



AGENDA ITEM
NO. **C14**

COUNTY OF HUMBOLDT

For the meeting of: October 24, 2017

Date: September 26, 2017
To: Board of Supervisors
From: Kelly Sanders, Clerk/Recorder/Registrar of Voters *KS*
Subject: District Resolutions to Transition to Even-Year Elections Pursuant to Senate Bill 415
(California Voter Participation Act)

RECOMMENDATION(S):

That the Board of Supervisors:

1. Receive staff report;
2. Receive staff impact analysis and district resolution for the Kneeland Fire Protection District; and,
3. Approve Kneeland Fire Protection District resolution to transition to even-year elections pursuant to California Elections Code, Sections 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 *E. Small*

REVIEW:

Auditor _____ County Counsel *WBE* 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, I-2, C-8, C-18

Meeting of: 12/13/16, 01/03/17, 01/10/17, 02/07/17, 02/21/17, 03/07/2017, 04/11/17, 06/13/17, 07/11/17

BOARD OF SUPERVISORS, COUNTY OF HUMBOLDT

Upon motion of Supervisor *Wilson* Seconded by Supervisor *Sundberg*

Ayes *Sundberg, Bass, Bohn, Wilson*
Nays _____
Abstain _____
Absent *Fennell*

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

Dated: *10/24/2017*

By: *[Signature]*
Kathy Hayes, Clerk of the Board

Districts meeting the threshold must adopt a plan by January 1, 2018, to consolidate with even-year elections not later than the November 8, 2022, statewide general election. Humboldt County has 34 school and community college districts, one county school board, and 43 special districts subject to the provisions of SB 415. Pursuant to Elections Code, Sections 10404(b)(2) and 10404.5(b) (Attachment 1), districts transitioning to even-year elections must submit a resolution to the Board of Supervisors “no later than 240 days prior to the date of the currently scheduled district election”.

Districts transitioning to even-year elections in 2017 were required to submit resolutions to the Board of Supervisors by March 10, 2017. From December 13, 2016, to April 11, 2017, the Board approved 26 school and 7 special district resolutions to transition to even-year elections.

The next deadline for districts to transition to even-year elections is March 10, 2019. Kneeland Fire Protection District has submitted a resolution. Impact analysis and resolution for Kneeland Fire Protection District is attached as Attachment 2 for the Board’s consideration and approval. Board approval of the district’s election cycle change will affect the district’s 2019 election cycle; however, since the 2017 election cycle deadline has expired, this district will be required to participate in the 2017 Consolidated District Election.

Special Districts (Attachment 2)
Kneeland Fire Protection District

FINANCIAL IMPACT:

This item impacts the General Fund. Although the district transitioning to even-year elections will experience savings, the County of Humboldt and districts continuing to hold odd-year elections will experience cost increases. The General Fund currently absorbs 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 election costs. As election costs vary depending on type of election and a variety of variables that change from one election to the next, it’s difficult to forecast a specific dollar amount.

Although Elections Code, Sections 10404(f), directs districts to reimburse the Office of Elections for costs associated with mailing postcards, outlying costs will still fall to the General Fund to absorb. Some of these costs include Board of Supervisors notification to districts of transitions to even-year elections and the Office of Elections processing of returned voter postcards.

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
Kneeland Fire Protection District

ALTERNATIVES TO STAFF RECOMMENDATIONS:

The Board of Supervisors could request Elections staff return with further analyses before approving district resolution.

ATTACHMENTS:

Attachment 1: California Election Code, Sections 14050-14057 and 10404-10404.5
Attachment 2: Kneeland Fire Protection District Impact Analysis and Resolution

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: Kneeland Fire Protection District Impact Analysis and Resolution

**Impact Analysis
District Consolidation from Odd-Year to Even-Year General Elections
Kneeland Fire Protection District**

To: Humboldt County Board of Supervisors

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

Date: September 22, 2017

Summary

On September 21, 2017, the Humboldt County Office of Elections received Resolution No. 2017-09.01 from the Kneeland Fire Protection District requesting the district election cycle transition to even-numbered years. As required by Elections Code, Section 10404 (d), the following is an impact analysis of the effects that may result due to the consolidation.

The Kneeland Fire Protection District, which has approximately 473 registered voters, currently participates in odd-numbered year elections, however the Office of Elections has checked back to 1999 and cannot find an instance where the district has had sufficient nominees to go to election. Since there is no election to compare results, Kneeland Fire Protection District does not fall below the threshold set forth in Elections Code, Section 14052, and it is not mandatory for the district to transition to even-numbered year elections at this time. However, Elections Code, Section 1303(b), allows the governing body of a special district the ability to transition to even-numbered year elections regardless of whether it experiences decreased voter turnout, so any special district can transition to even-numbered year elections.

Fiscal Impact, Districts

Many jurisdictions participate in even-numbered year statewide elections (federal, state, county and cities) and share the costs. The portion attributable to federal, state and county, which on average is approximately 87 percent of the total cost of an even-numbered year election, is absorbed by the county. Therefore the amount charged to each local jurisdiction, i.e. cities, schools and special districts, is much lower in an even-numbered year.

If Kneeland Fire Protection District transitions to even-numbered year elections and goes to election in the future, it would most certainly pay much less than if it remains in odd-numbered year elections and actually goes to the ballot.

Other districts not transitioning to even-numbered year elections may see an increase in expenses. There are times when jurisdictions don't have sufficient nominees to go to election in

odd-numbered years. When there is less sharing of voters or ballot types, costs increase to the remaining districts and, at times, a district is responsible for the full cost of a ballot type. The likelihood of a district bearing the entire cost of a ballot type will increase for districts that remain in odd-numbered years.

Fiscal Impact, County

As districts transition from odd to even-year elections, there will be an overall cost increase including costs due to additional ballot types, a longer ballot, and the probability of a two page ballot. The size of the voter information guide will increase as will the costs for mailing the voter guide and vote-by-mail ballots. Additional staff and extra help hours will be expended for logic and accuracy testing, programming, and processing ballots. Though districts will continue to be billed for their share in election costs, theirs is a much smaller percentage of total costs. The County's actual costs are expected to increase.

Elections Code, Section 15372, states the elections official shall prepare a certified statement of the results of the election and submit it to the governing body within 30 days of the election. Because governing board members of special and school districts would take office on the first Friday in December following the district general election, Elections Code, Section 10511(a), requires the elections official to declare the elected candidate or candidates no later than the Monday before the first Friday in December, which will shorten the canvass period for elections in even-numbered years from 30 days to 27 days. This would negatively impact the Office of Elections, especially in a Presidential Election year when all 30 days are needed to complete the canvass. Automated scanning and sorting equipment to assist staff with processing the ever increasing volume of vote-by-mail ballots would be required.

Impact on Voters

The original purpose of district elections was to provide a local platform for districts and candidates to appeal to voters, avoiding conflict with the extensive state and federal general election cycle. Even though voter turnout is higher in a general election with the consolidation of special districts, there will be more contests and candidates appearing on the ballot and more measures and candidate statements appearing in the voter information guide. This can lead to an increase in voter drop off, that is, voters failing to make their way through all of the information and through all of the races on the ballot.

SEP 21 2017

HUMBOLDT COUNTY
ELECTIONSRESOLUTION 2017 - 09.01A RESOLUTION OF THE BOARD OF
DIRECTORSOF THE Kneeland Fire Protection District DISTRICT
TO RESCHEDULE ELECTION OF GOVERNING BOARD MEMBERS

WHEREAS, the Kneeland Fire Protection District ("District") is a Fire Protection District organized and operating entirely within the County of Humboldt pursuant to California Health & Safety Code, Section 13800 et seq.; and

WHEREAS, California Senate Bill 415, an act (which may be cited to as the California Voter Participation Rights Act (herein "the CVPRA")) 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, Statutes of 2015, Chapter 235; and

WHEREAS, commencing January 1, 2018, the CVPRA 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 previous four statewide general elections; and

WHEREAS, the current date for election of members of the Board of Directors of the District (hereinafter "Board") is every two (2) years on the first Tuesday after the first Monday in November of odd-numbered years (e.g. November 2019 and 2021); and

WHEREAS, statewide elections are held in California only in June and November of even-numbered years (e.g. June and November 2020) (Elections Code, Section 1001); and

WHEREAS, generally voter turnout is greater for statewide general elections than for local elections, including special district board member elections held in November of odd-numbered years; and

WHEREAS, the Board wishes to increase voter participation in elections for Board members 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 conducted in years after 2017 to be consolidated with the California statewide general election in order to save public funds and provide greater voter input into the District's elections; and

WHEREAS, under section 13800 et seq. of the Health & Safety Code, the elections and terms of office for board members are determined pursuant to the Uniform District Elections Law (Elections Code, Section 10500 et seq.);

WHEREAS, Pursuant to Elections Code, Section 10505(d), the District is authorized by Section 10404 of the Elections Code to adopt a resolution requiring that its Board-member elections be held on the same day as the statewide general elections; and

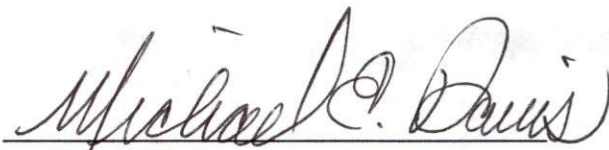
WHEREAS, if the change in election date is approved, it is requested that the new election date be moved from the first Tuesday after the first Monday in November 2019 to the first Tuesday after the first Monday in November 2020 with board members whose terms would have expired in 2021 being extended to 2022, as required by Elections Code, Section 10404(i).

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Kneeland Fire Protection District does hereby find, determine and/or declare, as follows:

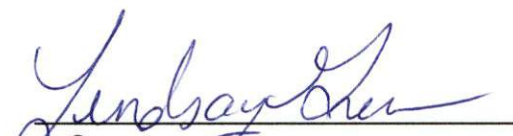
1. Each of the foregoing is true and correct.
2. The Board of Directors adopts this resolution to consolidate the election date for members of the Board with the date for the California general election in November in even-numbered years (Elections Code, Section 1001) pursuant to Elections Code, Section 10404(b), and to pay the expense of mailing notice of approval of the change in election date by the Humboldt County Board of Supervisors as required by Elections Code, Section 10404(f).
3. The Board Secretary will forward this resolution to the Humboldt 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.
4. If the consolidation of election is approved by the Board of Supervisors, the date of that election will be moved to the first Tuesday after the first Monday in November 2020 and each subsequent board member election will be held two years thereafter in November of even years.

ADOPTED, SIGNED AND APPROVED at a duly called meeting of the Board of Directors of the Kneeland Fire Protection District on 11 September, 2017 by the following polled vote:

AYES: 5
NOES: 0
ABSENT: 0
ABSTAIN: 0


Board Chair

Attest:


Secretary