

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

DEPT: Elections

BOARD AGENDA:5.B.2
AGENDA DATE: October 9, 2018

SUBJECT:

Approval of the Request from Turlock 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:

RESOLUTION NO. 2018-0497

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

Ayes: Supervisors: Olsen, Chiesa, Withrow, Monteith, and Chairman DeMartini

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: Elections

BOARD AGENDA:5.B.2
AGENDA DATE: October 9, 2018

CONSENT:

CEO CONCURRENCE: YES

4/5 Vote Required: No

SUBJECT:

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

STAFF RECOMMENDATION:

1. Approve the request from the governing board of Turlock Irrigation District to consolidate and hold 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 Turlock 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
Turlock Irrigation District	2017 - 81	December 5, 2017

If the Board of Supervisors approves this request, consistent with California Elections Code Section 10404, the Turlock 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 2020 and 2022 to 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 Section 10404 (b)(2), the Turlock 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 move the current election dates of the seated board members from odd-numbered to even-numbered years.

Elections Code Section 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 Turlock 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:

The recommended actions are consistent with the Boards' priority of *Delivering Efficient Public Services and Community Infrastructure* by consolidating local district elections with the Statewide General Elections in even-numbered years.

STAFFING IMPACT:

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

ATTACHMENT(S):

1. Turlock Irrigation District Resolution to Reschedule Election of Directors from Odd to Even Years



WATER & POWER

Serving Central California since 1887

(209) 883.8300 • www.tid.com

BOARD OF SUPERVISORS • 388 East Main Drive • P.O. Box 949 • Turlock, CA 95381-0949

August 21, 2018

2018 AUG 24 A 10:30

Clerk of the Board
Stanislaus Co. Board of Supervisors
1010 Tenth St., Ste. 6700
Modesto CA 95354

Dear Clerk of the Board:

Enclosed is one original copy of the resolution adopted by the TID Board of Directors approving the change from odd to even year elections. Please submit this item for consideration on your agenda during the next regularly scheduled Board of Supervisors meeting. If approved, and as clarified in the resolution, TID 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 Section 10404(f).

Thank you for your assistance.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tami Wallenburg', written in a cursive style.

Tami Wallenburg
Executive Secretary to the Board
Turlock Irrigation District

RESOLUTION NO. 2017 - 81

**RESOLUTION TO RESCHEDULE ELECTION
OF DIRECTORS FROM ODD TO EVEN YEARS**

WHEREAS, the Board of Directors of the Turlock Irrigation District consists of five members elected from five Divisions within the District; and

WHEREAS, Election Code § 1304 sets forth the general rule that Irrigation District board members serve staggered terms and are elected in odd numbered years, and statewide general elections are held in California in even numbered years; and

WHEREAS, the next board member election for Divisions 1 and 4 are currently scheduled for November 2019, and the next board member election for Divisions 2, 3, and 5 are currently scheduled for November 2021; and

WHEREAS, 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 had 25% less voter turnout than the average voter turnout for the previous four statewide general elections; and

WHEREAS, based on the history of voter participation within the boundaries of the District, the District is required by January 1, 2018, to adopt a plan to transition to even numbered year statewide general elections, to be implemented by the November 8, 2022, statewide general election; and

WHEREAS, Elections Code § 1303(b) establishes a procedure whereby the 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; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of Turlock Irrigation District that the election date for members of the Board be consolidated with the date for the California general election on the first Tuesday after the first Monday in November of each even numbered year.

BE IT FURTHER RESOLVED that the General Manager will forward this resolution to the Boards of Supervisors of Stanislaus and Merced Counties requesting formal approval of the change by the Boards 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(e) 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 that if the consolidation of election is approved by the Boards of Supervisors of Stanislaus and Merced Counties, the terms of office of all members of the Board of Directors shall be extended one (1) year as follows:

Division	Positions Held by Current Board Member	Elections Conducted	Current Election Year Cycle	Proposed Election Year Cycle
1	Michael Frantz	2015	2019	2020
2	Charles Fernandes	2017	2021	2022
3	Joe Alamo	2017	2021	2022
4	Robert Santos	2015	2019	2020
5	Ron Macedo	2017	2021	2022

Board member elections in 2015 and 2017 will be for a five (5) year term. Subsequent Board member elections in 2020 and 2022 will be for a four (4) year term.

BE IT FURTHER RESOLVED that the District will pay the Stanislaus and Merced Counties' Registrar of Voters for the expense of mailing the notice of approval of the change in election dates as required by Election Code § 10404(f).

BE IT FURTHER RESOLVED that the General Manager and his designees are hereby authorized and directed to take any other steps necessary to effectuate the purpose and intent of this resolution.


Moved by Director Frantz, seconded by Director Santos, that the foregoing resolution be adopted.

Upon roll call the following vote was had:

Ayes: Directors Santos, Frantz, Alamo, Macedo, Fernandes
 Noes: Directors - None
 Absent: Directors - None

The President declared the resolution adopted.

I, Tami Wallenburg, Executive Secretary of the Board of Directors of the TURLOCK IRRIGATION DISTRICT do hereby CERTIFY that the foregoing is a full, true and correct copy of a resolution duly adopted at a regular meeting of said Board of Directors held the 5th day of December, 2017.


 Executive Secretary of the Board of
 Directors of the Turlock Irrigation District

GRIFFITH & MASUDA

A PROFESSIONAL LAW CORPORATION

517 East Olive Street
Turlock, California 95380

(209) 667-5501

Fax (209) 667-8176

www.calwaterlaw.com

Founded 1920

W. Coburn Cook, 1892-1953
Lin H. Griffith, 1923-2014

Sara J. Lima
slima@calwaterlaw.com

*Celebrating Our
97th Anniversary*

November 30, 2017

TO: TID Board of Directors

FROM: Sara J. Lima
TID Assistant General Counsel

SUBJECT: Consideration of Resolution to Consolidate Board Member Elections with Even Year Statewide Elections

New provisions of the State Election Code require special districts with odd year elections to adopt a plan to move their elections to coincide with even year Statewide elections if past elections have shown a decrease in voter turnout of at least 25% less than the average voter turnout for the previous four statewide general elections. The average voter turnout in Stanislaus County in the last four even year elections is 59.34%, versus the odd year elections average of 22.61%, showing a 62% drop in participation when elections are held in odd years. Therefore, TID is required to adopt a plan to shift odd year elections to even years.

Stanislaus County has contacted the District and provided a sample resolution to accomplish this task. I have revised the resolution to apply to TID specifically. The plan in the Resolution will implement a one-time one year increase in each Directors' term. If this Resolution is adopted, it will be submitted to the Board of Supervisors for both Stanislaus and Merced Counties for their consideration and approval. If approved, the Election Code requires that the Board of Supervisors then notify all affected registered voters of the change at TID expense.