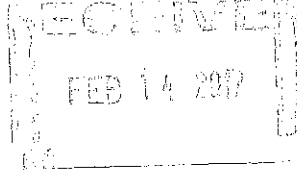




**OFFICE OF COUNTY CLERK / RECORDER
REGISTRAR OF VOTERS
ELECTIONS DIVISION**

LEE LUNDRIGAN
**County Clerk / Recorder / Registrar of Voters &
Commissioner of Civil Marriage**

Elections: 1021 "I" Street, Suite 101, Modesto, CA 95354
Telephone: 209.525.5200
Facsimile: 209.525.5802



February 13, 2017

Sylvan Union School District
Attn: Superintendent Debra Hendricks
605 Sylvan Ave
Modesto, CA 95350

RE: Stanislaus County District Voter Turnout Results
Impact of Election Code (EC) § 14050-14057 on UDEL / Odd Year Elections

In an attempt to bundle all California elections with statewide Presidential and Gubernatorial elections conducted during even years, the legislature passed Senate Bill 415. It will require districts, known as "political subdivisions", to meet a threshold of voter participation in order to continue holding odd year elections without penalty.

Existing law establishes certain even year dates for statewide elections and requires any state, county, municipal, district and school district election held on a statewide election date to be consolidated with the statewide election.

Assembly Bill 415 would prohibit a political subdivision from holding an election other than on a statewide election date if holding an election on a non-statewide election date has *previously* resulted in a significant decrease in voter turnout. A "significant decrease in voter turnout" is defined as 25% less than the average voter turnout within that political subdivision for the previous four statewide general elections.

Your district is regularly scheduled to hold elections during the Uniform District Election Law (UDEL) which is conducted in November of each odd year and could be impacted by this new legislation.

In preparation to determine if your district meets the voter participation criteria which commences Jan. 1, 2018 the Registrar of Voters (ROV) has conducted a review of your district's election history and voter participation percentage for odd year election results from the 2015 and 2013 UDEL elections with the previous four statewide general elections. Your district will not be charged for this service.

EC 324(a)(2) defines a "general election" as: "Any statewide election held on a regular election date..."

A primary election under law is considered a "general election" and has been used for calculation purposes.

The odd /statewide general election comparison review includes:

<u>Odd Year</u>	<u>Statewide General Year</u>
November UDEL 2015 ~	November General 2014
	June Primary 2014
	November General 2012
	June Primary 2012

<u>Odd Year</u>	<u>Statewide General Year</u>
November UDEL 2013 ~	November General 2012
	June Primary 2012
	November General 2010
	June Primary 2010

This letter and accompanying material is intended to provide general information about SB 415 codified under EC § 14050-14057 and does not have the force and effect of law, regulation or rule. This information is distributed with the understanding that the Stanislaus County Registrar of Voters is not rendering legal advice. Your district is urged to review all aspects of EC § 14050-14057 and attachments to this letter with your counsel.

New law EC § 14056 does not affect your ability to schedule and hold a special election during any established election date pursuant to EC § 1000 or § 1500.

If after receiving these calculations from our office it is determined your district is included with those that must change to even year elections, EC § 14052 allows "political subdivisions" to continue to hold UDEL elections after 2018 if they have adopted a plan to consolidate with the statewide election schedule by 2022.

Should your district decide to eventually move from the UDEL to the Statewide General year please read EC § 10404 (special districts) and 10404.5 (schools). These codes specify a resolution by your governing board which moves your election to the same day as the statewide general election must be submitted, scheduled and heard by the Stanislaus Board of Supervisors no later than 240 days prior to the date of the currently scheduled district election.

The currently scheduled 2017 UDEL will be conducted Tues. November 7th. Sunday, March 12th is 240 days prior to the currently scheduled UDEL election date. This date is not subject to waiver.

We will endeavor to continue to support your election needs. If you have any questions, my direct line is 209-525-5211.

Sincerely,



Lee Lundrigan
Stanislaus County Clerk / Recorder / Registrar of Voters

Enclosure

Election Code § 14050-14057

District specific odd /statewide general election comparison review

Stanislaus County Registrar of Voters
California Voter Participation Rights Act / Voter Participation Calculations

2013 UDEL Comparison
Four Statewide Election Average for Even Years 2012 & 2010

District	2013 Nov UDEL Voter Turnout	2012 Nov General Voter Turnout	2012 June Primary Voter Turnout	2010 Nov General Voter Turnout	2010 June Primary Voter Turnout	Four Statewide Election AVERAGE Voter Turnout	Voter Turnout Percentage Difference
Sylvan Union	0%	72%	34%	57%	35%	50%	-
Sylvan Union Trustee Area 1							
Sylvan Union Trustee Area 4							

2015 UDEL Comparison
Four Statewide Election Average for Even Years 2014 & 2012

District	2015 Nov UDEL Voter Turnout	2014 Nov General Voter Turnout	2014 June Primary Voter Turnout	2012 Nov General Voter Turnout	2012 June Primary Voter Turnout	Four Statewide Election AVERAGE Voter Turnout	Voter Turnout Percentage Difference
Sylvan Union							
Sylvan Union Trustee Area 1	0%	43%	27%	75%	34%	45%	-
Sylvan Union Trustee Area 4	0%	40%	26%	67%	30%	41%	-

0% indicates the district was scheduled for election but had no contest and did not appear on the ballot

Shaded area indicates the district was not scheduled for election

Districts with over 25% difference in voter turnout are subject to SB 415 requirements

CHAPTER 1.7. Voter Participation

14050. Chapter name.

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

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14051. Definitions.

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.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14052. Political subdivision elections to be held on statewide election date.

(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.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14053. Penalties for violation.

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.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14054. Attorney's fee.

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.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14055. Voter may file action.

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.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14056. Application of chapter.

This chapter does not apply to special elections.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Section operative January 1, 2018, pursuant to Section 14057.)

14057. Operative date of chapter.

This chapter shall become operative on January 1, 2018.

(Added by Stats. 2015, Ch. 235, Sec. 1. Effective January 1, 2016. Note: This section postpones, until January 1, 2018, the operation of Chapter 1.7, commencing with Section 14050.)