

Date of Hearing: July 2, 2025

ASSEMBLY COMMITTEE ON ELECTIONS
Gail Pellerin, Chair
SB 249 (Umberg) – As Amended April 30, 2025

SENATE VOTE: 27-10

SUBJECT: County boards of education: elections: consolidation.

SUMMARY: Requires an election for a member of the county board of education to be consolidated with the statewide general election in November. Specifically, **this bill:**

- 1) Deletes provisions of law that authorize a county board of education to choose, by resolution, to conduct their election at a statewide direct primary election, statewide general election, or general municipal election, as specified, and instead requires, beginning January 1, 2026, an election for a member of the county board of education to be consolidated with the statewide general election in November.
- 2) Requires, commencing January 1, 2026, the term of office of all incumbent members of a county board of education to be extended as necessary so that the terms of newly-elected members commence on the second Friday in December following their election. Requires the county committee on school district organization to determine the manner in which the county board of education shall effect a staggering of terms, if necessary.
- 3) Makes conforming changes.

EXISTING LAW:

- 1) Requires, pursuant to the California Constitution, that the Legislature provide for a board of education in each county, as specified. Provides that a county charter may provide for the election of the members of the county board of education of such county and for their qualifications and terms of office. (California Constitution, Article IX, §3.3)
- 2) Requires the regular election to select governing board members in any school district, community college district, or county board of education to be held on the first Tuesday after the first Monday in November of each odd-numbered year. (Elections Code §1302(a))
- 3) Authorizes, after the initial election (held pursuant to # 2 above) of governing board members of a county board of education, school district, or community college district, the election to be established, upon adoption of a resolution of the governing board, to regularly occur on the same day as the statewide direct primary election, the statewide general election, or the general municipal election. Provides that the resolution becomes operative upon approval by the board of supervisors. (Elections Code §1302(b))
- 4) Requires, in the event that the Election Day for a school district governing board or county board of education is established pursuant to # 3 above, the term of office of all incumbent members of that governing board or county board of education to be extended accordingly. (Elections Code §10404.5(g))

- 5) Requires members of the county board of education to be elected on the date and in the manner prescribed for the election of members of governing boards of school districts (when all school districts within the county have their board elections on the same day, whether that is during the primary or the general election); otherwise, the election must be consolidated with the direct primary election. (Education Code §1007)
- 6) Requires members elected at the time of the direct primary to take office on the first day of July, and members elected at the date on which members of school district governing boards are elected to take office on the second Friday in December subsequent to their election. Requires the county committee on school district organization to determine the manner in which the county board of education first elected shall effect a staggering of terms. (Education Code §1007)

FISCAL EFFECT: According to the Senate Appropriations Committee, by changing the date for the election for the members of a county board of education, thereby imposing additional duties on local elections officials, this bill could create a reimbursable state mandate. Additional local costs resulting from the bill (among others) would include potentially adding an extra ballot card to presidential election cycle ballots to accommodate the additional contests and increased workload at the County Registrar's Office. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, these agencies could claim reimbursement of those costs. The magnitude of the costs is unknown, but it could be in the low to mid hundreds of thousands of dollars per election cycle for each local election date that is changed. To the extent that five county boards of education would be impacted, statewide General Fund costs would be in the low millions of dollars per election cycle. This bill is not likely to result in new costs to the Secretary of State (SOS).

COMMENTS:

- 1) **Purpose of the Bill:** According to the author:

Currently, counties throughout California can make the final determination on the winner of a seat in a low voter turnout primary election rather than allowing voters in higher turnout general elections that occur in November to make that determination. Elections in November have higher turnout and are thus more representative of the desires of more voters. Moving plurality elections to the general election from the primary election will increase the ballots cast for candidates in those races and create a more representative and democratic process. Therefore, SB 249 will require any election for the elected members of a county board of education to be consolidated with the statewide general election. This bill will also require the term of office of all incumbent elected members of a county board of education to be extended accordingly, and would require the county committee on school district organization to determine the manner in which the county board of education elected shall effect a staggering of terms, if necessary.

- 2) **County Boards of Education:** County boards of education are the governing body for California's 58 county offices of education, which provide services directly to their counties' most vulnerable student populations through county office-run juvenile court schools and

county community schools. County boards govern these schools while the day-to-day operations are handled by the county superintendent. Other county board duties include charter school petition approvals, denials and oversight, interdistrict transfer and expulsion appeal hearings, purchase and leasing of real property, and approval of the county office of education budget, annual audit, and Local Control and Accountability Plan.

- 3) **County Board of Education Elections:** Existing law requires the regular election to select governing board members in any school district, community college district, or county board of education to be held on the first Tuesday after the first Monday in November of each odd-numbered year. After the initial election, county boards of education are specifically authorized to pass a resolution to change their elections to coincide with the statewide primary election, the statewide general election, or the general municipal election.

Most county boards of education hold their elections with the statewide general election. According to data compiled by the California Elections Data Archive, a joint project between California State University, Sacramento, and the SOS, county board of education elections appeared on the ballot in 45 counties between 2017 and 2020. Of those 45 counties, 36 (80%) held county board of education elections only with the statewide general election. Five counties (11%), including Alameda, Orange, Riverside, Sacramento, and San Joaquin counties, held their county board of education elections with the statewide primary election.

To date, committee staff is unaware of any attempt by any of these five county boards of education to adopt such a resolution or request to consolidate its election into the statewide general election.

- 4) **Charter Counties and the California Constitution:** The California Constitution recognizes two types of counties: general law counties and charter counties. General law counties are governed by state law, while charter counties have autonomy to create and enforce local ordinances, provided the ordinances do not conflict with the general law of the state. According to the California State Association of Counties, California has 43 general law counties and 15 charter counties.

Article IX, Section 7 of the California Constitution requires the Legislature to provide for a board of education in each county, as specified, and Article IX, Section 3.3 provides that a county charter may provide for the election of the members of the county board of education of such county and for their qualifications and terms of office. Specifically, Section 3.3 provides that, except in charter counties that share a joint county board of education with another county, “it shall be competent to provide in any charter framed for a county under any provision of this Constitution ... for the election of the members of the county board of education of such county and for their qualifications and terms of office.” It could be argued that a charter county’s power to “provide ... for the election” of its county board of education includes the power to set the timing of those elections. In other words, the Legislature may not have the authority to require different election dates for charter counties in situations where the county charter specifies an election date.

In contrast, the ability to provide for an election may not be interpreted to apply so broadly as to govern all elements of those elections, including election timing. For example, the state Constitution gives charter cities a larger amount of autonomy over local affairs. Specifically, Section 5(a) of Article XI gives charter cities broad authority to “make and enforce all

ordinances and regulations in respect to municipal affairs" and provides that "City charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith." Additionally, Section 5(b) of Article XI grants charter cities broad authority to structure and organize their government and grants plenary authority, subject to limited restrictions, to provide "the manner in which, the method by which, the times at which, and the terms for which several municipal officers and employees whose compensation if paid by the city shall be elected and appointed, and for their removal..." The Constitution further provides that properly adopted city charters "shall supersede all laws inconsistent" with the charter.

Unlike charter cities, charter counties are not granted the same level of autonomy over the conduct of county elections. As such, it is unclear whether charter counties are authorized, similar to charter cities, to regulate the methods, times, or manner of elections of county officials that differs from state procedures. Consequently, charter counties generally elect county officials in accordance with state laws for nonpartisan elections.

Three (Alameda, Orange, and Sacramento) of the five counties that held their county board of education elections with the statewide primary election are charter counties.

- 5) **Voter Turnout:** Studies show that voter participation in general elections tends to be considerably higher than in primary elections. According to a May 2014 report by the Public Policy Institute of California (PPIC), entitled "Voter Turnout in Primary Elections," which examined voter turnout in California's primary elections, over time and in relation to other states, there is evidence that statewide general elections have more diverse turnout than statewide primary elections. The PPIC report states that, "there is little question that primary electorates have included fewer young people, Latinos, and Asian Americans than the general electorate in the fall." The report found that, between 2004 and 2012, younger voter (ages 18-24) turnout between the primary and general election, as a percentage share of the overall electorate, increased between 1.2 and 5.5 percentage points, Asian/Pacific Islander turnout increased between 0.6 and 2 percentage points, and Latino turnout increased between 2 and 7.3 percentage points.
- 6) **Plurality Vote Method:** Plurality voting, also known as "winner-take-all" or "first-past-the-post," gives all representation to the candidate finishing first. In plurality voting, each voter selects one candidate, and the candidate with the largest number of votes is the winner regardless of whether the winner receives a majority (more than 50%) of the vote. A plurality voting method may be used for a single candidate election or for electing a group of candidates, such as a council or committee. In a majority vote method, a voter votes for one candidate and the candidate with the majority (more than 50%) of the votes wins. Commonly used majority vote methods include traditional run-off.

The five counties that held their county board of education elections with the statewide primary election were "winner-take-all" plurality elections. As a result, no runoff election occurs even if none of the candidates receive more than 50% of the vote.

- 7) **Trend Towards Consolidation of Elections:** In recent legislative sessions, concerns about low and non-representative voter turnout have been the motivation behind a number of bills that moved votes for offices and ballot measures so that they occur at elections that are expected to have higher turnout. Specifically, SB 202 (Hancock), Chapter 558, Statutes of

2011, prohibits state initiative and referendum measures that qualify for the ballot on or after July 1, 2011, from appearing on the ballot at statewide primary elections, and instead requires such measures to appear on the ballot only at the November statewide general election or at a statewide special election, among other provisions. AB 1344 (Feuer), Chapter 692, Statutes of 2011, requires a city charter proposal or amendments to a city charter to be submitted to the voters for approval or rejection only at an established statewide general, statewide primary, or regularly scheduled municipal election date, among other provisions. SB 311 (Padilla), Chapter 184, Statutes of 2013, requires certain city charter proposals and city charter amendments to be submitted to the voters only at a statewide general election, as specified. SB 415 (Hueso), Chapter 235, Statutes of 2015, prohibits a local government from holding an election on any date other than a statewide election date if doing so in the past has resulted in turnout that is at least 25% below the average turnout in that jurisdiction in the last four statewide general elections, as specified. Finally, AB 765 (Low), Chapter 748, Statutes of 2017, eliminated a requirement that a special election be held to vote on a local initiative measure in certain situations, and instead generally provides for local initiative measures to be submitted to voters at regularly scheduled elections. Collectively, these bills resulted in a larger number of offices and ballot measures being voted on at statewide primary, statewide general, and other regularly scheduled elections, which generally have higher turnout than standalone local or special elections.

This bill similarly seeks to improve participation in elections for a member of the county board of education by requiring their elections to be consolidated with the statewide general election in November and eliminating local governing body's ability to decide when their election must be held. While such a move may help improve participation in elections for county board of education, it may also create other challenges. For instance, candidates for county board of education would have to compete for attention with candidates for other high profile offices, such as the Governor, which could make it harder for those candidates to communicate their message to voters. Additionally, the changes proposed in this bill could affect ballot length and lead to ballot fatigue.

- 8) **Arguments in Support:** In support of a previous version of this bill, the Asian Law Caucus, wrote:

Holding elections for the county board of education during the statewide general election rather than during a primary election would result in a more representative voting electorate. Voter turnout is generally lower in primary elections than in general elections across the board. For example, in the 2020 elections in California, voter turnout was 37.3% in the primary and 67.4% in the general election. Among Asian American voters in California, the difference in turnout rates between general and primary elections is even more stark – 21.8% in the 2020 primary compared to 47.7% in the general election. By requiring county board of education elections to take place during the statewide general election, many more voters would cast ballots in these races.

County boards of education are tasked with many responsibilities including: overseeing some functions of the County Office of Education, determining a direction for curriculum, and monitoring student achievement. Therefore, it is crucial that the timing of county boards of education elections is standardized to take place during the general election. The change will reduce voter confusion

while uplifting a more diverse and participatory electorate. This is particularly important for voters who may be directly impacted by the actions of the county board of education, such as youth voters or voters with children in public schools.

- 9) **Arguments in Opposition:** In opposition to this bill, the Orange County Board of Education (OCBOE), writes:

As a charter county, Orange County already has the authority to determine the timing and structure of its Board of Trustee elections without state interference. Orange County does not need a new state law imposed to regulate these elections. Furthermore, your bill seeks to dictate election procedures in four other counties, all of which already have mechanisms to determine how their local boards are elected. These counties do not need a state mandate to dictate the terms of their elections. SB 249 represents a blatant disregard for local control and is both unwarranted and unnecessary...

At a time of budget deficits and slashed education funding, SB 249 would be prohibitively expensive to implement...[The] Orange County Registrar alone would incur costs in the hundreds of thousands of dollars to add OCBE candidates to November election ballots, necessitating an additional ballot card in presidential election years. There would also be significant information technology programming costs and substantial staff time required to implement these changes. Expanding this mandate to four additional counties would push the total cost into the multimillions over the next decade...

Ballot placement, length, and complexity have a direct impact on voter participation. November general election ballots in California are often lengthy and complex, containing numerous propositions, initiatives, and referenda, in addition to federal, state, county, and municipal elections. This complexity contributes to voter fatigue and a significant undervote, particularly for local nonpartisan offices positioned at the end of the ballot...

Finally, Governor Newsom vetoed SB 907 (Newman) last year, citing concerns over costs, the infringement on local control, and the precedent it would set. In his veto message, he stated that he was not satisfied there was a compelling reason to sign such a measure. Nothing has changed since September 2024, and his reasoning remains just as valid today.

- 10) **Related Legislation:** AB 868 (Carrillo) requires the top two candidates for nonpartisan county office that receive the highest and second highest number of votes at the primary election to appear on the ballot at the ensuing general election, as specified. AB 868 is pending in this committee.
- 11) **Previous Legislation:** SB 907 (Newman) of 2024 would have increased the membership size of the OCBOE and required an election for a member of the OCBOE to be consolidated with the statewide general election. Governor Newsom vetoed the bill stating in part, “there are local processes for altering the number of members on a county board of education and changing when local elections are held. State circumvention of these local procedures, especially with respect to a single county board of education, should be avoided absent

extraordinary circumstances. Unfortunately, I am not convinced those circumstances exist in the context of this legislation.”

AB 759 (McCarty), Chapter 743, Statutes of 2022, requires county district attorneys and sheriffs to be elected during presidential election years, instead of gubernatorial election years, beginning with the 2028 presidential primary election, except as specified.

SB 286 (Min) of 2021 would have required the election for seats on the OCBOE to be consolidated within the November statewide general election. SB 286 was held on the Assembly Appropriations Committee’s suspense file.

SB 1450 (Umberg) of 2020, among other provisions, would have required an election for an office that is determined by the plurality of the votes cast for that office, with no possibility of a runoff, that is consolidated with a statewide election be consolidated with the statewide general election in November. This bill was not heard in a policy committee.

AB 901 (Gloria), Chapter 713, Statutes of 2017, authorizes an amendment to the San Diego County charter, either by a proposal submitted by the board of supervisors or by voter initiative, to require that candidates for certain county offices and the county board of education be elected at the general election, instead of at the primary election.

12) **Double Referral:** This bill has been double-referred to the Assembly Committee on Education.

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Law Caucus
California Common Cause
California School Employees Association
California State PTA
California Teachers Association
CFT- A Union of Educators & Classified Professionals, AFT, AFL-CIO
Education Justice Academy
Inland Equity Partnership
League of Women Voters of California
Public School Defenders Hub

Opposition

Orange County Board of Education

Analysis Prepared by: Nichole Becker / ELECTIONS / (916) 319-2094