



# Modesto City Schools

# **MEDIA RELEASE**

---

DATE: October 22, 2015

CONTACT: Roman Muñoz, Kronick, Moskovitz,  
Tiedemann & Girard

FOR IMMEDIATE RELEASE

PHONE: (916) 321-4500

EMAIL: [rmunoz@kmtg.com](mailto:rmunoz@kmtg.com)

## **MCS WORKS TO ENSURE ALL VOTERS HAVE A SAY ON MEASURE F**

MODESTO, CA – The Modesto City Schools ("MCS") Board of Education authorized MCS staff to take all necessary steps to invalidate Measure F and place the same measure on the June 2016 ballot. The invalidation of Measure F is necessary to ensure that all voters within MCS' boundaries are given the opportunity to vote on the proposed measure during the June 2016 election.

On October 14, 2015, MCS staff first learned that voters living within MCS' boundaries, but outside Modesto city limits, would not be given the opportunity to vote on Measure F. As a result, approximately 24,000 voters that live within MCS' boundaries do not have the opportunity to vote on Measure F. The exclusion of these voters violates the California Constitution, the Modesto City Charter, and Modesto City Council Resolution No. 2015-223.

Measure F was placed on the November 2015 ballot by Modesto City Council Resolution No. 2015-223, which was adopted by the City Council on June 23, 2015. Measure F deletes the following language from the Modesto City Charter: "The members of the Board of Education shall be elected at large from the territory within the boundaries of the school district or districts which are under the jurisdiction of the Board." This deletion provides MCS with the ability to adopt trustee-area elections, whereby each member of the Board of Education is elected in a separate district. The adoption of trustee-area elections may be necessary to ensure compliance with the California Voting Rights Act.

Resolution No. 2015-223 specifically orders that the proposed Modesto City Charter amendment be placed before "all of the qualified electors of the school district, not just the qualified electors of the City." The

resolution notes in four separate locations that all MCS voters must be given the opportunity to vote on the ballot measure.

MCS staff worked in close consultation with the City of Modesto in drafting Resolution No. 2015-223 to ensure that all eligible MCS residents be given the opportunity to vote, as required by law. Section 1500 of the Modesto City Charter requires that in “elections pertaining to school matters” all MCS voters will be treated as City voters in separate election precincts. Article IX, Section 16(b) of the California Constitution, provides that “no charter amendment effecting a change in the manner” of the election of a school board may be approved unless the amendment is “submitted to and approved by a majority of all the qualified electors of the school district.” Therefore, any amendment to the Modesto City Charter changing how the MCS Board of Education is selected requires the inclusion of all MCS voters.

Immediately after hearing that some MCS voters’ ballots did not include Measure F, MCS staff attempted to work alongside the City and Stanislaus County on finding a solution whereby all residents would be permitted to vote on Measure F. However, MCS was told that there is no viable option to enfranchise all MCS voters given the very limited time before the November 3, 2015 election.

As there is no viable option to ensure that all MCS voters be given the opportunity to vote on Measure F, it is the position of the MCS Board of Education that Measure F cannot be considered ratified by the voters in the event Measure F passes. Any amendment to the City Charter regarding the governance of the MCS must include all MCS voters.

MCS is currently working alongside the City of Modesto and Stanislaus County to ensure that Measure F is invalidated and that the same measure is placed before all MCS voters on the June 2016 ballot.

For more information, contact Roman Muñoz, Attorney, Kronick, Moskovitz, Tieddemann & Girard at (916) 321-4500.

###