

Date of Hearing: July 16, 2025

ASSEMBLY COMMITTEE ON EDUCATION

Al Muratsuchi, Chair

SB 249 (Umberg) – As Amended April 30, 2025

[Note: This bill was double referred to the Assembly Elections Committee and was heard by that Committee as it relates to issues under its jurisdiction.]

SENATE VOTE: 27-10

SUBJECT: County boards of education: elections: consolidation

SUMMARY: Requires any election for the members of a county board of education to be consolidated with the statewide general election in November, beginning January 1, 2026. Specifically, **this bill:**

- 1) Requires, commencing January 1, 2026, the term of office of all incumbent members of a county board of education to be extended as necessary so that the terms of newly-elected members commence on the second Friday in December following their election. Requires the county committee on school district organization to determine the manner in which the county board of education shall effect a staggering of terms, if necessary.
- 2) Removes provisions of law that authorize a county board of education to choose, by resolution, to conduct their election at a statewide direct primary election, statewide general election, or general municipal election, as specified, and instead requires, beginning January 1, 2026, an election for a member of the county board of education to be consolidated with the statewide general election in November.
- 3) Makes conforming changes.

EXISTING LAW:

- 1) Requires, pursuant to the California Constitution, that the Legislature provide for a board of education in each county, as specified. Provides that a county charter may provide for the election of the members of the county board of education of such county and for their qualifications and terms of office. (California Constitution, Article IX, Section 3.3)
- 2) Requires that the Legislature provide for a board of education in each county, as specified. (Constitution of California, Article IX, Section 7)
- 3) Requires, except in a city and county, there to be a county board of education, which is required to, unless a petition to establish a student board member is presented to a county board of education, consist of five or seven regular members to be determined by the county committee on school district organization. (Education Code (EC) 1000)
- 4) Requires members of the county board of education to be elected on the date and in the manner prescribed for the election of members of governing boards of school districts (when all school districts within the county have their board elections on the same day, whether that

is during the primary or the general election); otherwise, the election must be consolidated with the direct primary election. (EC 1007)

- 5) Establishes election dates as follows:
 - a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four;
 - b) The first Tuesday after the first Monday in March of each odd-numbered year;
 - c) The second Tuesday of April in each even-numbered year;
 - d) The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four; and
 - e) The first Tuesday after the first Monday in November of each year. (Elections Code (ELEC) 1000)
- 6) Requires, except as provided, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections to be held on an established election date. (ELEC 1002)
- 7) Specifies that election dates do not apply to the following:
 - a) Any special election called by the Governor;
 - b) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter;
 - c) School governing board elections consolidated as specified in the EC;
 - d) Elections of any kind are required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95% or more of the school district's population;
 - e) County, municipal, district, and school district initiative, referendum, or recall elections;
 - f) Any election conducted solely by mailed ballot as specified in the ELEC; and
 - g) Elections held as specified in the EC. (ELEC 1003)
- 8) Requires that the regular election to select governing board members in any school district, community college district, or county board of education be held on the first Tuesday after the first Monday in November of each odd-numbered year, except after the initial election of governing board members in any school district, community college district, or of members of a county board of education, the election of governing board members for the district or of members of the county board of education may be established, upon the adoption of an appropriate resolution by the governing board or the county board of education, to regularly

occur on the same day as the statewide direct primary election, the statewide general election, or the general municipal election. Existing law provides that the resolution is to become operative upon approval by the board of supervisors. (ELEC 1302)

- 9) Authorizes a charter amendment to appear on the San Diego County ballot to require candidates for county office to be elected at the general election. (Government Code (GOV) 23725)

FISCAL EFFECT: According to the Senate Appropriations Committee, by changing the date for the election for the members of a county board of education, thereby imposing additional duties on local elections officials, this bill could create a reimbursable state mandate. Additional local costs resulting from the bill (among others) would include potentially adding an extra ballot card to presidential election cycle ballots to accommodate the additional contests and increased workload at the County Registrar's Office. To the extent the Commission on State Mandates determines that the provisions of this bill create a new program or impose a higher level of service on local agencies, these agencies could claim reimbursement of those costs. The magnitude of the costs is unknown, but it could be in the low to mid hundreds of thousands of dollars per election cycle for each local election date that is changed. To the extent that five county boards of education would be impacted, statewide General Fund costs would be in the low millions of dollars per election cycle. This bill is not likely to result in new costs to the Secretary of State.

COMMENTS:

Need for the bill. According to the author, "Currently, counties throughout California can make the final determination on the winner of a seat in a low voter turnout primary election rather than allowing voters in higher turnout general elections that occur in November to make that determination. Elections in November have higher turnout and are thus more representative of the desires of more voters. Moving plurality elections to the general election from the primary election will increase the ballots cast for candidates in those races and create a more representative and democratic process. Therefore, SB 249 will require any election for the elected members of a county board of education to be consolidated with the statewide general election. This bill will also require the term of office of all incumbent elected members of a county board of education to be extended accordingly, and would require the county committee on school district organization to determine the manner in which the county board of education elected shall effect a staggering of terms, if necessary."

Timing of elections for county boards of education. Existing law requires the regular election to select governing board members in any school district, community college district, or county board of education to be held on the first Tuesday after the first Monday in November of each odd-numbered year.

After the initial election, county boards of education are specifically authorized to pass a resolution to change their elections to coincide with the statewide primary election, the statewide general election, or the general municipal election. Within 60 days of submission, the board of supervisors must approve the resolution unless it determines that handling additional elections or materials would be challenging due to ballot style, voting equipment, or computer capacity.

Based on data collected by the California Elections Data Archive (CEDA), a collaborative

project between California State University, Sacramento, and the Secretary of State (SOS), it was found that most county boards of education conduct their elections alongside the statewide general election. In the years between 2017 and 2020, county board of education elections were held in 45 counties. Of these 45 counties, 36 (80%) had their county board of education elections solely with the statewide general election. Five counties (11%) - Alameda, Orange, Riverside, Sacramento, and San Joaquin counties - held their county board of education elections with the statewide primary election. To date, Committee staff is unaware of any attempt by any of these five county boards of education to adopt such a resolution or request to consolidate its election into the statewide general election.

Implications of elections during a statewide primary election. According to voter participation statistics on SOS's website, voter turnout in primary elections is historically lower than in general elections. For example, data shows the following:

- For the 2024 primary, turnout was 35% of registered voters;
- For the 2022 general, turnout was 51% of registered voters;
- For the 2022 primary, turnout was 33% of registered voters; and
- For the 2020 general, turnout was 80% of registered voters.

Most, but not all, elections for county boards of education are held during statewide general elections. All elections for county board of education that are held during the primary election are considered plurality elections, where the candidate with the most votes wins outright (there is no subsequent runoff or top-two election held during the general election).

Arguments in support. The California School Employees Association writes, "The composition of school boards has a direct impact on public school classified employees. At the end of the day, the body that makes the hiring, disciplinary, and policy decisions that determine the scope of our members' work is the school board. Additionally, they are one of the bodies that must approve any collective bargaining agreement. Classified employees have an active interest in being as involved as possible in the election of school board members. School board elections occurring on a separate date from the statewide general election makes these crucial elections harder to access. Voter turnout in local elections is, on average, significantly lower compared to statewide or national elections. Additionally, classified employees often work two, if not three jobs, so it can be difficult for them to engage in elections that are not consolidated.

SB 249 offers a commonsense solution to the unnecessary confusion of school board elections. By requiring school board elections to occur on the same dates as the statewide general election, they will be more accessible to the communities that they represent. Greater engagement in school board elections will create school boards that are more aligned with the values of their communities."

Arguments in opposition. The Orange County Board of Education (OCBE) writes, "SB 249 would require elections for seats on the OCBE, as well as the Alameda, Sacramento, San Joaquin, and Riverside County Boards of Education, to be consolidated with the November statewide general elections in even-numbered years. As a charter county, Orange County already has the authority to determine the timing and structure of its Board of Trustee elections without state interference. Orange County does not need a new state law imposed to regulate

these elections. Furthermore, your bill seeks to dictate election procedures in four other counties, all of which already have mechanisms to determine how their local boards are elected. These counties do not need a state mandate to dictate the terms of their elections. SB 249 represents a blatant disregard for local control and is both unwarranted and unnecessary.

At a time of budget deficits and slashed education funding, SB 249 would be prohibitively expensive to implement. The *California Senate Appropriations Committee* has determined that the Orange County Registrar alone would incur costs in the hundreds of thousands of dollars to add OCBE candidates to November election ballots, necessitating an additional ballot card in presidential election years. There would also be significant information technology programming costs and substantial staff time required to implement these changes. Expanding this mandate to four additional counties would push the total cost into the multimillions over the next decade. Because SB 249 creates a state-mandated local program, the five affected counties would likely file a claim with the Commission on State Mandates—claims that would almost certainly be approved. This would burden the State General Fund with millions of dollars in election-related costs, both now and in the future.”

Related legislation. SB 907 (Newman) of the 2023-24 Session would have increased the membership size of the OCBOE, and would have required that an election for a member of the OCBOE to be consolidated with the statewide general election. This bill was vetoed by the Governor, with the following message:

I appreciate the author's intent to increase representation on the OCBOE. However, there are local processes for altering the number of members on a county board of education and changing when local elections are held. State circumvention of these local procedures, especially with respect to a single county board of education, should be avoided absent extraordinary circumstances. Unfortunately, I am not convinced those circumstances exist in the context of this legislation.

SB 286 (Min) of the 2021-22 Session would have required the election for seats on the OCBOE to be consolidated within the November statewide general election. This bill was held in the Assembly Appropriations Committee.

SB 1450 (Umberg) of the 2019-20 Session would have required an election for an office that is determined by the plurality of the votes cast for that office, with no possibility of a runoff, that is consolidated with a statewide election to be consolidated with the statewide general election in November. This bill was held in the Senate Elections and Constitutional Amendments Committee.

AB 901 (Gloria), Chapter 713, Statutes of 2017, authorizes an amendment to the San Diego County charter, either by a proposal submitted by the board of supervisors or by voter initiative, to require that candidates for certain county offices and the county board of education be elected at the general election instead of at the primary election.

REGISTERED SUPPORT / OPPOSITION:

Support

Asian Law Caucus
California Common CAUSE
California School Employees Association
California State PTA
California Teachers Association
CFT- a Union of Educators & Classified Professionals, AFT, AFL-CIO
Education Justice Academy
Inland Equity Partnership
League of Women Voters of California
Public School Defenders Hub

Opposition

Orange County Board of Education

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