



AGENDA ITEM  
NO. **C8**

## COUNTY OF HUMBOLDT

For the meeting of: November 14, 2017

Date: October 11, 2017  
To: Board of Supervisors  
From: Kelly Sanders, Clerk/Recorder/Registrar of Voters **+5**  
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:

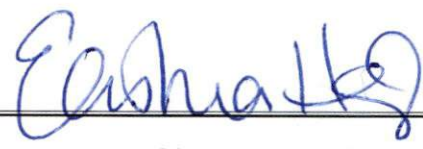
1. Receive staff report;
2. Receive staff impact analysis and district resolution for the Arcata School District; and,
3. Approve Arcata School District resolution to transition to even-year elections pursuant to California Elections Code, Sections 14050-14057.

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 

#### 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, 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 Fennell Seconded by Supervisor Wilson

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

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

Dated: 11/14/17

By:   
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. Arcata School District has submitted a resolution. Impact analysis and resolution for Arcata School 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.

### **School Districts (Attachment 2)**

Arcata School 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 10404.5(e), 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  
Arcata School 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: Arcata School 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: Arcata School District Impact Analysis and Resolution**

**Impact Analysis  
District Consolidation from Odd-Year to Even-Year General Elections  
Arcata School District**

**To:** Humboldt County Board of Supervisors

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

**Date:** October 11, 2017

**Summary**

On October 4, 2017, the Humboldt County Office of Elections received Resolution No. 1617-11 from the Arcata School District requesting the district's election cycle transition to even-numbered years. Pursuant to Elections Code, Section 10404.5 (d)(1), the following is an impact analysis of the effects that may result due to the consolidation.

Arcata School District, which has approximately 9,589 registered voters, currently participates in odd-numbered year elections. The district wants to reduce future election costs by transitioning to even-numbered year general elections. Because of significantly lower turnout by the voters, the district must change to even-numbered year elections no later than 2022 according to Elections Code, Section 14052. If the change is approved, the district will experience a savings in future 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.

In the November 2009 Uniform District Election, the Arcata School District had three governing board member position on the ballot (approximately 8,835 voters). The cost per voting opportunity for the election was \$.41, and the district was charged approximately \$10,827.01. The average cost of the past 3 statewide general elections held in even numbered years is \$.25 per voting opportunity. Arcata School District would have paid approximately \$2,209 for the contest had it appeared on a statewide general election 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. 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 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.



RECEIVED

OCT 4 2017

HUMBOLDT COUNTY  
ELECTIONS

Arcata School District  
Resolution No. 1617-11

**CHANGE OF ELECTION DAY OF THE GOVERNING BOARD AND REQUESTING  
THE BOARD OF SUPERVISORS FOR THE COUNTY OF HUMBOLDT TO  
AUTHORIZE CONSOLIDATION WITH THE NOVEMBER ELECTION DURING  
EVEN-NUMBERED YEARS**

**WHEREAS**, §§ 1302(b) and 10404.5 of the Elections Code permits Arcata School District to change its election day with the approval of the Board of Supervisors of the County of Humboldt;

**WHEREAS**, it is the intent and desire of the Governing Board of the Arcata School District to provide its constituents with the lowest possible cost while promoting the increasingly efficient and effective use of government resources; and

**WHEREAS**, by changing the next governing board election from November, 2018 to November, 2020, the costs of an election would be deferred for an additional calendar year;

**WHEREAS**, in order to comply with the mandate of SB 415 (Elections Code § 14050 et seq.), requiring political subdivisions that have had a significant decrease in voter turnout to hold their elections only on the same day as a statewide election.


**NOW, THEREFORE, BE IT RESOLVED, DECLARED, DETERMINED AND ORDERED AS  
FOLLOWS:**

- Section 1.** That pursuant to Elections Code §§ 1302(b) and 10404.5, the Governing Board hereby, by this resolution, changes its election from the First Tuesday after the First Monday in November of each odd-numbered year to the First Tuesday after the First Monday in November of each even-numbered year; and, further, that the election shall be consolidated with all other elections held throughout the territory on that day.
- Section 2.** That terms of officeholders shall be extended as necessary, but no more than twelve months.
- Section 3.** That the Registrar of Voters shall cause, at district expense, a notice to be mailed to all registered voters in the Arcata School District informing them of the change of election date specified herein and of the resultant changes in terms of the elected officeholders.
- Section 4.** This resolution shall become operative upon approval by all of the above-named Board of Supervisors pursuant to Elections Code §§ 1302(b) and 10404.5.

**PASSED AND ADOPTED** this 8<sup>th</sup> day of May, 2017 at the Regular Meeting of the Governing Board of the Arcata School District.

ARCATA SCHOOL DISTRICT BOARD OF TRUSTEES

By:   
Board President

Attest:   
Clerk