

CALIFORNIA LEGISLATURE— 2019–2020 REGULAR SESSION

SENATE BILL

No. 212

Introduced by Senator Allen

February 04, 2019

An act to amend Sections 5013, 5020, 5027, and 5028 of, and to add Sections 1018, 1019, 1020, 5010, 5032, and 5096 to, the Education Code, to amend Sections 25040, and 25061 of, to add Section 25001 to, and to add Article 4 (commencing with Section 34910) to Chapter 4 of Part 1 of Division 2 of Title 4 of, the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 212, as introduced, Allen. Elections: local voting methods.

Existing law provides procedures for the election of candidates for elective offices in cities, counties, and local educational agencies. Existing law specifies the circumstances in which voters in these jurisdictions may elect officers at large or from or by district. Existing law prescribes the length of various terms of office for locally elected officials.

This bill would authorize a city, county, or local educational agency to conduct an election using ranked choice voting, in which voters rank the candidates for office in order of preference, as specified.

Digest Key

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

Bill Text**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

SECTION 1. The Legislature finds and declares all of the following:

(a) Each local jurisdiction should have the authority to determine the best voting method for that jurisdiction.

(b) Under current law, charter cities and counties may adopt alternative voting methods while general law cities, counties, and school districts cannot.

(c) Ranked choice voting has led to greater voter participation in multiple cities, and voters using ranked choice voting have been more satisfied with candidates' conduct and have generally viewed those campaigns as less negative.

SEC. 2. Section 1018 is added to the Education Code, to read:

1018. (a) Notwithstanding any other provision of this article, the county board of education may adopt, or the residents of the county may propose by initiative, a proposal to elect members of the county board of education by ranked choice voting. The proposal shall specify whether the members shall be elected at large or by or from trustee area. A proposal to elect members by ranked choice voting shall apply prospectively only and shall not become operative unless it is submitted to the electors of the county at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(b) An initiative measure proposed pursuant to subdivision (a) is subject to the procedures set forth in Chapter 2 (commencing with Section 9100) of Division 9 of the Elections Code.

(c) This section does not authorize a county board of education to elect members at large if it is required by a court order or judgment to elect its members by or from trustee area.

(d) A county board of education member elected to a full term by ranked choice voting shall only be elected in a general election held in November of an even-numbered year.

SEC. 3. Section 1019 is added to the Education Code, to read:

1019. (a) If a county board of education authorizes the use of ranked choice voting pursuant to Section 1018, before that method is used in any election, a county elections official may certify to the county board of supervisors and county superintendent of schools that the county lacks the technological capacity to conduct elections by this method. The elections official shall provide this certification at least seven days, and not more than 60 days, before the later of 113 days before the election or the first day on which a declaration of candidacy may be filed.

(b) If a county elections official provides a certification pursuant to subdivision (a), the county board of education shall conduct its next election in the same manner as its most recent election was conducted.

SEC. 4. Section 1020 is added to the Education Code, to read:

1020. A special election to fill one or more vacancies with ranked choice voting and an election to elect one or more other members of the county board of education to full terms using ranked choice voting that are held on the same day shall be consolidated into a single contest if the board is elected at large or the contests to be consolidated are for members elected by or from the same trustee area.

SEC. 5. Section 5010 is added to the Education Code, to read:

5010. (a) Notwithstanding any other provision of this article, the governing board of a school district or community college district may adopt a resolution authorizing the election of members of the governing board by ranked choice voting. The resolution shall specify whether the members elected pursuant to this method shall be elected at large or by or from trustee area, and it shall be presented to the electors of the school district pursuant to Section 5020. A resolution adopted pursuant to this subdivision shall apply prospectively only.

(b) This section does not authorize the governing board of a school district or community college district to elect members at large if it is required by a court order or judgment to elect its members by or from trustee area.

(c) A member of the governing board of a school district or community college district elected to a full term by ranked choice voting shall only be elected in a general election held in November of an even-numbered year.

SEC. 6. Section 5013 of the Education Code is amended to read:

5013. ~~The~~ *(a) Except as provided in subdivision (b), the* form of ballot for governing board member elections shall be governed by Chapter 2 (commencing with Section 13100) of Division 13 of the Elections Code.

(b) The form of ballot for governing board member elections conducted by ranked choice voting shall be governed by Section ____ of the Elections Code.

SEC. 7. Section 5020 of the Education Code is amended to read:

5020. (a) The resolution of the county committee approving a proposal to establish or abolish trustee areas, to adopt one of the alternative methods of electing governing board members specified in Section *5010 or* 5030, or to increase or decrease the number of members of the governing board shall constitute an order of election, and the proposal shall be presented to the electors of the district not later than the next succeeding election for members of the governing board.

(b) If a petition requesting an election on a proposal to rearrange trustee area boundaries is filed, containing at least 5 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to ~~vote, provided that~~ *vote if* there is sufficient time to place the issue on the ballot.

(c) If a petition requesting an election on a proposal to establish or abolish trustee areas, to increase or decrease the number of members of the board, or to adopt one of the alternative methods of electing governing board members specified in Section *5010 or* 5030 is filed, containing at least 10 percent of the signatures of the district's registered voters as determined by the elections official, the proposal shall be presented to the electors of the district, at the next succeeding election for the members of the governing board, at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to ~~vote, provided that~~ *vote if* there is sufficient time to place the issue on the ballot. Before the proposal is presented to the electors, the county committee on school district organization may call and conduct one or more public hearings on the proposal.

(d) The resolution of the county committee approving a proposal to establish or abolish a common governing board for a high school and an elementary school district within the boundaries of the high school district shall constitute an order of election. The proposal shall be presented to the electors of the district at the next succeeding statewide primary or general election, or at the next succeeding regularly scheduled election at which the electors of the district are otherwise entitled to ~~vote, provided that~~ *vote if* there is sufficient time to place the issue on the ballot.

(e) For each proposal there shall be a separate proposition on the ballot. The ballot shall contain the following words:

“For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—Yes” and “For the establishment (or abolition or rearrangement) of trustee areas in ____ (insert name) School District—No.”

“For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—Yes” and “For increasing the number of members of the governing board of ____ (insert name) School District from five to seven—No.”

“For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—Yes” and “For decreasing the number of members of the governing board of ____ (insert name) School District from seven to five—No.”

“For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—Yes” and “For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District—No.”

“For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District using ranked choice voting—Yes” and “For the election of each member of the governing board of the ____ (insert name) School District by the registered voters of the entire ____ (insert name) School District using ranked choice voting—No.”

“For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—Yes” and “For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area—No.”

“For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area using ranked choice voting—Yes” and “For the election of one member of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters in that trustee area using ranked choice voting—No.”

“For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—Yes” and “For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District—No.”

“For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District using ranked choice voting—Yes” and “For the election of one member, or more than one member for one or more trustee areas, of the governing board of the ____ (insert name) School District residing in each trustee area elected by the registered voters of the entire ____ (insert name) School District using ranked choice voting—No.”

“For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—Yes” and “For the establishment (or abolition) of a common governing board in the ____ (insert name) School District and the ____ (insert name) School District—No.”

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(f) If more than one proposal appears on the ballot, all must carry in order for any to become effective, except ~~that a~~ as follows:

(1) A proposal to adopt one of the methods of election of board members specified in Section 5030 ~~which that~~ is approved by the voters shall become effective unless a proposal ~~which that~~ is inconsistent with that proposal has been approved by a greater number of voters. ~~An~~

(2) An inconsistent proposal approved by a lesser number of voters than the number ~~which that~~ have approved a proposal to adopt one of the methods of election of board members specified in Section 5030 shall not be effective.

SEC. 8. Section 5027 of the Education Code is amended to read:

5027. ~~Whenever~~*If* the boundaries of a county high school district are coterminous with the boundaries of a county, the board shall consist of one ~~member from each supervisorial district in the county elected at large from the district.~~ *of the following:*

(a) One member from each supervisorial district in the county elected at large from the county high school district.

(b) As many members as there are supervisorial districts with the members elected at large using ranked choice voting.

SEC. 9. Section 5028 of the Education Code is amended to read:

5028. In every community college district ~~which that~~ was divided into five wards on or before September 7, 1955, one member of the board shall be elected from each ward by the registered voters of the ward. On or before January 1st of a fiscal ~~year~~ *year*, the governing board of the district may rearrange the boundaries of the wards to provide for representation in accordance with population and geographic factors or

may abolish the wards. *If the wards are abolished, members of the governing board may also be elected at large using ranked choice voting.*

SEC. 10. Section 5032 is added to the Education Code, to read:

5032. (a) If a school district or community college district authorizes the use of ranked choice voting pursuant to Section 5010, before that method is used in any election, a county elections official may certify to the governing board of the district, the county board of supervisors, and the county superintendent of schools who have jurisdiction over the election that the county lacks the technological capacity to conduct elections by this method. The elections official shall provide this certification at least 7 days, and not more than 60 days, before the later of 113 days before the election or the first day on which a declaration of candidacy may be filed.

(b) If a county elections official provides a certification pursuant to subdivision (a), the district shall conduct its next election in the same manner as its most recent election was conducted.

SEC. 11. Section 5096 is added to the Education Code, to read:

5096. A special election to fill one or more vacancies with ranked choice voting and an election to elect one or more other members of the governing board of the school district or community college district to full terms using ranked choice voting that are held on the same day shall be consolidated into a single contest if the board is elected at large or the contests to be consolidated are for members elected by or from the same trustee area.

SEC. 12. Section 25001 is added to the Government Code, to read:

25001. (a) Notwithstanding any other law, a county board of supervisors may adopt, or a resident of the county may propose by initiative, a proposal to elect an officer of the county by ranked choice voting. The proposal shall specify which county officers shall be elected by this method and whether they shall be elected at large or by or from district, as applicable.

(b) A proposal pursuant to subdivision (a) shall apply prospectively only and shall not become operative unless it is submitted to the electors of the county at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(c) A proposal enacted pursuant to this section shall only be amended or repealed in the manner described in subdivisions (a) and (b).

(d) A county officer elected to a full term by ranked choice voting shall only be elected in a general election held in November of an even-numbered year.

(e) This section does not authorize a county to elect members at large if it is required by a court order or judgment to elect its members by or from district.

SEC. 13. Section 25040 of the Government Code is amended to read:

25040. Each member of the board of supervisors shall be elected by the district ~~which he~~ *that the member* represents, and not at large, except *if one of the following is true: ~~in~~*

(a) The election is held in any county in which supervisorial districts have not been established by law or ordinance, and in which supervisors were on May 17, 1907, required to be elected at large, but from particular ~~wards, the members shall be elected at large and without regard to residence.~~ *wards.*

(b) Members are elected at large by ranked choice voting pursuant to Section 25001.

SEC. 14. Section 25061 of the Government Code is amended to read:

25061. *(a)* The election of a supervisor to fill the vacancy for the unexpired term shall be held at the next general election, unless the term expires on the first Monday after January 1st succeeding the election.

(b) A special election to fill one or more vacancies with ranked choice voting and an election to elect one or more other members of the board of supervisors to full terms using ranked choice voting that are held on the same day shall be consolidated into a single contest if the board of supervisors is elected at large or the contests to be consolidated are for members elected by or from the same district.

SEC. 15. Article 4 (commencing with Section 34910) is added to Chapter 4 of Part 1 of Division 2 of Title 4 of the Government Code, to read:

Article 4. Election of City Officers by Ranked Choice Voting

34910. (a) A municipal legislative body may submit to the registered voters an ordinance providing for the election of an officer of the city by ranked choice voting. The ordinance may also be qualified for the ballot by means of an initiative measure in accordance with Chapter 3 (commencing with Section 9200) of Division 9 of the Elections Code. The ordinance shall specify which city officers shall be elected by this method and whether they shall be elected at large or by or from district, as applicable. An ordinance adopted pursuant to this

subdivision shall apply prospectively only and shall not become operative unless it is submitted to the electors of the city at a regularly scheduled election and a majority of the votes cast on the question favor the adoption of the proposal.

(b) If a legislative body is elected by ranked choice voting, the following apply:

(1) The legislative body may have an odd number of members greater than five, even if the members are elected at large.

(2) A member's term of office shall be four years.

(c) An ordinance enacted pursuant to this section shall only be amended or repealed in the manner described in subdivision (a).

(d) This section applies both to cities with an elective mayor and cities with a city manager form of government.

(e) This section does not authorize a city to elect members at large if it is required by a court order or judgment to elect its members by or from district.

(f) A city officer elected to a full term by ranked choice voting shall only be elected in a general election held in November of an even-numbered year.

34911. If a special election to fill one or more vacancies with ranked choice voting is held on the same day as an election to elect one or more other members of the legislative body to full terms using ranked choice voting, those election contests shall be consolidated into a single contest, provided that the legislative body is elected at large or the contests to be consolidated are for members elected by or from the same district.