



# County of San Mateo

## Inter-Departmental Correspondence

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**Department:** ASSESSOR-COUNTY CLERK-  
RECORDER-ELECTIONS  
**File #:** 21-898

Board Meeting Date: 11/16/2021

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**Special Notice / Hearing:** None  
**Vote Required:** Majority

**To:** Honorable Board of Supervisors  
**From:** Mark Church, Assessor-County Clerk-Recorder & Chief Elections Officer  
**Subject:** Moving Election of East Palo Alto Sanitary District's Board of Directors to Coincide with the Statewide General Election

### **RECOMMENDATION:**

Adopt a resolution approving the East Palo Alto Sanitary District's request to move the election of its Board of Directors to coincide with the Statewide general election (November of even-numbered years).

### **BACKGROUND:**

Historically, the election of the East Palo Alto Sanitary District ("District") Board of Directors was held in November of odd-numbered years. On May 3, 2018, pursuant to Elections Code Section 10404 and Senate Bill 415, the District adopted a resolution seeking to move the election of its Board of Directors to June of even-numbered years in order to coincide with the Statewide Direct Primary.

Under Section 10404(b)(2), the resolution must be submitted to the Board of Supervisors no later than 240 days prior to the date of the District's next-scheduled election. After receiving the resolution, the Board of Supervisors must "notify all [special] districts located in the [C]ounty of the receipt of the resolution to consolidate and shall request input from each district on the effect of consolidation." (Elec. Code, § 10404(c).) In addition, the County's Elections Division must prepare for the Board of Supervisors "an impact analysis of the proposed consolidation." (Elec. Code, § 10404(d).) Then, within 60 days from the date of submission, the Board of Supervisors shall approve the resolution "unless it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled."

On June 6, 2018, the Board of Supervisors approved the District's request to move the election of its Board of Directors to June of even-numbered years to coincide with the Statewide Direct Primary.

Subsequently, however, the date of Statewide Direct Primary was changed to vary depending on whether the election coincided with a presidential primary. Thus, in even-numbered years where there is a presidential primary, the Statewide Direct Primary is held in March, and in off years it is

held in June.

On August 24, 2021, the District adopted a resolution requesting that the future elections of its Board of Directors be moved to coincide with the November even-year Statewide General Election, rather than the Statewide Direct Primary, finding “that the confusion resulting from having a ‘floating’ local election date, with Directors being elected in different months of the year depending on the election cycle, will not serve District voters.” (A copy of the District’s resolution and accompanying staff report are attached to this memorandum.) The District provided notice of that resolution to the Clerk of the Board of Supervisors on September 13, 2021.

#### **DISCUSSION:**

It is unclear as to whether Section 10404’s requirements apply when a special district seeks to move its election within an even-year election (i.e., from one even-year date to another even-year date), as opposed to from an odd-year to an even-year. However, in the abundance of caution, the District seeks approval to move its future elections from the Direct Statewide Primary date to the Statewide General Election date, beginning in 2022. Staff recommends approval.

The District submitted its resolution on September 13, 2021, which is more than 240 days before its next-scheduled election on June 7, 2022. (Elec. Code, § 10404(b)(2).) In publishing this item, the Board of Supervisors provides notice of the District’s request to all special districts within the County, as required by Elections Code Section 10404(c). Further, the Elections Division performed an impact analysis of the proposed move pursuant to Elections Code Section 10404(d) and has concluded that the move will not have a significant impact on ballot styles, voting equipment, or computer capacity. The requested change will increase the variation in the Sample Ballot & Official Voter Information Pamphlets and the Official Ballot types during the Statewide General Election, while reducing variation during the Statewide Direct Primary. Variation in costs, if any, will be minimal.

If approved by the Board of Supervisors, the Elections Division will, within 30 days and at the District’s expense, notify all registered voters affected by the approval, pursuant to Elections Code Section 10404(f).

#### **FISCAL IMPACT:**

Moving the District’s election to coincide with the Statewide General Election will not have any fiscal impact on the County.