

AMENDED IN SENATE APRIL 15, 2015

AMENDED IN SENATE APRIL 6, 2015

**SENATE BILL**

**No. 415**

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**Introduced by Senator Hueso**

(Principal coauthors: Assembly Members Alejo, Calderon, and  
Roger Hernández)

February 25, 2015

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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. 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, *commencing January 1, 2018*, 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.~~

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

*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:

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CHAPTER 1.7. VOTER PARTICIPATION

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6 14050. This ~~act~~ *chapter* shall be known and may be cited as  
7 the California Voter Participation Rights Act.

8 14051. As used in this chapter:

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

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

18 (c) “Voter turnout” means the percentage of voters who are  
19 eligible to cast ballots within a given political subdivision who  
20 voted.

21 14052. A political subdivision shall not hold an election other  
22 than on a statewide election date if holding an election on a

1 non-concurrent date has previously resulted in a significant  
2 decrease in voter turnout.

3 14053. Upon a finding of a violation of Section 14052, the  
4 court shall implement appropriate remedies, including the  
5 imposition of concurrent election dates for future elections and  
6 the upgrade of voting equipment or systems to do so. In imposing  
7 remedies pursuant to this section, a court may also require a county  
8 board of supervisors to approve consolidation pursuant to Section  
9 10402.5.

10 14054. In an action to enforce Section 14052, the court shall  
11 allow the prevailing plaintiff other than the state or political  
12 subdivision thereof, a reasonable attorney's fee consistent with  
13 the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25,  
14 48-49, and litigation expenses including, but not limited to, expert  
15 witness fees and expenses as part of the costs. A prevailing  
16 defendant shall not recover any costs, unless the court finds the  
17 action to be frivolous, unreasonable, or without foundation.

18 14055. A voter who resides in a political subdivision where a  
19 violation of Section 14052 is alleged may file an action pursuant  
20 to that section in the superior court of the county in which the  
21 political subdivision is located.

22 14056. This chapter ~~shall~~ *does* not apply to special elections.

23 14057. *This chapter shall become operative on January 1,*  
24 *2018.*

25 ~~SEC. 2.—This act shall become operative on January 1, 2018.~~

26 ~~SEC. 3.—If the Commission on State Mandates determines that~~  
27 ~~this act contains costs mandated by the state, reimbursement to~~  
28 ~~local agencies and school districts for those costs shall be made~~  
29 ~~pursuant to Part 7 (commencing with Section 17500) of Division~~  
30 ~~4 of Title 2 of the Government Code.~~