

- **What is the California Voting Rights Act (CVRA)?**

In 2002, the California legislature enacted the California Voting Rights Act ("CVRA"), which prohibits the use of at-large elections of governing board members for a school district if it "impairs the ability of a protected class to elect candidates of its choice or its ability to influence the outcome of an election...." (Elections Code § 14027, emphasis added.) Under the CVRA, the only election system that provides an accepted "safe harbor" from a potential CVRA claim is a "by-trustee area" election system. Under a "by-trustee area" election system, a school district is divided into separate trustee areas and one governing board member is elected by the registered voters in that particular trustee area, rather than the community at-large. Acalanes Union High School District currently employs an "at-large" election system for the purposes of electing Governing Board members.

Numerous school districts and other public agencies throughout the state have been targeted by private law firms for alleged violations of the CVRA and it is believed that the best course of action for the District is to initiate its transition to "by-trustee" area elections for future Governing Board elections. The Legislature recently passed SB 442 which amends the Education Code to make it easier for school districts to transition to by-trustee area election systems. Pursuant to SB 442, effective January 1, 2022, school districts and community college districts may transition to by-trustee area elections upon approval by the county committee, without the need to seek voter approval or to obtain a waiver of the same from the State Board of Education.

Should an individual challenge a public entity's election system and the court finds against that jurisdiction, the jurisdiction must change its election system and pay the plaintiff's attorneys, experts, and other expenses. The only safe harbor from a CVRA claim is to implement a by-trustee area election system.

- **Will this process change school attendance boundaries?**

No. This process and the formation of trustee-areas will have no impact on school attendance boundaries. This will be a new system for electing Governing Board members and has **NO IMPACT** on where a student attends school. School attendance boundaries are NOT being changed as part of this process.

- **What is the difference between "At Large" Elections and "By-Trustee Area" Elections?**

Currently, the District has an at-large election system, where voters of the entire District are able to vote for all members/candidates of the Board, regardless of where those candidates live in the District. Switching to by-trustee elections will require the District to create five geographic trustee areas of equivalent populations within the District, each assigned to one seat on the Board. Voters within each trustee area will vote only for candidates who reside in that same trustee area.

- **How will this transition impact me?**

If approved, District voters will have the opportunity to vote for a candidate for the Governing Board who lives in their trustee area on a four-year cycle. Voters will not be able to vote for candidates from trustee areas in which they do not reside. However, each member of the Governing Board owes a fiduciary duty to the entire District, not just the area from which they reside and from where they are elected. Additionally, each member of the Governing Board will serve for the interests of all students of the District.

- **Why consider the transition to a by-trustee area election system now?**

Like hundreds of public agencies across the state, the Acalanes Union High School District is starting the process to change how voters elect Board of Education Members. On May 30, 2025, the District received a letter demanding that the Board elections transition from the current at-large election method to a By-Trustee Area Election method in order to comply with the CVRA. Upon adoption of a resolution of intent to transition, the law provides 90 days to conduct public hearings prior to adopting an ordinance ordering the transition to a By-Trustee Area Election System (Elections Code Section 10010). On July 9, 2025, the AUHSD Governing Board adopted a resolution declaring its intent to transition to a By-Trustee Area Election System.

- **What data must be considered in ensuring population equality among the trustee areas?**

The population of each Trustee area must be nearly equal, based on total population. (See *Reynolds v. Sims* (1964) 377 U.S. 533.) That being said, the law permits local districts to have up to a 10% variance between the largest and smallest districts. (Id.)

The 2020 Census was the last time every person was accurately counted in the District. Updated total population figures since then are merely estimates. Therefore, in order to comply with federal and state population equality requirements, the District's demographer is required to use the most recent Census data (2020) – or, the District may conduct its own census – when calculating equal population per area.

The District should also follow the spirit of the CVRA and citizen voting age population ("CVAP") data, amongst other factors and considerations, to determine whether it is possible to preserve or increase the voting power of protected classes. CVAP data is more current than the Census data, and is based on a 5 year rolling average established by the American Community Survey conducted by the Census bureau. Although the CVAP data is useful in attempting to increase the voting power of protected classes within the District, ultimately, the District must rely on the most recent, available census data to ensure population equality, which would be 2020 Census data in this case.

- **How and when will the final map be chosen?**

The Board will consider a range of factors when it chooses to select a map of five geographic areas as part of the transition to a by-trustee area election system. These factors include (but are not limited to) equal population, communities of interest,

compactness, contiguity of the districts, visible/natural boundaries, voter input, and continuity in office. After a series of public hearings, the Board plans to vote to adopt one of the trustee area map options on October 15, 2025. The [Contra Costa County Committee on School District Organization](#) will then subsequently conduct an additional public hearing before making a final decision whether to approve the District's adopted map and transition to by-trustee area elections.

- **What if there is no candidate in one of the trustee areas?**

If 83 days before a scheduled election, no candidate has been nominated for a particular trustee area and an election will not be held, a vacancy occurs, and the Education Code authorizes the Board to appoint a qualified individual who lives in the vacant trustee area to the Board. Such an appointment must occur at a Board meeting prior to the day fixed for the election and the appointee will be seated at the District's annual organizational meeting as if elected in the District election. The appointee must be qualified to hold office and reside within the specific vacant trustee area. Unlike with most typical vacancies, an individual appointed to the Board because of a failure to elect/lack of candidates will serve "as if elected," i.e., for the full four-year term.

- **What if multiple board members end up within the same boundaries of a current trustee area?**

All Governing Board members may serve out their full terms of office. Specifically, the Education Code contemplated transitions from at-large to by-trustee area elections at Education Code § 5021(a) which states, in pertinent part, that "[i]f a proposal for the establishment [of trustee area elections] is approved . . . any affected incumbent board member shall serve out his or her term of office..."

The Education Code requires that the terms of board members be staggered so that, as nearly as practicable, one half of the members shall be elected in each year in which the Board's elections are regularly held. Here, given the District's five-member Board, there are three (3) trustees whose terms will be completed in 2026 and two (2) that will complete their terms in 2028. As such, after the Board transitions to by-trustee areas, there will be an election to fill three (3) of the newly-created trustee areas in 2026 and an election to fill two (2) areas in 2028. In each proposed map, there will be a proposed sequencing schedule which will indicate which seats/areas will be up for election in 2026 and 2028.

- **Where can I learn more?**

You may email any comments or questions to trusteeareafeedback@auhsdschools.org. You may also comment by telephone at 925- 942-9649.