

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

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: *B-7(g)

AGENDA DATE: October 24, 2017

SUBJECT:

Approval of the Request from Oakdale Irrigation 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. 2017-598

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

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

DEPT: Clerk Recorder - Elections
Urgent Routine

BOARD AGENDA #: *B-7 (g)

AGENDA DATE: October 24, 2017

CEO CONCURRENCE: *[Signature]*

4/5 Vote Required: Yes No

SUBJECT:

Approval of the Request from Oakdale Irrigation 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 Oakdale Irrigation 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 Oakdale Irrigation 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
Oakdale Irrigation District	2017-71	September 19, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code section 10404, the Oakdale Irrigation 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 terms. Subsequent

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

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 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 Oakdale Irrigation 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 Oakdale Irrigation 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 (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 Oakdale Irrigation 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 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

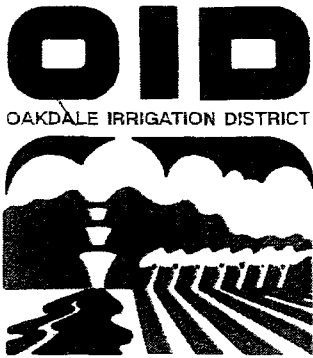
Approval of the Request from Oakdale Irrigation District to Consolidate and Hold Future Elections on the Same Day as the Statewide General Election Conducted in Even-Numbered Years

ATTACHMENT(S):

Governing Board of the Oakdale Irrigation District Resolution to Consolidate District Elections with the Statewide General Elections

Attachment

Governing Board of the Oakdale Irrigation District
Resolution to Reschedule Election of Governing Board Members



September 21, 2017

Hand Delivered

Ms. Elizabeth A. King
Clerk of the Board of Supervisors
Stanislaus County Board of Supervisors
1010 – 10th Street, Suite 6700
Modesto, California 95354

**Re: Request for Rescheduling Election of Board Directors
Resolution No. 2017-71**

Dear Ms. King:

The Oakdale Irrigation District (“District”) adopted Resolution No. 2017-71 at their Board Meeting on September 19, 2017 to Consolidate the Board of Directors’ Elections from Odd-Numbered Years to Even-Numbered Years to be Held with the General Elections.

The District adopted this resolution to save public funds, provide greater voter input and participation in the special district’s elections, and avoid any potential liability under the California Voter Participation Act (commencing with Election Code §14050, et seq.).

Under Elections Code §10404, the District adopted Resolution No. 2017-71 to consolidate the election date for the Directors of the Board with the date for the California general election in November in even numbered years. The Resolution requests the Board of Supervisors to approve the date of the election for Divisions 1 and 4 to the first Tuesday after the first Monday in November of 2020 which would normally have expired in 2019; and the date of the election for Divisions 2, 3, and 5 to the first Tuesday after the first Monday in November of 2022, which would normally have expired in 2021. This is more fully set forth in Appendix “A” to Resolution No. 2017-71. Elections Code §10404(e) states that the Board of Supervisors, within sixty (60) days from the date of submission, shall 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.

Ms. Elizabeth A. King
September 21, 2017
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Please feel free to contact General Manager Steve Knell at (209) 840-5508 in you need any additional information or have any questions.

Thank you for your consideration.

Sincerely,

OAKDALE IRRIGATION DISTRICT



Lori Fitzwater-Prisley
Administrative Assistant

lfp

Enclosure

cc: ✓ Steve Webb, Board President
✓ Lee Lundrigan, Stanislaus County Registrar of Voters and Clerk Recorder

OAKDALE IRRIGATION DISTRICT
RESOLUTION NO. 2017-71

RESOLUTION CONSOLIDATING THE BOARD OF
DIRECTORS' ELECTIONS FROM ODD-NUMBERED YEARS
TO EVEN-NUMBERED YEARS TO BE HELD WITH
THE GENERAL ELECTIONS

WHEREAS, the Oakdale Irrigation District ("District") currently conducts Board elections on odd-numbered years pursuant to the Elections Code §10505(a); and

WHEREAS, statewide general elections are held in California only in June and November of even-number years (Elections Code §1001); and

WHEREAS, the District is located within Stanislaus and San Joaquin Counties; and

WHEREAS, pursuant to Elections Code §10404(h), if a special district is located in more than one county, the special district may not consolidate an election if any county in which the special district is located denies the request for consolidation;

WHEREAS, generally voter turnout is greater for statewide general elections than for local elections, including special districts 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 future elections with the statewide elections no later than the November 8, 2022 statewide general election; and

WHEREAS, the Act authorizes attorneys' fees to a prevailing plaintiff who successfully files 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 avoid potential litigation, save public funds and provide greater voter input to special district elections.

WHEREAS, Elections Code §10404 establishes a procedure whereby the special district may change the election date for its board members by adopting a resolution seeking approval of the change by the Board of Supervisors in Stanislaus and San Joaquin Counties; and

WHEREAS, if this change in election date is approved, it is requested that the new election date for Divisions 1 and 4 be moved from the first Tuesday after the first Monday in November 2019 to the first Tuesday after the first Monday in November of 2020 and that the election date for Divisions 2, 3, and 5 be moved from the first Tuesday after the first Monday in November of 2021 to the first Tuesday after the first Monday in November 2022 (refer to Appendix A); and

NOW, THEREFORE BE IT RESOLVED, that the Oakdale Irrigation District Board of Directors hereby finds, determines and/or declares, as follows:

1. The Board of Directors declares its intent to adopt this resolution to consolidate the election date for the Directors of the Board with the date for the California general election in November in even-numbered years pursuant to Elections Code §10404.


2. The District will forward this resolution to the Stanislaus County and San Joaquin 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.

3. The District will notify the Stanislaus and the San Joaquin County Elections Office that the District is prepared to pay the expense of mailing notice of approval of the change in election by the Stanislaus County and San Joaquin County Board of Supervisors as required by Elections Code §10404(f).


4. If consolidation of election is approved by the Boards of Supervisors, the date of that election for Divisions 1 and 4 will be moved to the first Tuesday after the first Monday in November of 2020 and that the date of election for Divisions 2, 3, and 5 will be moved to the first Tuesday after the first Monday in November 2022.

Upon Motion of Director Altieri, seconded by Director Santos, and duly submitted to the Board for its consideration, the above-titled Resolution was adopted this 19th day of September, 2017.

OAKDALE IRRIGATION DISTRICT



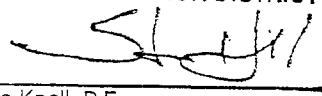
Steve Webb, President
Board of Directors



Steve Knell, P.E.
General Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the original on file with the Oakdale Irrigation District.

OAKDALE IRRIGATION DISTRICT



Steve Knell, P.E.
General Manager/Secretary

APPENDIX "A"

**RESOLUTION CONSOLIDATING THE
BOARD OF DIRECTORS' ELECTIONS FROM ODD-NUMBERED
YEARS TO EVEN-NUMBERED YEARS TO BE HELD
WITH THE GENERAL ELECTION**

Director	Current Election Year	Proposed Election Year
Division 1	2019	2020
Division 4	2019	2020
Division 5	2017	2022
Division 2	2017	2022
Division 3	2017	2022