



# City Council Memorandum

*City of Arts & Innovation*

**TO: HONORABLE MAYOR AND CITY COUNCIL DATE: SEPTEMBER 12, 2017**  
**FROM: CITY ATTORNEY AND CITY CLERK WARD: ALL**  
**SUBJECT: CALIFORNIA VOTER PARTICIPATION RIGHTS ACT – ELECTION DATES**

**ISSUE:**

Review recent Attorney General recent opinion regarding effect of the California Voter Participation Rights Act on charter city election dates.

**COMMITTEE RECOMMENDATION:**

The Governmental Affairs Committee recommends that the City Council:

1. Review analysis of the Attorney General opinion dated July 11, 2017, regarding effect of the California Voter Participation Rights Act on charter city election dates for recommendation to the City Council; and
2. Consider bringing election cycles into compliance with State law, determine a method of implementation, and provide the appropriate direction to the City Clerk and City Attorney.

**LEGISLATIVE HISTORY/BACKGROUND:**

**Riverside City Council Elections**

Charter Section 500 sets City Council election dates for the first Tuesday following the first Monday in June of each odd-numbered year. If no candidate receives a majority of the votes cast for an office, a special runoff election with the two candidates receiving the most votes shall be held on the first Tuesday following the first Monday of November of that same year, as provided in Charter Section 400.

**California Voter Participation Rights Act**

The California Voter Participation Act requires that any political subdivision that experiences a “significant decrease in voter turnout” for regularly scheduled elections shall conduct elections on statewide election dates. “Significant decrease in voter turnout” means the voter turnout for a regularly scheduled election in a political subdivision is at least 25 percent less than the average voter turnout within the political subdivision for the previous four statewide general elections.

Further, the Act provides that a political subdivision experiencing a significant decrease in voter turnout may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election.

The attached analysis (Attachment D) of Riverside City Council election voter turnout indicates that the threshold for “significant decrease in voter turnout”, as generally applied, is met.

### Application to Charter Cities

In August, 2016, the League of California Cities wrote an amicus letter to the Office of the Attorney General urging the AG to exempt application of the Voter Participation Rights Act to Charter Cities. The AG rejected this request in their opinion finding that a significant statewide concern exists given the low voter turnout in off-cycle elections. Although the AG opinion is not controlling with regard to the actions of a Charter City, it is generally a reliable barometer as to the direction the appellate court would take if the City of Riverside continued to hold off-cycle elections.

### City Council Term Options

Attachment E outlines the effect of shortening or lengthening the terms of incumbents and future office holders should City Council election dates be changed to coincide with statewide elections.

### Governmental Affairs Committee

On August 17, 2017, with Chair Melendrez, Vice-Chair Gardner, and Member Conder present, the Governmental Affairs Committee unanimously forwarded this matter to the City Council and recommended that the City Council consider bringing election cycles into compliance with State law and determine a method of implementation.

### **FISCAL IMPACT:**

A change in election dates would have minimal effect on the cost of regular City Council elections. Costs for a special election to place a Charter Amendment measure on the June 5, 2018, ballot is estimated at \$103,000 to \$113,000.

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Approved as to form: Gary G. Geuss, City Attorney

Concurs with,

ANDY MELENDREZ, Chair  
Governmental Affairs Committee

Attachments:

- A - California Voter Participation Rights Act (E.C. 14050, et seq.)
- B - Attorney General Opinion dated July 11, 2017
- C - Charter Sections 400 and 500
- D - Voter Turnout Analysis
- E - City Council term options