

# **COUNTY OF SAN MATEO**

## **GUIDE TO THE CALLING OF ELECTIONS**

### **IMPORTANT CODE SECTIONS TO KNOW: Established Election Dates (Elec. Code §1000)**

The established election dates in each year are as follows:

- (a) The second Tuesday of April in each even-numbered year.
- (b) The first Tuesday after the first Monday in March of each odd-numbered year.
- (c) The first Tuesday after the first Monday in June in each year.
- (d) The first Tuesday after the first Monday in November of each year.
- (e) The first Tuesday in February of each year evenly divisible by the number four.

### **Statewide Election Dates (Elec. Code §1001)**

Elections held in June and November of each even-numbered year and held the first Tuesday in February of each year evenly divisible by the number four are statewide elections and these dates are statewide election dates.

### **Date of State, County, Municipal, District and School Elections (Elections Code §1002)**

Except as provided in Section 1003, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections shall be held on an established election date.

### **Exceptions to the Above (Elections Code §1003)**

This chapter shall not apply to the following:

- (a) Any special election called by the Governor.
- (b) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter.
- (c) School governing board elections consolidated pursuant to Section 1302.2 of the Election Code or initiated by petition pursuant to Section 5091 of the Education Code.
- (d) Elections of any kind required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.
- (e) County, municipal, district, and school district initiative, referendum, or recall elections.
- (f) Any election conducted solely by mailed ballot pursuant to Division 4 (commencing with Section 4000).
- (g) Elections held pursuant to Article 1 (commencing with Section 15100) of Chapter 1, or pursuant to Article 4 (commencing with Section 15340) of Chapter 2 of, Part 10 of the Education Code.

## Tuesday Elections (Elec. Code §1100)

No election shall be held on any day other than a Tuesday, nor shall any election be held on the day before, the day of, or the day after, a state holiday.

### In Other Words...

Local jurisdictions have regular election dates established by the jurisdiction as to when their elected officials are on the ballot. In San Mateo County, we have the following scheduled elections:

Jurisdiction Election Type Election Year:

President	Primary & General	2008, 2012, 2016...
Governor & State Offices	Primary & General	2010, 2014, 2018...
State Senate 11	Primary & General	2008, 2012, 2016...
State Senate 8	Primary & General	2010, 2014, 2018...
State Assembly 12 <sup>th</sup> , 19 <sup>th</sup> , 21 <sup>st</sup> Districts	Primary & General	2008, 2010, 2012, 2014, 2016...
US Representative 12 <sup>th</sup> , 14 <sup>th</sup> Districts	Primary & General	2008, 2010, 2012, 2014, 2016...
Superior Court Judges	Primary & General run off if needed	2008, 2010, 2012, 2014, 2016...
Board of Supervisors 2nd, 3rd	Primary & General run off if needed	2010, 2014, 2018...
Board of Supervisors 1st,4th,5th	Primary & General run off if needed	2008, 2012, 2016...
Other County Offices	Primary & General run off if needed	2008, 2010, 2012...
Cities	November UDEL	Even & odd numbered years
Schools	November UDEL	Even & odd numbered years
Special Districts	November UDEL	Even & odd numbered years

To call an election on any other Tuesday, the jurisdiction must meet the criteria for one of the exceptions listed below.

### Elections Held on a Date Other Than an Established Election Date Must be One of the Following:

- **Governor calls a Special:** Special elections called by the Governor. [Art. II Sec. 8(c) & 9 (c)] (However, Article IV Sect 8(c)(3) allows the Legislature to enact statutes calling elections.)
- **Charters:** Elections called by chartered counties or cities where the charter provisions provide for other election dates.

Any kind of school district election may also be consolidated with this type of election if 95 percent or more of the school district population is contained within the chartered city or county. Elections Code Section 1302.2 reiterates the ability of a school or community college district that shares territory with a charter city to consolidate its governing board election with that charter city's election. The section further allows all component districts of a high school or community college district to consolidate as well. This section makes no reference to the percentage of school territory the city must contain in order to have such a consolidation like Section 1003(d) requires – it simply calls for inclusion of “territory that is in part the same as the chartered city.”

- **Petition Calling for Election of School Trustee:** School governing board elections where a petition is circulated subsequent to a provisional appointment by the governing board. If the petition calling for a special election contains a sufficient number of signatures, the election is not required to be held on established election dates.  
In this case, the Superintendent of Schools is required to call an election no later than the 120th day after the determination of a sufficient petition. However, if a regular election date, as defined in Section 1000 of the Elections Code, occurs between the 120th day and the 150th day following the determination, the county superintendent of schools may call the special election to be conducted on the regular election date.
- **Initiative\*Referendum\*Recall:** Elections held as a result of an initiative, referendum, or recall for any jurisdiction where the additional threshold of valid signatures were collected can force the question to an election date other than an established election date.
- **All Mail Ballot:** Any election conducted solely by mailed ballot. Refer to the Mail Ballot Elections section below.
- **School Bonds – 2/3 vote:** The school governing body or initiative petition can place a 2/3 vote school bond question on a ballot on any Tuesday.<sup>1</sup> Such an election may not be held within 45 days before a statewide election or within 45 days after a statewide election unless conducted at the same time as the statewide election or on an established election date pursuant to Section 1000 of the Elections Code. (Ed. Code §15100, 15340, 15341)

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<sup>1/</sup> Proposition 39, passed by voters in November 2000, authorizes voters to pass certain school bond measures with 55% of the vote. Education Code §15266 was subsequently added by the Legislature (Ch. 44, 2000, AB 1908) to clarify that such elections shall only be held on a primary or general election, a regularly scheduled local election, or a statewide special election – NOT on any Tuesday.

## **Mail Ballot Elections**

Some elections conducted by all-mail ballot are also exempt from calling elections on the established election dates.

### **Established Mailed Ballot Election Dates (Elec. Code §1500)**

The established mailed ballot election dates are as follows:

- (a) The first Tuesday after the first Monday in May of each year.
- (b) The first Tuesday after the first Monday in March of each even-numbered year.
- (c) The last Tuesday in August of each year.

### **Conditions for conducting all-mail ballot election (Elec. Code §4000)**

Any local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:

- (a) The governing body of the local agency authorizes the use of mailed ballots for the election.
- (b) The election does not occur on the same date as a statewide direct primary election or statewide general election.
- (c) The election is one of the following:
  - (1) An election in which no more than 1,000 registered voters are eligible to participate.
  - (2) A maximum property tax rate election as provided for in Section 2287 of the Revenue and Taxation Code. (The Rev & Tax Section has been repealed.)
  - (3) An election on a measure or measures restricted to (A) the imposition of special taxes, or (B) expenditure limitation overrides, or (C) both (A) and (B), in a city, county, or special district with 5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.
  - (4) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code.
  - (5) An election of the Directors of the Monterey Peninsula Water Management District as authorized in Section 122 [should be 221] of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.
  - (6) An election of the Aliso Water Management Agency, or its affected member agencies, pursuant to Sections 13416 and 13417 of the Water Code.
  - (7) An election of the San Jacinto Mountain Area Water Study Agency pursuant to Sections 13416 and 13417 of the Water Code.
  - (8) An election of the San Lorenzo Valley Water District pursuant to Sections 13416 and 13417 of the Water Code.
  - (9) Any election or assessment ballot proceeding required or authorized by Article XIII C or XIII D of the California Constitution. However, when an assessment ballot proceeding is conducted by mail pursuant to this section, the following rules shall apply:
    - (A) The proceeding shall be denominated an "assessment ballot proceeding" rather than an election.
    - (B) Ballots shall be denominated "assessment ballots."

## **In Other Words...**

Some specific districts have obtained an exemption in the Elections Code from holding specific types of elections on established election dates, as long as it is done by all-mail ballot:

All other jurisdictions that wish to hold an election on a date other than the established election dates must do so by **all-mail ballot AND** meet **one** of the following criteria:

- Have no more than 1,000 registered voters.
- (However, Elections Code §4108 allows a “district,” regardless of the number of registered voters, to conduct an election by all-mail on a prescribed all mail election date, or on any other date other than an established election date.)
- The election is to approve maximum property tax rates.<sup>2</sup>
- The election is called by a city, county or special district (schools are not listed) with 5,000 registered voters or less and the election is for a measure to impose a special tax or a Gann Limit<sup>3</sup> override or both;
- The election is for a general obligation water bond to fund acquisition and construction of works and facilities to enable the local public agency or improvement district to utilize the water supply secured by contract with the state;
- The election is for a special tax under Article XIIC or XIII D of the CA. Const. This includes all parcel tax elections regardless of the size or type of jurisdiction.
- The election is for a general tax pursuant to Proposition 218.<sup>4</sup> The Constitution requires the election be consolidated with a regularly scheduled general election for members of the governing body of the local government, **except** in cases of emergency declared by a unanimous vote of the governing body; or
- The measure is an assessment ballot proceeding held pursuant to Proposition 218.

## **Small cities with a population of 100,000 or less and eligible entity (Elec. Code §4004)**

Eligible entity means a school district or special district. An election in a small city or an eligible entity may be conducted wholly as an all-mail ballot election, subject to the following conditions:

1. The legislative body of the small city or the governing body of the eligible entity, by resolution, authorizes the use of mailed ballots for the election.
2. The election is a special election to fill a vacancy in the legislative body or governing body.
3. The election is not held on the same date as a statewide primary or general election.
4. The election is not consolidated with any other election.
5. The return of voted mail ballots is subject to Section 3017.

## **Exception for Special Districts to Conduct Any Election by All-Mail Ballot**

Elections Code §4002 states: “Notwithstanding Section 4000, a special district may conduct its elections by mail in accordance with Sections 1500, 4104, 4105, and 4108.”

And, Elections Code §4108 states: “Notwithstanding any other provisions of law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000).

An election conducted pursuant to this section shall be held on a date prescribed in Section 1500 or on any other date other than an established election date.”

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2/ Maximum Tax Rate elections are not used any more since the passage of the Gann Limit. Prior to that time, districts would go to the voters to request an increase in the maximum they could charge per \$100 of property valuation. The language was removed from the Revenue and Taxation Code, but it continues to exist in this code section.

3/ The Gann Limit, passed by voters as Proposition 4 in November 1979 created Article XIIB of the state Constitution. It restricts governmental spending by setting an annual appropriations (i.e., expenditures) limit for governmental agencies. The California Constitution authorizes voters by majority vote to change this appropriations limit for a maximum period of four years at a time. Unless the voters do so, the appropriations limit will be based on an earlier year's limit, adjusted for changes in the cost of living and population.

4/ Proposition 218 was passed by voters in 1996 to require voter approval for assessments, property-related fees, and a variety of small general purpose taxes. Proposition 218 added Articles XIIC and XIID to the California Constitution.

## Summary of Election Dates & Regulations

### **First Tuesday after First Monday in March of odd years - Polling Place**

Election Dates: **3/6/2007, 3/3/2009, 3/8/2011**

E-88 Deadline: 12/8/2006, 12/5/2008, 12/10/2010

### **First Tuesday after the First Monday in March of even years – Mailed Ballot**

Election Dates: **3/4/2008, 3/2/2010**

E-88 Deadline: 12/7/2007, 12/4/2009

### **Second Tuesday in April of even years - Polling Place**

Election Dates: **4/8/2008, 4/6/2010**

E-88 Deadline: 1/11/2008, 1/8/2010

### **First Tuesday after First Monday in May each year - Mailed Ballot**

Election Dates: **5/8/2007, 5/6/2008, 5/5/2009, 5/4/2010, 5/3/2011**

E-88 Deadline: 2/9/2007, 2/8/2008, 2/6/2009, 2/5/2010, 2/4/2011

### **First Tuesday after First Monday in June of each year - Polling Place**

Election Dates: **6/5/2007, 6/3/2008, 6/2/2009, 6/8/2010, 6/7/2011**

E-88 Deadline: 3/9/2007, 3/7/2008, 3/6/2009, 3/12/2010, 3/11/2011

### **Last Tuesday in August each year - Mailed Ballot**

Election Dates: **8/28/2007, 8/26/2008, 8/25/2009, 8/24/2010, 8/23/2011**

E-88 Deadline: 6/1/2007, 5/30/2008, 5/29/2009, 5/28/2010, 5/27/2011

### **First Tuesday after First Monday in November each year - Polling Place**

Election Dates: **11/6/2007, 11/4/2008, 11/3/2009, 11/2/2010, 11/8/2011**

E-88 Deadline: 8/10/2007, 8/8/2008, 8/7/2009, 8/6/2010, 8/12/2011

**Established Polling Place Election Dates do not apply to:** Special elections called by the Governor; elections held in charter cities where the charter specifies a different date; school board elections initiated by petition; school district elections which overlap a charter city by 95% population and city is holding election; Initiatives, Referendums or Recalls; Mailed Ballot Elections; 2/3's vote school district bond elections. *Elections Code Section 1000 et. seq.*

**Established Mailed Ballot Election Dates are restricted to:** A jurisdiction of fewer than 1,000 registered voters; a maximum property tax rate election (2287 Rev. & Tax. Code); imposition of special taxes or expenditure limit overrides or both in a jurisdiction of fewer than 5,000 registered voters; a general obligation water bond; Monterey County Water elections; Aliso Water elections; San Jacinto Water elections; San Lorenzo Water elections; elections or assessment ballot proceedings required or authorized by Article XIII C or XIII D of the CA Const. (includes all parcel tax elections regardless of the size or type of jurisdiction). *Elections Code Section 4000*

**Miscellaneous provisions regarding when elections may be held:** Elections must be held on Tuesdays and may not be the day before, the day of, or the day after a state holiday; 2/3's vote school bond elections may be called for any Tuesday that does not fall within 45 days on either side of a statewide primary or general election; 55% school bond elections must be held on primary, general or regular school board election date for jurisdiction. Just as a rule of thumb, polling place elections should not be held on mailed ballot election dates and vice versa. Currently, Special Districts may hold mailed ballot elections on any Tuesday other than an established election date. Cities may hold special vacancy elections by all mailed ballot on any Tuesday other than a statewide primary or general election.