Los Angeles County Registrar-Recorder/County Clerk

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Registrar-Recorder/County Clerk

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TO: Supervisor Michael D. Antonovich, Mayor
Supervisor Hilda L. Solis
Supervisor Mark Ridley-Thomas
Supervisor Sheila Kuehl
Supervisor Don Knabe

FROM: Dean C. Logan, Registrar-Recorder/County Clerk

PROPOSED REVISION TO BOARD'S CURRENT POLICY REGARDING ELECTION CONSOLIDATION WITH STATEWIDE PRIMARY OR GENERAL ELECTION CYCLES

The Registrar-Recorder/County Clerk is requesting that your Board consider revising its current policy that denies all requests for election consolidation with the statewide Primary or General Election cycles. The proposed policy change would direct the Department to conduct a data-based assessment of requests for election date change to and/or consolidation with statewide elections on a case-by-case basis. This assessment would allow the Department to recommend approval of such requests only if the ballot style, voting equipment, or computer capacity can handle the additional elections or materials; and on the condition that the consolidated election is able to be conducted in a uniform manner consistent with State law and relevant County election procedures and practices.

BACKGROUND

Currently, the majority of Los Angeles County's 88 city elections are held in March of odd-numbered years; some, along with the majority of the County's 100 school district and 40 special district elections, are held in November of odd-numbered years; a lesser portion of cities hold their elections in April of even-numbered years; and the smallest portion, along with federal, state, and county elections, hold their elections in November of even-numbered years. With minor exceptions, this schedule has been followed in Los Angeles County.

Your Board's policy since 1981, generally reaffirmed by subsequent Board action through 2013, has been to deny requests for consolidation with statewide Primary or General Election cycles. This policy has been based on the finite ballot capacity of the County's voting system. Primary and General Election ballots contain statewide (and certain local) offices and ballot measures which contribute to their length and complexity. Because of this, there has been a very real probability that

there would be insufficient space to accommodate additional contests and/or measures from numerous jurisdictions requesting consolidation with these election cycles. Furthermore, the policy has helped eliminate the risk of presenting a congested ballot layout that could lead to error when voters interpret and mark their ballots.

Although California Elections Code section 10400, et seq. provides that a jurisdiction's request to change its election date must be approved by the Board of Supervisors, that approval is expressly conditioned upon the County's ballot style, voting equipment or computer capability being able to handle such additional elections or materials. Additionally, this is the same statutory standard to approve or deny any request for consolidation with a statewide election.

The Department's Voting Systems Assessment Project (VSAP) is in the process of addressing the aforementioned issues with the expectation that current ballot capacity and voting equipment limitations will be resolved through implementation of the new voting system estimated to begin in 2018.

At the Board's regular meeting of March 24, 2015, the Registrar-Recorder/County Clerk was directed to report back to the Board within 60 days with a revised policy regarding election consolidation to address these ongoing issues until the new voting system is fully implemented, which is estimated to be completed by 2020.

ONGOING LITIGATION

Over the last several years, multiple lawsuits have been filed against local jurisdictions in Los Angeles Superior Court alleging that these jurisdictions are in violation of the California Voting Rights Act (CVRA) due to their use of at-large voting systems. In an effort to avoid protracted litigation, many of these jurisdictions and their respective plaintiffs have negotiated settlement agreements which require, in part, that the jurisdictions consider changing their election dates.

A resolution for such an action was recently adopted by the City of Santa Clarita and subsequently considered by the Board of Supervisors on March 24, 2015. A separate request from the Santa Clarita Community College District was also recently considered by the Board on April 28, 2015. There is a very real possibility that the Board will continue to see more of these requests over the next several years in response to new or ongoing CVRA lawsuits.

CONSOLIDATION ANALYSIS

In February 2014, due to an increasing number of election date change and consolidation inquiries and/or requests from jurisdictions throughout the County, the Registrar-Recorder/County Clerk initiated a geopolitical and technological analysis of potential consolidation scenarios for statewide General Election cycles. With regard to voting system and ballot capacity limitations, the analysis takes into account historical numbers of participating jurisdictions, statewide offices and ballot measures, local offices and ballot measures, geographically overlapping jurisdictions, registered voters, candidates, and the number of official pages for each version of the ballot, (often reaching up to 500 permutations) as well as other criteria.

The data collected has made it possible to delineate the County by geography and/or community for purposes of projecting ballot capacity and recommending approval or denial of election date changes and consolidation requests from municipalities, districts, agencies, authorities, and other jurisdiction types. Based on this ongoing analysis, the Department is now able to evaluate these requests on a case-by-case basis. For instance, if a particular jurisdiction does not normally surpass 75% of ballot capacity in the geographic area served, then that is a positive indication that consolidation of the election with a statewide election would not likely result in a ballot capacity issue.

CURRENT POLICY

On November 24, 1981, the Board approved a motion that adopted the current policy regarding election consolidation. The policy states that municipal elections shall not be consolidated with either the Primary or General elections of the even-numbered year, and that municipalities be authorized, upon request, to consolidate city elections with school district elections held in November of each odd-numbered year.

The rationale for this policy was based on the significant impact that these consolidations would have on the County's capability of conducting countywide elections. While this policy has served the County well in assuring that ballot capacity is not exceeded, the current environment of ongoing and new CVRA lawsuits as well as the desire of numerous jurisdictions to increase voter turnout has led to the need to re-evaluate this policy.

RECOMMENDATION

Based on this analysis, it is recommended that your Board adopt a motion to revise the current policy regarding election consolidation. The updated policy should direct the Registrar-Recorder/County Clerk to provide an enhanced, data-based evaluation for your Board to consider when it receives requests for election date change to and/or consolidation with statewide elections. This is especially needed over the next several years until final adoption and implementation of the County's new voting system takes place.

The new policy would be revised to assess even-year consolidation requests based on criteria which may include, but is not limited to a jurisdiction's unique circumstances (e.g. CVRA judgments/settlements, consolidation of or with adjacent districts/jurisdictions, projection of increased voter participation, etc.) as well as current and future potential impacts and risks to the ballot and voting system capacity in affected areas. Additionally, all approvals of consolidation requests are contingent upon each consolidated election or its election materials continuing to be compatible with the County's ballot style, voting method, or voting system/equipment as identified in the Elections Code.

I can be reached at (562) 462-2716 if clarification or additional information is required.

c: Sachi A. Hamai, Interim Chief Executive Officer
Mark J. Saladino, County Counsel

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