

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

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: \*B-5 (c)

AGENDA DATE: September 26, 2017

**SUBJECT:**

Approval of the Request from Stanislaus County Board of Education 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. 2017-544

On motion of Supervisor Olsen , Seconded by Supervisor Withrow  
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-5 (c)

AGENDA DATE: September 26, 2017

CEO CONCURRENCE: *phx*

4/5 Vote Required: Yes  No

**SUBJECT:**

Approval of the Request from Stanislaus County Board of Education 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 the Stanislaus County Board of Education 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 Stanislaus County Board of Education 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
Stanislaus County Board of Education	2017-26	August 8, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code section 10404.5, the Stanislaus County Board of Education 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 Stanislaus County Board of Education to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

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District's request to schedule its board member elections in 2020 and 2022 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 Stanislaus County Board of Education 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

## Approval of the Request from Stanislaus County Board of Education to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

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

Elections Code 10404.5 (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 Stanislaus County Board of Education 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:**

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 Stanislaus County Board of Education to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

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**ATTACHMENT(S):**

Governing Board of the Stanislaus County Board of Education Resolution to Reschedule Election of Governing Board Members

Attachment

Governing Board of the Stanislaus County Board of Education  
Resolution to Reschedule Election of Governing Board Members

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL LAW CORPORATION

ATTORNEYS AT LAW

5260 NORTH PALM AVENUE, SUITE 300  
FRESNO, CALIFORNIA 93704-2215  
(559) 225-6700

FAX (559) 225-3416  
WWW.AALRR.COM

CERRITOS  
(562) 653-3200

IRVINE  
(949) 453-4260

MARIN  
(628) 234-6200

PASADENA  
(626) 583-8600

PLEASANTON  
(925) 227-9200

RIVERSIDE  
(951) 683-1122

SACRAMENTO  
(916) 923-1200

SAN DIEGO  
(858) 485-9526

OUR FILE NUMBER:  
005408.00001  
16497422.1

August 14, 2017

**VIA FIRST CLASS MAIL**

Board of Supervisors  
County of Stanislaus  
c/o The Clerk of the Stanislaus County Board of Supervisors  
1010 10th Street  
Suite 6700  
Modesto, CA 95354

2017 AUG 17 A 10:49  
BOARD OF SUPERVISORS

**Re: Stanislaus County Board of Education Request to Reschedule Governing Board Member Elections from Odd-Numbered Years to Even-Numbered Years;**  
**Elections Code Section 10404.5**

Dear Supervisors:

Please be advised that the Stanislaus County Board of Education ("Board") at a regular meeting held Tuesday, August 8, 2017, voted to change its governing board member election schedule from odd-numbered years to even-numbered years.

Pursuant to Elections Code section 10404.5, the Board hereby submits a copy of the Board's resolution along with this formal request to the County Board of Supervisors to approve the change sought by the Board.

Under Elections Code section 10404.5(d)(1), the County Board of Supervisors shall approve the resolution within 60 (sixty) days of receiving the request unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.

The Board seeks to consolidate its election with the statewide general election for several reasons. First, voter turnout is generally greater for statewide general elections than for special local elections including county school board member elections. Second, there is a potential cost savings to the Board for consolidating. Third, the Board wishes to avoid any potential liability resulting from the recently enacted California Voter Participation Rights Act as a result of maintaining elections in odd-numbered years.

Currently, there is insufficient time to change the Board's election method in advance of the November 2017 election.

**Atkinson, Andelson, Loya, Ruud & Romo**

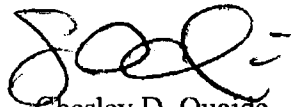
Board of Supervisors  
August 14, 2017  
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The Board is prepared to bear the cost of the notice to the voters pursuant to Elections Code section 10404.5(e).

Please feel free to contact the undersigned should you have any questions or concerns. The Board appreciates your attention to this matter.

Sincerely,

ATKINSON, ANDELSON, LOYA,  
RUUD & ROMO



Chesley D. Quaide

CDQ/bla

Enclosure: Resolution No. 2017-26

cc: Tom Changnon, Superintendent SCOE



STANISLAUS COUNTY BOARD OF EDUCATION

RESOLUTION NO. 2017-26

A Resolution by the Stanislaus County Board of Education (“Board”) for consolidation of future Board member elections with the statewide general election pursuant to Elections Code section 1302(b).

RECITALS

*WHEREAS*, the current date for election of governing board members of the Stanislaus County Board of Education (“Board”) is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g., November 2017) [Ed. Code, § 5000 and Elec. Code, § 1302(a)]; and

*WHEREAS*, statewide elections are held in California only in June and November of even numbered years (e.g., November 2018) [Elec. Code, § 1001]; and

*WHEREAS*, with the passage of the California Voter Participation Rights Act [Elec. Code, § 14050, et seq.], the Legislature has indicated its interest in providing for the greatest possible voter participation in local elections, including school Board governing board member elections; and

*WHEREAS*, voter turnout is generally greater for statewide elections than for special local elections including County Board of Education elections; and

*WHEREAS*, the Board desires to change the date of future Board member elections to be consolidated with the California Statewide general election in order to provide greater voter input into Board elections; and

*WHEREAS*, Elections Code section 1302(b) authorizes the Board to change the election date for its Board members by adopting a resolution for consolidation of election and seeking approval of the change by the Stanislaus County Board of Supervisors in accordance with Elections Code section 10404.5; and

*WHEREAS*, if the change in election date is approved, the November 2019 Board election date will be moved to the first Tuesday after the first Monday in November 2020, with the terms of Board members which would have expired in December 2019 being extended to December 2020 and the terms of Board members which would have expired in December 2021 being extended to December 2022 [Elec. Code, § 10404.5(g)].

*NOW, THEREFORE, BE IT RESOLVED* that the Board adopts this Resolution to consolidate the election date for members of the Board with the date for the California general election held in November of even-numbered years [Elec. Code, § 1001] pursuant to Elections Code section 1302(b).


**BE IT FURTHER RESOLVED** that the Superintendent of the Stanislaus County Office of Education, or designee, is directed to submit this Resolution to the Stanislaus County Board of Supervisors explaining the rationale for the Resolution and requesting formal approval of the change by the Stanislaus County Board of Supervisors at a public meeting within sixty (60) days after submission, and after the Resolution has been posted in public places.

**BE IT FURTHER RESOLVED** that if the request for consolidation of election is approved by the Stanislaus County Board of Supervisors, the Board recognizes its obligation to pay the expense of mailing the notice of approval of the change in election date by the Stanislaus County Board of Supervisors as required by Elections Code section 10404.5(e).

**BE IT FURTHER RESOLVED** that if the request for consolidation of election is approved by the Stanislaus County Board of Supervisors, the date of the next scheduled Board election in November 2019 shall be moved to the first Tuesday after the first Monday in November 2020 and each subsequent Board member election shall be held two (2) years thereafter in November of even numbered years in conjunction with the statewide general election.

**BE IT FURTHER RESOLVED** that if the request for consolidation of election is approved, the term of office of current Board members expiring in November 2019 shall be extended to November 2020 and the term of Board members expiring in November 2021 shall be extended to November 2022.

**APPROVED AND ADOPTED** by the Stanislaus County Board of Education, this 8th day of August, 2017.



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President, Stanislaus County Board of Education

I, Tom Changnon, Clerk of the Stanislaus County Board of Education, do hereby certify that the foregoing Resolution was adopted by the Board at a regular meeting of said Board held on the 8th day of August, 2017 and that it was so adopted by the following vote:

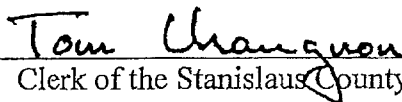
AYES: 4: Bollard, Rose, Sanders, Spina

NOES: 0

ABSTAIN: 0

ABSENT: 1: Vizzolini

Date: 8/9/17



\_\_\_\_\_  
Clerk of the Stanislaus County Board of Education