

# SAN DIEGO UNIFIED SCHOOL DISTRICT

(This Measure will appear on the ballot in the following form.)

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## MEASURE C.

### **CHARTER AMENDMENT: DISTRICT-ONLY ELECTIONS FOR SCHOOL BOARD MEMBERS.**

Shall the Charter be amended to change the process for electing School Board members in the San Diego Unified School District, by providing that voters in individual sub-districts nominate and elect their representative in both the primary and general elections, rather than the current system in which candidates are nominated in individual sub-districts in the primary but advance to a general election in the entire School District?

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This measure requires approval of a simple majority (50% plus 1) of those voting on the measure.  
Full text of this measure follows the arguments.

## OFFICIAL TITLE AND SUMMARY

### BALLOT TITLE

Amendments to San Diego City Charter Section 66 to Establish District-Only Elections for Members of the Board of Education of the San Diego Unified School District

### BALLOT SUMMARY

This measure would amend the San Diego City Charter (Charter) to establish district-only elections in both the primary and general elections for members of the Board of Education of the San Diego Unified School District (School Board). Charter section 66 provides the procedures for School Board elections in the San Diego Unified School District (School District), as allowed by the California Constitution.

The School District is divided into five sub-districts, each with its own representative on the School Board. Charter section 66 currently provides that School Board members are nominated in primary elections held in the individual sub-districts they seek to represent. The top two vote-getters nominated by the voters in an individual sub-district then advance to a general election held in the entire School District.

If adopted, this ballot measure will amend the Charter to provide that only the voters in an individual sub-district of the School Board may vote in both the primary and general elections to nominate and elect the School Board member who will represent their district.

In compliance with the California Constitution and California Elections Code, this ballot measure related to the procedures for School District elections has been submitted only to those voters who are registered to vote within School District boundaries.

The ballot measure was proposed during a process in which members of the public submitted ballot measure proposals for consideration by a Council standing committee and then the full Council. The Council voted to place the measure on the ballot. If approved, the Charter would be amended as of the date the California Secretary of State officially chapters the amendments.

Voters may note that Charter section 66 is the subject of a separate Charter amendment measure on the November 3, 2020 ballot that would establish procedures for filling vacancies on the School Board (along with amendments to other Charter sections). The amendments to Charter section 66 that are proposed in the two measures are not in conflict; each involves separate subjects requiring separate approval. The amendments in both measures are identical in part. If both measures are approved by the voters, the City of San Diego intends for both sets of amendments to Charter section 66 to take effect and to be submitted for chaptering by the California Secretary of State.

## CITY ATTORNEY IMPARTIAL ANALYSIS

The California Constitution authorizes charter cities that include school districts to provide for “the manner in which, the times at which, and the terms for which the members of boards of education shall be elected or appointed, for their qualifications, compensation and removal, and for the number which shall constitute any one of such boards.” Cal. Const. art. IX, § 16(a). This is the limit of a charter city’s authority over a school board.

San Diego City Charter (Charter) section 66 governs the composition and elections of the Board of Education of the San Diego Unified School District (School Board).

The Charter directs that the five members of the School Board are nominated in elections held in their individual sub-districts, with the top two vote-getters in the primary election in a given sub-district advancing to a general election by voters in the entire School District. This is known as a district-only primary and an at-large general election.

If approved, this ballot measure would amend the Charter to change the process in the general election. The amendments would provide that all School Board elections would be held in the individual sub-districts that a candidate seeks to represent, whether it is the primary or the general election. After the Charter is amended, candidates nominated in a primary election in their individual sub-district would advance to a run-off general election that is also held in the individual sub-district they seek to represent.

If approved, the Charter amendments will provide a district-only process for electing School Board members that is the same as the process used to elect City Councilmembers. Councilmembers are elected by voters in the districts they seek to represent, and not in citywide elections. Voters amended the Charter at the November 8, 1988 election to enact the “district-only” election system for the City Council.

The Charter amendments proposed in this measure also include minor changes for consistency with other Charter provisions, such as amendments to the titles of specific City elections.

To comply with the California Constitution and the California Education Code, this ballot measure related to the School District has been submitted only to those voters who are registered to vote within School District boundaries. To be adopted, the measure requires a majority vote of those voting on the measure.

A citizens’ organization called Parents for Quality Education proposed Charter amendments to establish district-only elections for School Board members in both the primary and general elections, as part of a process in which the City Council asks the public to submit ballot proposals. A City Council subcommittee heard the proposal at two hearings, and forwarded the proposal to the full City Council, which voted to place the measure on the ballot.

If approved, the Charter would be amended as of the date amendments are chaptered by the California Secretary of State. Based on the Secretary of State’s usual timelines to chapter Charter amendments, the amendments would be in effect for the next regularly scheduled School Board elections in 2022.

## **FISCAL IMPACT ANALYSIS**

This measure would amend the San Diego City Charter (Charter) to establish a district-only elections process to elect members of the Board of Education (School Board) of the San Diego Unified School District (School District). The Charter currently provides that School Board members are nominated in primary elections in their individual sub-districts but advance to a general election held in the entire School District. This ballot measure would amend Charter section 66 to provide district-only elections in both the primary and general elections for School Board members.

**If approved, this measure would result in a relatively small reduction in election costs for the School District.**

# ARGUMENT IN FAVOR OF MEASURE C

## BRING LOCAL REPRESENTATION TO SDUSD ELECTIONS

### ENSURES THE COMMUNITY'S CHOICE IS ELECTED

At-large elections weaken the representation of small groups that don't have a citywide base. Candidates are nominated by district, but **elect** citywide, denying communities the right to choose their own representative. The California Voting Rights Act (CVRA) of 2001 allows groups that are geographically dispersed to elect their candidate of choice from single member districts. The current system **drowns out the voices** of those who live in each district, allowing special interests to elect their preferred candidate.

### LEVEL THE PLAYING FIELD FOR LOCAL CANDIDATES

The current city-wide SDUSD elections process was adopted in 1931, when San Diego had 125,000 residents. Candidates are still expected to reach the current population of 1.4 million residents versus focusing only on the district they will represent. By reducing the time candidates spend on fundraising to remain competitive in city-wide races, candidates can focus on delivering solutions to parents, students and their communities.

### BRING SDUSD IN COMPLIANCE WITH STATE LAW

In May 2017, the San Diego County Grand Jury found that the current election process **does not** result in a board reflecting the diversity of the district. However, they found that district-only elections assure voters of each district fairer representation on the school board. The SDUSD is **the only** governing body that elects their representatives under the current system in San Diego. The School Board must change from at-large elections to district elections to avoid future lawsuits.

### WHO OPPOSES DISTRICT ELECTIONS?

Special interest groups oppose district elections because it threatens their influence over the selection of board members. According to the National League of Cities, at-large elections weaken the representation of people of color. That's why incumbent school board members continue to win elections without opposition.

## VOTE YES ON MEASURE C

CHRIS CATE  
Councilmember  
City of San Diego, District Six

ELLEN NASH  
Chair  
BAPAC San Diego

MONICA MONTGOMERY  
Councilmember  
City of San Diego, District Four

WENDELL BASS  
Retired Principal

TOM KELIINOI  
President  
Parents for Quality Education

## ARGUMENT AGAINST MEASURE C

Measure C is a very bad idea.

Classroom Teachers, Taxpayer Advocates, Civil Rights Champions and Parent Leaders Oppose Measure C.

Measure C is deceptive. Don't be fooled. It does NOT increase community participation. In fact, it does just the opposite.

Don't give up your right to vote.

Presently, every voter in the entire school district votes for all 5 members of the School Board who make the critical decisions affecting every San Diego school.

If Measure C passes, you will only be able to vote for 1 school board member, not 5. The other 4 will be elected by voters from other communities. You will have absolutely no say in choosing 80% of the school board.

Board members from other communities will be able decide what happens to your neighborhood school. They could move teachers, nurses and counselors in or out, or close schools – even over the objections of the board member representing your area.

The present system balances community needs and larger concerns, ensuring every board member cares about all the kids in every neighborhood in San Diego Unified.

Measure C will open the door for Chicago-style Ward Politics and corruption.

Measure C creates 5 small “wards” or Districts that can be dominated by big money special interests. Outside corporations and shady operators with designs on the District’s \$1.2 billion budget will be able to elect board members who are beholden to them. In fact, the special interests who want to privatize public education are behind Measure C.

Measure C will hurt low-income kids.

Measure C will cram low-income neighborhoods into one or two “wards” or Districts. Vote rich areas will be able to elect a board majority and dominate school funding and other educational decisions.

Measure C is a very bad idea. Vote NO on Measure C.

SCOTT BARNETT

President, San Diego Taxpayers Advocate,  
Former Executive Director,  
San Diego Taxpayers Association

AMY DENHART

Elected Parent Leader  
San Diego High School

DR. KYRA GREENE

Policy Advocate for Working Families

TAMMY REINA

San Diego County Teacher of the Year

FRANK JORDAN

Past President,  
San Diego and California NAACP

# FULL TEXT OF MEASURE C

## ARTICLE VI

### BOARD OF EDUCATION

#### SECTION 66: BOARD OF EDUCATION

The government of the San Diego Unified School District shall be vested in a Board of Education, composed of five members who shall be nominated and elected by the registered voters of the individual Board of Education District for which they are a candidate. Board of Education elections will be held at the regular Municipal Primary Elections and the Municipal General municipal Elections, at the same time as the election of Councilmembers. At the ~~Municipal Primary Election,~~ there shall be chosen by the registered voters of each an individual Board of Education District shall nominate two candidates to fill the office of their for the office of any Board of Education member from in a District whose term expires the succeeding following December. The top two vote-getters in the Municipal Primary Election for an individual seat will advance to the Municipal General Election. At the ~~general Municipal General Election,~~ the registered voters of the individual Board of Education District whole San Diego Unified School District shall select one of the nominees to fill the seat from among the candidates chosen at the primary election in each district one candidate for the office of each Board of Education member whose term expires the succeeding December. Each candidate for the Board of Education shall have been a registered voter of the San Diego Unified School District and an actual resident of the election district from which the candidate seeks to be nominated for thirty (30) days immediately preceding the filing of a nomination petition. The members shall serve for a term of four years from and after 10 a.m. the first Monday after the first day of December next succeeding this election and until their successors are elected and qualified, except as herein provided.

Notwithstanding any other provision of this Charter, and commencing in 2020, no person shall serve more than three four-year terms as a member of the Board of Education. Board members who hold the office as of the date of the Municipal General Election in 2020 shall not have prior or current terms counted for purposes of applying this term limit provision.

Any vacancy occurring in on the Board shall be filled from the election district in which the vacancy occurs, by appointment by the remaining Board members; but in the event that the said remaining members fail to fill such vacancy by appointment within thirty (30) days after the vacancy occurs, they must immediately cause to be held a primary election in the district in which the vacancy occurs and a general election within the entire school district as set forth in this section to fill such vacancy; provided, however, that any person appointed to fill such vacancy shall hold office only until the next regular municipal election, at which date a person shall be elected to serve for the remainder of such unexpired term.

For the purpose of electing members of the Board of Education, the San Diego Unified School District shall be divided into five (5) districts as nearly equal in registered voter population as practicable. For the first primary and regular election held under this section, as amended, the boundaries of such election districts shall be established by the Board of Education as such Board existed on the effective date of the amendment to this section. Thereafter, the boundaries of such election districts shall be subject to alteration and change under the provisions of this section. The Board of Education, by resolution, may change and alter the boundaries of the election districts and in the resolution may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in the said resolution.

END OF MEASURE