
SENATE COMMITTEE ON EDUCATION

Senator Connie Leyva, Chair

2019 - 2020 Regular

Bill No: AB 1150 **Hearing Date:** June 5, 2019
Author: Gloria
Version: March 19, 2019
Urgency: No **Fiscal:** Yes
Consultant: Lynn Lorber

Subject: Community college districts: governing board elections: San Diego Community College District: Grossmont-Cuyamaca Community College District.

NOTE: This bill has been referred to the Committees on Education and Elections and Constitutional Amendments. A "do pass" motion should include referral to the Committee on Elections and Constitutional Amendments.

SUMMARY

This bill requires candidates for election as members of the governing boards of the San Diego Community College District and the Grossmont-Cuyamaca Community College District to file nominating papers.

BACKGROUND

Existing law:

- 1) Requires candidates for election as a member of the governing boards of the San Diego Community College District or Grossmont-Cuyamaca Community College District to be nominated by trustee area at a district primary election held on the date of the statewide direct primary election. (Education Code § 72035 and § 72036.5)
- 2) Requires candidates for election as members of the governing boards of the San Diego Community College District or Grossmont-Cuyamaca Community College District to file a declaration of candidacy, as specified. (EC § 72035 and § 72036.5)
- 3) Provides that each member of the governing board elected at the general district election are to hold office for a term of four years beginning on the first Friday in December next succeeding the member's election. (EC § 72035 and § 72036.5)
- 4) Provides that the members of the governing boards in office at the time that prior legislation became effective are to hold office until the first Friday in December of the year in which their respective term of office would otherwise have terminated, or until a successor qualifies therefor. (EC § 72035 and § 72036.5)
- 5) Requires the first members of the governing board of a newly formed community college district to take office on the third Monday following their election, and the term of office of subsequent members of the board is to begin on the second

Friday in December following their election. (EC § 72027)

- 6) Provides that the majority of the members of the first elected board of any newly formed community college district are to serve until the second Friday in December of the second succeeding odd-numbered year. Existing law provides that the terms of the other members expire on the second Friday in December of the first succeeding odd-numbered year. (EC § 72027)
- 7) Establishes requirements for the nomination of an elected official in a city, including procedures for the filing of a nomination paper for the candidate. (Election Code Sections 10220, et seq.)

ANALYSIS

This bill:

- 1) Requires candidates for election as members of the governing boards of the San Diego Community College District and the Grossmont-Cuyamaca Community College District to file nominating papers by following the procedural and substantive requirements that apply in municipal elections.
- 2) Requires each candidate to be proposed by at least 100, but at most 120, voters in a trustee area.
- 3) Extends, by one week, the date by which newly elected members of the San Diego or Grossmont-Cuyamaca community college districts governing boards are to assume office after an election (from the first Friday in December to the second Friday in December).
- 4) Deletes obsolete provisions related to the date the term ends for a member of the governing board.

STAFF COMMENTS

- 1) ***Need for the bill.*** According to the author, “In most large cities, candidates interested in running for their community college board are required to either pay a filing fee or produce signatures demonstrating support for their candidacy. For the two community college districts in San Diego, this is not the case. Any person can get on the ballot without having to show they have sufficient community support or buy in. Collecting signatures is a common sense and democratic way to demonstrate community support and ensure that candidates running for these positions have at least minimal support in the districts they seek to represent.”
- 2) ***What is involved in filing nomination papers?*** State law generally requires candidates for elective state and county offices to file a declaration of candidacy, file nomination papers containing the signatures of voters, and pay a filing fee (or collect signatures on a petition in lieu of paying the fee). In contrast, candidates for school district governing boards and community college district governing boards are typically only required to file a declaration of candidacy, and are not

required to collect nomination signatures or pay a filing fee. In some school districts whose elections are governed by a city charter, candidates *are* required to collect nomination signatures or pay a filing fee; for example, candidates for the governing board of the San Francisco Community College District must collect at least 20 valid signatures on nomination papers and are required to pay a filing fee of \$500 or collect 1,000 signatures on a petition in lieu of paying the filing fee.

This bill statutorily requires candidates for two community college districts to file nomination papers. While this appears to be consistent with election processes in several community college districts in large cities, this bill codifies this process for only two community college districts.

According to the Assembly Elections and Redistricting Committee analysis of this bill, “the procedural requirements that candidates must meet in order to appear on the ballot serve, in part, as a means of limiting the number of candidates who appear on the ballot. Restricting the number of candidates who appear on the ballot (and thus, restricting the size of the ballot itself) can help reduce voter confusion, protect against overwhelming voting systems, and allow the electorate to focus attention on a smaller number of candidates in order that elections may better reflect the will of the majority. Courts have long recognized that states have a legitimate interest in regulating the number of candidates on the ballot for these reasons.

“Because one of the primary purposes of requiring candidates to comply with these procedural requirements is to limit the number of candidates who appear on the ballot, it is common for more extensive procedural requirements to apply to offices that draw larger numbers of candidates. For example, candidates for statewide office generally must collect a larger number of signatures on nomination petitions and must pay higher filing fees than candidates for the state legislature.

“Historically, however, the San Diego and the Grossmont-Cuyamaca community college districts have had a relatively modest number of candidates who have run for seats on their governing boards. Specifically, in the Grossmont-Cuyamaca Community College District, only one candidate has qualified to appear on the ballot in six of the 10 trustee elections since the district started electing governing board members by trustee area (instead of at-large) in 2012. In each of the other four trustee elections (including all three trustee area elections that were on the ballot in 2018), three candidates qualified to appear on the ballot. Over the same time period, the San Diego Community College District has also held 10 trustee elections: three elections featured a single candidate on the ballot; three elections had two candidates; one election had three candidates; and three elections had four candidates.”

Does this bill create an unnecessary barrier to people who may wish to run for office? Could this bill further reduce the number of candidates who run for office in the San Diego or Grossmont-Cuyamaca community college districts?

- 3) ***Date terms of office begin and end.*** This bill affects only two community college districts because those are the only community college districts for which statutes provide for governing board members terms to begin on the first Friday in December.

AB 2449 (Arambula, Chapter 146, 2018) modified the beginning and end dates of the terms of office for governing board members of school districts, county offices of education, and community college districts, from the first Friday in December to the second Friday in December. Governing board elections may occur in odd or even years. In even-year elections, county elections officials have up to 30 days after Election Day to complete their official canvass: the tallying, auditing, and certification of the vote. Even-year elections have a slightly longer time periods for certification due to their consolidation of many jurisdictional elections. The first Friday in December precedes the Election Code's 30-day deadline to certify the vote after even-year elections.

Prior legislation did not make the corresponding change to two sections of the Education that relate specifically to the San Diego and Grossmont-Cuyamaca community college districts. This bill makes those changes.

- 4) ***Fiscal impact.*** According to the Assembly Appropriations Committee, this bill would impose minor reimbursable state-mandated local costs, likely under \$10,000 annually (General Fund).

SUPPORT

American Federation of Teachers Guild, Local 1931 (co-sponsor)
California Federation of Teachers (co-sponsor)
Grossmont-Cuyamaca Community College District
San Diego Mesa College Academic Senate

OPPOSITION

None received

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