

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

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: *B-11(a)

AGENDA DATE: June 13, 2017

SUBJECT:

Approval of the Request from Hickman Community Charter 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. 2017-299

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

Ayes: Supervisors: Olsen, Withrow, Monteith, and Vice-Chairman DeMartini

Noes: Supervisors: None

Excused or Absent: Supervisors: Chairman Chiesa

Abstaining: Supervisor: None

- 1) Approved as recommended
- 2) Denied
- 3) Approved as amended
- 4) Other:

MOTION:


PAM VILLARREAL, Assistant Clerk

ATTEST:

File No.

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

DEPT: Clerk Recorder - Elections
Urgent Routine

BOARD AGENDA #: *B-11(a)

AGENDA DATE: June 13, 2017

CEO CONCURRENCE: *phx*

4/5 Vote Required: Yes No

SUBJECT:

Approval of the Request from Hickman Community Charter 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 Hickman Community Charter 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 Hickman Community Charter 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
Hickman Community Charter District	1617-7	May 8, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code section 10404.5, the Hickman Community Charter 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 Hickman Community Charter 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 2017 for Trustee Seats currently held by Jay Orth and Cassandra Shepherd and 2019 for Trustee Seats currently held by Kathy Main, Jonathan Merriam and Elizabeth Thompson for five (5) year terms. Subsequent board member elections will be for a term of four (4) years and starting in 2022 and 2024 will 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.

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

POLICY ISSUE:

As required by Elections Code 10404.5 (a), the Hickman Community Charter 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 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 Hickman Community Charter 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

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

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 Hickman Community Charter District Resolution to Reschedule Election of Governing Board Members

Attachment

Governing Board of the Hickman Community Charter District
Resolution to Reschedule Election of Governing Board Members



May 10, 2017

BOARD OF SUPERVISORS

2017 MAY 15 A 11:30

Board

Cassandra Shepherd
President

Elizabeth Thompson
Clerk

Kathy Main

Jonathan Merriam

Jay Orth

Administration

Paul Gardner
Superintendent

Cathy Thomasson
Business Manager

Frank Kampen
District Projects Director
Co-Director

Clerk of the Board of Supervisors
Elizabeth A. King
1010 Tenth Street Suite 6700
Modesto, Ca 95354

Good Afternoon,

Enclosed is the Hickman Community Charter District Board Approved Revised Resolution #1617-7 to change our regularly scheduled elections for governing board member from an odd-numbered year to an even numbered year beginning in 2022. Please place this on your Board of Supervisors Agenda for consideration of implementation.

Sincerely,

Mr. Paul Gardner
Superintendent

Re: Revised Resolution #1617-7

13306 4th Street
Hickman, CA 95323
209-874-9070
hcs.hickmanschools.org



Resolution #1617-7
Reschedule Election of Governing Board Members

WHEREAS, the current date for election of members of the Governing Board of Hickman Community Charter District is every two years on the first Tuesday after the first Monday in November of odd numbered years (e.g., November 2017) (Education Code section 5000 and Election 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 election 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-current 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 previous four 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 general 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 Governing Board desires to change the date of future Board member elections to be consolidated with the California statewide general elections in order to save public funds and provide greater voter input into school board elections; and

WHEREAS, Elections Code section 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);

WHEREAS, the rescheduled election cycle shall be achieved by scheduling Board member elections in 2017 and 2019 for a term of five (5) years. The subsequent Board member elections (2022 and 2024) shall be for a term of four (4) years. [refer to Appendix A]; 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 2021 to the first Tuesday after the first Monday in November 2022.

NOW THEREFORE, BE IT RESOLVED, that the Governing Board of the **Hickman Community Charter District** 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 (Election Code section 1001) pursuant to Election 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 Election Code 10404.5(e).
5. If the consolidation of election is approved by the Board of Supervisors, the date of the election will be moved to the first Tuesday after the first Monday in November 2022 and each subsequent Board member election will be held two year thereafter in November of even years.

Approved Revisions this 8th day of May, 2017.

5 AYES 0 NOES 0 ABSENT 0 ABSTAIN


BOARD PRESIDENT

5-8-17
DATE


BOARD CLERK

5-8-17
DATE

**APPENDIX A
RESOLUTION TO RESCHEDULE ELECTION
OF GOVERNING BOARD MEMBERS
RESOLUTION #1617-7**

Board Member	Current Election Year	Proposed Election Year
Kathy Main	2019	2024
Jonathan Merriam	2019	2024
Jay Orth	2017	2022
Elizabeth Thompson	2019	2024
Cassandra Shepherd	2017	2022