

Date of Hearing: April 10, 2019

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Marc Berman, Chair

AB 1150 (Gloria) – As Amended March 19, 2019

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

SUMMARY: Requires candidates for the governing boards of the San Diego Community College District (SDCCD) and the Grossmont-Cuyamaca Community College District (GCCCD) to collect at least 100 signatures on nomination papers in order to qualify to appear on the ballot. Specifically, **this bill:**

- 1) Requires each candidate for the governing board of the SDCCD or the GCCCD to file nominating papers containing the signatures of not less than 100 and not more than 120 voters in the trustee area in which the candidate is seeking election. Requires the nomination papers to follow the procedural and substantive requirements of provisions of state law governing nomination papers filed by candidates for elective city office, except as specified.
- 2) Changes the date that terms begin for governing board members of the SDCCD and the GCCCD from the first Friday in December following the member's election to the second Friday in December following the member's election.
- 3) Makes technical and conforming changes.

EXISTING LAW:

- 1) Requires community college district elections to be governed by the Elections Code, except as otherwise provided in the Education Code.
- 2) Requires the name of a candidate for community college district board to be printed on the ballot whenever the candidate has filed a declaration of candidacy, unless the candidate has died and that fact has been ascertained by the officer charged with the duty of printing the ballots at least 68 days before the election.
- 3) Requires a candidate for elective city office to file nomination papers, containing the signatures of a specified number of voters, in order to qualify to appear on the ballot. Specifies requirements and procedures for the issuance of, format of, circulation of, and deadline for filing nomination papers for elective city office.
- 4) Requires each member elected to the governing board of the SDCCD and the GCCCD to hold office for a term of four years commencing on the first Friday in December following the member's election.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:1) **Purpose of 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 demonstrating support for their candidacy. In the San Diego and Grossmont-Cuyamaca Community College Districts, this is not the case. AB [1150] will require candidates to collect at least 100 signatures of voters in order to qualify for the ballot. Collecting signatures is a common sense and democratic way to demonstrate community support.

2) **Candidate Qualification Requirements:** The requirements under California law for a candidate to qualify to appear on the ballot vary depending on the office sought. A candidate for elective office generally must be a United States citizen and at least 18 years of age at the time of the election, and for most elective offices, a candidate must also be a resident and registered voter in the jurisdiction where they are seeking office. Candidates also generally must comply with various procedural requirements, which may include requirements to file a declaration of candidacy, to file nomination papers containing the signatures of specified numbers of voters, or to pay a filing fee. (For offices where candidates are required to pay a filing fee, state law generally allows a candidate to collect signatures of voters on a petition in lieu of paying the filing fee.)

The procedural requirements that candidates must meet in order to appear on the ballot serve, in part, as a means of limiting the number of candidates who appear on the ballot. Restricting the number of candidates who appear on the ballot (and thus, restricting the size of the ballot itself) can help reduce voter confusion, protect against overwhelming voting systems, and allow the electorate to focus attention on a smaller number of candidates in order that elections may better reflect the will of the majority. Courts have long recognized that states have a legitimate interest in regulating the number of candidates on the ballot for these reasons.

Because one of the primary purposes of requiring candidates to comply with these procedural requirements is to limit the number of candidates who appear on the ballot, it is common for more extensive procedural requirements to apply to offices that draw larger numbers of candidates. For example, candidates for statewide office generally must collect a larger number of signatures on nomination petitions and must pay higher filing fees than candidates for state legislature.

State law generally requires candidates for elective state and county offices to file a declaration of candidacy, file nomination papers containing the signatures of voters, and pay a filing fee (or collect signatures on a petition in lieu of paying the fee). By contrast, candidates for school districts (including community college districts) and special districts typically only are required to file a declaration of candidacy, and are not required to collect nomination signatures or pay a filing fee. (In some school districts whose elections are governed by a city charter, candidates *are* required to collect nomination signatures or pay a filing fee. Candidates for the governing board of the San Francisco Community College District, for instance, must collect at least 20 valid signatures on nomination papers and are required to pay a filing fee of \$500 or collect 1,000 signatures on a petition in lieu of paying

the filing fee.)

By requiring candidates for the governing board of the SDCCD and the GCCCD to collect signatures on nomination papers in order to qualify to appear on the ballot, this bill creates an additional barrier to candidates running for those offices, and has the potential to reduce the number of candidates running in those districts. Historically, however, the SDCCD and the GCCCD have had a relatively modest number of candidates who have run for seats on their governing boards. Specifically, in the GCCCD, only one candidate has qualified to appear on the ballot in six of the 10 trustee elections since the district started electing governing board members by districts (instead of at-large) in 2012. In each of the other four trustee elections (including all three trustee area elections that were on the ballot in 2018), three candidates qualified to appear on the ballot. Over the same time period, the SDCCD has also held 10 trustee elections: three elections featured a single candidate on the ballot; three elections had two candidates; one election had three candidates; and three elections had four candidates. Requiring candidates for those districts to collect signatures in order to appear on the ballot could further reduce the number of candidates running for the GCCCD and SDCCD boards.

- 4) **Start of Terms:** As detailed above, current law requires the term of office for governing board members of the SDCCD and the GCCCD to begin on the first Friday in December following the member's election. Both the SDCCD and the GCCCD conduct district primary and general elections that are consolidated with the statewide primary and general elections held in even-numbered years. As a result, governing board members from those two districts typically are elected in early November.

In response to various changes in the way that elections are conducted, state law recently was amended to extend the amount of time that elections officials have to finalize election results after an election. Furthermore, it is increasingly common for elections officials to take the full amount of time allowed under the law to finalize election results after statewide general elections. As a result, election results from SDCCD and GCCCD elections may not be finalized by the first Friday in November. Accordingly, this bill moves back the start of terms for SDCCD and GCCCD governing board members by one week to ensure that election results are finalized before the new terms begin.

- 5) **Arguments in Support:** In support of this bill, the California Federation of Teachers writes:

In most large cities, school board members are required to either pay a filing fee or produce signatures from the community that they are seeking to represent. For example, 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 Community College Districts, 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.

- 6) **Double-Referral:** On April 2, 2019, this bill was approved by the Assembly Higher Education Committee by a 10-0 vote.

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

San Diego Mesa College Classified Senate of the San Diego Community College District

Opposition

None on file.

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