



City of San Gabriel
MEMORANDUM

DATE: November 7, 2017

TO: City Council

FROM: Keith Lemieux, City Attorney
Marilyn Bonus, Assistant City Clerk

SUBJECT: **SB415 CHANGING THE DATE OF THE CITY'S MUNICIPAL ELECTION**

Executive Summary

The following memo provides an update on California Senate Bill 415. Staff requests direction as to the timing by which the City will transition City Council elections to the statewide general election cycle as required by SB 415. Based on this direction, staff will prepare an ordinance for introduction outlining the City's plan for consolidating the City's municipal elections with the statewide general election cycle.

Summary of Law

On September 1, 2015, Governor Jerry Brown signed Senate Bill 415 (SB 415) (Attachment) which requires local entities to move their election cycles to coincide with state elections. SB 415 prohibits the City of San Gabriel ("City"), from holding an election on any date other than a statewide election date if doing so has resulted in local election turnout that is at least twenty-five percent (25%) below the average turnout in the last four statewide general elections.

The City currently conducts its elections on the first Tuesday after the first Monday in March of each odd numbered year. The City conducts general elections for five members (staggered terms) which each member of the Council serving a term of four years. The most recent election was held on March 7, 2017 (Three Seats). Currently the next election would be held on March 5, 2019 (Two Seats).

The Clerk's office has determined that no odd year local election turnout for the City has been within 25% of the statewide average. Therefore, the City must implement changes to coordinate its election cycle with the statewide even-year cycle.

At the time that SB 415 was signed, the law required that the presidential primary be held on the first Tuesday after the first Monday in June in any year that is evenly divisible by

the number 4, and required that the presidential primary be consolidated with the statewide direct primary held in that year. On September 27, 2017, this was changed by SB 568 which changed the date of the statewide direct primary and the presidential primary to the first Tuesday after the first Monday in March.

Cities have discretion on when to consolidate. Section 14052(b) of the Elections Code, which was enacted as part of SB 415, states: 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. In other words, the City could implement SB 415 by moving to even year elections in 2018, 2020, or 2022. If SB 415 is not implemented by holding a local election in 2018, the City must instead adopt a plan by January 1, 2018 to transition to consolidated elections no later than 2022.

To accommodate the statewide election dates, cities must increase or decrease the terms of office depending on their existing election schedule. Elections Code Section 10403.5(b) limits increases or decreases to terms of office to no more than twelve (12) months. "Twelve (12) months" is further defined as: "the period between the day upon which the term of office would otherwise have commenced and the first Tuesday after the second Monday in the 12th month before or after that day, inclusive." Whether the increase or decrease of terms occurs depends upon which of the general statewide election dates the City chooses to join.

The City has three main options for compliance: (1) the City could move elections currently scheduled for March of odd-numbered years back by four months, so that they are held in the proceeding November; (2) the City could move its elections back by twelve months so that they are held in March of the prior year; or (3) the City could move its elections forward by twelve months so that they are held in March of the subsequent year. In addition, all three of these options could be implemented starting in 2018, 2020, or 2022.

For ease of discussion we have presented these choices as seven options:

March Options

The following options assume that the City consolidates its municipal elections with statewide primaries held in March of even-numbered years. Since March elections fall exactly 12 months before or after the City's current election cycle, the City has a choice of either reducing Councilmember terms or increasing Councilmember terms by 12 months. This would also continue for two election cycles.

Option 1. Beginning March 2020, synchronize with statewide elections in March of each even-numbered year, increasing City Officeholder terms of office by 12 months.

	Beginning of Term	End of Regular Term	New End of Term
Two Councilmembers	3/2015	3/2019	3/2020
Three Councilmembers	3/2017	3/2021	3/2022

Option 2. Beginning March 2022, synchronize with statewide elections in March of each even-numbered year, increasing City Officeholder terms of office by 12 months.

	Beginning of Term	End of Regular Term	New End of Term
Three Councilmembers	3/2017	3/2021	3/2022
Two Councilmembers	3/2019	3/2023	3/2024

Option 3. Beginning March 2020, synchronize with statewide elections in March of each even-numbered year, reducing City Officeholder terms of office by 12 months.

	Beginning of Term	End of Regular Term	New End of Term
Three Councilmembers	3/2017	3/2021	3/2020
Two Councilmembers	3/2019	3/2023	3/2022

Option 4. Beginning March 2022, synchronize with statewide elections in March of each even-numbered year, reducing City Officeholder terms of office by 12 months.

	Beginning of Term	End of Regular Term	New End of Term
Two Councilmembers	3/2019	3/2023	3/2022
Three Councilmembers	3/2021	3/2025	3/2024

November Options

The following options assume that the City Council approves a November consolidation plan by rescheduling elections from March of odd numbered years to November of the preceding even numbered years. Under this option, those elected in March would have their terms reduced by four months, resulting in a three year, eight-month term. This would continue for two election cycles.

Option 5. Beginning November 2018, synchronize with statewide elections in November of each even-numbered year, reducing Officeholder terms of office by 4 months.

	Beginning of Term	End of Regular Term	New End of Term
Two Councilmembers	3/2015	3/2019	11/2018
Three Councilmembers	3/2017	3/2021	11/2020

Option 6. Beginning November 2020, synchronize with statewide elections in November of each even-numbered year, reducing Officeholder terms of office by 4 months.

	Beginning of Term	End of Regular Term	New End of Term
Three Councilmembers	3/2017	3/2021	11/2020
Two Councilmembers	3/2019	3/2023	11/2022

Option 7. Beginning November 2022, synchronize with statewide elections in November of each even-numbered year, reducing Officeholder terms of office by 4 months.

	Beginning of Term	End of Regular Term	New End of Term
Two Councilmembers	3/2019	3/2023	11/2022
Three Councilmembers	3/2021	3/2025	11/2024

Recommendation

Staff respectfully recommends the City Council provide direction to staff concerning the option desired for a statewide election consolidation date. Based on the direction provided, staff will bring back a draft ordinance for City Council consideration at the November 21, 2017 regular meeting.

STATEWIDE GENERAL ELECTION DATA (Presidential)				
Election Date	Registered Voters	Ballots Cast	Percentage (Voter Turnout)	Average City Turnout (%) over Last Four State Elections
Tuesday, November 04, 2008	14565	11281	77%	
Tuesday, November 02, 2010	15391	7730	50%	
Tuesday, November 06, 2012	15927	10263	64%	
Tuesday, November 04, 2014	16459	4732	29%	
<i>(Ballots/Registered=Voter Turnout)</i>			<i>Subtotal = %</i>	55%
LAST GENERAL MUNICIPAL ELECTION (STAND ALONE)				
Tuesday, March 03, 2015	16410	2676	16% <i>(9% below necessary threshold)</i>	
LAST GENERAL MUNICIPAL ELECTION (CONSOLIDATED)				
Tuesday, March 07, 2017	16688	4071	24% <i>(1% below necessary threshold)</i>	