Date of Hearing: April 2, 2019

ASSEMBLY COMMITTEE ON HIGHER EDUCATION
Jose Medina, Chair
AB 1150 (Gloria) – As Amended March 19, 2019

[Note: This bill is doubled referred to the Assembly Elections and Redistricting Committee and will be heard by that Committee as it relates to issues under its jurisdiction.]

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

SUMMARY: Requires a candidate for election as a member of the governing board of each the San Diego Community College District (CCD) and the Grossmont-Cuyamaca CCD, respectively, to comply with the procedural and substantive requirements for filing nomination papers that apply in municipal elections, as specified. Specifically, **this bill**:

1) Requires a candidate for election as a member of the governing board of the San Diego Community College District (CCD) and the Grossmont-Cuyamaca CCD to comply with the procedural and substantive requirements for filing nomination papers that apply in municipal elections, as specified in the Elections Code.

2) Specifies that each candidate shall be proposed by not less than 100 nor more than 120 voters in a trustee area.

3) Changes the day of the beginning and end of members' terms from the First Friday to the second Friday in December.

4) 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 the Government Code.

EXISTING LAW:

1) Establishes the California Community Colleges (CCC), a postsecondary education system consisting of CCDs established, as specified, and the Board of Governors of the CCC. The board of governors, local CCDs, and the California Online Community College shall carry out the functions as specified. (Education Code (EDCC) Section 70900)

2) Requires the majority of the members of the first elected board of any newly formed community college district, the members of which majority received the highest number of votes, to serve until the second Friday in December of the second succeeding odd-numbered year. The terms of the other members expire on the second Friday in December of the first succeeding odd-numbered year. Those members shall continue in office until their successors are elected and qualified. (EDC Section 72027)

3) 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 as specified, and provides that the terms of office for all members shall begin and end on the first Friday in December, as specified. (EDC Sections 72035 and 72036.5)

4) 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.)

5) 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. (Elections Code Section 10220.5)

6) 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 the Government Code.

FISCAL EFFECT: Unknown.

COMMENTS: *Double-referral*. This bill is double-referred to the Assembly Elections and Redistricting Committee.

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 showing 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."

"In the Grossmont-Cuyamaca and San Diego Community College Districts, current law does not require candidates to either pay a filing fee or produce signatures in support of their candidacy. In order to have candidates that are more connected to their community, we need to amend Sections 72035 and 72036.5 of the Education Code to resolve this issue. These sections of the Education Code apply only to these two Districts."

Background. San Diego and Grossmont-Cuyamaca CCDs are in the unique position of being one of a handful of districts that have Education Code sections which specify the election process to be used, as well as specific candidate declaration policy. Both districts specify that a candidate be nominated by trustee area.

Existing law generally authorizes community college district boards to be organized so members are either elected at-large or by trustee areas. In districts having trustee areas, the district can be organized such that the registered voters in the entire community college district vote for trustees from each of the trustee areas, or the district can be organized so that only the registered voters in a trustee area vote for the trustees from that area. In either case, candidates for a trustee area must reside in and be registered to vote in that trustee area.

AB 1150 would require, in addition to a candidate residing in their trustee area, which a candidate must that each candidate shall be proposed by not less than 100 nor more than 120 voters in a trustee area. Candidates would also be required to comply with the procedural and substantive requirements for filing nomination papers that mirror those required in municipal elections.

Arguments in support. The American Federation of Teachers Guild, Local 1931, notes that "…the San Francisco Community College Board requires 1,000 signatures in lieu of a $500 filing fee. The San Diego Unified School District Board requires candidates to produce 100

signatures as part of their application for candidacy. Candidates for statewide office in California require anywhere from 1,000 to 7,000 signatures to qualify for the ballot. However, in the Grossmont-Cuyamaca and San Diego CCDs, this is not the case. Any person who fills out the required paperwork is automatically added to the ballot, with absolutely no signature requirement or filing fee. 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."

Prior legislation. SB 628 (Lara), Chapter 243, Statutes of 2017, deleted the requirement that the Los Angeles Community College District (LACCD) members be elected at large, and instead authorizes the members to be elected by trustee area.

AB 450 (Jones-Sawyer, 2013) required the LACCD, beginning in 2015, to have district governing board members elected by trustee area instead of at-large. The LACCD board was to provide for the establishment of seven trustee areas by July 1, 2014 and hold a public hearing prior to adopting the boundaries of each trustee area. AB 450 was held in the Assembly Appropriations Committee.

AB 684 (Block), Chapter 614, Statutes of 2011, established a procedure for the governing board of a CCD to change election systems, including moving from at-large elections to elections by trustee area, without voter approval, and required members of the governing board of the Grossmont-Cuyamaca CCD to be elected by trustee area.

AB 1252 (Davis, 2011) required the LACCD members to be elected by trustee areas. AB 1252 was never heard.

REGISTERED SUPPORT / OPPOSITION:

Support

American Federation of Teachers Guild, Local 1931
California Federation of Teachers
Grossmont-Cuyamaca Community College District
San Diego Community College District

Opposition

None on file.

Analysis Prepared by: Kevin J. Powers / HIGHER ED. / (916) 319-3960