

SUBMITTAL TO THE BOARD OF SUPERVISORS  
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



ITEM  
3.19  
(ID # 9415)

**MEETING DATE:**

Tuesday, April 2, 2019

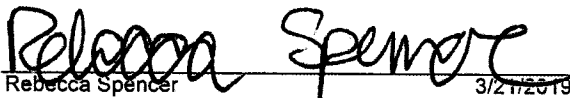
**FROM :** REGISTRAR OF VOTERS:

**SUBJECT:** REGISTRAR OF VOTERS: Request for Change in Election Date, City of Palm Springs; District 4; [\$13,500].

**RECOMMENDED MOTION:** That the Board of Supervisors:

1. Approve City of Palm Springs's request for election date change.

**ACTION:** Consent

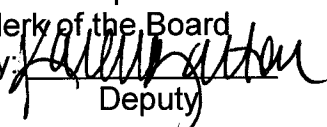
  
Rebecca Spencer 3/27/2019

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**MINUTES OF THE BOARD OF SUPERVISORS**

On motion of Supervisor Spiegel, seconded by Supervisor Perez and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes: Jeffries, Spiegel, Washington, Perez and Hewitt  
Nays: None  
Absent: None  
Date: April 2, 2019  
xc: ROV

Kecia Harper  
Clerk of the Board  
By:   
Deputy

**SUBMITTAL TO THE BOARD OF SUPERVISORS COUNTY OF RIVERSIDE,  
STATE OF CALIFORNIA**

<b>FINANCIAL DATA</b>	<b>Current Fiscal Year:</b>	<b>Next Fiscal Year:</b>	<b>Total Cost:</b>	<b>Ongoing Cost</b>
<b>COST</b>	\$ 13,500	\$ 0	\$ 13,500	\$ 0
<b>NET COUNTY COST</b>	\$ 0	\$ 0	\$ 0	\$ 0
<b>SOURCE OF FUNDS: City of Palm Springs (100%)</b>			<b>Budget Adjustment: No</b>	
			<b>For Fiscal Year: 18/19</b>	

**C.E.O. RECOMMENDATION:** Approve

**BACKGROUND:**

**Summary**

The City of Palm Springs has submitted the attached ordinance requesting the Board of Supervisors' approval to change the jurisdiction's general municipal election date to occur on the same date as the even-year General Elections. California Elections Code § 10403.5 allows jurisdictions to consolidate their election with Elections held in November of even numbered years with the Board of Supervisors' approval. The code further stipulates that the Board shall approve such request unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled. The Registrar of Voters can accommodate this change of election date.

State law also requires that within 30 days after approval of the ordinance, a notice is to be mailed to all registered voters of the jurisdiction informing them of the change in election date and the terms of officeholders which will be changed. The cost of this mailing will be reimbursed by the jurisdiction.

**Impact on Residents and Businesses**

The change in election date to occur on the same date as the even-year General Election would encourage greater voter participation at no additional cost. Registered voters will save a trip to the polling place voting for both this jurisdictions election and the even-year General Election.

**ATTACHMENTS:**

**ATTACHMENT A. CITY OF PALM SPRINGS ORDINANCE NO. 1982**

  
 Rehini Dasika, Principal Management Analyst 3/25/2019



# City of Palm Springs

## Office of the City Clerk

3200 E. Tahquitz Canyon Way • Palm Springs, California 92262

Tel: 760.323.8206 • Fax: 760.322.8332 • TDD 760.864.9527 •

[www.palmspringsca.gov](http://www.palmspringsca.gov)

February 27, 2019

Riverside County Board of Supervisors  
c/o Riverside County Registrar of Voters  
2724 Gateway Drive  
Riverside, CA 92507

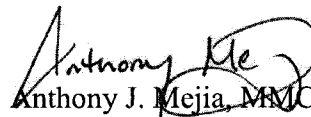
RE: Request to Change Palm Springs General Municipal Election Date

Honorable Board of Supervisors:

Pursuant to California Elections Code Section 1301, I submit for your consideration and approval Ordinance No. 1982 entitled "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 2.02.010 "GENERAL MUNICIPAL ELECTIONS" RELATING TO CHANGING THE GENERAL MUNICIPAL ELECTION DATE TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH EVEN-NUMBERED YEAR, COMMENCING WITH THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 2020, IN ORDER TO COMPLY WITH SENATE BILL 415."

Should you have any questions about this letter, please contact my office at (760) 323-8206.

Sincerely,

  
Anthony J. Mejia, MMC  
City Clerk

Enclosure

ORDINANCE NO. 1982

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING PALM SPRINGS MUNICIPAL CODE SECTION 2.02.010 "GENERAL MUNICIPAL ELECTIONS" RELATING TO CHANGING THE GENERAL MUNICIPAL ELECTION DATE TO THE FIRST TUESDAY AFTER THE FIRST MONDAY IN NOVEMBER OF EACH EVEN-NUMBERED YEAR, COMMENCING WITH THE GENERAL MUNICIPAL ELECTION OF NOVEMBER 2020, IN ORDER TO COMPLY WITH SENATE BILL 415.

**City Attorney's Summary**

*This ordinance amends Section 2.02.010 of the City's Municipal Code changing the general municipal election date from the first Tuesday after the first Monday in November of each odd-numbered year to the first Tuesday after the first Monday in November of each even-numbered year, commencing with the general municipal election of November 2020. This ordinance reduces the terms of office for Councilmembers that would have expired in December 2021 and 2023 which shall, instead, expire in the same manner, but after the occurrence of the November 2020 and 2022 general municipal elections established by this ordinance.*

WHEREAS, the City of Palm Springs's general municipal elections are now held in the month of November of odd-numbered years for the purpose of electing five members of City Council; and

WHEREAS, Senate Bill 415 (SB 415), the "California Voter Participation Rights Act" prohibits local governments from holding a general election on any date other than a statewide election date if doing so has resulted in a "significant decrease in voter turnout", meaning voter turnout has been at least 25% below the average turnout in that jurisdiction in the previous four statewide general elections; and

WHEREAS, the California Constitution, article XI, section 5, generally gives charter cities the power to legislate "in respect to municipal affairs" over inconsistent state laws and these municipal affairs include the "conduct of city elections" and "the times at which... the several municipal officers... whose compensation is paid by the city shall be elected..."; and

WHEREAS, however, the California Supreme Court has ruled that if the subject of the state statute is one of "statewide concern" and that the statute is reasonably related to its resolution, then the conflicting charter city law is preempted by state law and state law will govern; and

WHEREAS, California Attorney General Xavier Becerra issued Opinion No. 16-603 on July 11, 2017, finding that SB 415 – addresses the integrity of the electoral process, thereby making it one of “statewide concern” and preemptive of any local charter city law to the contrary; and

WHEREAS, in accordance with SB 415 and Attorney General Opinion No. 16-603, the City has determined that SB 415 applies to Palm Springs and that its elections in odd-numbered years have resulted in a “significant decrease in voter turnout” and it must, therefore, adopt a transition plan to consolidate its general municipal elections with a statewide election date to occur not later than November 8, 2022; and

WHEREAS, Sections 1301 and 10403.5 of the California Elections Code, authorize the City Council to change the general municipal election date and to increase or decrease any terms of office by not more than 12 months to match terms with said new date; and

WHEREAS, in order to comply with SB 415, the City Council desires to change its general municipal election date to the first Tuesday after the first Monday in November of even-numbered years to coincide with the statewide general elections beginning in November 2020.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES ORDAIN AS FOLLOWS:

SECTION 1. Change of Election Day. Pursuant to Sections 1000 and 1301 of the California Elections Code, as of November 2020, the City’s general municipal election date shall be moved, from November of odd-numbered years, to the first Tuesday after the first Monday in November of even-numbered years, to coincide with the statewide general elections.

SECTION 2. Code Amendment. Section 2.02.010 of the Palm Springs Municipal Code is hereby amended to read: (new words and phrases are underlined; deletions are indicated by being stricken through)

“2.02.010 General municipal election.

Commencing with the November, 2020 election, the Palm Springs general municipal elections shall be consolidated with established elections dates and shall be held on the first Tuesday following the first Monday of November of each ~~odd-numbered year~~ even-numbered year to coincide with statewide general elections.

In accordance with Sections 1301 and 10403.5 of the California Elections Code, the term of any elected City Councilmember that would have expired in December 2021 and 2023 shall, instead, expire in the same manner, but after the occurrence of the November 2020 and 2022 general municipal elections established by this Ordinance.”

**SECTION 3. Consolidated Elections.** Pursuant to Section 1301 and 10403.5 of the California Elections Code, the City hereby requests the County of Riverside approve this ordinance and allow for consolidation of the City's general municipal election with the statewide general election conducted by the County in November of each even-numbered year, beginning in November 2020.

**SECTION 4. Effective/Operative Date.** Pursuant to City Charter Section 315, the City Council finds that this Ordinance relates to an election and, therefore, becomes effective immediately upon adoption by a majority vote of the City Council, however, this Ordinance shall not become operative until it is approved by the Riverside County Board of Supervisors as provided by California Elections Code Sections 1301(b)(1) and 10403(a)(1).

**SECTION 5. Notice to Voters.** Pursuant to Section 10403.5(e) of the California Elections Code, within 30 days after this Ordinance becomes operative, the City elections official shall cause notice to be mailed to all registered voters informing the voters of the change in the election date made by this Ordinance and that, as a result of the change in election date, the terms of office of City Councilmembers will be reduced by not more than 12 months.

**SECTION 6. Request to the County.** The City Clerk shall forward a copy of this Ordinance to the Riverside County Board of Supervisors with a request that it be approved pursuant to California Elections Code Sections 1301 and 10403.5.

**SECTION 7. Certification.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law.

**SECTION 8. Entry of Note into Charter.** Within thirty (30) days following the Operative Date of this Ordinance, the City Clerk is hereby directed to enter a notation that, pursuant to Attorney General Opinion No. 16-603, elements of Section 800 of the City Charter are superseded by preemptive State law, i.e., the California Voter Participation Rights Act. To the extent that Sections 800 of the City Charter conflict with the provisions of this Ordinance, this Ordinance shall govern.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 20<sup>TH</sup> DAY OF FEBRUARY, 2019.

  
\_\_\_\_\_  
ROBERT MOON  
MAYOR

ATTEST:

  
\_\_\_\_\_  
ANTHONY J. MEJIA, MMC  
CITY CLERK

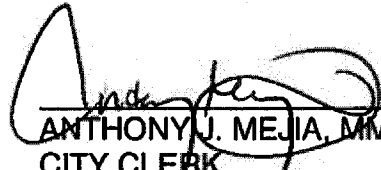
CERTIFICATION

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, ANTHONY J. MEJIA, City Clerk of the City of Palm Springs, do hereby certify that Ordinance No. 1982 is a full, true, and correct copy, and was adopted by the City Council at a regular meeting held on the 20<sup>th</sup> day of February, 2019, by the following vote:

AYES: Councilmembers Holstege, Middleton, Mayor Pro Tem Kors, and  
Mayor Moon  
NOES: None  
ABSENT: Councilmember Roberts  
ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Palm Springs, California, this 21<sup>th</sup> day of February, 2019.

  
\_\_\_\_\_  
ANTHONY J. MEJIA, MMC  
CITY CLERK