

Board of Trustees Agenda Item

Board Meeting Date: 12/6/10

Title of Item: Change in Trustee Elections from Odd Years to Even Years

Background and Analysis:

Palo Alto voters recently passed Measure S, changing its city council elections to even numbered years, thus increasing the election costs of the Palo Alto Unified School District and our district by \$50,000 each. With this increase, Foothill-De Anza's anticipated election costs in November 2011 could be as high as \$739,000. In light of the increased costs, the board will discuss the possibility of switching its trustee elections to even numbered years.

Included with this item are:

1. Legal opinion from general counsel John Shupe
2. Elections Code provisions
3. Estimated election cost spreadsheet from SCC Registrar of Voters
4. Spreadsheet of entities and school district districts within the Foothill-De Anza boundaries indicating odd or even year elections

Recommendation: Information only

Submitted by: Linda Thor, x6104
Additional contact names:
Is backup provided? Yes

November 16, 2010

To: Linda Thor

From: John Shupe

Subj: Elections in Even Years





College district governing board elections are held in odd numbered years in November by virtue of several statutes. Education Code section 5000 states that after the initial organizing election, the "governing board member election shall be held biennially on the first Tuesday after the first Monday in November of each succeeding odd-numbered year to fill the offices of members whose terms" will expire the next month. The provisions of the California Elections Code which are not inconsistent with explicit provisions in the Education Code are made applicable to college district elections, generally, by Education Code section 5300. Elections Code section 1302(a) states the presumption that college district governing board elections shall be held in odd numbered years in November.

As to the second question, there indeed is a way (and perhaps more than one) of switching to even numbered years governing board elections. Elections Code section 1302(b) describes a procedure which has been used state-wide by several districts where, "upon the adoption of an appropriate resolution by the governing board", and approval by the County Board of Supervisors, the district governing board election can be switched to a date which coincides with the statewide direct primary election, the statewide general election or the general municipal election. Under Elections Code section 1001 statewide elections are held in even numbered years.

Elections Code section 10405.7 elaborates on the procedure to accomplish the change. Our resolution has to be adopted and submitted to the County Board of Supervisors not later than 240 days prior to the date of the next currently scheduled governing board election. The County Board of Supervisors has to hold a hearing after notifying all other community college districts in the County. Within 60 days of its submission the County Board has to approve our resolution unless it finds that "additional election materials" cannot be handled if our election is added to the others occurring on the date we are attempting to move to.

Copies of some of these Elections Code provisions are attached.

California Code

-  **California Code**
 -  **CALIFORNIA ELECTIONS CODE**
 -  **DIVISION 1. ESTABLISHED ELECTION DATES**
 -  **Chapter 1. Election Dates**
-



§ 1000 Elec.

The established election dates in each year are as follows:

- (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.
- (d) The first Tuesday after the first Monday in November of each year.
- (e) The first Tuesday in February of each year evenly divisible by the number four.

(Stats. 1994, c. 920, § 2, operative Jan. 1, 1998.
Amended by Stats. 1996, c. 1143, § 18, eff. Sept. 30, 1996,
operative Jan. 1, 1998; Stats. 1998, c. 913, § 4;
Stats. 1999, c. 2, § 1, eff. Feb. 4, 1999;
Stats. 1999, c. 6, § 1, eff. March 24, 1999;
Stats. 2004, c. 817, § 3; Stats. 2007, c. 2, § 2,
eff. March 15, 2007.)

California Code

-  **California Code**
 -  **CALIFORNIA ELECTIONS CODE**
 -  **DIVISION 1. ESTABLISHED ELECTION DATES**
 -  **Chapter 4. Local Elections**
-

§ 1304 Elec.

Unless the principal act of a district provides that an election shall be held on one of the other dates specified in Chapter 1 (commencing with Section **1000**) of Division 1, a general district election shall be held in each district on the first Tuesday after the first Monday in November in each odd-numbered year to choose a successor for each elective officer the term of whose office will expire on the following first Friday in December.

(Stats. 1994, c. 920, § 2.)

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California Code

- ☐ **California Code**
 - ☐ **CALIFORNIA ELECTIONS CODE**
 - ☐ **DIVISION 1. ESTABLISHED ELECTION DATES**
 - ☐ **Chapter 4. Local Elections**
-

§ 1302 Elec.

(a) Except as provided in subdivision (b), the regular election to select governing board members in any school district, community college district, or county board of education shall be held on the first Tuesday after the first Monday in November of each odd-numbered year.

(b) (1) Notwithstanding any other provision of law, and except as provided in Section **1302.5**, after the initial election of governing board members in any school district, community college district, or of members of a county board of education, the election of governing board members for the district or of members of the county board of education may be established, upon the adoption of an appropriate resolution by the governing board or the county board of education, respectively, to regularly occur on the same day as the statewide direct primary election, the statewide general election, or the general municipal election as set forth in Section **1301**. The resolution shall become operative upon approval by the board of supervisors pursuant to Section **10404.5** or **10405.7**, as applicable. If a school district, community college district, or county board of education is located in more than one county, the district may not consolidate an election if any county in which the district is located denies the request for consolidation.

(2) If the board of supervisors approves the resolution pursuant to Section **10404.5** or **10405.7**, as applicable, the election of the governing board members of the school district or community college district or of members of the county board of education shall be conducted on the date specified by the board of supervisors, in accordance with paragraph (1), unless the approval is later rescinded by the board of supervisors.

(3) In the event of consolidation, the election of governing board members of the school district or community college district or of members of the county board of education shall be conducted in accordance with all applicable procedural requirements of the Elections Code pertaining to that primary, general, or municipal election, and shall thereafter occur in consolidation with that election.

(4) If the date of an 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. 1996, c. 1143, § 25, eff. Sept. 30, 1996.)

California Code

- ☐ **California Code**
- ☐ **CALIFORNIA ELECTIONS CODE**
- ☐ **DIVISION 1. ESTABLISHED ELECTION DATES**
- ☐ **Chapter 4. Local Elections**

§ 1302.2 Elec.

(a) Notwithstanding any other provision of law, when an elementary, unified, high school, or community college district includes within its boundaries the same territory, or territory that is in part the same, as a chartered city, the governing board member elections of the elementary, unified, high school, or community college district may be consolidated with the city election pursuant to Part 3 (commencing with Section **10400**) of Division 10. The consolidation shall be effected by the officer conducting the election having jurisdiction of the elementary, unified, high school, or community college district, upon the written request of the governing board of the elementary, unified, high school, or community college district and with the written consent of the legislative body of the city. This section shall control in the event of any conflict with a prior order of the county superintendent of schools made pursuant to Section **5340** of the Education Code.

(b) When a high school district or community college district election is consolidated with that of a city pursuant to this section, and the high school district or community college district has within its boundaries component districts whose elections would otherwise be held on a date specified in this code, the elections in the component districts may be consolidated with the election in the high school district or community college district. The consolidation shall be effected by the officer conducting the election having jurisdiction of the component districts upon the written request of the governing boards thereof and with the written consent of the governing boards of the districts whose governing board member elections are to be consolidated with those of the component districts.

(c) Successors to incumbents holding office upon the effective date of this section, who in the absence of this section would have been elected at a different time, shall be chosen for office at the election nearest the time the terms of office of the incumbents would have otherwise expired. If an incumbent's term of office is extended because of this section, he or she shall hold office until a successor qualifies for the office, but in no event shall the term of an incumbent be extended to more than four years.

(Stats. 1996, c. 1143, § 27, eff. Sept. 30, 1996.)

10404.7. A school district in Tehama County or the Tehama County Board of Education, by itself or in concert with other school districts or county boards of education, may purchase or otherwise contribute to the purchase of elections equipment, including, but not limited to, a computer for the purposes of conducting a consolidated election when the equipment shall be owned by Tehama County.

10405. Notwithstanding any other provision of law, the Registrar-Recorder of the County of Los Angeles and the Registrar of Voters of Orange County may, pursuant to agreement between those counties, perform, either on behalf of the other, any and all duties relating to the conducting of the election, the counting of votes, and any other election procedures to the extent that those duties are for the conduct of an election of governing board members for any school district whose territory lies within both the County of Los Angeles and Orange County, pursuant to the consolidation of that election with a primary, municipal, or general election under Sections 1302 and 10404.5.

10405.7. (a) The resolution of the community college district governing board 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 for the governing board members of the community college district.

(b) The final date for the submission of the resolution by the community college district governing board to the board of supervisors is not subject to waiver.

(c) The board of supervisors shall notify all community college districts located in the county of the receipts 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 each 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 community college district.

(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. As used in this subdivision, "12 months" means the period from the election day prescribed in Section 5000 of the Education Code to the first Tuesday after the first Monday in the 12th month subsequent to that day, inclusive.

(g) If, pursuant to subdivision (b) of Section 1302, a district governing board member election is held on the same day as a statewide general election, those district governing board members whose four-year terms of office would have, prior to the adoption of the resolution, expired prior to that election shall, instead, continue in their offices until successors are elected and qualified.

10405.8. In a community college district that includes the trustee areas authorized to be established pursuant to the third paragraph of Section 72023 of the Education Code, the consolidation of the election of trustees on the same date as the statewide general election pursuant to Section 10405.7 may be approved by any county or counties for the trustee areas located entirely within that county or counties. The approval of any county or counties in which the other trustee areas are located shall not be required. Elections resulting from changes in election dates pursuant to this section shall be deemed to meet the requirement of staggered terms set forth in Section 72023 of the Education Code.

10406. Notwithstanding any other provision of law, if a statewide special election is called less than 88 days prior to the date of that election, a district, city, or other political subdivision may call for a special local election for the submission of any question, proposition, or office to be filled, to be consolidated with the statewide special election if the call is issued within four days from the date of issuance of the Governor's proclamation or the effective date of a statute calling for a statewide special election.

10407. (a) Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than 5 p.m. on the 88th day prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours.

(b) Notwithstanding subdivision (a), if nomination documents for an incumbent officer of a political subdivision are not filed by 5 p.m. on the 88th day before the election, any person other than the person who was the incumbent on the 88th day shall have until 5 p.m. on the 83rd day before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected.

10408. When the county precinct boundaries at a consolidated election called by the board of supervisors of the county in which the city, district or other political subdivision is located do not coincide with the boundaries of the city, district or other political subdivision, the board of supervisors may by order, and for the purpose of the election only, reprecinct the territory in which the boundaries do not coincide, at any time prior to 30 days before the

Registrar of Voters
Estimated Election Cost
November 2011 UDEL

	<u>Total Cost/ Ballot Type</u>	<u>Foothill De Anza</u>	<u>Palo Alto Unified</u>	<u>City of Palo Alto</u>
No. of Registered Voters		207,000	46,000	40,000
Scenario A - All 3 participate				
Ballot Type #1	\$ 300,000	\$ 100,000	\$ 100,000	\$ 100,000
Ballot Type #2	\$ 51,000	\$ 25,500	\$ 25,500	
Ballot Type #3	\$ 563,500	\$ 563,500		
Total Election Cost		<u>\$ 689,000</u>	<u>\$ 125,500</u>	<u>\$ 100,000</u>
Scenario B - w/out City of Palo Alto				
Ballot Type #1	\$ 300,000	\$ 150,000	\$ 150,000	
Ballot Type #2	\$ 51,000	\$ 25,500	\$ 25,500	
Ballot Type #3	\$ 563,500	\$ 563,500		
Total Election Cost		<u>\$ 739,000</u>	<u>\$ 175,500</u>	<u>\$ -</u>
Estimated Election Cost Increase		<u><u>\$ 50,000</u></u>	<u><u>\$ 50,000</u></u>	

Note: In a UDEL Election, the voters of the City of Palo Alto (40,000) are also in the pool of voters for the Foothill De Anza College and the Palo Alto Unified. Therefore, the three jurisdictions would normally share in the cost of a ballot type. Should the City of Palo Alto decide to move its election to an even-numbered year, the remaining jurisdictions will have to share the election cost that normally would be borne by the City of Palo Alto. As shown in the spreadsheet above, the two remaining schools' election cost would each increase by \$50,000.

Districts Within District Boundary

<u>Entity</u>	<u>Odd</u>	<u>Even</u>
City of Cupertino	x	
City of Los Altos		X
City of Mountain View		X
City of Palo Alto	X	
City of San Jose		X
City of Santa Clara		X
City of Saratoga		X
City of Sunnyvale	X	
San Jose – Council District 1		X
Town of Los Altos Hills		X
<u>School Districts</u>		
Cupertino Union School District	X	
Los Altos Elementary	X	
Mountain View Whisman School District		X
Saratoga Union School District		X
Sunnyvale School District	X	
Palo Alto Unified School District	X	
Fremont Union HS District		X
Los Gatos-Saratoga Joint Union HS District		X
Mountain View-Los Altos Union HS District		X