

# County of Santa Clara Registrar of Voters




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CE03 011309

Reviewed by: Kathy Maniaci  
Principal Executive Advisor to the  
County Executive

DATE: January 13, 2009

TO: Board of Supervisors

FROM: 

Jesse Durazo  
Registrar of Voters

SUBJECT: Election Date Change for City of Gilroy

## **RECOMMENDED ACTION**

Adopt Resolution by the Board of Supervisors approving changing the date of the General Municipal Election of the City of Gilroy from odd-numbered years to even-numbered years. (Roll Call Vote)

## **FISCAL IMPLICATIONS**

There is no fiscal impact associated with this action. Revenues for the Registrar of Voters (ROV) would decrease for odd-year elections but would increase for even-year elections. The ROV estimates that a one-time cost of approximately \$15,600 to process the change would be billed to the City of Gilroy.

## **REASONS FOR RECOMMENDATION**

On August 7, 2008, the County of Santa Clara received a request by Ordinance from the City of Gilroy (Attachment B), requesting that the date for its General Municipal Election be changed from odd-numbered years to even-numbered years.

California Elections Code Sections 1301 and 10403.5 allow cities to request consolidation of their election with the Statewide General Election. In accordance with these laws, the ROV has reviewed the cost-effectiveness of the proposed change and determined it would not cause the ballot style, computer capacity, or voter equipment to be exceeded. Please refer to ROV's impact analysis (Attachment B). It has been estimated that if the City of Gilroy has sufficient nominees to go into the November 2009 Election, its share of the election costs would be approximately \$148,000 – \$184,000. The same contest in the November 2010 would cost approximately \$89,000.

Many jurisdictions in Santa Clara County participate in even-numbered year statewide elections. By doing so, multiple jurisdictions (federal, state, county, city, school and special districts) share the cost of elections. The portion attributable to federal, state, and county governments, amounting to approximately 70% of the total cost of an even-numbered year election, is absorbed by the County. Thus, the amount chargeable to each local jurisdiction is considerably lower in an even-numbered year election than in an odd-numbered year election. For a city the size of Gilroy, moving to an even-numbered year election would have minimal impact on the ROV. Any additional costs would be borne by the City of Gilroy, as with other jurisdictions.

The Elections Code requires the Board of Supervisors to approve or deny a consolidation request such as this one.

## **BACKGROUND**

California Election Code Section 1301(b) states that "a city council may enact an ordinance, requiring its general municipal election to be held on the day as the statewide direct primary election, the day of the statewide general election, on the day of school district elections as set forth in Section 1302, the first Tuesday after the first Monday of March in each odd-number years, or the second Tuesday of April in each year. Any ordinance adopted pursuant to this subdivision shall become operative upon approval by the board of supervisors."

California Election Code Section 10403.5(a) (1) states that "any city ordinance requiring its general municipal election to be held on a day specified in subdivision (b) of Section 1301 shall be approved by the Board of Supervisors unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled. Prior to adoption of a resolution to either approve or deny a consolidation request, the board or boards of supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action."

City Council members whose terms of office would have expired before 2010 shall continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31, 2010.

City Council members whose terms of office would have expired before 2012 shall continue in their offices until their successors are elected and qualified, but in no event shall the term be extended beyond December 31, 2012.

## **CONSEQUENCES OF NEGATIVE ACTION**

The City of Gilroy would not be able to change its elections from odd-numbered years to even-numbered years.

## **STEPS FOLLOWING APPROVAL**

The Clerk of the Board will notify Kathy Viana, Executive Assistant to the Registrar of Voters, upon approval by the Board of Supervisors of the Ordinance by the City of Gilroy.

In accordance with Elections Code Section 10403.5(e), “Within 20 days after the ordinance become operative, the city elections official shall cause a notice to be mailed to all registered voters informing the voters of the change in the election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected city officeholders will be changed.”

## **ATTACHMENTS**

- Resolution by Santa Clara County Board of Supervisors
- Attachment A - City of Gilroy Ordinance No. 2008-09
- Attachment B - Impact Analysis/Cost Effectiveness Report