

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

DEPT: Clerk Recorder - Elections

BOARD AGENDA #: *B-5(a)

AGENDA DATE: December 5, 2017

SUBJECT:

Approval of the Request from Denair 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. 2017-678

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.

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

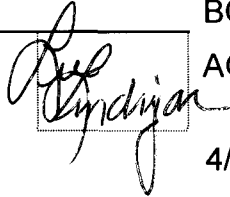
DEPT: Clerk Recorder - Elections
Urgent Routine

BOARD AGENDA #: *B-5(a)

AGENDA DATE: December 5, 2017

CEO CONCURRENCE: 

4/5 Vote Required: Yes No



SUBJECT:

Approval of the Request from Denair 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 the Denair 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 Denair 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
Denair Unified School District	No. 101217-R-03	October 12, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code section 10404.5, the Denair 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 Denair 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 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 Denair 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 Denair 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 Denair 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:

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 Denair 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 Denair Unified School District Resolution to Reschedule Election of Governing Board Members

Attachment

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



DANNIS WOLIVER KELLEY

Attorneys at Law

ROMAN J. MUÑOZ

Attorney at Law

rmunoz@DWKesq.com

Sacramento

October 24, 2017

VIA FACSIMILE, CERTIFIED MAIL AND U.S. MAIL

County of Stanislaus
Elizabeth A. King
Clerk of the Board of Supervisors
1010 10th Street, Suite 6500
Modesto, CA 95354

**Re: Request for Rescheduling Election of Governing Board Members -
Resolution No. 101217-R-03**

Dear Ms. King:

Our office serves as general counsel to the Denair Unified School District ("District"). The District requested we send you the enclosed Denair Unified School District Board of Trustees Resolution No. 101217-R-03 - Resolution to Reschedule Election of Governing Board Members ("Resolution"). On October 12, 2017, the Board of Trustees adopted the above-mentioned Resolution to request a change from odd-year elections to even-year elections.

The District Board adopted this Resolution in order to save public funds, provide greater voter input and participation into school Board elections, and avoid any potential liability under the California Voter Participation Act (commencing with Election Code section 14050 and following). The District may achieve a savings in the cost of its elections if the District's elections are consolidated with the statewide general elections. Additionally, voter turnout is greater for statewide general elections than for local elections, including school board member elections held in November of odd-numbered years.

Under California Elections Code section 10404.5, the District adopted the Resolution to change their election dates from November of odd-numbered years to the statewide direct primary of even-numbered years. The Resolution requests the Board of Supervisors to approve the new election date from the first Tuesday after the first Monday in November 2019 to the first Tuesday after the first Monday in November 2020 with Board members whose terms would have expired in 2019 being extended to 2020. Board members whose terms would have expired in 2021 will be extend to 2022.

County of Stanislaus
Elizabeth A. King
Clerk of the Board of Supervisors
October 24, 2017
Page 2

California Elections Code section 10404.5(d)(1) provides that the Board of Supervisors shall approve such a school district consolidation resolution unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.

If you should have any questions, please feel free to contact me at (916) 978-4040 or District Superintendent, Aaron Rosander at (209) 632-7514.

Very truly yours,

DANNIS WOLIVER KELLEY



Roman J. Muñoz

Attachments: Resolution No 101217-R-03 - Rescheduling Election of Governing
Board Members

cc: Aaron Rosander, Superintendent
Kathi Dunham-Filson, Board President
Lee Lundrigan, Stanislaus County Registrar of Voters and Clerk Recorder

**GOVERNING BOARD
OF THE
DENAIR UNIFIED SCHOOL DISTRICT**

RESOLUTION NO. 101217-R-03

Resolution to Reschedule Election of Governing Board Members

A Resolution by the Governing Board of the Denair Unified School District ("Board") for consolidation of future governing board member election with the statewide general election pursuant to Elections Code § 1302(b).

RECITALS

WHEREAS, the Governing Board ("Board") of the Denair Unified School District ("District") consists of five (5) members elected at large from within the District; and

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

WHEREAS, the current date for the election of governing board members of the District is every two (2) years on the first Tuesday after the first Monday in November of odd numbered years (e.g., November 2017) (Education Code § 5000 and Elections Code § 1302 (a)); and

WHEREAS, the next Governing Board elections for positions held by Robert Hodges and Sandi Dirkse are currently scheduled for 2017 and the next Governing Board elections for positions held by Ray Prock Jr., Kathi Dunham-Filson, and John Plett are currently scheduled for November 2019; and

WHEREAS, statewide general elections are held in California in even numbered years (e.g., November 2018) (Elections Code § 1001); and

WHEREAS, the District is located within Stanislaus County; and

WHEREAS, generally voter participation is greater for statewide general elections conducted in even numbered years than for local elections conducted in odd numbered years; and

WHEREAS, commencing January 1, 2018, Election Code § 14050 through 14057 known as the *California Voter Participation Rights Act* requires 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 election dates in odd numbered years resulted in a significant decrease in voter turnout; and

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 statewide general elections; and

WHEREAS, based on history of voter participation within the boundaries of the District it is likely that the District may be required to adopt a plan to transition to even numbered year statewide general elections no later than January 1, 2018, pursuant to Election Code § 14052(b); and

WHEREAS, a political subdivision may hold an off-cycle election if, by January 1, 2018, the political subdivision has adopted a plan to consolidate future elections with a statewide general election no later than the November 8, 2022, statewide general election; and

WHEREAS, regardless of whether the District is required to formulate a plan and as a result of these facts, the Governing Board desires to change the date of future Governing Board member elections to be consolidated with the California statewide general election which may result in a cost savings of public funds and provide greater voter input into school board elections; and

WHEREAS, Elections Code § 1302(b) establishes a procedure whereby the Governing Board may change the election date for its Governing Board members by adopting a resolution seeking approval of the change by the Board of Supervisors of the affected county (Elections Code § 10404.5); and

WHEREAS, if the change in election date is approved, the November 2019 Governing Board election date will be moved to the first Tuesday after the first Monday in November 2020 and the November 2021 Governing Board election date will be moved to the first Tuesday after the first Monday in November 2022. The terms of Governing Board members which would have expired in 2019 and 2021 will be extended by one (1) year. Election Code § 10404.5(g) *[refer to Appendix A]*; and

NOW, THEREFORE, BE IT RESOLVED that the Denair Unified School District adopts this resolution to consolidate the election date for members of the Governing Board with the date for the California general election on the first Tuesday after the first Monday in November of each even numbered year (Election Code 1001) pursuant to Election Code §1302(b).

BE IT FURTHER RESOLVED The Superintendent will forward this resolution to the Stanislaus County Board of Supervisors 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 made public and posted in accordance to Election Code 10404.5(d)(2) unless the Board of Supervisors finds that the ballot style, voting equipment or computer capacity is such that additional elections or materials cannot be handled.

BE IT FURTHER RESOLVED If the consolidation of election is approved by the Board of Supervisors, the terms of office shall be extended one (1) year as described in Appendix A.

BE IT FURTHER RESOLVED that if the consolidation of election is approved, the term of office of Governing Board members expiring in December 2019 will be extended to December 2020 and the term of Governing Board members expiring in December 2021 will be extended to December 2022 and each subsequent Governing Board member election will be held two (2) years thereafter in November of even numbered years.

BE IT FURTHER RESOLVED that the District will pay the Stanislaus County Registrar of Voters for the expense of mailing the notice of approval of the change in election dates as required by Election Code § 10404.5(e).

BE IT FURTHER RESOLVED The District Superintendent and his 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 _____ Denair Unified _____ School District Board of


Education on this 12th day of _____ October, 2017 _____ by the following vote:

AYES: 4

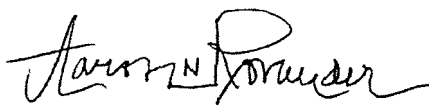
NOES: 0

ABSENT: 1

ABSTAIN: 0



Kathi Dunham-Filson,
President of the Governing Board



Aaron N Rosander,
Clerk of the Governing Board

Appendix A

Resolution to Reschedule Election of Governing Board Members

RESOLUTION NO. 101217-R-03

Current Board Member	Post-2017 Election Year Cycle	Proposed Election Year Cycle
Sandi Dirkse*	2021	2022
Robert Hodges*	2021	2022
Kathi Dunham-Filson	2019	2020
John Plett	2019	2020
Ray Prock Jr.	2019	2020

Governing Board member elections in 2020 and 2022 will be for a four (4) year term.

*The current Board members are not seeking reelection in November 2017. These are identified to provide reference as to current and proposed election cycles.