

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

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: *B-4(a)

AGENDA DATE: April 4, 2017

SUBJECT:

Approval of the Request from Turlock Unified 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. 2017-152

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.

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

DEPT: Clerk Recorder - Elections
Urgent Routine

BOARD AGENDA #: *B-4 (a)

AGENDA DATE: April 4, 2017

CEO CONCURRENCE: *pht*

4/5 Vote Required: Yes No

SUBJECT:

Approval of the Request from Turlock Unified 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 Turlock Unified 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 Turlock Unified 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
Turlock Unified School District	19/2016-17	February 21, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code section 10404.5, the Turlock Unified 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 Turlock Unified 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 Turlock Unified 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 Turlock Unified 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 Turlock Unified 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 Turlock Unified 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 Turlock Unified School District Resolution to Reschedule Election of Governing Board Members

Attachment

**Governing Board of the Turlock Unified School District
Resolution to Reschedule Election of Governing Board Members**



Turlock Unified School District

Learning today...Leading tomorrow

BOARD OF SUPERVISORS

BOARD OF SUPERVISORS

2017 FEB 21 P 2:55

2017 FEB 21 P 2:55

Dana Salles Trevethan, Superintendent

February 22, 2017

Attn: Elizabeth King
Clerk of the Board of Supervisors
Stanislaus County Board of Supervisors
1010 Tenth Street, Suite 6700
Modesto, CA 95354

Re: Request for County Board of Supervisor Approval of Change in Election Year for the Turlock Unified School District's Board of Trustees

Dear Supervisors:

Pursuant to Elections Code sections 1302 subdivision (b) and 10404.5, I write on behalf of the Turlock Unified School District ("District") to submit the enclosed Resolution No. 19/2016-17 ("Resolution") to the Stanislaus County Board of Supervisors for review and approval.

As you are aware, Senate Bill 415 added Section 14050 *et seq.* to the Elections Code, requiring school districts to hold their governing board elections on the same date as statewide elections, if holding it on another date previously resulted in a significant decrease in voter turnout. Voter participation within the boundaries of the District is noticeably lower during odd-numbered year local elections than during even-numbered year general elections. Therefore, in order to promote greater voter participation and in line with the requirements of Senate Bill 415, on February 21, 2017 the District's Board of Trustees passed a Resolution seeking to consolidate the District's Board elections, currently held in odd-numbered years, with statewide general elections held in even-numbered years.

The District respectfully requests that the County Board of Supervisors take all necessary actions to approve the change to even-year elections, including but not limited to the following actions:

- Notify all school districts in Stanislaus County and the Stanislaus County Board of Education of the receipt of the enclosed Resolution and that the Board of Supervisors requests input from each district on the effect of consolidating the election (Elec. Code, § 10404.5 subd. (c).);
- Within 60 days from the receipt of this request, approve the Resolution, unless the Board of Supervisors finds that the ballot style, voting equipment, or computer capacity cannot handle the change to even-numbered year elections (Elec. Code, § 10404.5 subd. (d)(1).);

- Make public notices complying with Government Code section 25151 of the proceedings in which the Resolution is to be considered for adoption (Elec. Code, § 10404.5, subd. (d)(2).); and
- If approved by the Board of Supervisors, within 30 days of that approval, cause the elections official to notify all registered voters of the District by mail of the approval of the Resolution. (Elec. Code, § 10404.5, subd. (e).)

If the Board of Supervisors approves the Resolution, the District will bear the cost of notice by mail to the registered voters of the District pursuant to Elections Code section 10404.5, subdivision (e). In addition, the next District Board of Trustees election will be moved from November 2017 to November 2018, and incumbent Board members' terms will be extended for one year. (Elec. Code, § 10404.5, subd. (g).)

If you have any questions regarding the enclosed resolution or the process described above, or if the District can be of any assistance, please do not hesitate to contact me.

Sincerely,



Dana Salles Trevethan
Superintendent
Turlock Unified School District

Enclosure: District Resolution No. 19/2016-17
DST:rc

RESOLUTION NO. 19/2016-17

RESOLUTION OF THE BOARD OF TRUSTEES OF THE TURLOCK UNIFIED SCHOOL DISTRICT APPROVING THE RESCHEDULING OF BOARD MEMBER ELECTIONS FROM ODD TO EVEN YEAR ELECTIONS

WHEREAS, the Board of Trustees (“Board”) of the Turlock Unified School District (“District”) consists of seven (7) members elected from seven (7) trustee areas (“Trustee Area”) within the District;

WHEREAS, Education Code section 35105 sets forth the general rule that school district governing board members serve staggered terms and are elected in odd numbered years;

WHEREAS, currently the election of Board members occurs every two years, on the first Tuesday after the first Monday in November of odd numbered years, pursuant to Elections Code section 1302, subdivision (a);

WHEREAS, the next Board election for Trustee Areas 2, 4 and 6 is scheduled for November 2017, and the next Board election for Trustee Areas 1, 3, 5 and 7 is scheduled for November 2019;

WHEREAS, statewide general elections are held in California in November of even numbered years, pursuant to Elections Code section 1001;

WHEREAS, generally, voter participation is greater for statewide general elections conducted in even numbered years than for special local elections, including school board member elections, conducted in odd numbered years;

WHEREAS, Senate Bill 415 adds Section 14050 *et seq.* to the Elections Code, requiring school districts to adopt a plan by January 1, 2018 to transition their governing board elections to the same date as statewide general elections conducted in even numbered years if past governing board elections held on special local election dates in odd numbered years resulted in a significant decrease in voter turnout;

WHEREAS, a significant decrease in voter turnout is defined as voter turnout at least 25% less than the average voter turnout for the previous four (4) statewide general elections;

WHEREAS, based on the history of voter participation within the boundaries of the District, as exemplified in Exhibit A, it is likely that the District will be required to adopt a plan to transition to even numbered year statewide general elections no later than January 1, 2018, pursuant to Elections Code section 14052, subdivision (b);

WHEREAS, after adoption of a plan, the transition to even numbered year statewide general elections must be completed no later than the November 8, 2022 statewide general election, pursuant to Elections Code section 14052, subdivision (b);

WHEREAS, regardless of whether the District is required to formulate a plan pursuant to Senate Bill 415 and Election Code sections 14050 *et seq.*, the Board desires to consolidate Board member elections with statewide general elections on even numbered years to allow for Board member elections to occur when the largest number of voters generally participate in the election;

WHEREAS, the District Board may adopt a resolution to establish Board member elections to occur on the same day as the statewide general election pursuant to Elections Code section 1302, subdivision (b), subject to approval by the Stanislaus County Board of Supervisors (“County Board of Supervisors”);

WHEREAS, the District Board’s resolution to establish Board member elections on the same day as the statewide general election, must be submitted to the County Board of Supervisors no later than 240 days prior to the next regularly scheduled election;

WHEREAS, the next regularly scheduled election for District Board members is November 7, 2017, and 240 days prior to November 7, 2017, is March 12, 2017;

WHEREAS, within sixty (60) days from the date that the District submits such a resolution to the County Board of Supervisors, the County Board of Supervisors must approve the resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled (Elec. Code § 10404.5, subdivision (d)(1));

WHEREAS, public notices of the proceeding in which the resolution is to be considered for adoption by the County Board of Supervisors must be made by County Board of Supervisors pursuant to Section 25151 of the Government Code;

WHEREAS, this resolution is contingent upon approval of the County Board of Supervisors and if rejected, this resolution will be null and void;

WHEREAS, if the County Board of Supervisors approves this resolution to establish Board member elections on the same day as the statewide general election, the terms of all Board members are extended by one (1) year pursuant to Elections Code section 10404.5, subdivision (g); and

WHEREAS, the result of such actions would be staggered Board elections in even numbered years, commencing with the next election for Trustee Areas 2, 4 and 6 in November 2018, and the election of Trustee Areas 1, 3, 5 and 7 in November 2020.

NOW, THEREFORE, the Board of Trustees of the Turlock Unified School District hereby finds and resolves that:

1. Board member elections shall be consolidated with the statewide direct primary election or the statewide general election held on the first Tuesday after the first Monday in November of each even numbered year; thus, no board member election shall be conducted in November of 2017.

2. The Superintendent is directed to submit this Resolution to the Stanislaus County Board of Supervisors not later than March 12, 2017.
3. If this Resolution is approved by the County Board of Supervisors, the terms of office of all members of the Board shall be extended one (1) year, and District Board member elections will occur in even numbered years, as described in Exhibit B.
4. Upon approval of this Resolution by the Board of Trustees, the District Superintendent shall cause a certified copy of this Resolution to be filed with the County Board of Supervisors and the Stanislaus County Superintendent of Schools.
5. The District Superintendent and her designees are hereby authorized and directed to take any other steps necessary to effectuate the purpose and intent of this resolution.

PASSED AND ADOPTED by the Board of Trustees of the Turlock Unified School District, Stanislaus County, California, on this 21st day of February, 2017 at a duly noticed meeting, by the following vote:

Ayes: 5 (Gordon, Carlson, Malech, Silva, Lima)

Noes: 2 (Carter, Weaver)

Abstentions: 0

Absent: 0

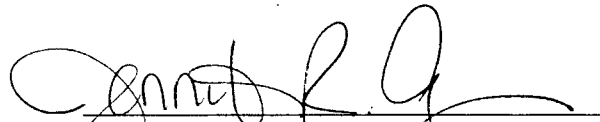

Jennifer Carter,
Clerk of the Board of Trustees
Turlock Unified School District
Stanislaus County, State of California

Exhibit B

<u>Trustee Area</u>	<u>Current Election Year</u>	<u>New Election Year</u>
Trustee Area 2	2017	2018
Trustee Area 4	2017	2018
Trustee Area 6	2017	2018
Trustee Area 1	2019	2020
Trustee Area 3	2019	2020
Trustee Area 5	2019	2020
Trustee Area 7	2019	2020

Exhibit A

Stanislaus County Registrar of Voters California Voter Participation Rights Act / Voter Participation Calculations

2013 UDEL Comparison Four Statewide Election Average for Even Years 2012 & 2010

District	2013 Nov UDEL Voter Turnout	2012 Nov General Voter Turnout	2012 June Primary Voter Turnout	2010 Nov General Voter Turnout	2010 June Primary Voter Turnout	Four Statewide Election AVERAGE Voter Turnout	Voter Turnout Percentage Difference
Turlock Unified Trustee Area 1							
Turlock Unified Trustee Area 2	23%	71%	35%	57%	36%	50%	27%
Turlock Unified Trustee Area 3							
Turlock Unified Trustee Area 4	0%	74%	41%	82%	40%	54%	-
Turlock Unified Trustee Area 5							
Turlock Unified Trustee Area 6	16%	70%	30%	52%	28%	45%	29%
Turlock Unified Trustee Area 7							

2015 UDEL Comparison Four Statewide Election Average for Even Years 2014 & 2012

District	2015 Nov UDEL Voter Turnout	2014 Nov General Voter Turnout	2014 June Primary Voter Turnout	2012 Nov General Voter Turnout	2012 June Primary Voter Turnout	Four Statewide Election AVERAGE Voter Turnout	Voter Turnout Percentage Difference
Turlock Unified Trustee Area 1	0%	49%	28%	71%	31%	45%	-
Turlock Unified Trustee Area 2							
Turlock Unified Trustee Area 3	0%	49%	28%	89%	32%	45%	-
Turlock Unified Trustee Area 4							
Turlock Unified Trustee Area 5	0%	45%	28%	85%	30%	42%	-
Turlock Unified Trustee Area 6							
Turlock Unified Trustee Area 7	0%	45%	26%	63%	28%	41%	-

0% indicates the district was scheduled for election but had no contest and did not appear on the ballot

Shaded area indicates the district was not scheduled for election

Districts with over 25% difference in voter turnout are subject to SB 415 requirements