

Assembly Bill No. 684

Passed the Assembly September 2, 2011

Chief Clerk of the Assembly

Passed the Senate August 30, 2011

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2011, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to add Sections 72036 and 72036.5 to the Education Code, relating to community colleges, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 684, Block. Community college districts: trustee elections.

(1) Existing law establishes the California Community Colleges, which are administered by the Board of Governors of the California Community Colleges. The board of governors provides general supervision over each community college district and performs specified functions. Each community college district is under the control of a board of trustees.

Existing law provides various procedures for the nomination and election of the governing boards of community college districts. Existing law specifies the number of members on the board, residency requirements, length of terms, and the drawing of trustee boundaries.

This bill would authorize the governing board of a community college district to change election systems, as specified, in accordance with the provisions of this bill and the California Voting Rights Act of 2001, subject to approval by the Board of Governors of the California Community Colleges. The bill would authorize the governing board of a community college district to establish elections by trustee areas. In establishing trustee areas, the territory of a district would be divided into trustee areas, and one member of the governing board would be elected from each trustee area. A candidate for election as a member of the governing board would be required to reside in, and be registered to vote in, the trustee area he or she seeks to represent. The governing board would be authorized to set the initial boundaries of each trustee area to reflect the population enumerated in the most recent decennial federal census. Thereafter, the boundaries of trustee areas would be adjusted, abolished, or rearranged as specified. This bill would authorize the governing board of a community college district to determine the number of trustees, and would require the governing board to be composed of 5 to 9 members. The board would be

authorized to establish, abolish, or adjust trustee areas and terms of office, as specified. The bill would specify that the act would not apply to any community college district that is authorized by statute to provide for its own trustee elections.

(2) This bill would establish a procedure for 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 in accordance with the provisions of this bill and the California Voting Rights Act of 2001. The bill would provide that candidates for election to the board be nominated by trustee area, as defined, at a primary election held on the date of the statewide direct primary election. The 2 candidates receiving the highest number of votes would be the nominees for the general election for that trustee area. The candidate receiving a majority of the votes cast in the general election would be elected to represent that district, and would hold office for a 4-year term, as specified. Members of the board holding office on the effective date of this bill would continue to hold office, as specified. The bill would require the governing board to be composed of 5 to 9 members, as determined by the board, and to establish, abolish, or adjust trustee areas and terms of office, as specified. This bill would require the boundaries for trustee areas established by 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, to be in effect when the bill becomes operative. The bill would require the boundaries to be set so that the population of each area is in proportion to the other districts. The bill would thereafter require the boundaries to be adjusted, abolished, or rearranged, as specified.

(3) By imposing the above requirements on the Grossmont-Cuyamaca Community College District, 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 no reimbursement is required by this act for a specified reason.

(4) This bill would declare that it is to take effect immediately as an urgency statute.

The people of the State of California do enact as follows:

SECTION 1. Section 72036 is added to the Education Code, to read:

72036. Notwithstanding any other law, the governing board of a community college district may change election systems, in accordance with the provisions of this section and the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code), upon the adoption by the board of trustees of a resolution in support of electing the trustees in accordance with this section and upon the approval of the Board of Governors of the California Community Colleges, as follows:

(a) The governing board of a community college district may establish elections by trustee areas. In establishing trustee areas, the territory of a 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 he or she seeks to represent. The governing board shall set the initial boundaries of each trustee area to reflect substantially equal population in each district as enumerated in the most recent decennial federal census. Thereafter, the boundaries of trustee areas shall be adjusted pursuant to Section 5019.5, and may be abolished or adjusted as otherwise provided in this code.

(b) The governing board of a community college district may establish a top-two primary election system. Candidates for election as a member of a governing board of a 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.

(c) The governing board of a community college district may determine the number of trustees pursuant to this subdivision. The governing board of a community college 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 a governing board is increased or decreased, a 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 a 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 first 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 first Friday in December following the second district general election succeeding their election.

(d) This section shall not apply to any community college district that has been authorized by statute to provide for its own trustee elections.

SEC. 2. Section 72036.5 is added to the Education Code, 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) Candidates for election as members of the governing board of the district shall file a declaration of candidacy as provided in this code. Each member of the governing board elected at the district general election shall hold office for a term of four years commencing on the first Friday in December following his or her election.

(e) The members of the governing board of the district that are in office on the effective date of the act that enacted this section at the 2011–12 Regular Session of the Legislature shall 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.

(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 he or she 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 first 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 first 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. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred by a local agency or school district are the result of a program for which legislative authority was requested by that local agency or school district, within the meaning of Section 17556 of the Government Code and Section 6 of Article XIII B of the California Constitution.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the Constitution and shall go into immediate effect. The facts constituting the necessity are:

In order that election procedures for community college districts conform to the California Voting Rights Act of 2001 as soon as possible, it is necessary for this act to take effect immediately.

Approved _____, 2011

Governor