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Item No. 19

MAR 17 2021

City of South Gate
CITY COUNCIL

CITY OF SOUTH GATE
OFFICE OF THE CITY MANAGER

10:45am

AGENDA BILL

For the Regular Meeting of: March 23, 2021
Originating Department: Office of the City Clerk

City Clerk: Carmen Avalos Interim City Manager: Chris Jeffers

SUBJECT: Senate Bill 970- California Primary Election Date

PURPOSE: To receive and file a summary report of SB 970 and provide direction to staff on how to proceed with the implementation for 2022 election dates.

RECOMMENDED ACTION:

- A. Receiving and filing a summary report pertaining to Senate Bill 970; and
- B. Consider providing staff with direction on how to move forward with planning for the 2022 City of South Gate Municipal Election with one of the two (2) options:
 - 1. The **First Option** is to move forward with implementing SB 970, thereby having automatically staggered primary election dates that will align our General Municipal Elections with the State Primaries of March 2020, June 2022, March 2024, June 2026, March 2028, June 2030 respectively; **OR**
 - 2. The **Second Option** is to move our current election cycle from the State Primary to the State General Election date of November of even number years.

FISCAL IMPACT: Currently our elections cost range is \$190,000-\$215,000. The cost are dependent on Los Angeles County estimated cost that are based on registered voters and how many other cities and district consolidate in either the primary or general statewide election cycles. There may be a slight decrease or increase based on varying factors.

ALIGNMENT WITH COUNCIL GOALS: The proposed actions meet the City Council's goal to improve communication, civic engagement and create opportunities to increase voter turnout in city elections.

ANALYSIS: The primary purpose is to inform the City Council of the changes that are taking place and mandating that our City align election dates with the newly adopted laws impacting when local municipalities hold City elections. Taking a look at the impact it will have on future elections for the voters of South Gate and the possible extension of terms for some or all currently holding office.

BACKGROUND: In 2018, Senate Bill 415, the "Voter Participation" bill became effective. It changed the dates of the state primaries from June to March and our City election cycle from March of odd-number years to March of even-number years to align with the California State Primaries. In 2020, the state adopted Senate Bill (SB) 970 that will now move the statewide primary back to June of even-numbered years during a non-presidential election year beginning in 2022. However, it will keep the March primary during presidential election years.

This change impacts local governments with March elections such as the City of South Gate. This means that every two years elections will either be held in either March or June of even-numbered years in a staggered fashion. While this action causes issues with the term ending date of two (2) City Council members, the City Treasurer, and the City Clerk offices scheduled to end in March 2022, there is possible legislative remedy that the League of Cities has proposed via a resolution to amend the Elections Code as follows:

"Section 10203.5 of Part 3 of Division 10 of the Elections Code is amended to add: (f) notwithstanding subdivision (b) of this section, any term of office set to expire in 2022 shall be extended to expire following the certification of election results and administration of oath of office to be newly elected office holder."

The proposed language addresses restrictions for extending the terms of office, but it does not change the fact that future election will need to be changed to adhere to the new election dates adopted by SB 970.

As a result of SB 970, the City Council will need to consider continuing with the new potentially confusing March or June staggered schedule or moving the election to November of even-numbered years beginning in 2022. After conferring with Los Angeles County Registrar Recorders Office/ County Clerk Elections Division and with the Secretary of State Office, it was determined that the change to November would not be a conflict with California Elections Code 10403.5 (b), because the change in the election date is not as a result of the change created by SB 415 (effective in 2018), but as a result of the change in the new election dates created by SB 970 (effective 2021).

Any option would extend some or all of the term of office for some elected offices. Option 1, would extend the term of office by either 3 months having the election in June instead of March in 2022 for offices scheduled to end in 2022. Option 2, would extend all terms of office for all current elected offices by 8 months as elections would move from March to November beginning in 2022, and would remain consistent in the election dates as permitted by law.

Staff is seeking direction from the City Council on next steps in implementing SB 970 with staggered March or June primary dates or move the South Gate General Municipal Election to November of even number years beginning in 2022. Once guidance has been given an Ordinance will need to be prepared to address either option 1 or 2, and will be brought back for City Council action.

ATTACHMENTS: Senate Bill 970



SB-970 Primary election date. (2019-2020)

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Senate Bill No. 970

CHAPTER 111

An act to amend Sections 316, 340, 1000, 1001, 1201, and 1202 of the Elections Code, relating to elections.

[Approved by Governor September 18, 2020. Filed with Secretary of State September 18, 2020.]

LEGISLATIVE COUNSEL'S DIGEST

SB 970, Umberg. Primary election date.

Existing law requires that the statewide direct primary be held on the first Tuesday after the first Monday in March in each even-numbered year. Existing law requires that the presidential primary be held on that same date in any year that is evenly divisible by 4.

This bill would change the date of the statewide direct primary to the first Tuesday after the first Monday in June in even-numbered years in which there is no presidential primary.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

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

SECTION 1. The Legislature finds and declares all of the following:

(a) California voters approved the Voters FIRST Act in 2008 and the Voters FIRST Act for Congress in 2010, which together established the Citizens Redistricting Commission and made the commission responsible for adjusting the boundary lines of the congressional, State Senatorial, Assembly, and Board of Equalization districts based on the federal decennial census and in conformity with standards set forth in both the federal and state constitutions.

(b) The commission is required to conduct an open and transparent process enabling full public consideration of and comment on the drawing of district lines. That process includes holding public hearings both before and after releasing draft and final plans and providing adequate public comment periods after any plans are released.

(c) The commission cannot draw new district lines until it receives census data from the United States Census Bureau. Due to the COVID-19 pandemic, the United States Census Bureau has announced that release of census data to California will be delayed up to four months to July 31, 2021. As a result, the commission will not have sufficient time to undertake the redistricting process as required by the Voters FIRST Act and the Voters FIRST Act for Congress and to approve new district boundaries that will be in place in time for a statewide direct primary election held in March 2022. Therefore, the Legislature finds that the 2022 statewide direct primary election must be moved back to June 7, 2022.

SEC. 2. 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 June in each even-numbered year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four.

SEC. 3. Section 340 of the Elections Code is amended to read:

340. "Presidential primary" is the primary election that is held on the first Tuesday after the first Monday in March of any year that is evenly divisible by four.

SEC. 4. Section 1000 of the Elections Code is amended to read:

1000. The established election dates are as follows:

(a) The first Tuesday after the first Monday in March of each even-numbered year that is evenly divisible by four.

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

(c) The second Tuesday of April in each even-numbered year.

(d) The first Tuesday after the first Monday in June in each even-numbered year that is not evenly divisible by four.

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

SEC. 5. Section 1001 of the Elections Code is amended to read:

1001. The following are statewide elections and their dates are statewide election dates:

(a) An election held in November of an even-numbered year.

(b) An election held in June of an even-numbered year that is not evenly divisible by four and in March of each even-numbered year that is evenly divisible by four.

SEC. 6. Section 1201 of the Elections Code is amended to read:

1201. The statewide direct primary shall be held on the first Tuesday after the first Monday in June of each even-numbered year that is not evenly divisible by four and on the first Tuesday after the first Monday in March in each even-numbered year that is evenly divisible by four.

SEC. 7. Section 1202 of the Elections Code is amended to read:

1202. The presidential primary shall be consolidated with the statewide direct primary in any year that is evenly divisible by four, and the consolidated primary shall be held on the first Tuesday after the first Monday in March.