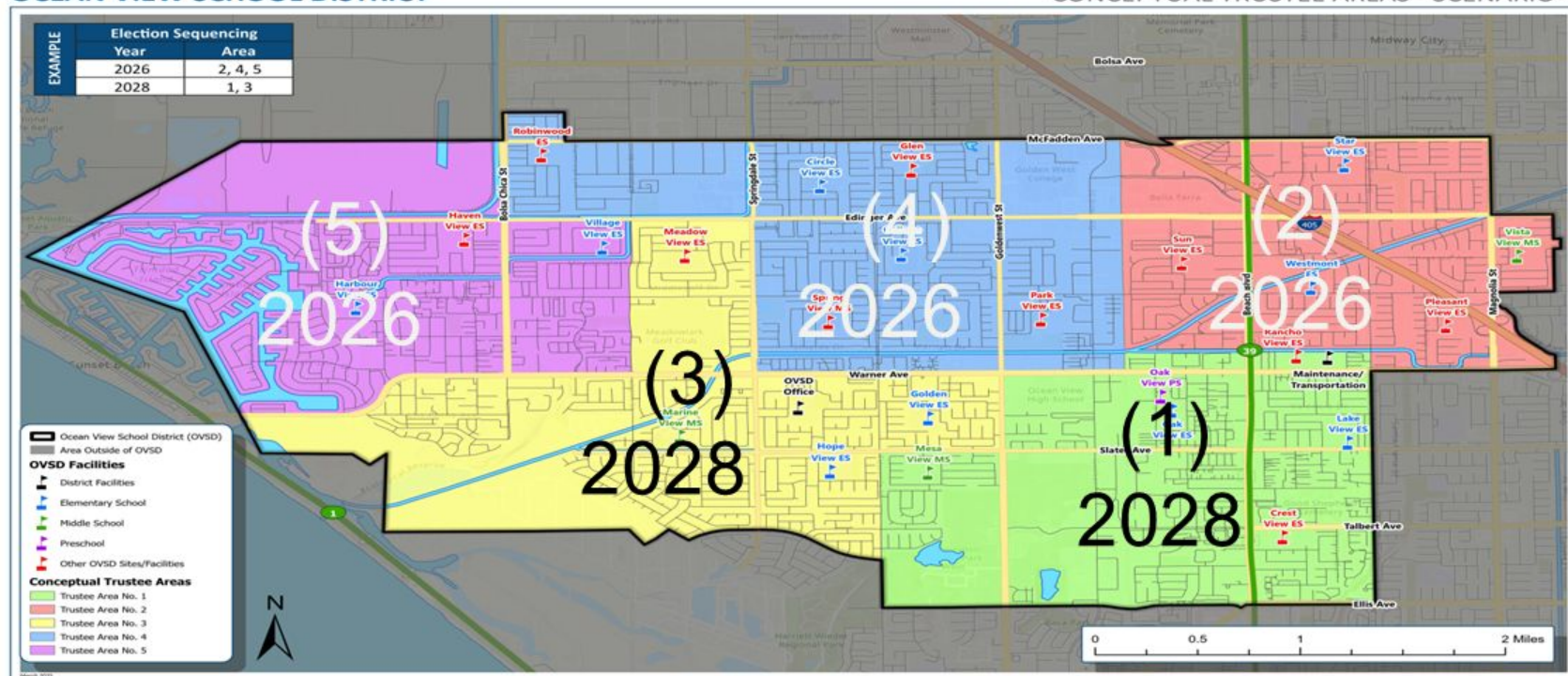
CONCEPTUAL TRUSTEE AREAS - SCENARIO 2



Scenario 4 Sequencing Baseline Example

OCEAN VIEW SCHOOL DISTRICT

CONCEPTUAL TRUSTEE AREAS - SCENARIO 4



Question & Answer

Agenda Item I. 6. and I. 7.: Approval of Resolution



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

The Process

- Three different procedures can be used to change from an at-large trustee area process to a by-trustee area election process:
 - 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).)

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

The Process

- District-Initiated Process:
 - After the public hearing process and any community input meetings, the District **adopts a by-trustee area election map**
 - The Board also adopts a **resolution** requesting that the County Committee on School District Organization approve the transition from an at-large election process to by-trustee area election process.

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

The Process

- The Orange County Committee on School District Organization must hold at least one public hearing within the District's boundaries. (Education Code Section 5019 (c)(2).)
- Following the public hearing, the County Committee must by resolution either approve or reject the proposal and set a date for an election on the sole question of the transition to trustee areas.

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

Default Process After County Committee Approval

- If approved, the proposal (i.e., the question of “Should the District transition to by-trustee area elections?”) must be submitted to the District’s voters not later than the next succeeding election for members of the Governing Board. (Education Code Section 5020(a).)

Transition From At-Large to By-Trustee Area Election Process (cont.)

- If an election is called by the County Committee, the only questions before the voters would be:
 - For the establishment of trustee areas in Ocean View SD – **Yes**
 - OR
 - For the establishment of trustee areas in Ocean View SD – **No**

- Questions required by Ed. Code section 5020

What if the Voters Vote **NO**?

- If the voters reject the District's transition to by-trustee area elections, the District would continue to conduct at-large elections.
- At large elections are subject the District to liability under the CVRA.
- If sued under the CVRA, the District would not be able to use the outcome of the election as a defense.

Implementing By-Trustee Area Election Method

Decennial Updates

- By Law, Trustee Areas must be updated following every decennial census. (Education Code Section 5019.5).

Question & Answer

Disclaimer

This AALRR presentation is intended for informational purposes only and should not be relied upon in reaching a conclusion in a particular area of law. Applicability of the legal principles discussed may differ substantially in individual situations. Receipt of this or any other AALRR presentation/publication does not create an attorney-client relationship. The Firm is not responsible for inadvertent errors that may occur in the publishing process.

© 2025 Atkinson, Andelson, Loya, Ruud & Romo