



AGENDA ITEM
NO. **I-2**

COUNTY OF HUMBOLDT

For the meeting of: April 11, 2017

Date: March 31, 2017

To: Board of Supervisors

From: Kelly Sanders, Clerk/Recorder/Registrar of Voters

Subject: District Resolutions to Move to Even-Year Election Pursuant to Senate Bill 415 (California Voter Participation Act)

RECOMMENDATION(S):

That the Board of Supervisors

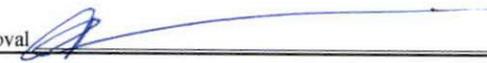
1. Receive staff report;
2. Receive staff impact analyses for school and special districts; and
3. Approve school and special district resolutions to move to even-year elections pursuant California Elections Code, Section 14050-14057.

SOURCE OF FUNDING: N/A

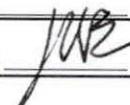
DISCUSSION:

On September 1, 2015, Governor Jerry Brown signed Senate Bill 415 (SB 415), also known as the California Voter Participation Act (CVPA), into law becoming Division 14, Chapter 1.7 of the Election Code, Sections 14050-14057 (Attachment 1). The law requires school and special districts with regularly scheduled odd-year elections that have experienced "significant decrease in voter turnout" in a regularly scheduled election to transition to even-year statewide general elections. Significant decrease in voter turnout is described as voter turnout that is at least 25 percent less than the average turnout for the previous four statewide general elections.

Prepared by Lucinda Jackson

CAO Approval 

REVIEW:

Auditor _____ County Counsel  Human Resources _____ Other _____

TYPE OF ITEM:

- Consent
- Departmental
- Public Hearing
- Other _____

PREVIOUS ACTION/REFERRAL:

Board Order No. C-3, C-7, C-1, C-7, C-2, C-3, C-2, C-2, C-3, C-4, C-5, C-10, C-11, C-12, & F-3

Meeting of: 12/13/16, 01/03/17, 01/10/17, 02/07/17, 02/21/17, 03/07/2017

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor Wilson Seconded by Supervisor Fennell

Ayes Wilson, Fennell, Boha, Bass, Sundberg

Nays _____

Abstain _____

Absent _____

and carried by those members present, the Board hereby approves the recommended action contained in this Board report.

Dated: April 11, 2017

By: 
Kathy Hayes, Clerk of the Board

Districts meeting the threshold must transition to even-year elections no later than November 8, 2022. The County of Humboldt has 34 school and community college districts, one county school board, and 43 special districts in Humboldt County subject to the provisions of SB 415. Attachment 2 summarizes districts required to move, electing to move, and the next regularly scheduled election for each. Pursuant to Elections Code 10404(b)(2) and 10404.5(b), districts moving to even-year elections in 2017 must submit a resolution to the Board of Supervisors “no later than 240 days prior to the date of the currently scheduled district election” on November 7, 2017. The deadline for districts to submit resolutions to the Board of Supervisors was March 10, 2017.

From December 13, 2016, to February 21, 2017, the Board approved several school resolutions to move to even-year elections, as listed below. Impact analysis for these school districts is attached as Attachment 3.

Approved School District Resolutions

- Eureka City Schools District (12/13/16, C-7)
- Fortuna Union Elementary School (12/13/16, C-3)
- Cuddeback School District (01/03/17, C-1)
- Jacoby Creek School District (01/03/17, C-7)
- Loleta Union School District (01/10/17, C-2)
- Rio Dell School District (02/07/17, C-3)
- Scotia Union School District (02/07/17, C-2)
- Big Lagoon Union School District (02/21/17, C-2)

On March 7, 2017, several school and special districts brought resolutions before the Board for approval, (as indicated below with the mark of an asterisk). The Board pulled these consent items for discussion and ultimately requested Elections staff prepare an impact analysis for special districts pursuant to Elections Code, Section 10404(d) and return to the Board for further consideration and approval. As of the March 10th deadline, 26 of the 34 school districts and 7 of the 43 special districts submitted resolutions to the Board of Supervisors for approval, as listed below. Impact analysis for these districts are attached as Attachment 4 and Attachment 5.

School Districts (Attachment 4)

- Blue Lake Union School District*
- Bridgeville Elementary School District
- Cutten School District
- Ferndale Unified School District
- Fieldbrook Elementary School District
- Fortuna Union High School District
- Green Point School District
- Humboldt County Office of Education
- Hydesville Elementary School District
- Kneeland School District
- Mattole Unified School District
- McKinleyville Unified School District
- Northern Humboldt Union High School District
- Pacific Union School District
- Peninsula Union School District
- South Bay Union School District
- Southern Humboldt Unified School District*
- Trinidad Union School District

Special Districts (Attachment 5)

- Arcata Fire Protection District
- Garberville Sanitary District *
- Humboldt Bay Harbor, Recreation and Conservation District*
- Humboldt Community Services District*
- Manila Community Services District*
- McKinleyville Community Services District*
- Willow Creek Fire Protection District

All school and special districts moving to even-year elections will experience cost savings; however, the county and districts continuing with odd-year elections will experience cost increases. The county currently absorbs approximately 87 percent of statewide general election costs and will experience cost increases generated by additional materials, equipment testing, ballot processing, and staffing. Districts continuing with odd-year elections will see cost increases generated by fewer districts sharing the costs for elections.

FINANCIAL IMPACT:

In addition to impacts discussed in the attached impact analyses, the Board will be financially impacted, as Elections Code, Section 10404(c) and 10404.5(c) requires the Board to notify all special and school districts, respectively, of the districts resolution and to request input from said districts about financial impacts caused by the move.

This item meets the Board's 2017 Strategic Framework by providing appropriate levels of community service and building interjurisdictional and regional cooperation.

OTHER AGENCY INVOLVEMENT:

- Board of Supervisors
- Elementary School Districts
- High School Districts
- Humboldt County Office of Education
- Garberville Sanitary District
- Humboldt Bay Harbor, Recreation, and Conservation District
- Community Services Districts
- Fire Protection Districts

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board could request Elections staff return with further analyses before approving district resolutions.

ATTACHMENTS:

- Attachment 1: California Election Code, Sections 14050-14057 and 10404-10404.5
- Attachment 2: Voter Turnout Analysis Summary
- Attachment 3: Board Approved School District Resolutions
- Attachment 4: School District Resolutions Awaiting Board Approval
- Attachment 5: Special District Resolutions Awaiting Board Approval

Attachment 1: California Election Code, Sections 14050-14057 and 10404-10404.5

ELECTIONS CODE

DIVISION 14. ELECTION DAY PROCEDURES [14000 - 14443]

(Division 14 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 1.7. Voter Participation [14050 - 14057]

(Chapter 1.7 added by Stats. 2015, Ch. 235, Sec. 1.)

14050.

This chapter shall be known and may be cited as the California Voter Participation Rights Act.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14051.

As used in this chapter:

(a) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, a city, a school district, a community college district, or other district organized pursuant to state law.

(b) "Significant decrease in voter turnout" means the voter turnout for a regularly scheduled election in a political subdivision is at least 25 percent less than the average voter turnout within that political subdivision for the previous four statewide general elections.

(c) "Voter turnout" means the percentage of voters who are eligible to cast ballots within a given political subdivision who voted.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14052.

(a) Except as provided in subdivision (b), a political subdivision shall not hold an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout.

(b) A political subdivision may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14053.

Upon a finding of a violation of subdivision (a) of Section 14052, the court shall implement appropriate remedies, including the imposition of concurrent election dates for future elections and the upgrade of voting equipment or systems to do so.

In imposing remedies pursuant to this section, a court may also require a county board of supervisors to approve consolidation pursuant to Section 10402.5.
(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14054.

In an action to enforce subdivision (a) of Section 14052, the court shall allow the prevailing plaintiff other than the state or political subdivision of the state, a reasonable attorney's fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A prevailing defendant shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14055.

A voter who resides in a political subdivision where a violation of subdivision (a) of Section 14052 is alleged may file an action pursuant to that section in the superior court of the county in which the political subdivision is located.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14056.

This chapter does not apply to special elections.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14057.

This chapter shall become operative on January 1, 2018.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Note: This section postpones, until January 1, 2018, the operation of Chapter 1.7, commencing with Section 14050.)

DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS

[10000 - 10735]

(Division 10 enacted by Stats. 1994, Ch. 920, Sec. 2.)

PART 3. CONSOLIDATION OF ELECTIONS [10404 – 10404.5]

(Part 3 enacted by Stats. 1994, Ch. 920, Sec. 2.)

10404.

(a) This section applies only to special districts electing members of the governing body in odd-numbered years. As used in this section, "special district" means an agency of the state formed pursuant to general law or special act, for the local performance of governmental or proprietary functions within limited boundaries, except a city, county, city and county, school or community college district, or special assessment district.

(b) Notwithstanding any other law, a governing body of a special district may, by resolution, require that its elections of governing body members be held on the same day as the statewide general election.

(1) The resolution setting the election shall also include dates that are consistent with the primary or general election with respect to nominations, notices, canvass of votes, certification of election, and all other procedural requirements of this code pertaining to the primary or general election.

(2) The resolution shall be submitted to the board of supervisors no later than 240 days prior to the date of the currently scheduled district election.

(c) The board of supervisors shall notify all districts located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.

(d) The elections official shall prepare and transmit to the board of supervisors an impact analysis of the proposed consolidation.

(e) The board of supervisors, within 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. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

(f) Within 30 days after the approval of the resolution, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the district.

(g) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.

(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.

(i) If, pursuant to subdivision (b), a special district election is held on the same day as the statewide general election, those governing body members whose terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31 of the year following the year in which the request for consolidation is approved by the board of supervisors.

(j) If a board of supervisors approves the resolution pursuant to subdivision (e), the special district election shall be conducted on the date specified by the board of supervisors, in accordance with subdivision (a), unless the approval is later rescinded by the board of supervisors.

(k) If the date of a special district election is changed pursuant to this section, at least one election shall be held before the resolution, as approved by the board of supervisors, may be subsequently repealed or amended.

(Amended by Stats. 2015, Ch. 731, Sec. 5. Effective January 1, 2016.)

10404.5.

- (a) A resolution of the governing board of a school district or county board of education to establish an election day pursuant to subdivision (b) of Section 1302 shall be adopted and submitted to the board of supervisors not later than 240 days prior to the date of the currently scheduled election of the district or for the members of the county board of education.
- (b) The final date for the submission of the resolution by the governing board of a school district or county board of education to the board of supervisors is not subject to waiver.
- (c) The board of supervisors shall notify all school districts and the county board of education located in the county of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation.
- (d) (1) The board of supervisors, within 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. Prior to the adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors may obtain from the elections official a report on the cost-effectiveness of the proposed action.
- (2) Public notices of the proceedings in which the resolution is to be considered for adoption shall be made pursuant to Section 25151 of the Government Code.
- (e) Within 30 days after the approval of the resolution by the board of supervisors, the elections official shall notify all registered voters of the districts affected by the consolidation of the approval of the resolution by the board of supervisors. The notice shall be delivered by mail and at the expense of the school district or if applicable, the county board of education.
- (f) An election day established pursuant to subdivision (b) of Section 1302 shall be prescribed to occur not less than one month, nor more than 12 months, subsequent to the election day prescribed in Section 5000 of the Education Code or pursuant to Section 1007 of the Education Code, as appropriate. As used in this subdivision, "12 months" means the period from the election day prescribed in Section 5000 of the Education Code or pursuant to Section 1007 of the Education Code, as appropriate, to the first Tuesday after the first Monday in the 12th month subsequent to that day, inclusive.
- (g) In the event that the election day for a school district governing board or county board of education is established pursuant to subdivision (b) of Section 1302, the term of office of all then incumbent members of that governing board or county board of education shall be extended accordingly.
- (Amended by Stats. 2004, Ch. 227, Sec. 16. Effective August 16, 2004.)*

Attachment 2: Voter Turnout Analysis Summary

**California Voter Participation Rights Act (CVPRA)
(SB415)**

**Voter Turnout Analysis Summary
School Districts**

Must move to even-year General Election

Elections Code: Sections 14050-14057

New provision: Provides that commencing January 1, 2018, a political subdivision [school and/or special district] is prohibited from holding an election other than on a statewide election date if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly-scheduled election in that political subdivision being at least 25 percent less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

Summary of District Statuses	
Required to move	20
Elected to move	26
Not required to move	8
No odd-year election data	6

District	BOS District	Registered Voters Average (#)	Voter Turnout General Average (#)	Voter Turnout General Average (%)	Voter Turnout UDEL (#)	Voter Turnout UDEL (%)	Difference (Gen Ave - UDEL)	Elected to Move From Odd to Even	Next Election
Eureka City Schools	1, 3 & 4	27,720	18,250	65.67%	6,453	23.15%	42.52%	2016	2018
Ferndale Unified School District	1	1,804	1,306	72.28%	696	38.41%	33.87%	2017	2018
Klamath-Trinity Joint Unified School District	5	2,536	1,352	53.17%	517	21.05%	32.12%		2017
Mattole Unified School District	1	388	258	66.28%	192	49.23%	17.05%	2017	2018
Southern Humboldt Joint Unified School District	2	5,041	3,641	65.27%	1,147	24.15%	41.12%	2017	2018
Southern Trinity Joint Unified School District	2	61	27	46.55%	-	no district election	n/a		2017

Northern Humboldt High School District	3, 4 & 5	14,144	9,691	64.83%	5,687	19.51%	45.32%	2017	2018
Fortuna Union High School District	1 & 2	12,184	7,824	64.02%	2,932	24.90%	39.12%	2017	2018
Arcata School District	3 & 5	9,469	5,780	60.24%	2,056	23.27%	36.97%		2017
Big Lagoon Union Elementary School	5	335	239	71.16%	109	31.87%	39.29%	2017	2018
Blue Lake Union Elementary School District	3 & 5	1,651	1,122	67.76%	340	20.82%	46.94%	2017	2018
Bridgeville Elementary School District	2	340	233	68.26%	73	21.22%	47.04%	2017	2018
Cuddeback Elementary School District	2	515	335	65.11%	330	59.14%	5.97%	2017	2018
Cutten Elementary School District	1	3,027	2,128	70.08%	790	25.24%	44.84%	2017	2018
Fieldbrook Elementary School District	5	649	471	72.54%	181	27.30%	45.24%	2017	2018
Fortuna Elementary School District Board	1 & 2	7,360	4,792	64.85%	-	no district election	n/a	2016	2018
Freshwater Elementary School District	3 & 4	1,691	1,202	71.00%	228	n/a	n/a		2017
Garfield Elementary School District	3	259	192	73.77%	-	no district election	n/a		2017
Green Point School District	5	124	87	69.98%	37	30.33%	39.65%	2017	2018
Hydesville Elementary School District	2	840	607	72.22%	-	no district election	n/a	2017	2018
Jacoby Creek School District	3 & 4	1,984	1,472	74.03%	798	37.19%	36.85%	2017	2018
Kneeland Elementary School District	3	267	199	74.53%	85	34.00%	40.53%	2017	2018
Loleta Union Elementary School District	1	793	518	65.23%	426	56.50%	8.73%	2017	2018
Maple Creek Elementary School District	5	30	20	66.10%	15	34.09%	32.01%		2017
McKinleyville Union School District	5	9,115	6,081	66.42%	2,825	31.47%	34.94%	2017	2018
Orick Elementary School District	5	194	102	52.14%	82	38.32%	13.83%		2017
Pacific Union School District	3 & 5	3,226	2,017	62.10%	1,770	56.01%	6.09%	2017	2018

Peninsula Union School District	3 & 4	228	133	57.89%	76	37.44%	20.45%	2017	2018
Rio Dell School District	1 & 2	1,808	1,039	57.42%	816	44.57%	12.86%	2017	2018
Scotia Union School District	1	529	304	57.25%	130	40.88%	16.37%	2017	2018
South Bay Union School District	1	3,873	2,571	66.20%	913	23.37%	42.82%	2017	2018
Trinidad Union School District	5	1,497	1,083	72.05%	-	no district election	n/a	2017	2018
Humboldt County Office of Education	ALL	78,173	50,891	64.84%	1,914	13.96%	50.89%	2017	2018
Redwoods Community College District (College of the Redwoods)	ALL	78,173	50,891	64.84%	2,474	21.13%	43.72%		2017

California Voter Participation Rights Act (CVPRA) (SB415)

Voter Turnout Analysis Summary Special Districts

Must move to even-year General Election

Elections Code: Sections 14050-14057

New provision: Provides that commencing January 1, 2018, a political subdivision [school and/or special district] is prohibited from holding an election other than on a statewide election date if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly-scheduled election in that political subdivision being at least 25 percent less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

Summary of District Statuses	
Required to move	10
Elected to move	7
Not required to move	3
No odd-year election data	30

District	BOS District	Registered Voters Average (#)	Voter Turnout General Average (#)	Voter Turnout General Average (%)	Voter Turnout UDEL (#)	Voter Turnout UDEL (%)	Difference (Gen Ave - UDEL)	Elected to Move (Odd to Even)	Next Election
Alderpoint County Water District	2	61	30	49.40%	-	no district election	n/a		2017
Big Lagoon Community Services District	5	45	36	81.13%	-	no district election	n/a		2017
Briceland Community Services District	2	39	27	67.47%	-	no district election	n/a		2017
Carlotta Community Services District	2	473	306	64.72%	260	54.62%	10.09%		2017
Fieldbrook-Glendale Community Services District	3 & 5	1,165	924	69.01%	432	39.74%	29.26%		2017
Garberville Sanitary District	2	403	278	59.14%	-	no district election	n/a	2017	2018
Humboldt Community Services District	1, 3 & 4	11,395	7,757	67.89%	2,553	22.07%	45.81%	2017	2018

Hydesville County Water District	2	686	493	71.82%	-	no district election	n/a		2017
Jacoby Creek County Water District	3	914	672	73.40%	268	33.97%	39.44%		2017
Loleta Community Services District	1	353	237	66.76%	-	no district election	n/a		2017
Manila Community Services District	3	531	300	56.11%	207	38.12%	17.98%	2017	2018
McKinleyville Community Services District	5	9,185	6,141	66.56%	2,258	24.63%	41.93%	2017	2018
Miranda Community Services District	2	218	147	66.98%	-	no district election	n/a		2017
Orick Community Services District	5	160	83	51.49%	-	no district election	n/a		2017
Orleans Community Services District	5	150	93	61.75%	-	no district election	n/a		2017
Palmer Creek Community Services District	1	218	149	68.39%	-	no district election	n/a		2017
Patrick Creek Community Services District	5	25	21	82.83%	-	no district election	n/a		2017
Phillipsville Community Services District	2	82	44	53.40%	-	no district election	n/a		2017
Redway Community Services District	2	728	445	61.09%	-	no district election	n/a		2017
Resort Improvement District #1	2	385	262	67.98%	160	42.55%	25.43%		2017
Riverside Community Services District	1	114	79	69.27%	-	no district election	n/a		2017
Weott Community Services District	2	132	82	61.87%	-	no district election	n/a		2017
Westhaven Community Services District	5	425	302	70.89%	122	26.41%	44.49%		2017
Willow Creek Community Services District	5	897	616	68.56%	306	37.36%	31.19%		2017
Scotia Community Services District	1	277	142	50.83%	-	no district election	n/a		2017
North Humboldt Recreation & Park District	3, 4 & 5	14,100	8,888	62.40%	-	no district election	n/a		2017
Arcata Fire Protection District	3 & 5	23,538	15,172	63.95%	1,135	24.95%	39.00%	2017	2018

Blue Lake Fire Protection District	3 & 5	1,509	1,023	67.60%	337	23.19%	44.41%		2017
Ferndale Fire Protection District	1	1,642	1,194	72.56%	-	no district election	n/a		2017
Garberville Fire Protection District	2	413	244	58.81%	-	no district election	n/a		2017
Humboldt Fire Protection District	1 & 3	12,498	8,519	67.99%	-	no district election	n/a		2017
Kneeland Fire Protection District	3	448	340	75.73%	-	no district election	n/a		2017
Myers Flat Fire Protection District	2	68	37	54.35%	-	no district election	n/a		2017
Petrolia Fire Protection District	1	182	121	66.55%	-	no district election	n/a		2017
Redway Fire Protection District	2	728	433	59.36%	-	no district election	n/a		2017
Rio Dell Fire Protection District	1, 2 & 4	1,791	1,028	57.32%	-	no district election	n/a		2017
Samoa Peninsula Fire Protection District	4	213	122	57.17%	86	40.76%	16.41%		2017
Telegraph Ridge Fire Protection District	2	150	104	69.17%	-	no district election	n/a		2017
Willow Creek Fire Protection District	5	897	616	68.56%	-	no district election	n/a	2017	2018
Fruitland Ridge Fire Protection District	2	194	125	64.17%	-	no district election	n/a		2017
Bridgeville Fire Protection District	2, 3 & 5	353	247	69.75%	-	no district election	n/a		2017
Briceland Fire Protection District	2	431	312	72.25%	-	no district election	n/a		2017
Humboldt Bay Harbor, Recreation & Conservation District	ALL	78,232	50,918	64.83%	3,762	25.84%	38.99%	2017	2018