

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
BOARD ACTION SUMMARY

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: *B-1

AGENDA DATE: February 28, 2017

SUBJECT:

Approval of the City of Ceres Request to Consolidate and Hold General Municipal Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

BOARD ACTION AS FOLLOWS:

No. 2017-77

On motion of Supervisor Withrow, Seconded by Supervisor Olsen
and approved by the following vote,

Ayes: Supervisors: Olsen, Withrow, Monteith, DeMartini, and Chairman Chiesa

Noes: Supervisors: None

Excused or Absent: Supervisors: None

Abstaining: Supervisor: None

1) Approved as recommended

2) Denied

3) Approved as amended

4) Other:

MOTION:

ATTEST: Elizabeth A. King
ELIZABETH A. KING, Clerk of the Board of Supervisors

File No. C-2-C-15

**THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS
AGENDA ITEM**

DEPT: Clerk Recorder - Elections
Urgent Routine

BOARD AGENDA #: *B-1

AGENDA DATE: February 28, 2017

CEO CONCURRENCE: *prot*

4/5 Vote Required: Yes No

SUBJECT:

Approval of the City of Ceres Request to Consolidate and Hold General Municipal Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

STAFF RECOMMENDATIONS:

1. Approve the request from the City of Ceres to consolidate future general municipal elections on the same day as the Statewide General Election conducted in even-numbered years.

DISCUSSION:

The California legislature has enacted the California Voter Participation Rights Act. Cited in California Elections Code (EC) sections 14050 through 14057, it would prohibit a political subdivision from holding an election other than on a statewide election date if holding an election on a non-statewide election date has *previously* resulted in a significant decrease in voter turnout. A "significant decrease in voter turnout" is defined as 25% less than the average voter turnout within that political subdivision for the previous four Statewide General Elections.

The Registrar of Voters anticipates the desire of cities and districts within Stanislaus County that have traditionally consolidated into the Uniform District Election Law (UDEL) election held on the first Tuesday following the first Monday in November of odd-numbered years to move to consolidate on the same day as the Statewide General Election conducted in even-numbered years.

The City of Ceres has submitted an ordinance to the Board of Supervisors to hold its general municipal elections on the same day as the Statewide General Election conducted in even-numbered years.

School District	Ordinance Number	Date of Ordinance
City of Ceres	2017 - 1038	January 23, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code section 10403.5, the City of Ceres will change its general municipal election dates from November of odd-numbered years to the Statewide General Election held in even-numbered years. The Ordinance (Attachment) requests the Board of Supervisors to approve the City of Ceres request to schedule its general municipal elections in 2018 and 2020 to consolidate with the Statewide General Election in even-numbered years.

Approval of the City of Ceres Request to Consolidate and Hold General Municipal Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

Pursuant to Elections Code 10403.5 (e), within thirty (30) days after the approval of the ordinance by the Board of Supervisors, the city elections official shall notify all registered voters of the change in the election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected city officeholders will be changed. The notice shall be delivered by mail and at the expense of the city.

County Impact

An analysis conducted by the Elections office indicates that the Elections System and Software voting system currently used in Stanislaus County can accommodate these changes. With the addition of cities and districts to the Statewide General Election Ballot, the physical length of each ballot card increases from 14 inches to a maximum of 19 inches in length; the number of ballot cards can increase from one ballot card per voter per election to two ballot cards per voter per election; and additional ballot types, additional sample ballot pamphlets, voting units, printers, precinct ballot tabulators and vote-by-mail ballot tabulators will be required to process votes and to provide timely results.

The original purpose of the Unified District Election Law (UDEL) odd-numbered year election was to provide a local election platform for cities, districts and candidates to appeal to voters, avoiding conflict with the extensive State and Federal general election cycle. Local candidates in an odd-numbered year election are prominent and can better educate voters on their election race. These same candidates and races in an even-numbered year election are considered “down ballot” contests and receive fewer votes, and often are the recipients of “pattern” votes where a voter votes the first, second or last candidate on each race depending on the ballot position their selected presidential or gubernatorial candidate is positioned on the ballot.

The unique preparation and election requirements for a UDEL election require the Elections Office to prepare candidate nomination documents, Fair Political Practices Commission (FPPC) monetary requirements and election law filing requirements which are different from those in the current General Election even-year cycle. Once these two very different election types are consolidated into a single even-numbered year election, the Elections Office preparation and cost to the County will necessitate an increase in both budget and staffing to enable two separate mandated elections to coincide on the same ballot within the same election cycle.

POLICY ISSUE:

As required by Elections Code 10403.5 (a), the City of Ceres has notified the Stanislaus County Board of Supervisors that it has passed an ordinance requesting the consolidation of the general municipal elections with future Statewide General Elections, which will move the current election dates of the seated city officers from odd-numbered to even-numbered years.

Elections Code 10403.5 (a) (1) requires that the Board of Supervisors approve the ordinances unless it finds that Stanislaus County’s ballot style, voting equipment or computer capacity is such that additional elections or materials cannot be handled. No evidence exists to support such a finding.

Approval of the City of Ceres Request to Consolidate and Hold General Municipal Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

FISCAL IMPACT:

The Registrar of Voters anticipates an increase in election related expenses for the even-numbered election years.

Local elections require a higher level of candidate support including nomination papers, candidate statements, ballots, sample ballot pamphlets and additional election preparation. Additional Elections staff support is anticipated, as well as impacts to the County General Fund because the County will be responsible to pay the increased division costs attributed to the Elections Division.

The City of Ceres will continue to be invoiced and reimburse Stanislaus County for election specific costs to conduct their general municipal election in even-numbered years. The blending of local elections with statewide elections is anticipated to increase the overall level of services required of the Registrar of Voters.

Alternately, as fewer cities and districts continue to consolidate with the Uniform District Election Law (UDEL), it is likely to drive up costs for those remaining cities and districts that continue to hold their elections in odd-numbered years.

There is no immediate fiscal impact associated with this approval. Any increases in costs will be addressed in the respective budget year affected.

BOARD OF SUPERVISORS' PRIORITY:

Approval of the recommended action supports the Board of Supervisors' priority of Efficient Delivery of Public Services by consolidating local city and district elections with the Statewide General Elections in even-numbered years.

STAFFING IMPACT:

Starting in Budget Year 2017-2018, consolidation of general municipal and local district elections with Federal, State and County even-numbered year contests is anticipated to increase the level of staffing services in the Elections Division to conduct two different types of mandated elections on the same established election date.

CONTACT PERSON:

Lee Lundrigan, County Registrar of Voters

209-525-5211

ATTACHMENT(S):

Governing Board of the City of Ceres Ordinance to Reschedule Election of Governing Board Members

Attachment

Governing Board of the City of Ceres
Ordinance to Reschedule Election of Governing Board Members

ORDINANCE NO. 2017 - 1038

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CERES, CALIFORNIA, AMENDING CHAPTER 2.04 OF TITLE 2 OF THE CERES MUNICIPAL CODE BY ADDING SECTIONS 2.04.020(B) AND 2.04.030(C); AND REVISING SECTION 2.04.040(A), MOVING THE CITY'S GENERAL MUNICIPAL ELECTION TO EVEN-NUMBERED YEARS AND MAKING CORRESPONDING CHANGES

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CERES AS FOLLOWS:

SECTION 1. Chapter 2.04 of Title 2 of the Ceres Municipal Code is hereby amended to read as following:

SECTION 2.04.020. ENUMERATION OF OFFICERS AND TERMS.

(a) The elective officers of the City of Ceres shall be a Mayor and four (4) Council members. The Council shall consist of the Mayor and four (4) Council members, each of whom, including the Mayor, shall have the right to vote on all questions coming before the Council. The term of office of the Mayor shall be four (4) years, and the term of office of each Council member shall be four (4) years.

(b) In accordance with state law and low voter participation in odd numbered years, beginning November of 2018, the City's general municipal election shall be held on the first Tuesday after the first Monday in even-numbered years to coincide with the statewide general elections.

SECTION 2.04.030. ESTABLISHMENT OF COUNCIL DISTRICTS.

(a) The districting plan establishing four Council districts shall be approved by the voters of the city at large. The districting plan shall be adjusted by ordinance of the City Council to equalize population among the districts within one year after each census has been completed and the census data provided to the City. The boundaries and the number of each of the four (4) electoral districts for City Council are set forth in Exhibit A, including a map of the districts, which is incorporated herein by reference. Any districting plan shall be adopted by ordinance subject to referendum. The City Clerk is authorized to make non-substantive technical adjustments to the district boundaries not affecting the population of any district, the eligibility of candidates, or the residence of elected officials within any district.

(b) Each Council district shall be assigned a district number, with districts numbered one through four as indicated in Exhibit A. The Council members of Districts 3 and 4 shall be elected by-district in November of 2015 for a term of four (4) years. The Council members of Districts 1 and 2 shall be elected by-district in November 2017 for a term of four years. If this ordinance is approved at the regular municipal election of November 2015, all persons appointed to fill vacancies on the City Council and all persons elected to fill vacancies on the City Council at a special municipal election shall reside within the district to which they are appointed or elected.

(c) Consistent with the addition of Section 2.04.020(b) above, the terms of office of those councilmembers presently serving whose terms would have expired in 2019, shall instead continue until the certification of the results and administration of the oaths of office after the November 2020 general municipal election. The terms of office of those councilmembers who would have expired in November 2017, shall instead continue in their offices until certification of the results and administration of the oaths of office after the November 2018 general municipal election.

(d) A period of transition from At-Large elections to District elections will occur from the time of adoption of the first districting plan to the time that the by district elections are held for all Council member districts. During this period of transition, each Council member elected at-large in the regular municipal election of November 2013 will be designated by the Council as the councilmember representing one of Districts One and Two in the districting plan whether or not that Council member resides in the district. The first by-district elections for Districts Three and Four shall occur during the regular municipal election in November 2015. The first by district elections for Districts One and Two shall occur during the regular municipal election in November 2017. Nothing contained herein shall prevent an incumbent Council member at the time of the effective date of this ordinance from running for a Council district in which that Council member resides other than the district for which that member currently holds office, if the councilmember is otherwise eligible to run in that district and vacates the office of Council member for the district of non-residency if elected. No Council member may hold office in more than one district. Each incumbent Council member elected at-large shall be allowed to complete the term for which they were elected regardless of the district of residency so long as they otherwise remain eligible to hold the office and have not been removed for cause or elected to another office. For purposes of this section "by-district" shall mean that the Council member shall reside within the district and be elected by the voters of that district only.

SECTION 2.04.040. METHOD OF ELECTION.

(a) Mayor. The Mayor shall continue to be elected at the regular municipal election in November of 2015 and every four (4) years thereafter, by the voters of the City at-large, and must reside within the City boundaries. Beginning in November of 2020, the Mayor shall be elected every four (4) years thereafter, by the voters of the City at-large, and must reside within the City boundaries. The term of the Mayor which would have previously expired in November of 2019, shall instead continue until the certification of the results and administration of the oaths of office after the November 2020 general municipal election.

(b) District Council members. One member of the City Council shall reside in each of the four (4) electoral districts established by this ordinance and shall be elected by a vote of the voters of that district only. Each district shall elect one Council member. A Council member of each district must live in that district and must be a registered voter in that district to be eligible to hold the office of Council member for that district, and a candidate for any district must live in that district and must be a registered voter in that district to be eligible to run for the office of Council member for that district. Only voters who live in a district shall be eligible to vote in the election for Council member of that district. Each Council member must reside within the district for the full term of office; termination of residency within the district shall create an immediate

vacancy for that Council district unless a substitute residence within the district is established within thirty (30) days of termination of residency.

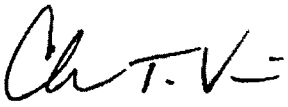
(c) The members of the Council in office at the time this ordinance takes effect shall continue in office until the expiration of their terms and until their successors are elected and qualified. If a tie vote makes it impossible to determine which of two or more candidates has been elected, said tie shall be settled by the drawing of lots, the procedure for which shall be determined by the Council. No candidate shall file for more than one (1) elective office. Any member of the Council may run for the office of Mayor, and upon election as Mayor shall forfeit the office of Council member of any district.

SECTION 2. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council declares that it would have adopted this ordinance, and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

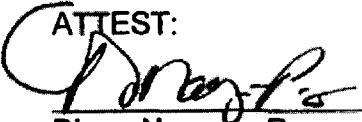
SECTION 3. This ordinance shall take effect thirty (30) days after its passage by the City Council, and following the affirmative vote of a majority of the electors at-large of the City of Ceres voting on the measure.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Ceres held on the 9th day of January 9, 2017, and adopted on the 23rd day of January 2017, by the following vote:

AYES:	Council Members:	Durossette, Kline, Lane, Ryno, Mayor Vierra
NOES:	Council Members:	None
ABSENT:	Council Members:	None



Chris Vierra, Mayor

ATTEST:


Diane Nayares-Perez, City Clerk