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A Resolution Supporting The Certification And Implementation Of Alternative Voting Methods By The San Bernardino County Registrar Of Voters And The California Secretary Of State

The Homestead Valley Community Council (HVCC) is aware the Lucerne Valley Unified School District (LVUSD) received a letter from an attorney in September of 2018 that threatened litigation if LVUSD did not change Board of Trustee elections from “at large” voting to “by-district” voting, claiming LVUSD was out of compliance with the California Voting Rights Act of 2001.

We are aware that the stated purpose of the demand is to promote alternative voting methods that help make elections fairer for protected classes.

We are aware that according to the letter 44.9% of LVUSD students are Latino and 18.5% of the general population of LVUSD is Latino.

We are aware that at the time the letter was received two of the five members sitting on the Board of Trustees were of Latino background, constituting a 40% Latino make-up that was consistent with the student population and far exceeded the general population.

We are aware that the two Latino board members went through the 2018 election cycle unchallenged and are currently seated on the LVUSD Board of Trustees.

We are aware that LVUSD’s service area is very rural, encompassing almost 650 square miles with much of the population concentrated in a small portion of the service area.

We are aware that LVUSD responded to the demand letter making a strong case that establishing “by-district” voting would be impractical due to the rural geography and disproportionately concentrated population, and furthermore could lead to elections that disadvantage protected classes.

We are aware that the LVUSD response also established the Board of Trustees Latino make-up was consistent with the population and challenged the assertion it was in violation of the California Voting Rights Act of 2001.

We are aware that LVUSD reached an agreement with the attorney to move to the alternative of “cumulative voting” over the demand for the unreasonably difficult to implement by-district voting.

We are aware that cumulative voting is a voting method whereby each member of the Board is elected by the registered voters of the entire District (Educ. Code 5030 (a)), which provides that each voter can cast a number of votes equal to the number of seats up for election, allowing a voter to allocate all of these votes to a single candidate or distribute them among several candidates.

We are aware that on or about November 8, 2018 the LVUSD board passed a resolution to change their board elections to cumulative voting.

We are aware that recently the San Bernardino County Registrar of Voters (R.O.V.) went out for a Request For Proposals (RFP) to update voting systems in San Bernardino County.

We are aware that the R.O.V. was aware of the resolution passed by the LVUSD board during the RFP process and that other districts would likely consider adopting cumulative voting to avoid litigation.

We are aware that the new voting systems recently purchased by the R.O.V. support alternative voting methods like cumulative voting.

We are aware that in its efforts to comply with the Help America Vote Act of 2002 (“HAVA”), the California Secretary of State, as Chief Elections Officer, will among other things “consider, through established processes, decertifying systems and refusing to certify systems that cannot accommodate alternative voting systems, such as ranked ballots and ***cumulative voting systems***, in a manner in which voters can easily understand” in conjunction with local elections officials and other interested parties (emphasis added). (<https://www.sos.ca.gov/elections/help-america-vote-act/hava-state-plan-2003/section-1/> .)

We are aware that LVUSD has reached out to the Registrar of Voters office and has not received responses regarding their stance and efforts to support both the district and the stated vision of the Secretary of State to implement alternative voting methods.

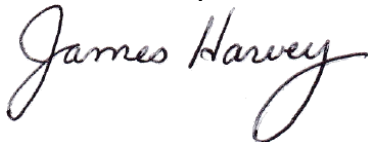
Now, therefore, be it resolved that the Homestead Valley Community Council hereby finds the foregoing recitals to be true and correct; and

Be it further resolved that the Homestead Valley Community Council fully supports LVUSD and other districts in efforts the move to cumulative voting from the current at large system; and

Therefore, Homestead Valley Community Council hereby requests the San Bernardino County Registrar of Voters pursue the certification and implementation of alternative voting methods that are supported by the recently acquired updated voting system, including and especially cumulative voting; and

Homestead Valley Community Council hereby requests the California Secretary of State work with SBC ROV to certify and implement these alternative voting methods, consistent with the Secretary of State's own publicly stated mission to do so in Hava Compliance With Voting Systems Standards.

James Harvey

A handwritten signature in black ink that reads "James Harvey". The signature is written in a cursive style with a large, looping initial "J".

President, Homestead Valley Community Council
(On behalf of HVCC)