

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

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: *B-2(c)

AGENDA DATE: February 28, 2017

SUBJECT:

Approval of the Request from Empire Union School District to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

BOARD ACTION AS FOLLOWS:

No. 2017-80

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, Clerk of the Board of Supervisors

File No.

THE BOARD OF SUPERVISORS OF THE COUNTY OF STANISLAUS

AGENDA ITEM

DEPT: Clerk Recorder - Elections
Urgent Routine

BOARD AGENDA #: *B-2(c)

AGENDA DATE: February 28, 2017

CEO CONCURRENCE:

phc
[Signature]

4/5 Vote Required: Yes No

SUBJECT:

Approval of the Request from Empire Union School District to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

STAFF RECOMMENDATIONS:

1. Approve the request from the governing board of Empire Union School District to consolidate future 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.

Registrar of Voters anticipates the desire of 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 governing body of the Empire Union School District has submitted a resolution to the Board of Supervisors to place its election of governing body members to be held on the same day as the Statewide General Election conducted in even-numbered years.

School District	Resolution Number	Date of Resolution
Empire Union School District	15a-110316	November 3, 2016

If the Board of Supervisors approves this request, consistent with California Elections Code section 10404.5, the Empire Union School District will change its election dates from November of odd-numbered years to the Statewide General Election held in even-numbered years. The Resolution (Attachment) requests the Board of Supervisors to approve the

Approval of the Request from Empire Union School District to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

District's request to schedule its board member elections in 2018 and 2020 to consolidate with the Statewide General Election in even-numbered years.

Pursuant to Elections Code 10404.5 (c) the Board of Supervisors has notified all school districts and the Stanislaus County Board of Education of the receipt of the resolution to consolidate and requested input from each district on the effect of consolidation.

Pursuant to Elections Code 10404.5 (e), within thirty (30) days after the approval of the resolution by the Board of Supervisors, the Registrar of Voters shall notify all registered voters of the district affected by the consolidation. The notice shall be delivered by mail and at the expense of the school district.

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 district changes. With the addition of 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 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-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 10404.5 (a), the Empire Union School District has notified the Stanislaus County Board of Supervisors that it has passed a resolution requesting the consolidation of board member elections with future Statewide General Elections, which will

Approval of the Request from Empire Union School District to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

move the current election dates of the seated board members from odd-numbered to even-numbered years.

Elections Code 10404.5 (d) (1) requires that the Board of Supervisors approve the resolutions 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.

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 Empire Union School District will continue to be invoiced and reimburse Stanislaus County for election specific costs to conduct their district 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 districts continue to consolidate with the Uniform District Election Law (UDEL), it is likely to drive up costs for those remaining 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 district elections with the Statewide General Elections in even-numbered years.

STAFFING IMPACT:

Starting in Budget Year 2017-2018, consolidation of local school 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

Approval of the Request from Empire Union School District to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

ATTACHMENT(S):

Governing Board of the Empire Union School District Resolution to Reschedule Election of Governing Board Members

Attachment

Governing Board of the Empire Union School District
Resolution to Reschedule Election of Governing Board Members

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Sacramento

December 29, 2016

VIA FACSIMILE, CERTIFIED MAIL AND U.S. MAIL

County of Stanislaus
Elizabeth A. King
Clerk of the Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

**Re: Request for Rescheduling Election of Governing Board Members -
Resolution No. 15a-110316**

Dear Ms. King:

Our office serves as general counsel to the Empire Union School District ("District"). The District requested we send you the enclosed Empire Union School District Board of Trustees Resolution No. 15a-110316 - Resolution to Reschedule Election of Governing Board Members ("Resolution"). On November 3, 2016, the Board of Trustees adopted the above-mentioned Resolution to request a change from odd-year elections to even-year elections.

The District Board adopted this Resolution in order to save public funds, provide greater voter input and participation into school Board elections, and avoid any potential liability under the California Voter Participation Act (commencing with Election Code section 14050 and following). The District may achieve a savings in the cost of its elections if the District's elections are consolidated with the statewide general elections and the elections are held in either two or three trustee areas at each general election. Additionally, voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years.

Under California Elections Code section 10404.5, the District adopted the Resolution to change their election dates from November of odd-numbered years to the statewide direct primary of even-numbered years. The Resolution requests the Board of Supervisors to approve the new election date from the first Tuesday after the first Monday in November 2017 to the first Tuesday after the first Monday in November 2018 with Board members whose terms would have expired in 2017 being extended to 2018 and Board members whose terms would have expired in 2019 being extended

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County of Stanislaus
Elizabeth A. King
Clerk of the Board of Supervisors
December 29, 2016
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to 2020. California Elections Code section 10404.5(d)(1) provides that the Board of Supervisors shall approve such a school district consolidation resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.

If you should have any questions, please feel free to contact me at (916) 978-4049 or District Superintendent, David E. Garcia at (209) 521-2800.

Very truly yours,

DANNIS WOLIVER KELLEY



Roman J. Muñoz

RJM:mg

Attachments: Resolution No 15a-110316 - Rescheduling Election of Governing Board Members

cc: David E. Garcia, Superintendent
Loretta Stein, Board President
Lee Lundrigan, Stanislaus County Registrar of Voters and Clerk Recorder

**EMPIRE UNION SCHOOL DISTRICT
BOARD OF TRUSTEES
RESOLUTION #15a-110316
RESOLUTION TO RESCHEDULE ELECTION
OF GOVERNING BOARD MEMBERS**

WHEREAS, the current date for election of members of the Governing Board of the Empire Union School District ("District") is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g., November 2017) (Education Code Section 5000 and Elections Code Section 1302(a)); and

WHEREAS, statewide general elections are held in California only in June and November of even-numbered years (e.g., November 2016) (Elections Code Section 1001); and

WHEREAS, the District is located within Stanislaus County; and

WHEREAS, generally voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years; and

WHEREAS, California Senate Bill 415, an act (which may be cited to as the California Voter Participation Rights Act (herein "the Act")) to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, was approved by the California Governor and filed with the Secretary of State on September 1, 2015; and

WHEREAS, commencing January 1, 2018, the Act prohibits a political subdivision from holding an election other than on a statewide election date (i.e. "off-cycle") if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly scheduled election in the political subdivision being at least 25% less than the average voter turnout within the political subdivision for the four previous statewide general elections; and

WHEREAS, a political subdivision may, however, hold an off-cycle election if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election; and

WHEREAS, the Act authorizes attorney's fees to a prevailing plaintiff who has appropriately filed an action in superior court to enforce the Act's prohibition; and

WHEREAS, the District may achieve a savings in the cost of its elections, if the District's elections are consolidated with the statewide general elections; and

WHEREAS, as a result of these facts, the Board desires to change the date of future board member elections to be consolidated with the California statewide general election in order to save public funds and provide greater voter input to school board elections; and

WHEREAS, Elections Code 1302(b) establishes a procedure whereby the Governing Board may change the election date for its board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code Section 10404.5); and

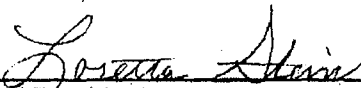
WHEREAS, if the change in election date is approved, it is requested that the new election date be moved from the first Tuesday after the first Monday in November 2017 to the first Tuesday after the first Monday in November 2018 with board members whose terms would have expired in 2017 being extended to 2018 and board members whose terms would have expired in 2019 being extended to 2020 (refer to Appendix A).

NOW, THEREFORE, BE IT RESOLVED, that the Governing Board hereby finds, determines and/or declares, as follows:

1. Each of the foregoing is true and correct.
2. The Governing Board declares its intent to adopt this resolution to consolidate the election date for members of the Board with the date for the California general election in November in even-numbered years (Elections Code Section 1001) pursuant to Elections Code Section 1302(b).
3. The Superintendent will forward this resolution to the Stanislaus County Board of Supervisors explaining the rationale for the resolution and requesting formal approval of the change by the Board of Supervisors at a public meeting held within 60 days after submission and after the resolution has been posted in accordance with the law.
4. The Superintendent will notify the Stanislaus County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election date by the Stanislaus County Board of Supervisors as required by Elections Code 10404.5(e).
5. If the consolidation of election is approved by the Board of Supervisors, the date of that election will be moved to the first Tuesday after the first Monday in November 2018 and each subsequent board member election will be held two years thereafter in November of even years.

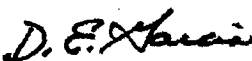
PASSED AND ADOPTED by the Governing Board on November 3, 2016, by the following vote:

AYES 4 NAYS 0 ABSTAIN 0 ABSENT 1



Board President
EMPIRE UNION SCHOOL DISTRICT

Attest:



Secretary

APPENDIX A

RESOLUTION TO RESCHEDULE ELECTION
OF GOVERNING BOARD MEMBERS
RESOLUTION #15a-110316

<u>Board Member</u>	<u>Current Election Year Cycle</u>	<u>Proposed Election Year Cycle</u>
Loretta Stein	2019	2020
Carole Dovichi	2019	2020
Doug Bentley	2017	2018
Nicholas Bavaro	2017	2018
Patricia Shafer	2017	2018