



Legislation Details (With Board Report)

File #: RES 17-029 **Name:** Election Date Change from Odd to Even Years (SB415)

Type: BoS Resolution **Status:** Passed

File created: 3/8/2017 **In control:** Board of Supervisors

On agenda: 3/21/2017 **Final action:** 3/21/2017

Title: Adopt Resolution to approve the election date change for the governing board members of school and community college districts, members of the county board of education and directors of special districts to the same day as the Statewide General Election in accordance with the attached list pursuant to the Uniform District Election Law and SB 415

Sponsors:

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Code sections:

Attachments: , , ,

Date	Ver.	Action By	Action	Result
3/21/2017	1	Board of Supervisors	adopted	Pass

Adopt Resolution to approve the election date change for the governing board members of school and community college districts, members of the county board of education and directors of special districts to the same day as the Statewide General Election in accordance with the attached list pursuant to the Uniform District Election Law and SB 415

RECOMMENDATION:

It is recommended that the Board of Supervisors adopt a Resolution to approve the election date change for the governing board members of school and community college districts, members of the county board of education and directors of special districts to the same day as the Statewide General Election in accordance with the attached list pursuant to the Uniform District Election Law and SB 415.

SUMMARY:

Senate Bill (“SB”) 415 requires each school district, community college district, county board of education and special district currently under Uniform District Election Law (UDEL) to transition to the same day as the Statewide General Election if turnout in nonconcurrent local elections is significantly lower than state general election turnout.

Sections 1302 et seq. and 10404 et seq. of the California Elections Code authorize the governing body of a school, community college or special district to require, by resolution, that the election of its governing body members be held on the same day as the statewide general election, such resolution to become operative upon approval by the County Board of Supervisors.

The governing board members of schools, community colleges and the county board of education, and directors of special districts listed in the attachment, Exhibit A, have filed resolutions with the Clerk of the Board, requesting approval of the change of election year. Copies of all resolutions are on file with the Clerk of the Board.

DISCUSSION:

On September 1, 2015, Governor Jerry Brown signed SB 415 into law. The law requires districts with regularly scheduled odd-year elections which have experienced “significant decrease in voter turnout” in the last regularly scheduled election to adopt a plan to transition to even-numbered year general elections no later than January 1, 2018. Significant decrease in voter turnout is described as voter turnout at least 25% less than the average turnout for the previous four statewide general elections. The 25 percent decrease in local voter turnout is calculated by subtracting 25 percent from the average state turnout. For example, if state turnout is 67 percent, the turnout threshold would be 42 percent ($67\% - 25\% = 42\%$). Should the local turnout at the last odd-year election be less than the 42 percent threshold, then a change to even-year elections would be required. The 2015 Monterey County Schools and Special Districts Election turnout was 18.6 percent which is less than the 42 percent threshold.

Pursuant to EC 1302(b) and 1303(b) the governing body of a school, community college or special district has the ability to transition to even-numbered year elections regardless of whether they experience decreased voter turnout.

Pursuant to EC 10404(b)(2), 10404.5(a), and 10405.7(a), a resolution that is adopted by the district “shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election”, which falls on March 12th, 2017. All districts listed in Exhibit A met the deadline.

Pursuant to EC 10404(e), 10404.5(d)(1), and 10405.7(d)(1), “the board of supervisors, within 60 days from the date of submission, shall approve the resolution unless it finds” the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. The deadline for the Board to approve the school district resolutions is March 24th, 2017.

Moving the requesting districts would have some impact on the Registrar of Voters' (ROV) election systems, including the ballot layout, voting, ballot counting and election reporting systems. There would be an increase in the number of ballot types and possibly the length of even-year election ballots and could cause an additional ballot card. The ROV is in the process of adapting systems and infrastructure to accommodate this new law and anticipates it will be prepared for the November 2018 election and the additional volume generated even if all districts call an election.

Pursuant to EC 10404(c), 10404.5(c), and 10405.7(c), “the board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation”. The Clerk of the Board (COB) mailed a letter to all school, community college and special districts for input on February 7, 2017. As of the writing of this report, the COB has received no input in favor of or against the requested change from any district.

Pursuant to EC 10404(f), 10404.5(e), and 10405.7(e), “within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district”. Elections will prepare a mailing to all concerned voters within the timeframe, upon approval by the Board.

Moving the election date from an odd-numbered year to an even-numbered year results in an additional year added to each incumbent’s term. The term of office of the governing board members and directors whose term

will expire in November 2017 will be continued until the general election is held in November 2018; likewise, the term of office of the governing board members and directors whose term will expire in November 2019 will be continued until the general election is held in November 2020.

The proposed resolution to approve the election date change reflects state laws, as well as Election Code. Elections is recommending that the Board approve the proposed resolution pursuant to all attachments and further authorize the election date change.

OTHER AGENCY INVOLVEMENT:

The governing bodies of all local school, community college and special districts and the Monterey County Board of Education have submitted a resolution requesting the election date change, except for North Monterey County Unified School District. County Counsel has reviewed and approved the language of the proposed resolution.

FINANCING:

SB 415's goal of the transition of a school or special district to an even-numbered year election is to increase and enhance voter participation. Pursuant to EC§ 10404(d), "the elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation". There is no impact to the County General Fund anticipated with this recommendation for this fiscal year. In addition, an impact analysis is required for each individual special district, in accordance with the attached Exhibit B - District Fiscal Impact Analysis.

There will be an impact to future budgets in following fiscal years. Due to the timing of the election cycle and budget cycle, Elections will have a mandate to operate with half as many expenditures as now and negligible revenue in even fiscal years, notwithstanding unscheduled special elections, unanticipated grants, and typical fees. In odd fiscal years, it will recognize a doubling of revenues with the possibility of attaining fiscal neutrality.

BOARD OF SUPERVISORS STRATEGIC INITIATIVES:

This item is in line with the Board's vision for providing efficient service and cost neutral administration. Approval will support higher voter turnout for smaller districts and consolidate election cycles, effectively streamlining the use of resources with a positive impact to local agencies and voters.

Prepared by:

Approved by:

Jessica Cedillo x 1486
Program Manager

Claudio Valenzuela x 1499
Registrar of Voters

Attachments:

Draft Resolution

Exhibit A - List of Districts Requesting Election Date Change

Exhibit B - Special District Fiscal Impact Analysis