

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

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: \*B-3

AGENDA DATE: July 11, 2017

**SUBJECT:**

Approval of the Request from Keyes Community Services 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. 2017-377

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. DCS-01-A-15

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

DEPT: Clerk Recorder - Elections  
Urgent  Routine

BOARD AGENDA #: \*B-3

AGENDA DATE: July 11, 2017

CEO CONCURRENCE 

4/5 Vote Required: Yes  No

**SUBJECT:**

Approval of the Request from Keyes Community Services 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 Keyes Community Services 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 Keyes Community Services 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.

Special District	Resolution Number	Date of Resolution
Keyes Community Services District	2017-518	May 23, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code section 10404, the Keyes Community Services 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 District's request to schedule its board member elections in 2017 and 2019 for five (5) year

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

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terms. Subsequent board member elections will be for a term of four (4) years and starting in 2022 and 2024 and will consolidate with the Statewide General Election in even-numbered years.

Pursuant to Elections Code 10404 (c) the Board of Supervisors has notified all districts located in the County of Stanislaus of the receipt of the resolution to consolidate and requested input from each district on the effect of consolidation.

Pursuant to Elections Code 10404 (f), 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 community service district.

### County Impact

An analysis conducted by the Registrar of Voters office pursuant to Elections Code 10404 (d) 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 (b)(2), the Keyes Community Services 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

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

Elections Code 10404 (e) 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 Keyes Community Services 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 community service 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

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**ATTACHMENT(S):**

Governing Board of the Keyes Community Services District Resolution to Consolidate District Elections with the Statewide General Elections

**Attachment**

**Governing Board of the Keyes Community Services District  
Resolution to Consolidate District Elections with the Statewide General Elections**

**RESOLUTION NO. 2017-518**

BOARD OF SUPERVISORS

**Resolution Approving the Rescheduling of Board of Director Elections from Odd-Numbered Years to Even-Numbered Years, and Requesting the Approval of the County of Stanislaus to Consolidate the Same with the Statewide General Election**

2017 JUN - 8 A 10: 29

**WHEREAS**, the Board of Directors (“Board”) of the Keyes Community Services District (“District”) consists of five members, Johnathon Parker, Mike Bernal, William Alexander, Eddie Jones, and Davie Landers; and

**WHEREAS**, the Uniform District Election Law (Election Code §§ 10500 *et seq.*) sets forth the rule that District Board members serve staggered terms and are elected in odd numbered years; and

**WHEREAS**, the District currently conducts its elections every two years in November of odd-numbered years (*e.g.*, November 2017) pursuant to Elections Code § 1303 subdivision (a); and

**WHEREAS**, the next election of the District Board for the seats currently held by Johnathon Parker, Eddie Jones, and William Alexander is scheduled for November 2017, and the next District Board elections for the seats currently held by Mike Bernal and Davie Landers is currently scheduled for November 2019; and

**WHEREAS**, statewide general elections are held in California only in June and November of even-numbered years pursuant to Elections Code § 1001; and

**WHEREAS**, generally, voter participation is greater for statewide general elections than for special local elections, including community services district board member elections; and

**WHEREAS**, effective January 1, 2018, Senate Bill 415 adds Elections Code §§ 14050-14057, which prohibits 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; and

**WHEREAS**, 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; and

**WHEREAS**, based on the history of voter participation (see Exhibit A), the District must adopt a plan to transition to even-numbered year statewide general elections by January 1, 2018; and

**WHEREAS**, the District desires to consolidate future elections with statewide general elections on even numbered years, beginning with the 2022 statewide general election, to occur when the largest number of voters generally participate in the election; and

**WHEREAS.** Elections Code § 1303(b) establishes a procedure whereby the District may change the election date for its governing body members by adopting a resolution seeking approval of the change by the County of Stanislaus Board of Supervisors. *see* Elec. Code § 10404; and

**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; and

**WHEREAS.** the District desires to establish Board member elections on the same day as the 2022 statewide general election far in excess of 240 days prior to the November 8, 2022 election; and

**WHEREAS.** within 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 (Elections Code § 10404(e)); and

**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; and

**WHEREAS.** if the County Board of Supervisors approves the District Board's resolution to establish Board member elections on the same day as the statewide general election, the terms of all Board members elected November 2017 and November 2019 are extended by one year pursuant to Elections Code section 10404(i); and

**WHEREAS.** the result would be staggered Board elections in even numbered years commencing in November 2022. Board members elected in the November 2017 and the November 2019 elections serving five-year terms, expiring in November 2022 and November 2024 respectively.

**NOW, THEREFORE, BE IT RESOLVED** that:

1. The above recitals are true and correct.
2. Board member elections shall be consolidated with the statewide general election held on the first Tuesday after the first Monday in November of each even numbered year commencing November 2022.
3. The undersigned, constituting at least a majority of the members of the Keyes Community Services District Board of Directors, do hereby adopt this resolution to consolidate the election date for members of the District with the state general election in November of even-numbered years, beginning in 2022 pursuant to Elections Code § 1303(b).



4. The District shall forward the original copy of this resolution to the Stanislaus County Elections, who will compile the district resolutions, and will explain the rationale for the resolutions and request formal approval of the change by the Stanislaus County Board of Supervisors at a public meeting within 60 days after submission and after the resolutions have been posted in accordance with law.
5. The District shall pay to mail notice of approval of the changed election date by the Stanislaus County Board of Supervisors as required by Elections Code § 10404 (f).
6. If the consolidation of election is approved by the Board of Supervisors, the date of the District's first consolidated election will be November 2022, and each subsequent election will be held two years thereafter in November of even-numbered years.
7. If the consolidation of election is approved, the terms of office for the District Directors elected in November 2017 and November 2019 would serve five-year terms, expiring in November 2022 and November 2024 respectively.
8. In the event that the Stanislaus County Board of Supervisors declines to authorize consolidation in 2022 on the grounds specified in Elections Code § 10404(e), the Keyes Community Services District Governing Body requests that the Stanislaus County Board of Supervisors authorize such consolidation at the soonest feasible date.
9. The District and/or its designee is authorized to take such actions and execute such agreements and documentation as are necessary to effect the intent of this Resolution.

**PASSED AND ADOPTED** by the Board of Directors of Keyes Community Services District at a meeting thereof held on this 23 day of May, 2017, by the following vote. TO WIT:

AYES: Vice President Bernack, Director Alexander, Director Jones  
Director Landers

NOES: \_\_\_\_\_

ABSTENTION: \_\_\_\_\_

ABSENT: President Parker

KEYES COMMUNITY SERVICES  
DISTRICT

BY   
JOHNATHON PARKER,  
BOARD CHAIR


ATTEST:

  
MICHELLE HARRIS, SECRETARY

CERTIFICATION

I, MICHELLE HARRIS, Secretary of Keyes Community Services District, do hereby certify that the foregoing is a full, true and correct copy of a resolution of the Keyes Community Services District duly passed and adopted at a meeting of the Board of Directors thereof held on the 23 day of May, 2017.

Dated: May 23, 2017.

  
MICHELLE HARRIS, SECRETARY  
KEYES COMMUNITY SERVICES DISTRICT