

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 415

Introduced by Senator Hueso

(Principal ~~coauthor: Assembly Member~~ *coauthors: Assembly Members*
Alejo, Calderon, and Roger Hernández)

(~~Coauthor: Assembly Member Roger Hernández~~)

February 25, 2015

An act to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 415, as amended, Hueso. ~~Local election dates.~~ *Voter participation.*
Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date. Existing law also establishes certain dates for statewide elections. Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

This bill would prohibit a political subdivision, as defined, from holding an election other than on a statewide election date if holding an election on a non-concurrent date has previously resulted in voter turnout for a regularly-scheduled election in that political subdivision being at least five percent less than the average voter turnout within the political subdivision for the previous four statewide general elections.

This bill would require a court to implement appropriate remedies upon a violation of this prohibition. This bill would permit a voter who resides in a political subdivision where a violation is alleged to enforce this prohibition, and it would allow a prevailing plaintiff other than the

state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided.

By requiring counties to change the conduct of their elections in certain circumstances, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

~~Existing law establishes election dates in each year, which are the second Tuesday of April in each even-numbered year, the first Tuesday after the first Monday in March of each odd-numbered year, the first Tuesday after the first Monday in June in each year, and the first Tuesday after the first Monday in November of each year. Existing law requires the statewide direct primary election and the statewide general election to be held on the established dates in June and November of each even-numbered year. Existing law requires that county, municipal, district, and school district elections be held on one or more of the established election dates, as specified.~~

~~This bill would state the intent of the Legislature to enact legislation that would prohibit a political subdivision from holding an election on a date other than the date of a statewide direct primary election or statewide general election if doing so would result in a significant decrease in voter turnout as compared to the voter turnout at a statewide election.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. Chapter 1.7 (commencing with Section 14050)*
- 2 *is added to Division 14 of the Elections Code, to read:*

CHAPTER 1.7. VOTER PARTICIPATION

14050. This act shall be known and may be cited as the California Voter Participation Rights Act.

14051. As used in this chapter:

(a) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited to, a city, a school district, a community college district, or other district organized pursuant to state law.

(b) "Significant decrease in voter turnout" means the voter turnout for a regularly-scheduled election in a political subdivision is at least five percent less than the average voter turnout within that political subdivision for the previous four statewide general elections.

(c) "Voter turnout" means the percentage of voters who are eligible to cast ballots within a given political subdivision who voted.

14052. A political subdivision shall not hold an election other than on a statewide election date if holding an election on a non-concurrent date has previously resulted in a significant decrease in voter turnout.

14053. Upon a finding of a violation of Section 14052, the court shall implement appropriate remedies, including the imposition of concurrent election dates for future elections and the upgrade of voting equipment or systems to do so. In imposing remedies pursuant to this section, a court may also require a county board of supervisors to approve consolidation pursuant to Section 10402.5.

14054. In an action to enforce Section 14052, the court shall allow the prevailing plaintiff other than the state or political subdivision thereof, a reasonable attorney's fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A prevailing defendant shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

14055. A voter who resides in a political subdivision where a violation of Section 14052 is alleged may file an action pursuant

1 to that section in the superior court of the county in which the
2 political subdivision is located.

3 14056. This chapter shall not apply to special elections.

4 SEC. 2. This act shall become operative on January 1, 2018.

5 SEC. 3. If the Commission on State Mandates determines that
6 this act contains costs mandated by the state, reimbursement to
7 local agencies and school districts for those costs shall be made
8 pursuant to Part 7 (commencing with Section 17500) of Division
9 4 of Title 2 of the Government Code.

10 ~~SECTION 1. It is the intent of the Legislature to enact~~
11 ~~legislation to prohibit a political subdivision from holding an~~
12 ~~election on a date other than the date of a statewide direct primary~~
13 ~~election or statewide general election if doing so would result in~~
14 ~~a significant decrease in voter turnout as compared to the voter~~
15 ~~turnout at a statewide election.~~