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AB-1150 Community college districts: governing board elections: San Diego Community College District: Grossmont-Cuyamaca Community College District. (2019-2020)

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Assembly Bill No. 1150

CHAPTER 624

An act to amend Sections 72035 and 72036.5 of the Education Code, relating to community colleges.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1150, Gloria. Community college districts: governing board elections: San Diego Community College District: Grossmont-Cuyamaca Community College District.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, as one of the segments of public postsecondary education in this state. Existing law establishes community college districts, administered by a governing board, throughout the state. Existing law provides various procedures for the nomination and election of the governing boards of community college districts.

Existing law establishes requirements for the nomination of an elected official in a city, including procedures for the filing of a nomination paper for the candidate. Existing law prohibits a candidate for a municipal office from filing nomination papers for more than one municipal office or term of office for the same municipality in the same election.

Existing law requires members of the governing boards of the San Diego Community College District and the Grossmont-Cuyamaca Community College District to be elected in a manner established by specified statutes. Existing law provides that the terms of office for all members shall begin and end on the first Friday in December, as specified.

This bill would require a candidate for election as a member of the governing board of each of these districts to comply with the procedural and substantive requirements for filing nomination papers that apply in municipal elections, as specified, and would prohibit a candidate from filing nomination papers for more than one governing board position for the same governing board in the same election. This bill would change the day of the beginning and end of members' terms to the second Friday in December. To the extent this would impose increased duties on the community college districts, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 72035 of the Education Code is amended to read:

72035. Notwithstanding any other provision of law and the Charter of the City of San Diego, the number of members, the election of members, and the reapportionment of trustee areas of the governing board of the San Diego Community College District shall be conducted pursuant to this section.

(a) Candidates for election as a member of the governing board of the district shall be nominated by trustee area at a district primary election held on the date of the statewide direct primary election. At the district primary election, the two candidates receiving the highest number of votes within the trustee area shall be nominees for the general district election for that trustee area, and the nominee who receives a majority of the votes cast by the voters of the district in the districtwide general district election shall be elected to represent that trustee area. The general district election shall be held on the same date as the statewide general election.

(b) Candidates for election as members of the governing board shall do both of the following:

(1) File a declaration of candidacy as provided in this code.

(2) File nominating papers following the procedural and substantive requirements in Sections 10220 to 10227, inclusive, of the Elections Code, except to the extent those requirements conflict with the requirements in subdivision (a) or this paragraph. For the purposes of this paragraph, any reference to the city elections official in the Elections Code means the elections official of the county. Each candidate shall be proposed by not less than 40 nor more than 60 voters in a trustee area.

(c) Each member of the governing board elected at the general district election shall hold office for a term of four years commencing on the second Friday in December next succeeding the member's election.

(d) The territory of the district shall be divided into trustee areas and one member of the governing board shall be elected from each trustee area. A candidate for election as a member of the governing board shall reside in, and be registered to vote in, the trustee area the candidate seeks to represent.

(e) The governing board of the district shall be composed of not less than five members and not more than nine, as determined by the governing board. Sections 5019 to 5030, inclusive, do not apply to the governing board's determination of the number of members pursuant to this subdivision. If the number of members of the governing board is increased or decreased, the governing board shall establish new trustee areas, abolish trustee areas, or adjust the boundaries of trustee areas so that the number of trustee areas is equal to the number of governing board members. If the number of members of the governing board is increased, the additional members of the governing board shall be elected at the next regular general district election of board members occurring at least 123 days after the governing board approved the increased number of board members. Prior to the next general district election, the governing board shall divide by lot the additional trustee area positions that are created so that the term of one-half of the board members elected to those positions shall expire on the second Friday in December following the next general district election. The term of the other board members elected to fill the remainder of the additional positions shall expire on the second Friday in December following the second general district election succeeding their election.

(f) The governing board shall adjust the boundaries of each trustee area in existence on January 1, 1992, to reflect population changes enumerated in the 1990 decennial federal census. The purpose of the adjustment is to establish trustee areas so that the population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas. Thereafter, the boundaries of trustee areas shall be adjusted pursuant to Section 5019.5 and may be abolished or rearranged as otherwise provided in this code.

(g) Pursuant to Sections 5019 and 5030, the county committee on school district organization may propose to the district voters that the member residing in each trustee area be elected by the registered voters of that particular trustee area. The proposal shall be submitted to the voters of the district at the next regular general district election occurring at least 123 days after the adoption of the proposal by the county committee on school district organization. If that proposal is approved by a majority of the voters voting in the election, then notwithstanding subdivision (a), there shall be no direct primary election for governing board members at the next election for members. Instead, members shall be elected at a general district election held on the same day as the statewide general election. At that general district election, board member candidates shall be elected to represent the trustee area in which they reside and are registered to vote by the registered voters of that trustee area. The candidate in each trustee area receiving the highest number of votes shall be elected.

SEC. 2. Section 72036.5 of the Education Code is amended to read:

72036.5. (a) Notwithstanding any other law, the number of members, the election of members, and the reapportionment of trustee areas of the Governing Board of the Grossmont-Cuyamaca Community College District shall be provided for pursuant to this

section and in accordance with the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code).

(b) For purposes of this section, "district" means the Grossmont-Cuyamaca Community College District.

(c) Candidates for election as a member of the governing board of the district shall be nominated by trustee area at a district primary election held on the date of the statewide direct primary election. At the district primary election, the two candidates receiving the highest number of votes within the trustee area shall be nominees for the district general election for that trustee area, and the nominee who receives a majority of the votes cast by the voters of the trustee area in the district general election shall be elected to represent that trustee area. The district general election shall be held on the same date as the statewide general election.

(d) Each member of the governing board elected at the district general election shall hold office for a term of four years commencing on the second Friday in December following the member's election.

(e) Candidates for election as members of the governing board shall do both of the following:

(1) File a declaration of candidacy as provided in this code.

(2) File nominating papers following the procedural and substantive requirements in Sections 10220 to 10227, inclusive, of the Elections Code, except to the extent those requirements conflict with the requirements of subdivision (c) or this paragraph. For the purposes of this paragraph, any reference to the city elections official in the Elections Code means the elections official of the county. Each candidate shall be proposed by not less than 40 nor more than 60 voters in a trustee area.

(f) The territory of the district shall be divided into trustee areas and one member of the governing board shall be elected from each trustee area. A candidate for election as a member of the governing board of the district shall reside in, and be registered to vote in, the trustee area the candidate seeks to represent.

(g) The governing board of the district shall be composed of not less than five members and not more than nine, as determined by the governing board. Sections 5019 to 5030, inclusive, do not apply to the governing board's determination of the number of members pursuant to this subdivision. If the number of members of the governing board is increased or decreased, the governing board shall establish new trustee areas, abolish trustee areas, or adjust the boundaries of trustee areas so that the number of trustee areas is equal to the number of governing board members. If the number of members of the governing board is increased, the additional members of the governing board shall be elected at the next regular district general election of board members occurring at least 123 days after the governing board approved the increased number of board members. Prior to the next district general election, the governing board shall divide by lot the additional trustee area positions that are created so that the term of one-half of the board members elected to those positions shall expire on the second Friday in December following the next district general election. The term of the other board members elected to fill the remainder of the additional positions shall expire on the second Friday in December following the second district general election succeeding their election.

(h) Boundaries for trustee areas established by a resolution of the governing board of the district or adopted by the county committee on school district organization prior to January 1, 2012, to reflect population changes enumerated in the 2010 decennial federal census shall be in effect when this section becomes operative. The boundaries of each trustee area shall be set so that the population of each area is, as nearly as may be, the same proportion of the total population of the district as each of the other areas. Thereafter, the boundaries of trustee areas shall be adjusted pursuant to Section 5019.5 and may be abolished or rearranged as otherwise provided in this code.

SEC. 3. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.