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April 12, 1989

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Law and Legislation Committee  
City Hall  
Sacramento, California 95814

Honorable Members in Session:

**SUBJECT: Proposed Amendment to the Charter of  
the City of Sacramento, Moving City  
Elections From Odd to Even Years**

SUMMARY

The Committee previously proposed that the City consider the change of elections from odd years to even years as a cost-saving means. It was requested that this office report back to the Committee on this proposal. This office has now had an opportunity to do so, and provides the following report. A draft of the proposed amended Section 152 of the Charter is submitted herewith for your consideration. The amendment would result in the terms of office of incumbents who would be up for re-election in 1991 being extended to 1992, and the terms of office of incumbents up for re-election in 1993 being extended to 1994.

DISCUSSION

Pursuant to §152 of the Charter, elections for City office are held in September and November of each odd-numbered year. Because the date of election is covered by a Charter provision, a Charter amendment will be required. The Clerk's office advises that the last date on which the Council may approve a Charter amendment proposal to be submitted to the voters on the September 1989 ballot is June 27, 1989. The last date for approval of a proposed Charter amendment for consideration on the November 1989 ballot is August 8, 1989.

Moving City elections to even years may or may not reduce the costs of municipal elections, depending on whether or not the City is permitted to consolidate its election with statewide elections (and perhaps other elections). The City clearly has the authority

to amend its Charter to change its elections from odd to even years. However, City elections may be consolidated with a statewide election only if the County Board of Supervisors approve the consolidation request. Such a consolidation request is made on an election-by-election basis. Thus, Election Code Sections 23300 and 23301 provide:

**§ 23300. Consolidation order**

Whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated pursuant to this chapter upon the order of the governing body or bodies or officer or officers calling the elections.

The elections, whether held under a freeholder charter or under any state law, or both, may be consolidated and different elections called by the same governing body may be consolidated.

**§ 23301. Statewide election, consolidation order**

Where one of the elections to be consolidated is a statewide election, the board of supervisors of the county in which the consolidation is to be effected may order the consolidation. (Emphasis added.)

Prior to 1976, the authority of a County Board of Supervisors to order consolidation was clearly discretionary and not mandatory. See Contra Costa County v. East Bay Municipal Utility Dist. (1964) 229 Cal.App.2d 556. However, in 1976 the Legislature added §2502 of the Elections Code. That section, as amended in 1985, provides:

**§ 2502. Local elections**

Except as provided in Section 2503, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections shall be held on the established election date nearest to the date on which they would be held in the absence of this chapter. If the election is held on a statewide election date it shall be con-

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solidated with the statewide election according to the provisions of Part 2.5 (commencing with Section 23300) of Division 14 except that, in counties of the first class, the board of supervisors may deny any request for consolidation, if it finds that the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled. The procedural requirements prescribed for any such election shall be construed as if the provisions of this section were specifically set forth in the provisions relating to that election.

Based on the foregoing statute, it appears that a County Board of Supervisors, save and except a Board in a county of the first class (Los Angeles County is the only county of the first class), is without discretion to deny a request for a consolidation with the statewide election. No case has been reported in which the provisions of §2502 have been construed. It should be noted that the mandate of §2502 does not apply to initiative referendum or recall elections or to certain other types of elections. Additionally, the Legislature has provided the counties with discretion in considering requests for consolidation of elections made by general law cities. See Government Code §36503.5(a)(1). However, it does not appear that the discretion to deny requests for consolidation extends to requests made by charter cities.

Whenever an election called by a city is to be consolidated with a statewide election, and the question, proposition or office to be filled is to appear upon the same ballot as the statewide election ballot, the city is required to file with the Board of Supervisors a resolution requesting consolidation and setting forth the question, proposition or office to be voted upon at the election. Elections Code §23302.

The primary benefit of consolidation is to allow for a sharing of election expenses. Section 23311 of the Election Code provides that when elections are consolidated the governing body ordering the consolidation (i.e., the Board of Supervisors) may provide for the appointment of precinct boards, the formation of precincts for such elections, and the expenses of the elections. Assuming consolidation occurs, the amount that the City may save may depend upon the number of other districts and cities in Sacramento County that are allowed to consolidate their elections as well. It is the understanding of this office that many districts and cities in Sacramento County are seeking to change their election date to even-numbered years in an effort to reduce election expenses through consolida-

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tion. Generally, the cities and other entities allowed to consolidate would be required to share in the additional costs. It is the further understanding of this office that the County Registrar of Voters is concerned that the number of items on the ballot may exceed the capacity of the County's voting machines and computer systems. To the extent that consolidation results in additional costs, the City would undoubtedly be required to share such costs.

FINANCIAL DATA

The change from odd to even-year elections may result in cost savings to the City, depending upon a variety of factors, including the number of other entities seeking consolidation, as well as the costs associated with this consolidation request. It is anticipated that an analysis of the potential financial impact will be furnished by the City Clerk and/or the Finance Department. The City may also wish to request a report from the County Registrar of Voters concerning the consolidation issue.

MBE/WBE

No impact.

RECOMMENDATION

It is recommended that the Committee determine whether to proceed with a charter amendment to change the year of City elections from odd to even years.

  
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RICHARD E. ARCHIBALD

March 20, 1989  
All Districts

Contact Person to  
Answer Questions:

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DEPUTY CITY ATTORNEY  
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PROPOSED AMENDMENT TO THE CHARTER OF  
THE CITY OF SACRAMENTO, MOVING CITY  
ELECTIONS FROM ODD TO EVEN YEARS

§ 152 Elections.

- (a) The general city election shall be held on the first Tuesday after the first Monday in November of each odd-numbered year, and the primary city election shall be held on the sixth Tuesday before the date of the general city election of the same year, or, if either of these days falls on a legal holiday other than an election holiday, then the election shall be held on the next succeeding day which is not a legal holiday. - All other elections which may be held under this Charter shall be known as special elections.
- (a) Commencing with the year 1992, the primary city election shall be held on the same date in each election year as the California statewide direct primary election, and the general city election shall be held on the same date as the California statewide general election for that year. All other elections shall be known as special elections.

To implement this provision, primary and general elections for council districts one, three, five and seven shall be held in the year 1994, and the primary and general elections for council districts two, four, six and eight, and for the office of mayor, shall be held in the year 1992.

Notwithstanding any other provision of this charter, the term of office of each person who is, on the effective date of this amendment, an incumbent of the council seat for district two, four, six or eight, or of the office of Mayor, and whose term of office would otherwise normally expire in 1991, shall be extended until a successor is elected in 1992 and has been seated.

Notwithstanding any other provision of this charter, the term of office of each person who is, on the effective date of this amendment, an incumbent of the council seat for district one, three, five or seven, and whose term of office would otherwise normally expire in 1993, shall be extended until a successor is elected in 1994 and has been seated.

- (b) At the primary election, there shall be chosen by the voters of each council district with a council member whose term expires at the end of or during the same year as the election, two candidates for the office of council member from that district. When the term of office of mayor expires at the end of or during the same year as the election, there shall be chosen by the voters of the entire city at the primary election two candidates

to fill the office of mayor. Notwithstanding any other provision in this Charter to the contrary, in the event that any candidate for nomination to the office of council member or the mayor shall receive a majority of the votes cast for all the candidates for nomination for such seat or office at such primary election, the candidate so receiving such majority of all votes shall be deemed to be, and declared by the city council to be, elected to such office.

- (c) At the general election, the voters of each council district in which a primary election was held shall select from among the two candidates chosen at the primary election in each district one candidate to succeed to the office of the council member whose term expires at the end of or during the same year as the election.

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- (c) At the general election, the voters of each council district in which a primary election was held shall select from among the two candidates chosen at the primary election in each district one candidate to succeed to the office of the council member whose term expires at the end of or during the same year as the election.