

**From:** [Frank Zotter](#)  
**To:** [Katie Pearson](#)  
**Subject:** RE: Even year board member elections  
**Date:** Friday, April 10, 2015 3:06:30 PM

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Dear Katie,

There is indeed a process for a school district (or a county office) to change its elections from an odd-year to an even-year cycle. School districts generally do so because it is cheaper to split the cost of the ballot printing with the many state and federal elections that appear on a presidential or gubernatorial election ballot. (The downside is that the school board elections, once consolidated with the higher-visibility statewide elections and propositions, are likely to garner even less public interest than they would in an off-year.)

The procedure is set forth in Elections Code §§ 1302 and 10404.5 (or, for community colleges that want to do the same, in §§ 1302 and 10405.7). The school district board must adopt a resolution requesting the change of its election day to even-numbered years. At least 240 days (i.e., approximately 8 months) prior to the date of the then-currently scheduled election, the resolution must be submitted to the board of supervisors in each county where the district has territory. (For Fort Bragg, I believe that all of its territory is in Mendocino County, but it is possible that it may have a sliver in Humboldt County, too.)

There are a number of requirements that § 10404.5 then imposes:

- The board of supervisors must notify all school districts and the county board of education of the receipt of the resolution to consolidate the district's election with other statewide elections and must request input from each district and the county board on the effect of the consolidation.
- Within 60 days from the date of submission of the school district's submission of its resolution, the board of supervisors must approve the resolution unless it finds that its ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled as part of a statewide election. (Sue Ranochak should be able to answer that question before it gets very far into the process.)
- Prior to the adoption of a resolution either to 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.
- Public notices of the proceedings in which the resolution is to be considered for adoption are to be posted at the County Board's meeting place (much like its Brown Act notice), and the clerk of the Board must post the notice at two public places in the county besides that location or in an electronic format on its website.

- Within 30 days after approval of the resolution by the board of supervisors, the elections official is to notify all registered voters of the district(s) affected by the consolidation of the Board's approval of the resolution, at the school district's expense.
- The new election day established by this process, as provided in § 1302, shall be occur not less than one month, nor more than 12 months, subsequent to the former election day for the district.
- If the election day for a school district board is adjusted using this process, the terms of office of all then-incumbent members of that board are extended accordingly.

It is too late to change the election for 2015 using this method (we are approximately 210 days from Election Day, 2015), but if Fort Bragg is interested in pursuing this, it can do so in 2016 or early 2017 for the upcoming 2017 round of elections. I have a sample resolution I can supply if Fort Bragg does indeed decide to do this.

**Frank Zotter Jr.**  
**Sr. Associate General Counsel**  
**School & College Legal Services of CA**  
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**From:** Katie Pearson [mailto:katiep@mcoe.us]  
**Sent:** Friday, April 10, 2015 12:07 PM  
**To:** Frank Zotter  
**Subject:** Even year board member elections

Fort Bragg Unified is asking if they could change their board member elections from odd to even years. The elections department said to ask you if it is even possible given that the rest of the districts vote in odd years.

**Katie Pearson**  
**Executive Assistant, Business Services**  
**Mendocino County Office of Education**  
**(707) 467-5033 phone**  
**(707) 462-0379 fax**  
[katiep@mcoe.us](mailto:katiep@mcoe.us)

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*California.*  
LEGISLATIVE INFORMATION

**SB-415 Voter participation.** (2015-2016)

**Senate Bill No. 415**

**CHAPTER 235**

An act to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, relating to elections.

[ Approved by Governor September 01, 2015. Filed with Secretary of State September 01, 2015. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 415, Hueso. Voter participation.

Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date. Existing law also establishes certain dates for statewide elections. Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

This bill, commencing January 1, 2018, would prohibit a political subdivision, as defined, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in voter turnout for a regularly scheduled election in that political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

This bill would require a court to implement appropriate remedies upon a violation of this prohibition. The bill would authorize a voter who resides in a political subdivision where a violation is alleged to file an action in superior court to enforce this prohibition, and it would allow a prevailing plaintiff other than the state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

**THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:**

**SECTION 1.** Chapter 1.7 (commencing with Section 14050) is added to Division 14 of the Elections Code, to read:

**CHAPTER 1.7. Voter Participation**

**14050.** This chapter shall be known and may be cited as the California Voter Participation Rights Act.

**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.

**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.

**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.

**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.

**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.

**14056.** This chapter does not apply to special elections.

**14057.** This chapter shall become operative on January 1, 2018.

**Fort Bragg Unified School District  
Resolution No. 16-02**

**Change of Election Day of the Governing Board and Requesting the Boards of Supervisors  
for the County of Mendocino to Authorize Consolidation with the November Election  
During Even-Numbered Years**

**WHEREAS**, §§ 1302, subd. (b) and 10404.5 of the Elections Code permits the Fort Bragg Unified School District to change its election day with the approval of the Boards of Supervisors of the County of Mendocino;

**WHEREAS**, it is the intent and desire of the Governing Board of the Fort Bragg Unified 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, 2017 to November, 2018, the costs of an election would be deferred for an additional calendar year.

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

**Section 1.** That pursuant to Elections Code §§ 1302, subd. (b) and 10404.5, the Governing Board hereby, by this resolution, changes its election from the Second Tuesday after the Second Monday in November of each odd-numbered year to the Second Tuesday after the Second 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 Fort Bragg Unified 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 Boards of Supervisors pursuant to Elections Code §§ 1302, subd. (b) and 10404.5.

**PASSED AND ADOPTED** this 11th day of February, 2016 at the Regular Meeting of the Governing Board of the Fort Bragg Unified School District.

FORT BRAGG UNIFIED SCHOOL DISTRICT  
BOARD OF TRUSTEES

By:   
Gerald A. Matson, Board President

Attest:   
Charles D. Bush, Clerk

\_\_\_\_\_ School District  
Resolution No. \_\_\_\_\_

**Change of Election Day of the Governing Board and Requesting the Board of Supervisors  
for the County(ies) of \_\_\_\_\_ to Authorize Consolidation with the November Election  
During Even-Numbered Years**

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

**WHEREAS**, it is the intent and desire of the Governing Board of the \_\_\_\_\_ 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, 201\_ [*odd-numbered year*] to November, 201\_ [*even-numbered year*], 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, subd. (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 \_\_\_\_\_ 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, subd. (b) and 10404.5.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 201\_ at the Regular Meeting of the Governing Board of the \_\_\_\_\_ School District.

\_\_\_\_\_ SCHOOL  
DISTRICT BOARD OF TRUSTEES

By: \_\_\_\_\_  
Board President

Attest:

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Clerk



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# *The* FISCAL REPORT *an informational update*

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Volume 36

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No. 16

## **By the Way . . . Timing of School Board Elections May Be Impacted By New Law**

On September 1, 2015, Governor Jerry Brown signed Senate Bill (SB) 415 (Chapter 235/2015) into law. Starting January 1, 2018, SB 415 prohibits a political subdivision (e.g., school and community college districts) from holding elections on dates other than statewide election dates if holding it on another date has previously resulted in “a significant decrease in” (lower) voter turnout. Lower voter turnout is defined as voter turnout at least 25% less than the average voter turnout for the previous four statewide general elections. The law further allows a voter to file an action, if a violation of this law is alleged, in superior court and collect reasonable attorney’s fees and litigation expenses.

Districts should review their past voter turnout levels in light of SB 415 and determine whether they need to move their elections to coincide with statewide elections.

posted 08/10/2016



California  
LEGISLATIVE INFORMATION

SB-415 Voter participation. (2015-2016)

Consolidated District Election

NOV 2015	- 20.76%
NOV 2013	- 24.99%
NOV 2011	- 41.40%
NOV 2009	- 49.74%

Statewide Election

NOV 2014	52.70%
NOV 2012	72.45%
NOV 2010	66.85%
NOV 2008	80.01%

Senate Bill No. 415

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Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

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