



**CITY OF ELK GROVE  
CITY COUNCIL STAFF REPORT**

**AGENDA TITLE:** Consider options to present a measure for “by” district voting for council member seats at either the June primary or the November general 2016 election

**MEETING DATE:** December 9, 2015

**PREPARED BY  
DEPARTMENT HEAD:** Jason Lindgren, City Clerk

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**RECOMMENDED ACTION:**

Staff recommends the City Council direct staff to monitor legislative activity relating to “by” district voting, and to prepare a measure for “by” district voting for consideration at the November 2016 general election, returning to finalize the measure for submittal at the regular meeting of May 11, 2016.

**BACKGROUND INFORMATION:**

During the regular meeting of February 11, 2015, the City Council gave direction to return at the start of the 2016 election season to consider timelines and costs to run measures on either the primary or general 2016 elections, including consideration of a measure to ask voters if they wanted the City to vote for council members “by” district. One objective of considering “by” district voting was to reduce the costs of potential future special elections to fill vacancies of the City Council – smaller “by” district elections would have a reduced special election cost.

*Governing Structure of Elk Grove*

Elk Grove is a general law city. The elected officials include the mayor, voted on at-large, and four “from” district council member representatives. “From” district representation requires that a candidate must reside and be a registered voter in the district he/she seeks to represent, and is voted on

at-large by all registered voters of the City; “by” district representation requires that a candidate must reside and be a registered voter in the district he/she seeks to represent, and they are voted on only by the registered voters within the geographic boundary of the representative district.

The Government Code currently allows general law cities to present a measure to the voters to become “by” district with an elective mayor. Government Code Section 34877 provides the specific language for the measure to be printed in the ballot.

Redistricting was conducted in 2011 delineating the four, “from” district, representative seats of the City. Since there is no updated demographic data since the last census, and the City boundaries have not changed, staff would utilize the same district map with a “by” district measure.

### *Election Process and Costs in Elk Grove*

The City of Elk Grove consolidates elections with the general election in November of even numbered years with the Sacramento County Registrar of Voters. As of the November 2014 General Municipal Election, the City of Elk Grove had 78,084 registered voters. The elected official positions include a directly elected mayor with a two year term voted at-large every two years, and four council member seats with four year terms that are “from” district voted at-large with two seats up for election staggered every two years (i.e. in 2016, Districts 1 and 3 will be up for election; in 2018, Districts 2 and 4, etc.). The City currently runs contests for elected official positions with the general election. The City can run measures at general, primary, or special elections, including advisory measures.

The election process for the City and most local agencies in the region opens the candidate nomination process from mid-July to the beginning of August prior to the November election. Elected positions for county, state, and federal office have an initial contest during the June primary election prior to the November general election, and conduct the candidate nomination process from early February to early March.

Election costs are calculated based on rate tables provided by the Sacramento County Registrar of Voters. There is a base administrative fee, a cost factor multiplied by the number of registered voters for the first contest for a jurisdiction, and a reduced cost factor (again, multiplied by the

number of registered voters) for second and subsequent contests for a jurisdiction, and last the actual costs of printing candidate statements are included. The operation costs of the County for consolidated elections (general and primary) are spread across all jurisdictions running contests in those elections, sharing costs for local, state, and federal contests. Costs for Elk Grove for the consolidated general election were approximately \$75,000 in 2014. It is anticipated that the cost to run one measure during the June 2016 primary election would have a cost of \$65,000. The additional cost to run one measure during the November 2016 general election (in addition to other contests being run) would have an additional cost estimated at \$5,000.

### *Legislative Activity on “By” District voting*

Two bills were considered by the California Legislature in 2015 relating to “by” district voting for general law cities, and would give consideration for the legislative body of the city to decide on adopting “by” district voting without presenting the question as a measure for adoption by the voting public. Senate Bill (SB) 493 was passed in September 2015 (enacting Government Code section 34886), and allows smaller cities to enact an ordinance allowing “by” district elections without seeking voter approval. However, the new law only applies to cities with a total population of less than 100,000. Thus, it is not applicable to Elk Grove.

A second bill, Assembly Bill (AB) 278, was held at the committee level as of July 2015. AB 278 would apply to cities with a population of 100,000 or more. The current draft of the bill would mandate that cities with a population of 100,000 or more pass an ordinance, without submitting the question to the voters, requiring elections to be “by” district. It is possible that AB 278 could be reconsidered and/or amended in 2016. Staff continues to monitor the status of AB 278.

### **ANALYSIS:**

The City can pursue a measure to become “by” district at either the June primary or the November general election, a calendar of election milestones is presented under Attachment 1. There is the possibility that the legislature could act on AB 278 and give cities the ability to become “by” district without taking a measure to the voters.

Factors considered when running a measure are the timeframes to submit the measure to allow adequate time for arguments and rebuttals in favor of or against the measure, deadlines to pull a measure that allow for monitoring activity of external influences on a measure, the effect a measure will have on future elections, and the costs associated with running the measure. These factors are summarized in Table 1 comparing running a “by” district measure at either the June primary or the November general election in 2016:

**Table 1 – Comparison of Primary Election vs. General Election to run a “by” district measure**

	<b>Timeframe</b>	<b>AB 278 Monitoring</b>	<b>Effect on Elections</b>	<b>Cost</b>
June Primary Election	Submit measure Feb / March 2016, election June 7, 2016	Could withdraw measure prior to March 2016	If measure passes, General Election for District Seats 1 and 3 would be “by” for 2016	\$65,000 <sup>1</sup>
November General Election	Submit measure May / June 2016, election November 8, 2016	Could withdraw measure prior to August 2016	General Election for District Seats 1 and 3 remain “from” for 2016	\$5,000 <sup>2</sup>

- 1 Cost is full Primary Election cost to run one, at-large measure question. If measure succeeds, the November General Election Cost would also increase by \$26,000 to conduct “by” district elections.
- 2 When consolidating a measure question with the existing contest for the directly elected mayor, additional measures have an approximate additional cost of \$5,000.

Running a “by” district measure at the primary that passes would see additional costs of \$91,000 in 2016 (both the cost of the primary, and increased costs for “by” district voting for the general election) as compared to an additional cost of only \$5,000 to run the same measure at the general election. Staff recommends running the “by” district measure with the November 2016 general election. Running the measure with the November 2016 general election will still allow potential vacancies to be considered through a special election “by” district if the measure passes, and would provide a longer window to monitor legislative actions that may allow consideration to become “by” district without a measure.

## **FISCAL IMPACT:**

Currently, “by” district representation would require passage of a measure (either at the 2016 June Primary estimated at \$65,000, or as a measure on the 2016 November General election estimated at \$5,000). The Office of the City Clerk has programmed \$65,000 to consider running a measure at the Primary election for FY 2015-16.

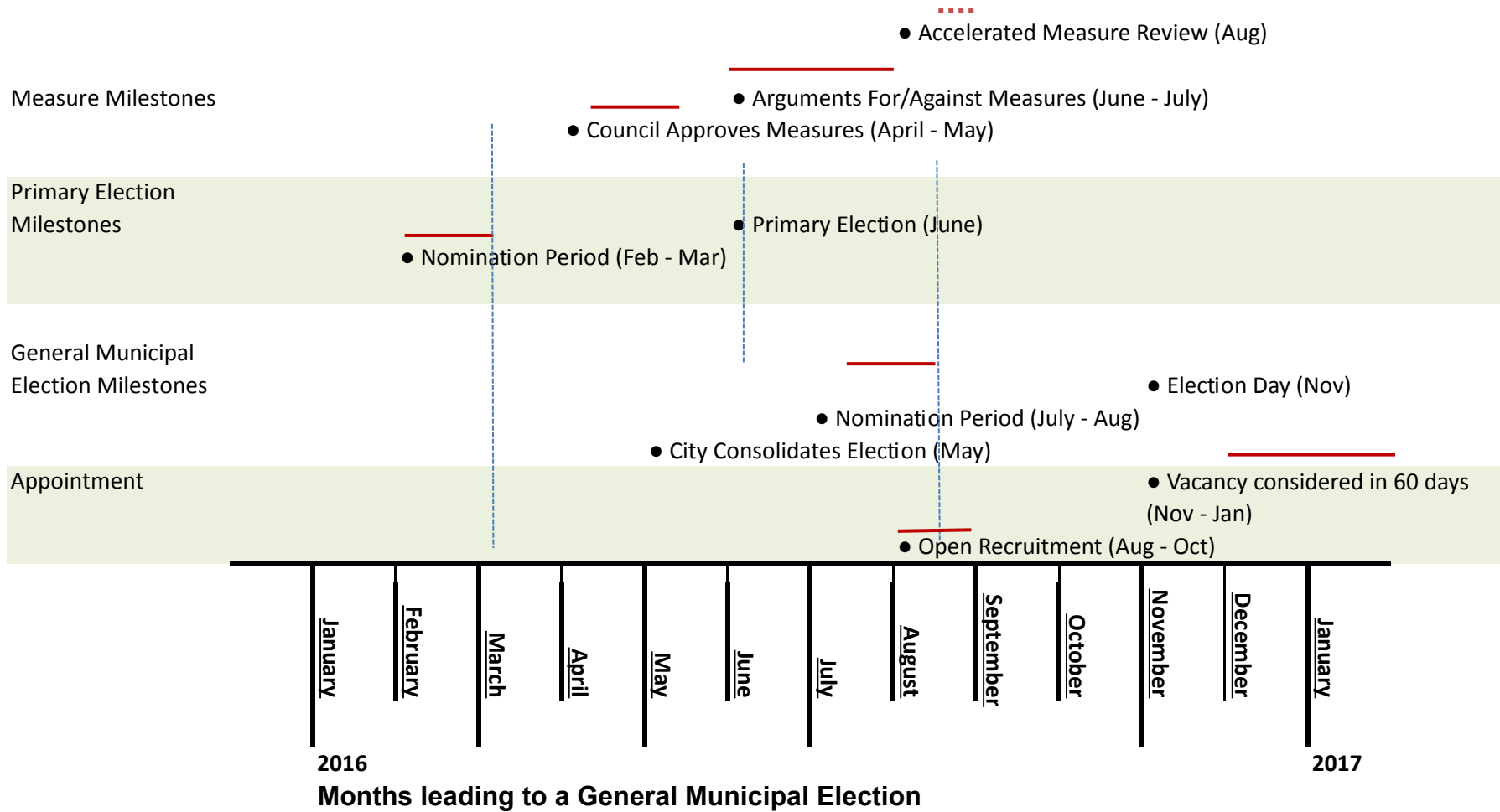
A change to the governing structure to become “by” district for the current four district model would see increased general election costs of approximately \$26,000 (for a total estimated general election cost of \$104,000 only running the seats of mayor and council districts 1 and 3, see Attachment 2). The Office of the City Clerk would present revised election costs with the FY 2016-17 budget using updated cost information from the Sacramento County Registrar of Voters (cost updates are anticipated to be available Spring 2016).

The current stand-alone Special Election Cost is estimated under a cost multiplier of \$5 to \$10 times the registered voter count. “From” District voter registration is approximated at 80,000 resulting in a cost range of \$390,000 to \$780,000 for a “from” district special election. “By” District voter registration is approximated at 20,000 under a four district model resulting in a cost range of \$100,000 to \$200,000 for a council member district seat “by” district special election (the cost of a special election for the office of mayor would have the same cost as the “from” district model).

## **ATTACHMENTS:**

1. Calendar of 2016 election milestones
2. “By” District Election Cost Comparisons

# Timeline of Election Milestones



- Denotes a process conducted over 30-60 days
- - - Denotes a defining milestone if there will be a potential vacancy
- Denotes a compacted review process due to election deadlines

Comparison of “From” and “By” District General and Special Election Costs

	Base Cost	First contest (Mayor)	Subsequent Contests	Total	Cost Increase
General Municipal Election (“From” district, four districts)  Current General Municipal Election Cost Model	\$ 1,818.00	\$ 0.8174 / registered voter  (80,000 x 0.8174) <hr/> \$ 65,392.00	\$0.0619 / reg voter Two contests  x2 (80,000 x 0.0619) <hr/> \$ 9,904.00	\$ 77,114.00	\$ 0.00
General Municipal Election (“By” district, four districts)  Adds two individual contests for two “by” district elections, in addition to the contest for the Directly Elected Mayor.	\$ 5,454.00	\$ 0.8174 / registered voter  (80,000 x 0.8174) <hr/> \$ 65,392.00	\$ 0.8174 / registered voter  x2 (20,000 x 0.8174) <hr/> \$ 32,696	\$ 103,542.00	\$ 26,428.00

*Based on the Sacramento County Voter Registration and Election Specialized Services Schedule of Fees and Charges dated March 26, 2014. Assumptions use a Registered Voter population of 80,000, and assume that the district maps utilized would approximately divide the registered voter count evenly.*

*Running an additional measure under either the “from” or “by” district model has a cost of \$4,952 (a measure is considered a subsequent contest voted citywide (80,000 x 0.0619)).*

Current Special Election Cost is estimated under a cost multiplier of \$5 to \$10 times the registered voter count. “From” District voter registration is approximated at 80,000 for discussion, “By” District voter registration would be 20,000 at four districts. Using these assumptions the price ranges for special elections would be as follows:

<b>Structure</b>	<b>Special Election Cost Range</b>	<b>Additional Costs</b>	<b>Cost Every Two Year Election Cycle to Address One Vacancy Special Election</b>
“From” District	\$ 390,000 to \$ 780,000	None.	\$ 390,000 to \$ 780,000
“By” District with four districts	\$ 100,000 to \$ 200,000	[\$26,000 additional election cost] [\$5,000 one-time measure cost]	\$ 126,000 to \$ 226,000 + \$ 5,000 (one time cost)