



# Board Agenda Item 22

DATE: April 4, 2017

TO: Board of Supervisors

SUBMITTED BY: Brandi L. Orth, County Clerk/Registrar of Voters

SUBJECT: Fig Garden Police Protection District, Pinedale Public Utility District, and Alta Irrigation District's Request to Move from Odd Year to Even Year Elections

## RECOMMENDED ACTION(S):

**Approve Fig Garden Police Protection District, Pinedale Public Utility District, and Alta Irrigation District's request to move from odd to even-numbered year elections and set the date for the Districts' elections to occur on the same day as the statewide General election.**

These Special Districts request to move their election year from odd to even-numbered years. The Elections Code requires the Board of Supervisors to notify all districts and request input from these districts on the requested election date change.

## ALTERNATIVE ACTION(S):

The Districts' request for consolidation with statewide general elections may be denied if it is found the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. If the recommended action is not approved, the Districts would be required to continue to hold their elections in odd numbered years.

Election law has changed regarding odd year district elections. All special districts will be required to adopt a plan by January 1, 2018 to consolidate future elections with a statewide election. Special districts will be required to have elections on statewide election dates by 2022, unless the district meets a voter turnout threshold formula.

## FISCAL IMPACT:

There is no increase in Net County Cost associated with the recommended action. The result of this consolidation will increase the overall cost of the Statewide General Election, which will be shared by the districts involved in this election. The approval of this action would result in each of the Districts receiving a substantially lower election bill. There are many more entities that go to election in November even-numbered years and share in the cost of the election.

## DISCUSSION:

Three Special Districts have filed Resolutions with the County Clerk requesting the consolidation of their district election with the Statewide General election. The following Districts request the move from odd-numbered year to even-numbered year elections in accordance with Election Code section 10404:

- Fig Garden Police Protection District filed Resolution No 020817-01 on February 23, 2017
- Pinedale Public Utility District filed Resolution No. 2017-001 on February 22, 2016

- Alta Irrigation District filed Resolution No. R2017-03-01 on February 16, 2017

These Resolutions shall become operative upon approval by the Board of Supervisors pursuant to Election Code section 10404. This code section states, "the Board of Supervisors ... 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 approval, Election Code section 10404 (c) requires the Board of Supervisors to notify all districts of the receipt of the resolution to consolidate and shall request input from each district on the effect of the consolidation. All districts were notified by letter on March 1, 2017 of the District's consolidation request, with instructions to provide their comments to the Clerk to the Board by 9:00 am March 17, 2017. Riverdale Irrigation District has concerns that the action of moving elections for the three districts will increase their cost when going to election in odd years. Lanare Community Service District is in favor and has no negative comments. If any other district comments are received by the Clerk to the Board after the submission of this agenda item, they will be presented to the Board of Supervisors on or before April 4, 2017.

The boundaries of Alta Irrigation District also include Kings and Tulare County. Election Code 10404(h) requires that a District located in more than one county, must request the move from odd election year to even election year from each county. If any County does not approve their request, the District cannot move their election date in any county. Both Kings County Board of Supervisors and Tulare County Board of Supervisors will meet on March 28, 2017, to decide on the district's request.

The Elections Code allows, prior to the adoption of a resolution to either approve or deny a consolidation request, the Board of Supervisors shall obtain from the elections official a report of the cost-effectiveness of the proposed action. The even-year General statewide elections currently have over 134 local entities eligible to go to election, along with federal, state and county offices. In November 2016 only 67 of these local entities went to election, the balance of the entities being either appointed in lieu of election or eligible for appointment by the Board of Supervisors.

Election law requires ballots to be created based on geographic areas grouping together voters who vote on the same races. In November 2016 Fresno County had 230 different versions of the ballot, or styles. Different styles spread out the amount of races on each ballot card which allows the County to permit local entities to go to election in even-year General elections. The State of California now requires all state propositions to be placed only on the General even-year election ballot. The November 2016 ballot was 18" long and accommodated all the entities and propositions going to election. We believe Fresno County could accommodate the three special districts' request to move their elections to even years. However, due to the increase in districts moving from odd to even year elections along with the unidentified number of state propositions placed on the November 2018 ballot, in the future Fresno County may require two (2) ballot cards.

SB-415 becomes operative January 1, 2018. Beginning on January 1, 2018 all special districts are required to submit a plan to move their elections to statewide general election dates. The only exception would be if a district's voter turnout in odd year elections is at least 76% of the average of the district's voter turnout in the last four (4) statewide general elections. This law will not permit the Board of Supervisors to decline a request by a special district to move to statewide even year elections, regardless whether the county's voting system can accommodate the additional districts onto their ballot. This may cause Fresno County to utilize two ballot cards in future elections.

The addition of more races to the even year General election ballot will increase the overall cost of the election. However, all entities going to election pay their pro-rata share of the election costs, thereby providing offsetting revenue to the net County cost of the election. Each of the Districts' Resolutions state their election bill will be reimbursed to the County within 45 days of being presented with an invoice.

Within 30 days after your Board's approval, all registered voters of the three Special Districts will be notified of this approval. Notification expenses will be paid by the Districts, as authorized in the Resolutions.

OTHER REVIEWING AGENCIES:

Fig Garden Police Protection District, Pinedale Public Utility District, and Alta Irrigation District have reviewed, and concurred, with this item.

ATTACHMENTS:

On file with Clerk - Resolution: Fig Garden Police Protection District  
On file with Clerk - Resolution: Alta Irrigation District  
On file with Clerk - Resolution: Pinedale Public Utility District  
On file with Clerk - Comments from other Districts

CAO ANALYST:

Ron Alexander