

2023–2024

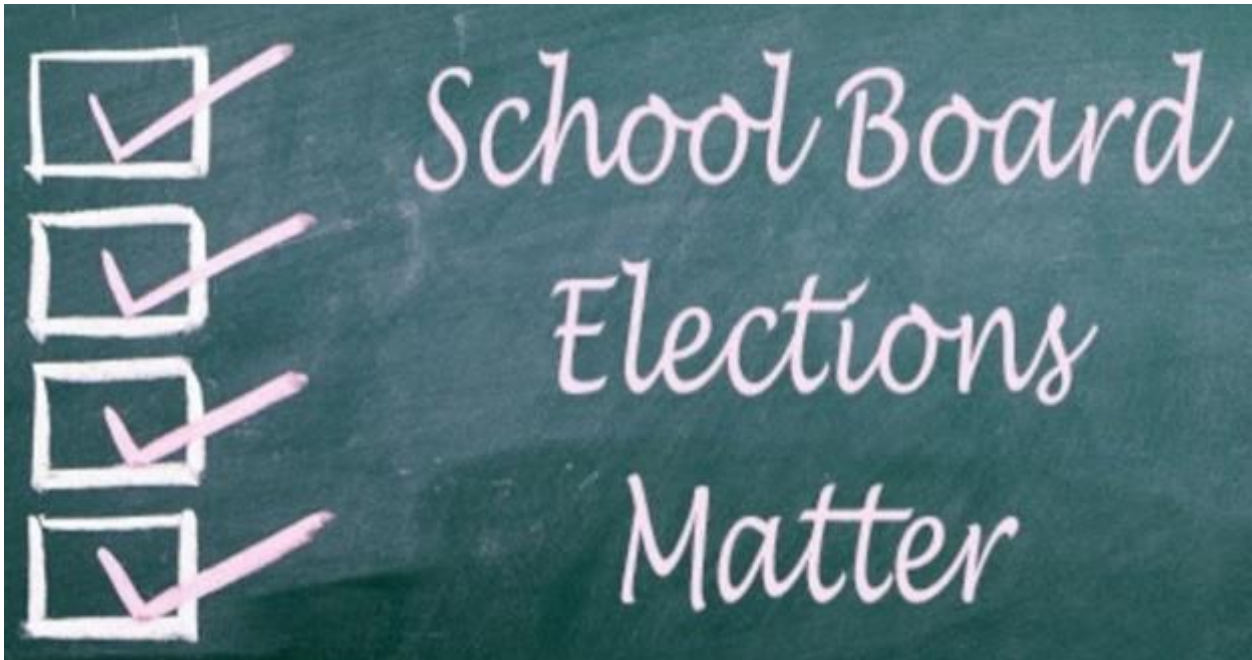
Yolo County Civil Grand Jury

June 12, 2024

Esparto Unified School District

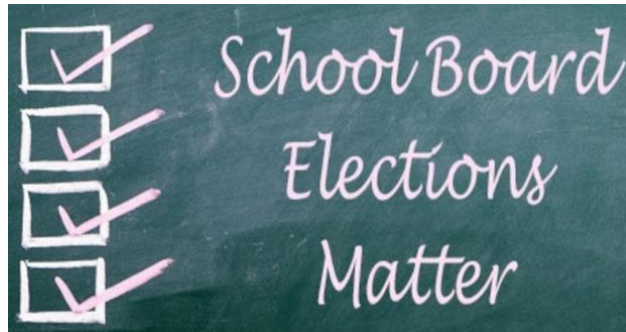
SCHOOL BOARD

ELECTION/SELECTION PROCESS



Stock Photo

YOLO COUNTY CIVIL GRAND JURY
ESPARTO UNIFIED SCHOOL DISTRICT
SCHOOL BOARD ELECTION/SELECTION PROCESS



-Stock Photo-

*“Running for local office is an incredible way to stand up
and represent the needs of your community”*

- Emily Dexter

SUMMARY

The California Education Code Sections 5326[1] and 5328[2] set requirements for the creation and governance of local school boards including selection of its members (“trustees”). Local Boards consist of five or seven members who, in some districts, may be elected at large and may reside anywhere in the district. In “trustee area” districts, candidates must reside in geographical sub-areas within the school district boundaries, and they are elected by the registered voters residing in that same sub-area. Trustees are elected to staggered four-year terms during even-year elections. Esparto Unified School District (EUSD) is governed by a five-member board elected by each trustee area, with three elected in one cycle and two elected in the next even-year cycle.

The Education Code addressing school board elections is long and complex. Determining which election variation applies to a particular place or procedure is a complicated process which requires a good deal of study and experience to master. The process applicable to the 2022 election of trustees for the EUSD is more fully addressed below in the Approach and Discussion sections of this report.

As a result of vacancies created by departures from the EUSD School Board, all five trustee positions were announced as open for election in the 2022 election cycle. Four positions had only one candidate, all of whom were subsequently seated on the Board, even though the election procedure that was followed did not place them on the ballot.

Following review and investigation as set out more fully below, the Yolo County Civil Grand Jury (Grand Jury) believes the 2022 election of EUSD Trustees was conducted in full compliance with the law and no impropriety tainted the selection of trustees.

BACKGROUND

Elections are important and have been increasingly surrounded at all levels by claims of mismanagement or impropriety that either occurred, or went unnoticed, or might have been problematic in some way that went unnoticed. As a result, the Grand Jury is particularly interested in ensuring that election-related claims are not ignored. When a complaint was raised about a possible problem with the election process of local school board members in the EUSD, the Grand Jury investigated the claim.

The Grand Jury focused on the manner and results of the election of board members in the 2022 election cycle. Central to the issue raised was the fact that all five current local board trustees were seated as part of the 2022 election process, but only one seat appeared on the ballot.

APPROACH

The Grand Jury began its investigation by reviewing Education Code Sections 5326 and 5328. Due to the breadth and detail of the sections covering elections, the Grand Jury interviewed an official from the Yolo County Election Office who has extensive knowledge of and responsibility for school board elections. The purpose was to obtain a clear and accurate understanding of the relevant legal requirements and of the procedures utilized in local school board elections, both as a general matter and in the circumstances surrounding the seating of trustees of the local EUSD Board in the 2022 election cycle.

The election official provided copies of relevant statutes and documentation including copies of the ballots used in the 2022 election. The official also provided a thorough explanation of the process involved in school board elections and of the circumstances involved in the 2022 election. It became evident from this discussion and review of other pertinent information that no issue of impropriety surrounded the placement of any of the trustees seated in 2022.

In a discussion with an EUSD administrator, the Grand Jury was informed about the need for active recruitment of community members to serve so there is candidate provided for each seat. This information provided a useful explanation of what happened as well as assurance that no irregularity occurred in the election of trustees.

DISCUSSION

The Legal Setting

The California Education Code provides that local school districts are governed by a school board comprised of locally elected trustees. It generally requires such trustees to be elected from the district as a whole, but it also permits county level officials to authorize election by trustee-areas consisting of subdivisions within the school district boundaries. In trustee-area districts like EUSD, both candidates and eligible voters must be residents of that area.

Sections 5326 and 5328 of the California Education Code provide that candidates for a position as trustee in a trustee-area election who are running unopposed will be “seated at the organizational meeting of the board.” Section 5326 calls this arrangement an appointment. Local practice refers to it as being “elected off-ballot.”

In Yolo County, the election of school board trustees is conducted by the Election Office. No local school district official has a role in the conducting the elections. Costs of the elections are “fronted by” the Election Office subject to reimbursement from candidates and/or entities which have positions placed on the ballot. Treating unopposed candidates as “elected off ballot” thus entails a substantial cost saving to candidates and to entities with positions on the ballot. The Election Office also has procedures in place to deal with vacancies between elections, with situations where candidates run unopposed, to enable write-in options, to provide required public notices, and to otherwise ensure compliance with election laws. The complaint questioned why there was no write-in option provided on the ballot. An Election Office official advised that such a provision is not automatically available. Inclusion of a write-in option on the ballot requires timely compliance with the same application and vetting process for a named write-in candidate as applies to any other candidate. There is no “fill-in-the-blank” option.

The 2022 Elections

In 2022, the Elections Office issued a Notice of Elections that provided public notice that all five seats for the EUSD Trustees were up for election. Three positions were for full terms of four years, and two positions were for two years to fill out terms of trustees who had departed from the Board and to conform to the authorized staggered election system under which the EUSD operates.

The Election Office advised that the process for applying and qualifying to be a candidate occurs in the period between 118 days and 88 days preceding an announced election. All five trustees seated on the EUSD Board personally presented themselves at the Election Office in a timely manner, submitted required paperwork, and subsequently were approved as qualified candidates by the Election Office officials. Public notice of the status of contests up for election in the 2022 cycle was provided on the Election Office website and by periodic press releases. Notice is provided with the names of every candidate for every position on the ballot. The

Election Office refers to these positions as a “contest”. Once the application period closes, use of the term “contest” refers only to positions that will appear on the ballot.

Five days after the end of that period, on the 83rd day preceding the election, the Elections Office advised the Esparto candidates, the EUSD Board and the Superintendent of its intention to take four of the five trustee positions off-ballot because the four affected candidates were running unopposed. The Election Office informed the Grand Jury that no notice of this action was required to be provided to the general public.

In a later interview on a separate matter, the Grand Jury learned that lack of community involvement and participation in school related undertakings is often an issue. Therefore, school district officials are engaged in active recruitment of community members who are concerned with school issues and are qualified candidates for otherwise vacant trustee positions.

The 2022 ballot was subsequently printed out and presented to voters with only the single contested seat listed.

FINDINGS

The Grand Jury makes the following findings:

- F-1 The 2022 election of Esparto Unified School District trustees fully complied with the relevant elections law.
- F-2 No impropriety existed in the act of recruitment of community members to run for office by an Esparto Unified School District official.
- F-3 The Grand Jury fully accepts testimony presented in interviews that the scope of community involvement in school affairs within the Esparto Unified School District is sometimes a challenge which requires and justifies proactive involvement by District personnel.

RECOMMENDATIONS

The Grand Jury has determined that there are no corrective actions required.

COMMENDATION

The Yolo County Election Office was very helpful and responded to all requests for information in a very timely and professional manner.

REQUIRED RESPONSES

There are no required responses to this report.

ENDNOTES

[1] California Education Code Section 5326

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=5326

[2] California Education Code Section 5328

https://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC§ionNum=5328

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code Section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.