TO: Town Council

FROM: Carla Kacmar, Town Clerk

SUBJECT: ADOPTION OF AN ORDINANCE MOVING THE DATE OF THE TOWN’S GENERAL MUNICIPAL ELECTION TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EVEN-NUMBERED YEARS

RECOMMENDATION

That Council adopt and waive further reading of an ordinance, moving the date of the Town’s General Municipal Election from the first Tuesday after the first Monday in November of odd-numbered years to the first Tuesday after the first Monday in November of even-numbered years, beginning in November 2020.

BACKGROUND

On October 25, 2016, the Town Council received a report regarding Senate Bill No. 415 (SB 415), the California Voter Participation Rights Act (California Elections Code Sections 14050-14057) that was signed by Governor Jerry Brown on September 1, 2015, and affects the Town’s election dates.

SB 415 prohibits a local government from holding an election other than on a statewide election date if holding an election on a non-concurrent date (ie, election date other than November of even numbered years), has previously resulted in significant decrease in voter turnout. A “significant decrease in voter turnout” is defined as voter turnout for a regularly scheduled election that is at least twenty-five percent (25%) less than the average voter turnout within that city for the previous four (4) statewide general elections.

Given that the Town has experienced a significant decrease in voter turnout on non-concurrent election dates, the Town Council was provided with options to comply with the provisions of SB 415. The Town Council directed staff to bring back an ordinance that moved the General Municipal elections to November of even-numbered years, with terms of office being increased for candidates being voted on.

On January 24, 2016, the Town Council reviewed a proposed ordinance that would change the date of municipal elections to November of even-numbered years beginning in November 2022 and phased in the shift by electing Council members in 2017 and 2019 to

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1 This law does not apply to special elections. (Cal. Elec. Code § 14056)
2 The staff report from October 25, 2016 details the relevant voting history for the Town.
serve 5-year terms. Beginning in November, 2022, the Town of San Anselmo’s general municipal elections would have taken place in even-numbered years and officeholders would return to serving 4 year terms.

However, the Council requested staff bring back an ordinance that would implement the change to November of even-numbered years more quickly.

Accordingly, at the February 28, 2017 Council meeting, the Council introduced an ordinance that would change the date of municipal elections to November of even-numbered years beginning in November 2020 and phase in the shift by electing Council members in 2017 and 2019 to serve 3-year terms. Thus, the November 2017 and November 2019 elections would occur as scheduled, but Council members elected in both contests would serve 3-year terms, expiring in November 2020 and November 2022 respectively. 

Beginning in November, 2020, the Town of San Anselmo’s general municipal elections would take place in even-numbered years and officeholders would return to serving 4-year terms. On February 28, 2017, Council introduced and conducted a first reading of this ordinance.

The proposed ordinance will consolidate the Town’s general municipal election with a statewide general election date beginning in 2020. The ordinance also decreases the terms of candidates elected in the November 2017 and November 2019 elections by no more than 12 months, as permitted by California Elections Code Section 1043.5(b). Finally, the ordinance repeals Ordinance No. 944, which established a general municipal election date on the first Tuesday after the first Monday in November of each odd-numbered year.

After the Council adopts the ordinance the Board of Supervisors of the County of Marin must pass the attached resolution 4190 approving the Town’s change in election date. Within thirty (30) days after the Board of Supervisors’ approval, the Town Clerk will send out a notice to all registered voters in the Town informing them of the change in the general municipal election date and the decrease of the candidate’s terms affected by the ordinance (Election Code Section 10403.5 (e)).

CONCLUSION

At this time, staff is requesting that the Town Council adopt and waive further reading of the attached proposed ordinance.

Respectfully submitted,

Carla Kacmar
Town Clerk

Attachment No. 1 Resolution No. 4190
Attachment No. 2 Draft Ordinance Changing Election Date
RESOLUTION NO. 4190

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO SEEKING APPROVAL FROM THE MARIN COUNTY BOARD OF SUPERVISORS FOR THE CHANGE TO THE TOWN'S GENERAL MUNICIPAL ELECTIONS FROM NOVEMBER IN ODD-NUMBERED YEARS TO NOVEMBER IN EVEN-NUMBERED YEARS AND REQUESTING THAT THE MARIN COUNTY BOARD OF SUPERVISORS AUTHORIZE CONSOLIDATION WITH THE NOVEMBER ELECTION DURING EVEN-NUMBERED YEARS BEGINNING IN 2020

WHEREAS, Sections 1301(b) and 10403.5 of the Elections Code permit the Town of San Anselmo to change its election day with the approval of the Marin County Board of Supervisors; and

WHEREAS, it is the intent and desire of the Town of San Anselmo Town Council to increase voter turnout with the efficient and effective use of government resources; and

WHEREAS, the Town has experienced a significant decrease in voter turnout in elections held in November of odd-numbered years when compared with voter turnout for elections held in November of even-numbered years; and

WHEREAS, in the interest of achieving and stimulating greater voter participation, the Town Council supports changing the General Municipal Elections to November of even-numbered years;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Town Council of the Town of San Anselmo has adopted Ordinance No. _______ to move the Town's General Municipal Elections date to November of even-numbered years, as follows:

Section 1: Date of the General Municipal Elections. Beginning with the November 2020 election, pursuant to Elections Code sections 1000(d), 1301(b), and 10403.5, General Municipal Elections shall be held on the first Tuesday after the first Monday in November of even-numbered years.

Section 2: Effect on elected Town Council members. The terms of office shall be affected as follows:

a. Those prospective Town Officers elected on November 7, 2017, whose four-year terms of office would have, prior to the adoption of this resolution, expired in November 2021, shall instead remain in office until the certification of the November 2020 election results.

b. Those prospective Town Officers elected on November 5, 2019, whose four-year terms of office would have, prior to the adoption of this resolution, expired in November 2023, shall instead remain in office until the certification of the November 2022 election results.
c. Beginning in November 2020, Town Council members will be elected for four-year terms. Three Council members elected in 2020 will serve for four years and two Council members elected in 2022 will serve for four years. This staggered election schedule will continue until modified by ordinance.

Section 3: Notice to Voters. Notice to the Voters of Change in Election Date. The Town Clerk shall cause a notice to be mailed to all registered voters of the change in election date and its effect on Town Council member terms.

Section 4: Marin County Board of Supervisors Approval. The Town Clerk is hereby directed to transmit a copy of this Resolution and Ordinance No. ___ to the Clerk of the Board of Supervisors of Marin County, together with the request that the Board approve this Resolution and provide the Town with notice of such approval. This Resolution shall become operative upon such approval pursuant to Sections 1301(b) and 10403.5 of the Elections Code.

BE IT FURTHER RESOLVED that the Town Council of the Town of San Anselmo hereby requests that the Marin County Board of Supervisors approve this Resolution and to consolidate the Town’s General Municipal Elections with elections held during even-numbered years, beginning with the election held in 2020.

I hereby certify that the foregoing resolution was duly passed and adopted at the regular meeting of the San Anselmo Town Council on the 28 day of February, 2017, by the following vote, to wit:

AYES: Coleman, McInerney, Wright, Greene, Brown

NOES: None

ABSENT: None

ABSTAIN: None

[Signature]
Kay Coleman, Mayor

[Signature]
Carla Kacmar, Town Clerk
ORDINANCE NO. ________

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO AMENDING TITLE 2, CHAPTER 9 OF THE TOWN OF SAN ANSELMO MUNICIPAL CODE TO CHANGE THE DATE OF GENERAL MUNICIPAL ELECTIONS TO EVEN-NUMBERED YEARS

WHEREAS, pursuant to Town of San Anselmo Municipal Code Title 2, Chapter 9, the Town currently holds general municipal elections in November of odd-numbered years; and

WHEREAS, at its October 25, 2016, meeting, the Town Council considered a report on Senate Bill 415, which prohibits cities from holding an election other than on a statewide election date if holding an election on a non-concurrent date (i.e., election date other than November of even-numbered years) has previously resulting in a significant decrease in voter turnout; and

WHEREAS, the Town has experienced a significant decrease in voter turnout in elections held in November of odd-numbered years when compared with voter turnout for elections held in November of even-numbered years;

WHEREAS, the voter turnout for the Town’s most recent general municipal election was 27.55% less than the average voter turnout for the previous four statewide general elections; and

WHEREAS, the Town Council wishes to increase voter turnout for general municipal elections and to comply with SB 415 by moving the Town’s general municipal elections to November of even-numbered years;

WHEREAS, pursuant to Elections Code section 10403.5(b), the Town is permitted to decrease the terms of Town Council members by no more than 12 months to accomplish the change in election dates;

NOW THEREFORE, the Town Council of the Town of San Anselmo does hereby ordain as follows:

Section 1.

Section 2-9.01 of the San Anselmo Municipal Code is hereby repealed in full and replaced with the following:

2-9.01 Municipal elections.

A. Date of the General Municipal Elections. Beginning with the November 2020 election, pursuant to Elections Code sections 1000(d), 1301(b), and 10403.5, General Municipal
Elections shall be held on the first Tuesday after the first Monday in November of even-numbered years.

B. Applicability of California Elections Code. When a municipal election is held in the Town of San Anselmo, and the election is consolidated with another election, the provisions contained in Part 3 (commencing with Section 10400), Division 10 of the California Elections Code shall govern the consolidation, and, if the County Clerk is requested to conduct the General Municipal Election, Section 10403 of the California Elections Code shall apply to that election.

C. Effect on elected Town Council members. Following the operative date of this ordinance, terms of office shall be affected as follows:
   a. Those prospective Town Officers elected on November 7, 2017, whose four-year terms of office would have, prior to the adoption of this ordinance, expired in November 2021, shall instead remain in office until the certification of the November 2020 election results.
   b. Those prospective Town Officers elected on November 5, 2019, whose four-year terms of office would have, prior to the adoption of this ordinance, expired in November 2023, shall instead remain in office until the certification of the November 2022 election results.
   c. Beginning in November 2020, Town Council members will be elected for four-year terms. Three Council members elected in 2020 will serve for four years and two Council members elected in 2022 will serve for four years. This staggered election schedule will continue until modified by ordinance.

Section 2: Severability. The Town Council hereby declares that it would have passed this ordinance sentence by sentence, paragraph by paragraph, and section by section, and does hereby declare that the provisions of this ordinance are severable; and if for any reason any sentence, paragraph, or section of the ordinance shall be held invalid or unenforceable, such decision shall not affect the validity of the remaining parts of this ordinance.

Section 3: Marin County Board of Supervisors Approval. The Town Clerk is hereby directed to transmit a copy of this Ordinance to the Clerk of the Board of Supervisors of Marin County, together with the request that the Board approve this Ordinance and provide the Town with notice of such approval. This Ordinance shall become operative upon such approval.

Section 4: Effective Date. This ordinance shall go into effect thirty (30) days after its adoption. A summary of this ordinance shall be published in the Marin Independent Journal within 5 days prior to passage and 15 days after passage.
Section 5: Notice to Voters. Notice to the Voters of Change in Election Date. Within 30 days after this ordinance becomes operative, the Town Clerk shall cause a notice to be mailed to all registered voters of the change in election date and its effect on Town Council member terms.

The foregoing ordinance was duly and regularly introduced at a regular meeting of the Town of San Anselmo Town Council held in said town on the 28 day of February, 2017, and thereafter adopted at a regular meeting of the Town Council held in said Town on the ____ day of ____, 2017, by the following vote, to wit:

Ayes:
Noes:
Absent:
Abstain:

______________________________
Mayor

ATTEST:

______________________________
Carla Kacmar, Town Clerk