

Date of Hearing: April 22, 2014

ASSEMBLY COMMITTEE ON ELECTIONS AND REDISTRICTING

Paul Fong, Chair

AB 2550 (Roger Hernández) – As Amended: March 28, 2014

SUBJECT: Election dates.

SUMMARY: Eliminates the ability of general law cities, school districts, community college districts, and special districts to hold their general elections and certain special elections in March or June of odd-numbered years or in April of even-numbered years, except as specified, thereby requiring most local jurisdictions to hold these elections at the same time as the statewide primary or statewide general election, or on the first Tuesday after the first Monday in November of odd-numbered years. Specifically, this bill:

- 1) Eliminates the second Tuesday in April of each even-numbered year, and the first Tuesday after the first Monday in March and June of each odd-numbered year, from the list of dates that are considered "established election dates" on which cities may hold their general municipal elections, and on which special districts may hold their general district elections.
- 2) Eliminates the second Tuesday in April of each odd-numbered year as a date on which cities may hold their general municipal elections.
- 3) Provides that this bill shall not be construed to do either of the following:
 - a) Alter the date of a runoff election that is provided for in the principal act of a district; or,
 - b) Shorten the term of office of any officeholder in office on the effective date of this bill. Provides that for each office for which this bill causes the election to be held at a later date than would have been the case, the incumbent shall hold office until a successor qualifies for the office.
- 4) Requires each county elections official to mail a notice to all registered voters in his or her jurisdiction not later than 30 days after the effective date of this bill, informing the voters of the change in each election date. Requires the notice to indicate whether an incumbent's term of office will be extended as a result of the change in the election date.
- 5) Makes corresponding changes.

EXISTING LAW:

- 1) Provides that the following dates are "established election dates":
 - a) The second Tuesday of April in each even-numbered year;
 - b) The first Tuesday after the first Monday in March of each odd-numbered year;

- c) The first Tuesday after the first Monday in June in each year; and,
 - d) The first Tuesday after the first Monday in November in each year.
- 2) Requires all state, county, municipal, district, and school district elections to be held on an established election date, except as specified. Provides that the following types of elections, among others, are not required to be held on an established election date:
- a) Any special election called by the Governor;
 - b) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with state election laws;
 - c) School governing board elections conducted pursuant to specified provisions of law;
 - d) Elections required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.
 - e) County, municipal, district, and school district initiative, referendum, or recall elections.
 - f) Any election conducted solely by mailed ballot pursuant to specified provisions of law; and,
 - g) Elections held pursuant to specified provisions of law on the question of whether to authorize school bonds.
- 3) Provides that the following dates are "established mailed ballot election dates":
- a) The first Tuesday after the first Monday in May of each year;
 - b) The first Tuesday after the first Monday in March of each even-numbered year; and,
 - c) The last Tuesday in August of each year.
- 4) Requires a general law city to hold its general municipal election on an established election date or on the second Tuesday in April of each odd-numbered year, except as specified.
- 5) Requires a school district, community college district, or county board of education to hold the regular election to select governing board members on the first Tuesday after the first Monday of November in each odd-numbered year, or at the same time as the statewide direct primary election, the statewide general election, or the general municipal election, except as specified.
- 6) Requires the general district election held to elect members of the governing board of a special district to be held on the first Tuesday after the first Monday in November of each odd-numbered year, unless the principal act of the district provides for the general district election to be held on a different established election date, or on an established mailed ballot

election date, as specified. Permits a special district to adopt a resolution requiring its general district election to be held on the same day as the statewide general election, upon approval of the county board of supervisors, as specified.

- 7) Requires various special elections, including the following types of elections, to be held on an established election date:
 - a) An election to fill a vacancy on the governing board of a city, school district, or community college district;
 - b) An election on a proposal to transfer territory between counties;
 - c) An election to elect a county charter commission; and,
 - d) Specified elections on proposals to form special districts.

FISCAL EFFECT: Unknown. State-mandated local program; contains reimbursement direction.

COMMENTS:

- 1) Purpose of the Bill: According to the author:

Democracy is based on civic participation. Multiple national studies over the last three decades affirm that off-cycle elections draw significantly lower voter turnout, especially in large urban areas. One scholar concludes that election timing is the single most important characteristic in determining voter turnout. Effects of lower voter turnout for off-cycle elections include increased cost per voter and vulnerability to special interests or partisanship influences.

AB 80, Fong 2011(Chaptered 7/29/11) addresses consolidation of just a single election, the stand-alone presidential primary. The Author argues that “consolidating it with other statewide elections will save millions of dollars, [and] increase voter turnout”. AB 80 addresses the stand-alone primary in 2008, which cost Californian’s an additional \$96,980,195. A recent report by the Greenlining Institute examined three California case studies comparing even-year consolidated elections and off-year elections. Their data illustrates even-year consolidated elections showing a benefit of up to 54% increased participation and savings up to \$50.94 per voter. Even the low end of their results show significant improvements over our current system.

By consolidating elections, AB 2550 will help avoid ‘stand-alone’ local elections and result in: decreased costs, reduction of special interested influence, and increased voter turnout.

- 2) History of Established Election Dates: In 1973, the Legislature approved and Governor Reagan signed SB 230 (Biddle), Chapter 1146, Statutes of 1973, which created "regular election dates" (which subsequently were renamed "established election dates"). The concept behind having a regular election schedule that governed when most elections would be held

was that such a schedule would encourage election consolidations, thereby potentially reducing election costs, and could encourage greater voter participation because voters would become used to voting on these regular election dates. SB 230 created five established election dates in each two-year cycle—three in even-numbered years (in March, June, and November), and two in odd-numbered years (in March and November).

One year after established election dates were first created, AB 4180 (Keysor), Chapter 1386, Statutes of 1974, added an additional established election date in May of odd-numbered years. The rationale for adding an established election date was that the eight-month gap between established election dates in March and November of odd-numbered years delayed many special local elections from taking place in a timely manner, including elections to fill vacancies, annexation elections, bond elections, and tax rate elections. Since that time, the exact dates that are established election dates have fluctuated, often moving to reflect changes in the date of the statewide primary election held in even-numbered years, though generally there have been at least three established election dates in each year.

Having multiple established election dates in each year, but specifying that many types of elections must be held on an established election date, reflects an attempt to balance the desire to hold most elections on a predictable, regular schedule, while still providing the flexibility to ensure that elections can occur in a timely manner when necessary.

- 3) Local General Election Dates: By eliminating three established election dates, this bill would limit the dates on which local governmental bodies can hold their regularly-scheduled elections to elect governing board members (commonly referred to as general municipal or general district elections). Charter cities, which are granted plenary authority under the California Constitution to establish the times at which municipal officers are elected, would not be affected by this bill. Counties are required by law to hold regularly scheduled county elections at the same time as statewide elections, so they also would not be affected by this bill (San Francisco, which is a consolidated city *and* county, has the authority over local elections that is granted to charter cities, and therefore it is not required to elect county officers at the same time as the statewide election, unlike other counties). General law cities (i.e., those cities that have not adopted a city charter), school districts, community college districts, and special districts, however, all could be affected by this bill.
 - a) General Law Cities: According to the League of California Cities, there are 361 general law cities in California. As noted above, existing law permits general law cities to hold their general municipal elections on any established election date, or on the second Tuesday in April of odd-numbered years. This bill would force any general law city that is not conducting its general municipal election in November of odd-numbered years, or at the same time as the statewide primary or general election, to move the date of its general municipal election. Of the 361 general law cities in California, about 88 percent hold their general municipal elections on one of the three dates that are allowed by this bill, with 70 percent holding their elections at the same time as the statewide general election. Committee staff has identified 42 general law cities that hold general municipal elections on a date that would not be permissible under this bill, and thus which would be required to change the date of their general municipal elections. All but two of those general law cities that would be required to change election dates are located in Los Angeles County.

Of the 40 cities in Los Angeles County that would be required to change their election dates under this bill, 30 currently hold their elections in March of odd-numbered years, on the same day that the City of Los Angeles holds its municipal elections. Nine cities hold their elections in April of even-numbered years, on the same day that Long Beach holds its municipal elections.

- b) School and Community College Districts: According to the California Department of Education, there are 1,043 school districts in California, and according to the Chancellor's Office of the California Community Colleges, there are 72 community college districts in California. With certain exceptions, school districts and community college districts are required to hold their general district elections in November of odd-numbered years, or they can choose to hold the general district elections at the same time as the statewide primary or general election, or at the same time as the general municipal election of the city in which the district is located. Because existing law permits general municipal elections to be held in March or June of odd-numbered years, or in April of even-numbered years, it is possible that school or community college district elections could be held at a time other than November of odd-numbered years, or at the same time as the statewide primary or general election. With the exception of school districts and community college districts that are located in charter cities (and that would not be required to change election dates under the provisions of this bill), committee staff has been unable to identify *any* school or community college district in the state that holds its general district elections at any time other than November of odd-numbered years, or at the same time as the statewide primary or general election. As a result, this bill is expected to affect few, if any, school and community college districts.
- c) Special Districts: According to information from the 2010 report, "What's So Special About Special Districts? (Fourth Edition)," prepared by the Senate Committee on Local Government, there are about 3,300 different special districts in California. Special districts generally are required to hold their general district elections on the first Tuesday after the first Monday in November of odd-numbered years or at the same time as the statewide general election, unless the principal act of the district provides otherwise, or unless the district conducts its general district elections entirely by mailed ballot in accordance with existing law. According to information provided by the California Special Districts Association, water storage districts are the only type of district that they have identified that is permitted by law to hold their general district elections on a date that would not be permitted by this bill, and there are just eight water storage districts statewide. Committee staff has been unable to identify any other special districts that would be required to change their election date under the provisions of this bill, but it is anticipated that only a small number of districts would need to change their general district election dates if this bill becomes law.
- 4) Impact on Special Elections & Possible Amendment: In addition to affecting the dates available for local general elections, this bill also would limit the dates on which local governmental bodies could hold certain special elections. As noted above, most local initiative, referendum, and recall elections are not required to be held on established election dates, and thus would not be affected by this bill. Furthermore, as is the case with local general election dates, charter cities would not be affected by this bill. Special elections in

counties, general law cities, school districts, community college districts, and special districts that are required to be held on established election dates, however, could be affected by this bill. Such elections could be held on one of only three dates in each two-year period (June of even-numbered years and November of even- or odd-numbered years), compared to six dates under existing law, and there would be as long as one-year between established election dates. The local special elections that are required to be held on established election dates, and thus would be affected by the provisions of this bill, are as follows:

- a) Counties: Proposals to adopt, amend, or repeal a county charter, and proposals to consolidate counties or to alter the boundaries of a county must be submitted to the voters on an established election date. Additionally, most measures submitted to the voters by the board of supervisors must appear on the ballot on an established election date.
- b) General Law Cities: Elections that are held to fill vacancies in elective city office must be held on an established election date. Additionally, most measures submitted to the voters by the city council must appear on the ballot on an established election date.
- c) School and Community College Districts: Elections that are held to fill vacancies on a school or community college board must be held on an established election date. Additionally, certain measures submitted to the voters by a school or community college board must appear on the ballot on an established election date.
- d) Special Districts: Elections on the question of whether to form or dissolve certain types of special districts must be held on an established election date. Additionally, elections that are held to fill vacancies in elective district office, and some local measures that are put on the ballot by the governing board, must be held on an established election date.

In order to preserve the flexibility of local jurisdictions to conduct time-sensitive special elections in an expeditious manner, the committee and the author may wish to consider an amendment that would make the provisions of this bill applicable only to general municipal and general district elections, and to allow local jurisdictions to continue to hold these types of special elections on one of six established dates in each two-year period.

- 5) Limitations on Consolidations in Los Angeles County and Possible Amendment: Existing law requires all state, county, municipal, district, and school district elections that are held on a statewide election date to be consolidated with the statewide election, except that the Los Angeles County Board of Supervisors is allowed to deny a request for consolidation of an election with the statewide election if the voting system used by the county cannot accommodate the additional election. This unique provision allowing Los Angeles County to deny consolidation requests was created through the passage of SB 693 (Robbins), Chapter 897, Statutes of 1985, in response to attempts by a number of cities in Los Angeles to move their municipal elections to the same day as statewide elections. Los Angeles County sought the ability to deny consolidation requests because its voting system could accommodate only a limited number of contests at each election, and the county was concerned that the move by cities to hold their elections at the same time as the statewide election would exceed the capacity of that voting system. Los Angeles County still uses a variant of the voting system that it used in 1985, though the county is currently in the planning and design stage for developing and transitioning to a new voting system. One of the principles that the county

has articulated to guide the development of its new voting system is having a system that has "sufficient technical and physical capacity to accommodate...consolidation of elections with local districts and municipalities." That voting system, however, is not expected to be available for use countywide before 2018.

Because of the capacity limitations of Los Angeles County's voting system, the county has denied requests from various local governmental bodies in the county that have sought to hold their elections at the same time as—and to have their elections consolidated with—statewide elections. To the extent that those previous requests to consolidate elections reflect an ongoing desire by local jurisdictions to move their elections to the same time as statewide elections, it is expected that the implementation of a new voting system in the county that allows for such consolidations will result in many jurisdictions voluntarily moving their elections to a date that would be permitted under this bill.

Until Los Angeles county replaces its voting system and is able to accommodate a larger number of requests to consolidate elections with the statewide election, however, this bill will force many local jurisdictions in Los Angeles County to choose between holding their elections in November of odd-numbered years, or holding an election on the same day as a statewide election in even-numbered years, but not having that election be consolidated with the statewide election. When two elections are held on the same day, but are not consolidated, those elections are commonly referred to as "concurrent" elections. When concurrent elections are conducted, voters who are voting in both elections have separate ballots for each election, and often have separate polling locations for each election. As a result, concurrent elections can cause voter confusion, and otherwise can create challenges for voters, candidates, and election officials.

If this bill results in local jurisdictions in Los Angeles choosing to hold their elections concurrently with statewide elections, such a result would seem to run counter to the author's intent of trying to improve voter participation and to decrease election costs. Accordingly, in order to better realize the author's goals, the committee and the author may wish to consider an amendment to prohibit a local jurisdiction from holding its elections on the same date as a statewide election unless the jurisdiction's election is consolidated with the statewide election.

- 6) Charter City Autonomy May Limit Impact: One of the author's goals for this bill is to have most regularly scheduled elections conducted on one of a small number of stable election dates, so that voters know in advance when elections are going to occur, and so that greater attention is drawn to those regularly occurring elections since a large number of voters in a region will be voting at the same time.

As noted above, however, existing law gives charter cities the plenary authority to establish the times at which municipal officers are elected, so charter cities would not be required to move the dates of their elections under this bill, and this bill cannot require that all regularly scheduled elections be held on one of the three dates (November of odd-numbered years, or June or November of even-numbered years) proposed in this bill. As a result, the autonomy for setting election dates that is granted to charter cities in the California Constitution may limit the effect of this bill.

- 7) Delayed Implementation and Possible Amendment: Because this bill does not have an urgency clause, if signed into law, it would go into effect on January 1, 2015. That effective date falls just two months prior to the date on which 31 general law cities are scheduled to hold their general municipal elections. Jurisdictions that are required to change the dates of their elections as a result of this bill may benefit from additional lead-time in order to take the necessary steps to change election dates in an orderly manner.

Additionally, this bill requires each county elections official to mail a notice to all registered voters in his or her jurisdiction not later than 30 days after the effective date of this bill, informing the voters of the change in each election date, along with other specified information. The county elections official will not necessarily know the new election date for each jurisdiction, however, until each jurisdiction acts to choose a new election date that complies with the provisions of this bill.

In order to address these two issues, the committee and the author may wish to consider an amendment to this bill to specify that the new election date requirements in this bill will not become effective until July 1, 2015, and to require jurisdictions that must change election dates pursuant to this bill to adopt a new date for general municipal or district elections by July 1, 2015. Such an amendment would allow local jurisdictions to hold their already scheduled general municipal or general district elections in the first part of next year. Additionally, this amendment would allow the notification to voters of a new election date to be sent by the county elections official after all local jurisdictions have selected the new date on which they will hold their general municipal or general district elections.

- 8) Technical Issues & Suggested Amendment: This bill provides that it shall not be construed to alter the date of a runoff election provided for in the principal act of a district. To the extent that a district is required to move the date of its general election, but not the runoff election, however, this bill could result in a situation where there is a long period of time between the general election and the runoff election. To more appropriately deal with districts that have a principal act that requires runoff elections, the committee may wish to consider amending this bill to instead provide that if the principal act of a district specifies the date of a runoff election, that all general district elections in that district shall be held on the dates specified by the principal act.

- 9) Arguments in Opposition: In opposition to this bill, the City of Norwalk writes:

AB 2550 does not appear to consider how eliminating [established election] dates may negatively impact the cities...Currently, the majority of cities in Los Angeles County have stand alone elections as the County does not have the capacity on the statewide ballots to accommodate all the local municipalities.

Additionally, it also removes local control over our elections, can create higher election costs, causes lack of visibility of local candidates on a crowded county ballot, will likely increase voter wait times [at] the polls, and less services to the candidates.

Holding separate municipal elections provides constituents an opportunity to focus their attention on important local issues and candidates without being over shadowed by state and national issues. The City of Norwalk has been holding elections in March or April

since incorporation in 1957. Our constituents are familiar with this voting cycle.

10) State Mandates: By eliminating three established election dates (and one other date that is currently available for cities to hold their general municipal elections), and thereby requiring certain local governments to change the dates of their elections, this bill could be deemed to impose a state-mandated local program, for which the state could be required to reimburse those governments for the costs associated with that mandate. Additionally, this bill requires county elections officials to mail specified notifications to voters in districts where the election date changes pursuant to this bill. The state could be required to reimburse counties for the costs of those notifications.

The last three state budgets have suspended various state mandates as a mechanism for cost savings. Among the mandates that were suspended were all existing elections-related mandates. All the existing elections-related mandates have been proposed for suspension again by the Governor in his budget for the 2014-15 fiscal year. In light of this fact, the Committee may wish to consider whether it is desirable to establish this new mandate when the Legislature has voted to suspend the existing election mandates.

REGISTERED SUPPORT / OPPOSITION:

Support

None on file.

Opposition

City of Norwalk

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