

Date of Hearing: April 14, 2021

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1546 (Chau) – As Introduced February 19, 2021

SUBJECT: City of Alhambra: charter amendment: AUSD: California Voting Rights Act.

SUMMARY: Allows the City of Alhambra to submit a proposal at a special election to remove from the City’s charter all references to the Alhambra Unified School District (AUSD).

Specifically, **this bill:**

- 1) Allows, notwithstanding Section 34458 of the Government Code or any other law, the governing body of the City of Alhambra, on its own motion, to submit a proposal to amend the charter of the City of Alhambra to remove all references to the AUSD from the charter at a special election held on any of the election dates specified in Section 1000 of the Elections Code before the next established statewide general election.
- 2) Finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique circumstances facing the City of Alhambra and the AUSD regarding the November 3, 2020, election on Measure G and the need to enable the AUSD to complete its transition to an election system that complies with the California Voting Rights Act of 2001 (Chapter 1.5 (commencing with Section 14025) of Division 14 of the Elections Code) before January 1, 2022.

FISCAL EFFECT: None

COMMENTS:

- 1) **Bill Summary and Author’s Statement.** This bill allows the City of Alhambra to submit a proposal at a special election to remove from the City’s charter all references to the AUSD. According to the author, “This bill would allow the City of Alhambra and AUSD to conduct a special election in order to proceed with its transition from at-large to by-trustee-area elections for members of the board of education, consistent with the Elections and Education Code requirements. Measure G on the November 3, 2020 General Election ballot sought to remove from the Charter all references to AUSD. However, Measure G only appeared on the ballots of voters residing in the City of Alhambra and not on the ballots of voters in AUSD residing outside the City boundaries.

“Under existing law, a charter amendment for a city must be submitted to voters at an established statewide general election; thus, the City of Alhambra and AUSD are prohibited from conducting a special election to amend the Charter prior to the next statewide election on November 8, 2022. Therefore, we need to create a special exception in the Government Code to permit the City of Alhambra and AUSD to conduct a special election on any established election date as specified in Elections Code section 1000.”

This bill is sponsored by the Los Angeles County Board of Supervisors, the City of Alhambra, and AUSD.

- 2) **Background.** Existing law authorizes the governing body of a city or city and county to propose an amendment to the charter of the city or city and county, and to submit the proposal to the voters at the next established statewide general election, provided there are at least 88 days before the election.

The California Voting Rights Act of 2001 (CVRA) prohibits the use of an at-large election in a political subdivision, if it would impair the ability of a protected class to elect candidates of its choice or otherwise influence the outcome of an election.

The City of Alhambra's Charter governs AUSD, which is moving from at-large to by-district elections in keeping with the CVRA. The city's Charter provides that AUSD elections are to be conducted at-large. Measure G, placed on the November 3, 2020, general election ballot to remove from the city's charter all references to AUSD, was approved with 69% of the votes. However, the office of the Los Angeles County Registrar mistakenly coded the measure as a city measure instead of a school district measure. Consequently, the measure appeared on the ballot for city voters but not for voters outside of the city but within the boundaries of AUSD.

Many cities and school districts have been or are being compelled through CVRA litigation to transition from at-large to by-district or trustee-area methods of election. Existing statutory requirements prevent the AUSD from completing that transition until after an election is held to remove any reference to the AUSD from the Charter.

- 3) **Arguments in Support.** The Los Angeles County Board of Supervisors, co-sponsor of this measure, writes, "AB 1546 would permit the City of Alhambra and the AUSD to conduct a special election on any established election date as specified in the Elections Code, thereby enabling the AUSD to proceed with its transition from at large to by-trustee-area elections for members of the board of education consistent with the Elections and Education Code requirements.

"The City of Alhambra Charter governs the AUSD and provides that its board members are elected at-large. As currently written, the Charter conflicts with the AUSD's intention to transition to by-trustee-area elections for the members of the board of education to comply with the CVRA. Existing statutory requirements mandate compliance with the CVRA on a date prior to November 2022...Under existing law, a charter amendment for a city must be submitted to voters at an established statewide general election; thus, the City of Alhambra and the AUSD are prohibited from conducting a special election to amend the Charter prior to the next statewide election on November 8, 2022.

"AB 1546 would authorize the governing body of the City of Alhambra to amend its charter to remove all references to the AUSD from the charter at a special election held on specified election dates before the next established statewide general election."

- 4) **Arguments in Opposition.** None on file.
- 5) **Committee Amendments.** At the request of the author, this bill will be amended to add an urgency clause.
- 6) **Double-Referral.** This bill is double-referred to the Elections Committee.

REGISTERED SUPPORT / OPPOSITION:

Support

Alhambra Unified School District [CO-SPONSOR]

City of Alhambra [CO-SPONSOR]

The Los Angeles County Board of Supervisors [CO-SPONSOR]

California Association of Clerks and Election Officials Elections Legislative Committee

Opposition

None on file.

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