SANTA CRUZ COUNTY

BOARD OF SUPERVISORS INDEX SHEET

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Item: 18. ADOPTED RESOLUTION **NO.** 91-2003 opposing Senate Bill 430 (Johnson) and Assembly Bill 1531 (Longville) which would establish a second statewide primary and approved related actions, as recommended by the County Clerk

County of Santa Cruz

Res 91-2003

ELECTIONS DEPARTMENT
701 OCEAN STREET, ROOM 210, SANTA CRUZ, CA 95060-4076
(831) 454-2060 FAX: (831) 454-2445 TDD: (831) 454-2123
E-MAIL: gail.pellerin@co.santa-cruz.ca.us Web Site: www.votescount.com

RICHARD W. BEDAL, COUNTY CLERK
GAIL L. PELLERIN, ELECTIONS MANAGER

APPROVED AND FILED
BOARD OF SUPERVISORS
DATE: 4/29/03
COUNTY OF SANTA CRUZ
SUSAN A. MAURIELLO
EX-OFFICIO CLERK OF THE BOARD
BY Alicia Murillo DEPUTY

April 23, 2003

Agenda: April 29, 2003

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street, 5th Floor
Santa Cruz, CA 95060

RE: Resolution to Oppose SB 430 (Johnson) and AB 1531 (Longville) – to Establish a Second Statewide Primary Election

Dear Members of the Board:

Senator Ross Johnson and Assemblymember John Longville have both authored bills this legislative session to establish a second primary election in 2004 for all offices except president.

Johnson's measure SB 430 would continue the March Presidential Primary, and, in addition, establish a September statewide primary followed by the November General election. Longville's measure, AB 1531, would create a second primary in June rather than September, as well as continue the March Presidential Primary Election.

I understand the desire for legislators to move their primary election closer to the November run-off; however, it is not economically prudent to conduct three statewide elections (two primaries and one general) in a single year. The statewide cost of conducting a second primary is estimated at $60 million. Moreover, the election administration duties to conduct three statewide elections in one year would overlap thereby adversely impacting the services we provide voters and increase the chances of error.

My opposition, which is shared by the California Association of Clerks and Election Officials and the California State Association of Counties, is based on the following:

- It is unlikely a second primary election for federal, state, local, and central committee offices would produce any greater turnout than continuing to consolidate these contests with the March Presidential Primary Election;

- The combination of high cost and low voter turnout in the second primary has resulted in seven states introducing legislation this year to eliminate one of their primary election dates;
- The challenges we currently have in recruiting a sufficient number of capable poll workers and staffing bilingual polling places will exponentially increase with the additional task of staffing a second primary;
- The time between certifying results from a September Primary and the date necessary to send November ballot materials to our printer is just a matter of days, which leaves little time for ensuring the accuracy of voter materials and insufficient time to conduct a recount should one be requested;
- Candidate filing for the November General would occur on the same days as some of our most critical preparation tasks for the September Primary, such as training poll workers, issuing ballots, and processing absentees.

I have attached a listing of actions taken by other California counties on these bills, as well as copies of the bills.

It is therefore RECOMMENDED that your Board approve the attached resolution opposing SB 430 (Johnson) and AB 1531 (Longville) and request that the Clerk of the Board distribute the resolution to our legislative representatives.

Sincerely,

Richard W. Bedal
County Clerk

cc: County Counsel
CAO
CACEO
CSAC
Senator Bruce McPherson
Senator Byron Sher
Assemblymember John Laird
Assemblymember Simon Salinas
Senator Ross Johnson
Assemblymember John Longville

RECOMMENDED:

Susan A. Mauriello
County Administrative Officer

Attachments

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. 91-2003

On motion of Supervisor Wormhoudt
duly seconded by Supervisor Campos
the following resolution was adopted.

RESOLUTION OPPOSING SB 430 (JOHNSON) AND AB 1531 (LONGVILLE)

WHEREAS, existing law establishes the "direct primary" on the first Tuesday in March in each even-numbered year to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee; and

WHEREAS, existing law provides for established election dates including the first Tuesday in March in each even-numbered year;

WHEREAS, Senator Ross Johnson has introduced SB 430 to change the date of the "direct primary" to the first Tuesday after the first Monday in September in each even-numbered year'; and

WHEREAS, Assemblymember John Longville has introduced AB 1531 to change the date of the "direct primary" to the first Tuesday after the first Monday in June in each even-numbered year; and

WHEREAS, enactment of these bills would require county elections officials to conduct an additional statewide primary, at a statewide cost of $60 million; and

WHEREAS, the time between certifying results from a September Primary and the date necessary to send November ballot materials to the ballot printer is insufficient and there would be no time to conduct a recount should one be requested; and

WHEREAS, it is unlikely a second primary election for federal, state, local, and central committee offices would produce any greater turnout than continuing to consolidate these contests with the March Presidential Primary; and

WHEREAS, the combination of high cost and low voter turnout in the second primary has resulted in seven states introducing legislation this year to eliminate one of their primary election dates;

WHEREAS, the challenges elections officials currently have in recruiting a sufficient number of capable poll workers and staffing bilingual polling places will exponentially increase with the additional task of staffing a second primary; and

WHEREAS, the election administration duties to conduct these three statewide elections in one year would overlap, thereby adversely impacting the services elections officials provide voters and increase the chances of error; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Santa Cruz County opposes SB 430 by Senator Ross Johnson and AB 1531 by Assemblymember John Longville.

PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this 29th day of April, 2003, by the following vote:

AYES: SUPERVISORS Beautz, Wormhoudt, Campos, Almquist and Pirie
NOES: SUPERVISORS None
ABSENT: SUPERVISORS None

ELLEN PIRIE

ELLEN PIRIE, Chairperson
Board of Supervisors

ATTEST: GAIL T. BORKOWSKI
Clerk of the Board

Approved as to form:

John M. Scott

County Counsel

Distribution: Senator Bruce McPherson
Senator Byron Sher
Assemblymember John Laird
Assemblymember Simon Salinas
Senator Ross Johnson
Assemblymember John Longville
County Counsel
CAO
CACEO
CSAC

STATE OF CALIFORNIA)
COUNTY OF SANTA CRUZ) ss

I, SUSAN A. MAURIELLO, County Administrative Officer and ex-officio Clerk of the Board of Supervisors of the County of Santa Cruz, State of California do hereby certify that the foregoing is a true and correct copy of the resolution passed and adopted by and entered in the minutes of the said board. In witness whereof I have hereunto set my hand and affixed the seal of the said Board on 5/7 20 03.

SUSAN A. MAURIELLO, County Administrative Officer

By _____ Deputy

SB 430 (JOHNSON) AND AB 1531 (LONGVILLE)

COUNTY	NAME	TITLE	OPPOSE	BOARD OF SUPERVISORS RESOLUTION
Alameda	Brad Clark	Registrar of Voters	SB 430 only	Requested (5/6)
Alpine				
Amador				
Butte	Candace Grubbs	Clerk-Recorder-Registrar	X	Yes
Calaveras	Karen Varni	Clerk-Recorder-Registrar	X	
Colusa	Kathleen Moran	Registrar of Voters	X	
Contra Costa	Steve Weir	Clerk-Recorder-Registrar	X	Requested (5/6)
Del Norte				
El Dorado				
Fresno	Victor Salazar	Clerk-Registrar	X	Requested (4/29)
Glenn	Vince Minto	Clerk-Registrar	X	
Humboldt				
Imperial	Dolores Provencio	Clerk-Recorder-Registrar	X	
Inyo				
Kern				
Kings				
Lake				
Lassen	Theresa Nagel	Clerk-Recorder-Registrar	X	Requested (4/22)
Los Angeles	Conny McCormack	Clerk-Recorder-Registrar	X	Yes (4/1)
Madera	Rebecca Martinez	Clerk-Recorder-Registrar	X	
Marin	Michael Smith	Clerk-Registrar	X	Requested
Mariposa				
Mendocino	Marsha Wharff	Clerk-Recorder-Registrar	X	
Merced				
Modoc				
Mono				
Monterey				
Napa	John Tuteur	Clerk-Registrar	X	Requested (4/22)
Nevada	Lorraine Jewett-Burdick	Clerk-Recorder-Registrar	X	
Orange				
Placer	Jim McCauley	Clerk-Recorder-Registrar	X	Requested (5/13)
Plumas	Kathleen Williams	Clerk-Recorder-Registrar	X	
Riverside	Mischelle Townsend	Registrar of Voters	X	Yes (4/1)
Sacramento				
San Benito				
San Bernardino	Scott Konopasek	Registrar of Voters	SB 430 only	
San Diego	Sally McPherson	Registrar of Voters	X	Yes (letters sent)
San Francisco				
San Joaquin				
San Luis Obispo	Julie Rodewald	Clerk-Recorder-Registrar	X	Requested
San Mateo				
Santa Barbara	Joseph Holland	Clerk-Recorder-Registrar	X	
Santa Clara				
Santa Cruz	Richard Bedal	Clerk-Recorder-Registrar	X	
Shasta	Ann Reed	Clerk-Registrar	X	Yes
Sierra				
Siskiyou				
Solano	Laura Winslow	Registrar of Voters	X	Requested (4/22)

SB 430 (JOHNSON) AND AB 1531 (LONGVILLE)

COUNTY	NAME	TITLE	OPPOSE	BOARD OF SUPERVISORS RESOLUTION
Sonoma	Eeve Lewis	Clerk-Recorder-Registrar	X	Requested
Stanislaus				
Sutter	Joan Bechtel	Clerk-Recorder-Registrar	X	Requested (4/29)
Tehama	Mary Alice George	Clerk-Registrar	X	Requested (4/29)
Trinity				
Tulare				
Tuolumne	Tim Johnson	Clerk-Registrar	X	
Ventura				
Yolo	Freddie Oakley	Clerk-Recorder-Registrar	X	Requested
Yuba	Terry Hansen	Clerk-Recorder-Registrar	X	Requested (5/6)

Specifically, CSAC is in support of the provision in this bill that would eliminate the requirement that permanent absentee voters who do not vote in a primary election be removed from the permanent absentee voter list. This provision will remove confusion that currently exists among voters and would help to reduce the administrative burden on election officials

This bill is currently scheduled for hearing in the Assembly Elections, Reapportionment and Constitutional Amendments Committee on April 22.

AB 1531 – Oppose

AB 1531, by Assembly Member John Longville, would require election officials to conduct three separate elections in a presidential election year: one in March for the presidential race, one in June for all other primary races and the general election to be held in November. In non-presidential years, the primary would be moved from March to June.

This bill is similar to SB 430 (see Bulletin article below) and SB 1915 from last year. CSAC continues to have significant concerns over the cost implications this bill would have on counties. County elections officials have indicated that this bill could cost $59 million during a presidential year. During a time of significant budget pressures, we do not believe that additional mandates should be passed on to local government. This bill would also increase the complexities of the timelines regarding the March Presidential and the June primary.

The Governor vetoed SB 1975 last year and noted concern from 44 counties in his veto message. We would encourage counties to review this bill and note any concerns and cost implications to both the author and to CSAC.

This bill is currently scheduled for hearing in the Assembly Elections, Reapportionment and Constitutional Amendments Committee on April 22.

SB 348 – Support

SB 348, by Senator Betty Karnette, would provide that a precinct board member must be a voter of the state. This bill would change existing law that currently requires that a precinct board member be a voter of the county in which he or she serves, to allow a precinct board member to be a voter of the state. This change will allow several counties to utilize college students and other temporary workers who reside within their county, but may not necessarily be registered to vote in that county. Therefore, the number of available pollworkers could increase, which would provide needed assistance in the conduction of elections in the state.

This bill is currently scheduled for hearing in the Senate Elections and Reapportionment Committee on April 30.

SB 430 – Oppose

SB 430, by Senator Ross Johnson, would provide for a statewide primary in September in an even-numbered year. This bill would require election officials to conduct three separate elections in a presidential election year: one in March for the presidential race, one in September for all other primary races and the general election to be held in November. In non-presidential years, the primary would be moved from March to September.

As we noted last year during the deliberations on SB 1975, county elections officials have indicated several issues of concern related to the preparation and distribution of sample ballots and other election preparation issues for a September primary. Specifically, there is concern that a September primary would make it very hard to comply with existing requirements for sample ballots. In addition, many counties are installing new voting equipment due to the passage of Proposition 41 and the fact that many counties are required to update their systems by 2006. We also have significant concerns regarding the cost of *this* bill on counties, which as noted in AB 1531, could be $59 million in a presidential election year.

SB 1915, which is similar to SB 430, was vetoed by Governor Davis. In his veto message the Governor stated, "I am very concerned that many local elections officials will face the challenge of installing new election systems in 2004... This is a recipe for mass confusion. I would note that 44 of California's 58 counties oppose this legislation because of the increased chance for error and the significant cost of conducting an additional primary election." We believe that these same arguments against SB 1975 will hold true for SB 430.

This bill is currently scheduled for hearing in the Senate Elections and Reapportionment Committee on April 30. Again, we would encourage counties to review this bill and note any concerns and cost implications to both the author and to CSAC.

Housing, Land Use and Transportation

For more information,contact DeAnn Baker at 916/327-7500, ext. 569, or e-mail dbaker@counties.org.

Housing

AB 668 – Support

AB 668, by Assembly Member Dave Cox, would direct a council of governments or the state Department of Housing and Community Development to revise the regional housing needs allocation number (RHNA) within one year upon the incorporation of a new city or the annexation of land by a city. This bill is sponsored by Sacramento County and would help Sacramento County and other counties that are experiencing annexations and new incorporations by providing a fair and equitable process to adjust these numbers under a reasonable time frame.

This bill passed the Assembly Local Government Committee on April 9

AB 980 – Support in Concept

AB 980 is sponsored by the League of California Cities and would establish an alternative to going through the housing element compliance process by the state Department of Housing and Community Development (HCD). This measure would authorize a community that is producing, or has committed to produce, at least 15% of its assigned regional housing needs allocation to adopt and certify its housing element, without sending it to HCD for review. The jurisdiction would also have to make findings, based upon substantial evidence, that its housing element also complies with the key components of housing element law, including the adequate sites requirement and addressing the needs of all income levels.

This legislation proposes to establish an alternative production threshold, which would permit those local governments, which commit to a specified threshold of affordable housing development over the housing element planning cycle, to adopt their housing elements locally and be relieved from the state review process. Jurisdictions that comply with the requirements of this bill would also be eligible for any funding programs administered by HCD.

This bill passed the Assembly Local Government Committee on April 9.

AB 1158 – Support

AB 1158, by Assembly Member Alan Lowenthal, would make several changes to housing element law including revisions to the Regional Housing Needs Assessment (RHNA) process, which CSAC supports.

Specifically, this bill would provide local governments with greater certainty regarding the RHNA numbers and provide for a more balanced approach for appeal. In addition, this bill provides that a Council of Governments (COGs) must include factors to develop the methodology for the RHNA, which include jobs/housing balance, state and federal lands unavailabie for development, agreements between cities and counties to direct growth towards incorporated areas of the county, and county policies to preserve agricultural land. We believe that this provision would help to alleviate some of the frustrations and concerns under the existing housing element compliance process by requiring zoning in areas where the housing has the greatest opportunity to occur

CSAC is in strong support of this bill, which passed the Assembly Local Government Committee on April 9

AB 1160 – Oppose Unless Amended

AB 1160, by Assembly Member Darrell Steinberg, would impose numerous restrictions on local second unit ordinances, reduces parking standards up to 50 percent on density bonus projects, and establishes housing as a permitted use on all public school sites,

BILL NUMBER: AB 1531 INTRODUCED
BILL TEXT

INTRODUCED BY Assembly Member Longville

FEBRUARY 21, 2003

An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

LEGISLATIVE COUNSEL'S DIGEST

AB 1531, as introduced, Longville. Statewide primary election.

Existing law requires that the statewide direct primary election be held on the first Tuesday in March in each even-numbered year. It requires that, in any year evenly divisible by the number 4, the statewide direct primary election be consolidated with the presidential primary held on the first Tuesday in March in those years.

This bill would instead require that the statewide direct primary election be held on the first Tuesday after the first Monday in June of each even-numbered year. It would retain the requirement that the presidential primary election be held on the first Tuesday in March in any year evenly divisible by the number 4, but would instead require that the statewide direct primary election not be consolidated with the presidential primary election in those years.

This bill, by adding to the duties of local elections officials, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

SECTION 1. Section 316 of the Elections Code is amended to read:

316. "Direct primary" is the primary election held on the first Tuesday after the first Monday in ~~March~~ June in each even-numbered year, to nominate candidates to be voted for at the ensuing general election or to elect members of a party central committee.

SEC. 2. Section 1000 of the Elections Code is amended to read:

1000. 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 in March in ~~each even-numbered year~~ *in any year that is evenly divisible by the number 4*

(d) The first Tuesday after the first Monday in June of each ~~odd-numbered~~ year.

(e) The first Tuesday after the first Monday in November of each year.

SEC. 3. Section 1001 of the Elections Code is amended to read:

1001. Elections held in ~~March~~ *June* and November of each even-numbered year are statewide elections and these dates are statewide election dates.

SEC. 4. Section 1201 of the Elections Code is amended to read:

1201. ~~(a)~~ The statewide direct primary shall be held on the first Tuesday *after the first Monday* in ~~March~~ *June* of each even-numbered year.

~~(b) Notwithstanding subdivision (a), in any year which is evenly divisible by the number four, the statewide direct primary shall be held on the first Tuesday in March and shall be consolidated with the presidential primary held in that year.~~

SEC. 5. Section 1202 of the Elections Code is amended to read:

1202. The presidential primary shall be held on the first Tuesday in March in any year evenly divisible by the number four *and may not be consolidated with the statewide direct primary held in that year*.

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

BILL NUMBER: SB 430 INTRODUCED
BILL TEXT

INTRODUCED BY Senators Johnson, Ackerman, Alpert, Brulte, Knight, Margett, McClintock, Oller, Poochigian, Speier, Vasconcellos, and Vincent
(Coauthors: Assembly Members Bates, Campbell, Haynes, McCarthy, and Pacheco)

FEBRUARY 20, 2003

An act to amend Sections 316, 1000, 1001, 1201, and 1202 of the Elections Code, relating to statewide primary elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 430, as introduced, Johnson. Statewide primary election.

Existing law requires that the statewide direct primary election be held on the first Tuesday in March in each even-numbered year. It requires that, in any year evenly divisible by the number 4, the statewide direct primary election be consolidated with the presidential primary held on the first Tuesday in March in those years.

This bill would instead require that the statewide direct primary election be held on the first Tuesday after the 1st Monday in September of each even-numbered year. It would retain the requirement that the presidential primary election be held on the first Tuesday in March in any year evenly divisible by the number 4, but would instead require that the statewide direct primary election not be consolidated with the presidential primary election in those years.

This bill, by requiring a higher level of service by local elections officials between the September statewide primary election and the ensuing November statewide general election, would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed $1,000,000 statewide and other procedures for claims whose statewide costs exceed $1,000,000.

This bill would provide that, if the Commission on State Mandates., determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

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

SECTION 1. Section 316 of the Elections Code is amended to read:

316. "Direct primary" is the primary election held on the first Tuesday *after the first Monday* in ~~March~~ *September* in each even-numbered year, to nominate

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candidates to be voted for at the ensuing general election or to elect members of a party central committee.

SEC. 2. Section 1000 of the Elections Code is amended to read:

1000. 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 in March in ~~each even-numbered year~~ *any year which is evenly divisible by the number 4*

(d) The first Tuesday after the first Monday in June of each odd-numbered year.

(e) *The first Tuesday after the first Monday in September in each even-numbered year.*

(f) The first Tuesday after the first Monday in November of each year.

SEC. 3. Section 1001 of the Elections Code is amended to read:

1001. Elections held in March *in any year evenly divisible by the number four, and in September* and November of each even-numbered year , are statewide elections and these dates are statewide election dates.

SEC. 4. Section 1201 of the Elections Code is amended to read:

1201. ~~(a)~~ The statewide direct primary shall be held on the first Tuesday *after the first Monday* in ~~March~~ *September* of each even-numbered year.

~~(b) Notwithstanding subdivision (a), in any year which is evenly divisible by the number four, the statewide direct primary shall be held on the first Tuesday in March and shall be consolidated with the presidential primary held in that year.~~

SEC. 5. Section 1202 of the Elections Code is amended to read:

1202. The presidential primary shall be held on the first Tuesday in March in any year evenly divisible by the number four *and may not be consolidated with the statewide direct primary held in that year* .

SEC. 6. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars ($1,000,000), reimbursement shall be made from the State Mandates Claims Fund.