

AMENDED IN ASSEMBLY JUNE 23, 2015

AMENDED IN SENATE APRIL 28, 2015

AMENDED IN SENATE APRIL 15, 2015

AMENDED IN SENATE APRIL 6, 2015

SENATE BILL

No. 415

Introduced by Senator Hueso

(Principal coauthors: Assembly Members Alejo, Calderon, and
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. 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 25% less than the
average voter turnout within the political subdivision for the previous
4 statewide general elections, *except as specified*.

This bill would require a court to implement appropriate remedies upon a violation of this prohibition. The bill would authorize a voter who resides in a political subdivision where a violation is alleged to *file an action in Superior Court* 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.

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

3
 4 CHAPTER 1.7. VOTER PARTICIPATION

5
 6 14050. This chapter shall be known and may be cited as the
 7 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 25 percent less than the average voter turnout within that
 16 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~~(a) *Except as provided in subdivision (b), a political*
 22 *subdivision shall not hold an election other than on a statewide*
 23 *election date if holding an election on a nonconcurrent date has*
 24 *previously resulted in a significant decrease in voter turnout.*

25 (b) *A political subdivision may hold an election other than on*
 26 *a statewide election date if, by January 1, 2018, the political*
 27 *subdivision has adopted a plan to consolidate a future election*

1 *with a statewide election not later than the November 8, 2022,*
2 *statewide general election.*

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

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

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

23 14056. This chapter does not apply to special elections.

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