

NIELSEN MERKSAMER

NIELSEN MERKSAMER PARRINELLO GROSS & LEONI LLP



LAKE SIDE SCHOOL DISTRICT
2021-2022 ESTABLISHMENT OF TRUSTEE AREAS



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BACKGROUND:

DATE	EVENT
November 28, 2018	Letter asserting CVRA violation because of use of at-large electoral system and demanding institution of by-trustee area elections
February 28, 2019	Board of Trustees adopts Resolution of Intent to transition to by-trustee area elections
June 27, 2019	Settlement Agreement providing for establishment of trustee-area elections after receipt of 2020 Census data and in time for 2022 Board of Trustees elections.

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PROCESS FOR ESTABLISHING TRUSTEE AREAS:

Step	Description
Two Initial Hearings Dates: June 8 and 15, 2021	Held prior to release of draft maps. Education and to solicit input on composition of trustee areas.
Release draft maps February 4, 2021	Maps must be posted at least 7 days prior to 3 rd hearing. Maps must include potential sequence of elections of trustee areas.
Two hearings on draft maps Scheduled for February 11 and 15, 2022	Two meetings within 45 days to discuss and revise the draft maps and to discuss the election sequence.
Final hearing and map adoption by February 28, 2022	Map selected by Board and forwarded to County Committee for approval. Final map must be posted at least 7 days prior to adoption.
County Committee Proceedings	County Committee on School District Organization holds a hearing in the District and then votes on the District's request for approval of the map.

Process: Effect on Current Trustees

- No trustee's term cut short (*see* Educ. § 5021; Elec. Code § 22000(e)), but
- When his or her term ends, an incumbent can only run from the new trustee area in which he or she resides.
- Adjustments can take into consideration the residences of incumbent trustees.

Federal Criteria: Equal Population

- Overriding criterion is total population equality, *see Reynolds v. Sims*, 377 U.S. 533 (1964).
- Local electoral districts do not require perfect equality—some deviation acceptable to serve valid governmental interests.
- Total deviation less than 10% presumptively constitutional. (Caution: The presumption *can* be overcome!)

Federal Criteria: Voting Rights Act

- Section 2 of the federal Voting Rights Act prohibits electoral systems (including trustee area plans) that dilute racial and language minority voting rights by denying them an equal opportunity to nominate and elect candidates of their choice.
- With 45% of eligible voters, it is possible to draw a majority Hispanic/Latino trustee area in the District.

2020 Census and Demographic Information

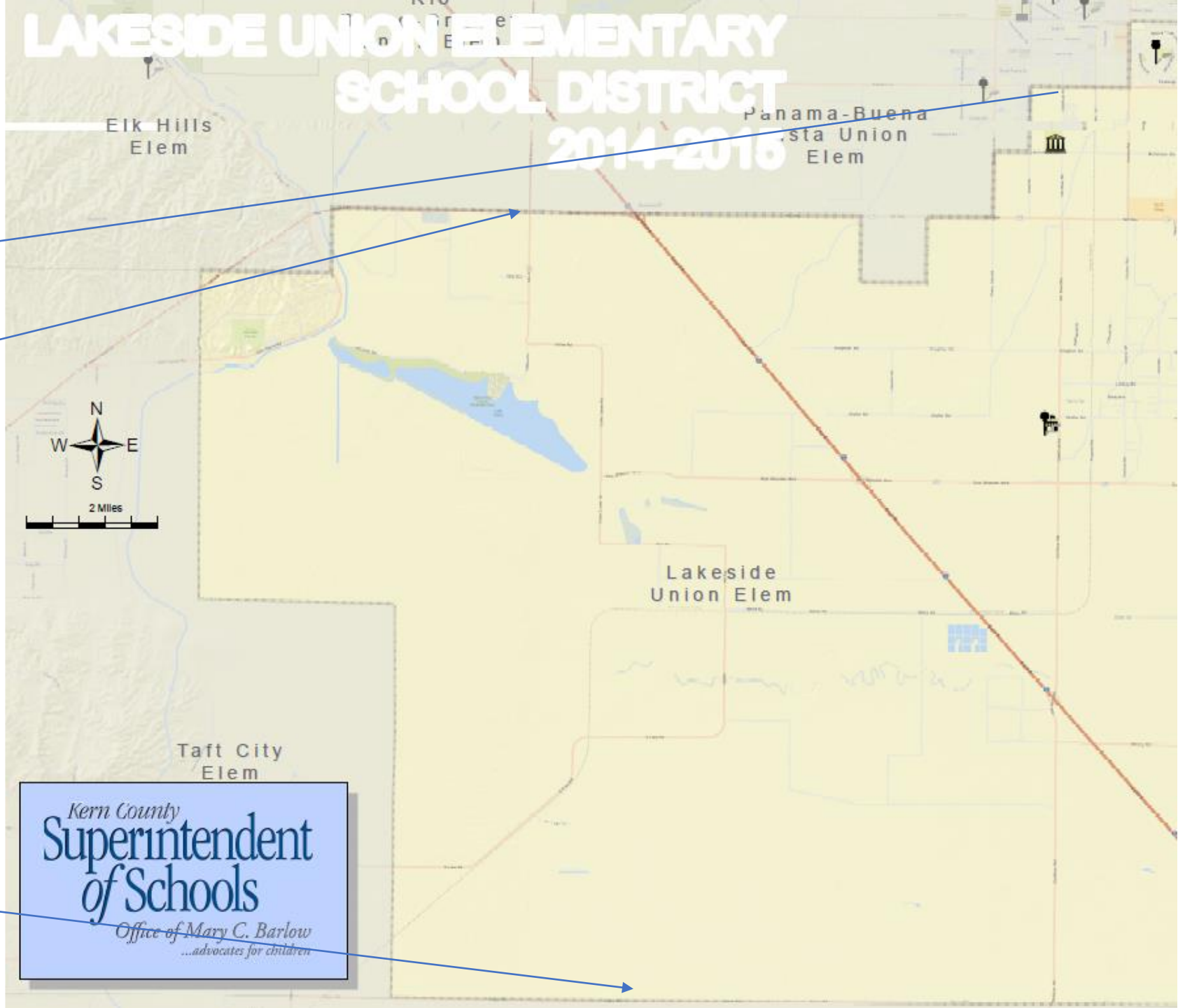
- 2020 Total Population: 12,148 (increased from 8,833 in 2010)
- Citizen Voting Age Population
 - 45% Hispanic
 - 43% Non-Hispanic White
 - 6% Non-Hispanic Black
 - 5% Asian/Pacific Islander

LAKESIDE UNION ELEMENTARY SCHOOL DISTRICT 2014-2015

Panama Lane

Taft Highway

Copas Road

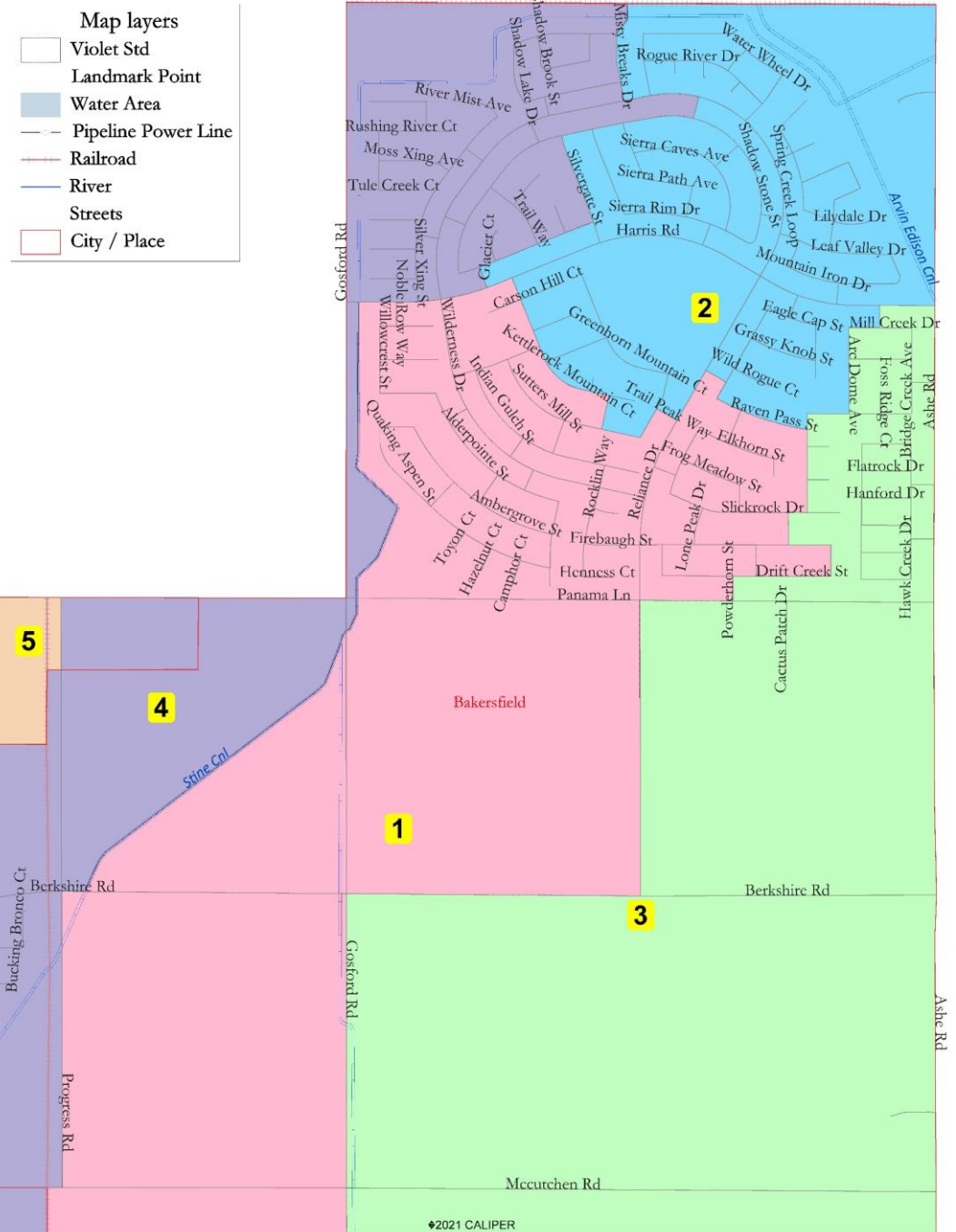


Kern County
**Superintendent
of Schools**
Office of Mary C. Barlow
...advocates for children

Lakeside Proposed Map

Closeup – NE Corner of District

Proposed Sequence of Election
Trustee Areas 1,3,5: 2022
Trustee Areas 2,4: 2024



Features of Proposed Map:

- Substantially equal population at 6.34% total deviation
- Population deviation that supports growth in areas 3 & 5
- Three majority Latino areas in total population, and one at 49% Latino
- One majority Latino CVAP trustee area (55%) plus two majority minority areas (one at 49% Latino CVAP using estimates that are ~ 5 years old)
- Reflects unity of district by combining urbanized and rural population
- Reflects population distribution of district with four trustee areas with significant population in the northeastern corner of the district
- Avoids combining incumbents

Features of Proposed Map:

District		1	2	3	4	5	Total
	Total Pop	2,430	2,496	2,402	2,478	2,342	12,148
	Deviation from ideal		66	-28	48	-88	154
	% Deviation	0.00%	2.72%	-1.15%	1.98%	-3.62%	6.34%
Total Pop	% Hisp	53.2%	51%	41%	50%	49%	49%
	% NH White	27%	25%	40%	28%	27%	29%
	% NH Black	8%	9%	6%	9%	4%	7%
	% Asian-American	9%	11%	10%	10%	16%	11%
Citizen Voting Age Pop	Total	1,426	1,884	1,593	1,928	394	7,224
	% Hisp	55%	49%	29%	47%	37%	45%
	% NH White	33%	40%	52%	43%	51%	43%
	% NH Black	6%	6%	10%	4%	1%	6%
	% Asian/Pac.Isl.	5%	4%	7%	5%	7%	5%

Features of Proposed Map:

Three trustee areas with majority-minority voter registration:

Voter Registration (Nov 2020)	Total	1,349	1,306	1,328	1,315	1,072	6,370
	% Latino est.	46%	44%	32%	47%	49%	44%
	% Spanish-Surnamed	42%	41%	30%	43%	45%	40%
	% Asian-Surnamed	5%	4%	5%	2%	6%	4%
	% Filipino-Surnamed	1%	3%	1%	2%	2%	2%
	% NH White est.	43%	46%	52%	50%	44%	47%
	% NH Black	8%	6%	9%	3%	0%	5%

Alternate

Lakeside Proposed Map (Alternate)

Ideal Trustee Area: 2,430

Trustee Area 1: 2.92%

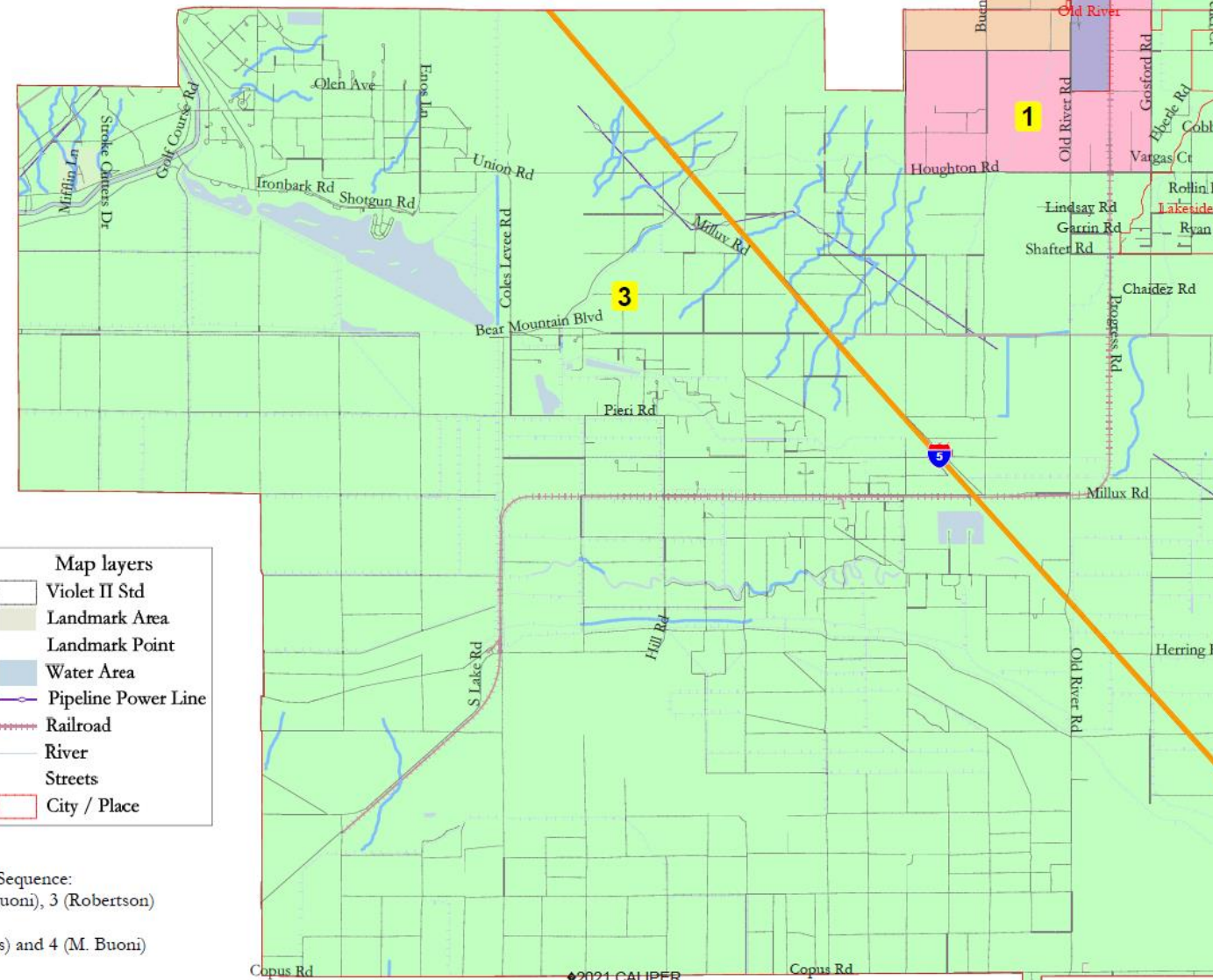
Trustee Area 2: 1.07%

Trustee Area 3: -1.15%

Trustee Area 4: 0.70%

Trustee Area 5: -3.62%

Total Deviation: 6.54%

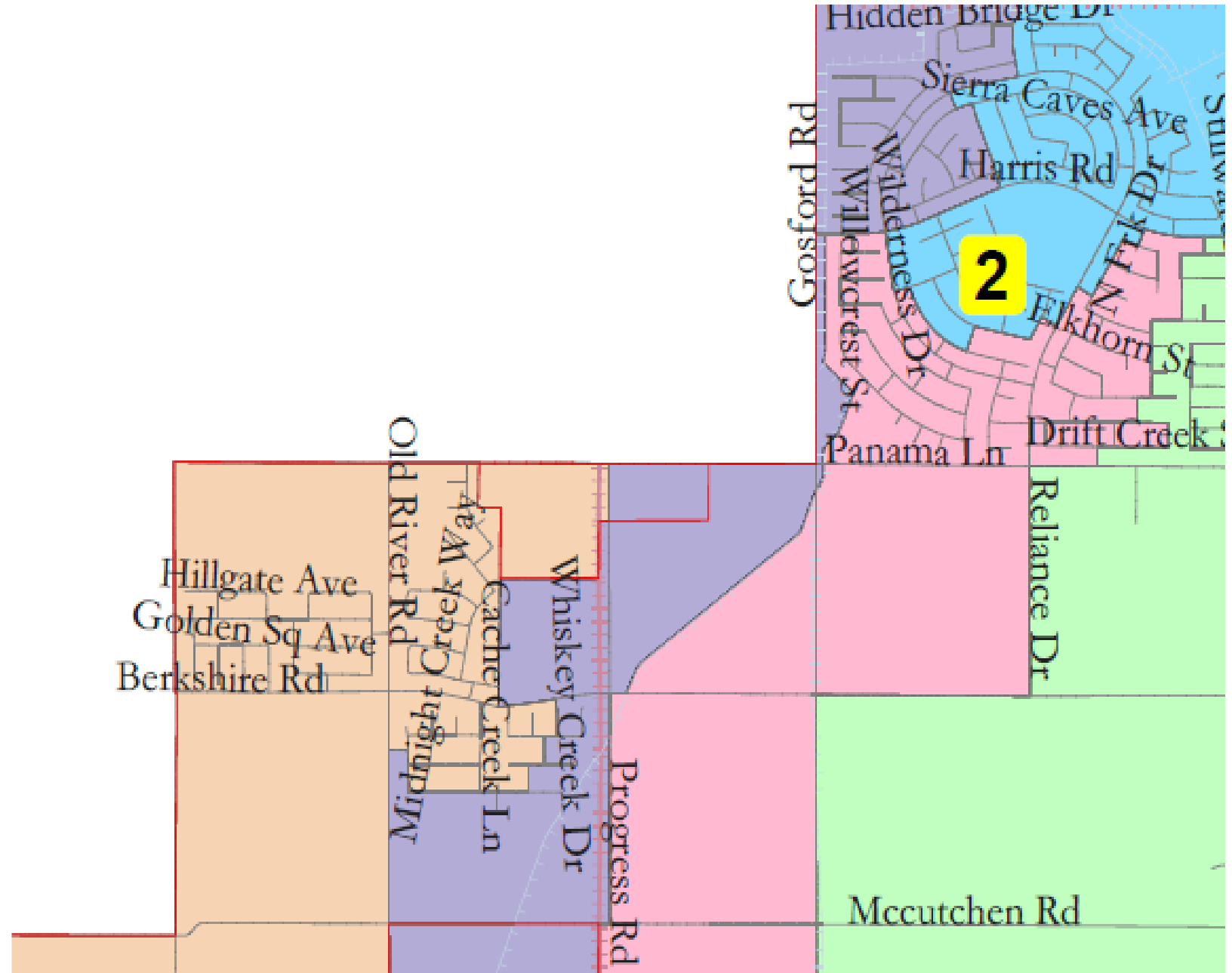


Proposed Election Sequence:
 2022: Areas 1 (D. Buoni), 3 (Robertson)
 and 5 (Banducci)
 2024: Areas 2 (Jones) and 4 (M. Buoni)

Lakeside Proposed Map Alternate

Closeup – NE Corner
of District

Proposed Sequence of Election
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Features of Proposed Map:

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- Avoids combining incumbents

Features of Proposed Map:

District		1	2	3	4	5	Total
	Total Pop	2,501	2,456	2,402	2,447	2,342	12,148
	Deviation from ideal	71	26	-28	17	-88	159
	% Deviation	2.92%	1.07%	-1.15%	0.70%	-3.62%	6.54%
Total Pop	% Hisp	52.9%	52%	41%	50%	49%	49%
	% NH White	26%	26%	40%	28%	27%	29%
	% NH Black	8%	9%	6%	9%	4%	7%
	% Asian-American	10%	10%	10%	10%	16%	11%
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	% NH White	33%	41%	52%	43%	51%	43%
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Features of Proposed Map:

Four trustee areas with majority-minority voter registration:

Voter Registration (Nov 2020)	Total	1,387	1,292	1,328	1,291	1,072	6,370
	% Latino est.	46%	45%	32%	46%	49%	44%
	voter registration: % Spanish-Surnamed	42%	41%	30%	42%	45%	40%
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	% Filipino-Surnamed	1%	3%	1%	2%	2%	2%
	% NH White est.	41%	48%	52%	49%	44%	47%
	% NH Black	9%	4%	9%	4%	0%	5%

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Public Comment & Discussion

