

# **THE COMPLETE GUIDE ON WHEN AND HOW TO CALL AN ELECTION**



## **A GUIDE FOR JURISDICTIONS THAT CALL ELECTIONS**

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This guide was developed in an effort to provide answers to questions frequently asked the Sacramento County Elections Department concerning when and how to call an election. It is for general information only and does not have the force and effect of law, regulation or rule. In case of conflict, the law, regulation or rule will apply. Persons using this guide must bear full responsibility to make their own determinations as to all legal standards and duties. For information on city elections, please contact your City Clerk.

# **IMPORTANT CODE SECTIONS TO KNOW:**

## **Statewide Election Dates (Elec. Code §1001)**

Elections held in June and November of each even-numbered year and held the first Tuesday in February of each year evenly divisible by the number four are statewide elections and these dates are statewide election dates.

## **Date of State, County, Municipal, District and School Elections (Elections Code §1002)**

Except as provided in Section 1003, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections shall be held on an established election date.

## **Exceptions to the Above (Elections Code §1003)**

This chapter shall not apply to the following:

- (a) Any special election called by the Governor.
- (b) Elections held in chartered cities or chartered counties in which the charter provisions are inconsistent with this chapter.
- (c) School governing board elections consolidated pursuant to Section 1302.2 or initiated by petition pursuant to Section 5091 of the Education Code.
- (d) Elections of any kind required or permitted to be held by a school district located in a chartered city or county when the election is consolidated with a regular city or county election held in a jurisdiction that includes 95 percent or more of the school district's population.
- (e) County, municipal, district, and school district initiative, referendum, or recall elections.
- (f) Any election conducted solely by mailed ballot pursuant to Division 4 (commencing with Section 4000).
- (g) Elections held pursuant to Article 1 (commencing with Section 15100) of Chapter 1, or pursuant to Article 4 (commencing with Section 15340) of Chapter 2 of, Part 10 of the Education Code.

## **Tuesday Elections (Elec. Code §1100)**

No election shall be held on any day other than a Tuesday, nor shall any election be held on the day before, the day of, or the day after, a state holiday.

## In Other Words...

Local jurisdictions have regular election dates established by the jurisdiction as to when their elected officials are on the ballot. In Sacramento County, we have the following scheduled elections:

<b>Jurisdiction</b>	<b>Election Type</b>	<b>Election Year</b>
President	Primary & General	2012, 2016, 2020...
Governor, State Offices	Primary & General	2010, 2014, 2018...
1 <sup>st</sup> 2 <sup>nd</sup> and 5 <sup>th</sup> District Supervisors Sherriff, DA and Assessor	Primary & General run-off if needed	2010, 2014, 2018...
3 <sup>rd</sup> & 4 <sup>th</sup> Dist. Supervisors	Primary & General run-off if needed	2012, 2016, 2020...
City of Sacramento	Primary & General run-off if needed	even-numbered years
All other Cities	General only	even-numbered years
Sacramento Municipal Utility & American River Flood Control	General only	even-numbered years
Schools	General only	even-numbered years
Special Districts (i.e. Fire, Water, Rec & Park etc.)	General only	even-numbered years
Landowner Districts	November	odd-numbered years
Governing Board Member, County Board of Education 4, 5, 6 & 7	Primary	2012, 2016, 2020...
Governing Board Member, County Board of Education 1, 2 & 3	Primary	2010, 2014, 2016...

Different seats are up for election each year. Call the county elections official to find out what year when a certain seat or area will be up for election. Jurisdictions that are authorized to call for a special election, either to fill a vacancy or propose a measure to voters, may do so on either their regularly scheduled election date listed above or on any of the other established elections listed in Elections Code §1000.

To call an election on any other Tuesday, the jurisdiction must meet specific criteria.

**Elections Held on a Date other than an Established Election Date must be One of the Following:**

**Governor calls a Special:** Special elections called by the Governor

- **Charters:** Elections called by chartered counties or cities where the charter provisions provide for other election dates.

Any kind of school district election may also be consolidated with these elections if 95 percent or more of the school district population is contained within the chartered city or county. Elections Code Section 1302.2 reiterates the ability of a school or community college district that shares territory with a charter city to consolidate its governing board election with that charter city's election. The section further allows all component districts of a high school or community college district to consolidate as well. This section makes no reference to the percentage of school territory the city must contain in order to have such a consolidation like Section 1003(d) requires – it simply calls for inclusion of “territory that is in part the same as the chartered city.”

- **Petition Calling for Election of School Trustee:** School governing board elections where a provisional appointment has been made and a petition is circulated with a sufficient number of signatures calling for a special election to be held are not required to be held on established election dates. The Superintendent of Schools is required to call an election no later than the 120th day after the determination of a sufficient petition.

However, if a regular election date, as defined in Section 1000 of the Elections Code, occurs between the 120th day and the 150th day following the determination, the county superintendent of schools may call the special election to be conducted on the regular election date.

- **Initiative\*Referendum\*Recall:** Elections held as a result of an initiative, referendum, or recall for any jurisdiction where the additional threshold of valid signatures were collected can force the question to an election date other than an established election date.
- **All Mail Ballot:** Any election conducted solely by mailed ballot. Refer to the Mail Ballot Elections section below.
- **School Bonds – 2/3 vote<sup>1</sup>:** The school governing body or initiative petition can place a 2/3 vote school bond question on a ballot on any Tuesday. Such an election may not be held within 45 days before a statewide election or within 45 days after a statewide election unless conducted at the same time as the statewide election or on an established election date pursuant to Section 1000 of the Elections Code. (Ed. Code §15100, 15340, 15341)



### **Mail Ballot Elections**

Some elections conducted by all mail ballot are also exempt from calling elections on the established election dates.

<sup>1</sup> Proposition 39 passed by voters in November 2000 authorized voters to pass certain school bond measures with 55% of the vote. Education Code §15266 was subsequently added by the Legislature (Ch. 44, 2000, AB 1908) to clarify that such elections would only be held on a regularly scheduled local or statewide election – NOT on any Tuesday.

## **Established Mailed Ballot Election Dates (Elec. Code §1500)**

The established mailed ballot election dates are as follows:

- (a) The first Tuesday after the first Monday in May of each year.
- (b) The first Tuesday after the first Monday in March of each even-numbered year.
- (c) The last Tuesday in August of each year

## **Conditions for conducting all-mail ballot election (Elec. Code §4000)**

A local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:

- (a) The governing body of the local agency authorizes the use of mailed ballots for the election.
- (b) The election is held on an established mailed ballot election date pursuant to Section 1500
- (c) The election is one of the following:
  - (1) An election in which no more than 1,000 registered voters are eligible to participate.
  - (2) A maximum property tax rate election as provided for in Section 2287 of the Revenue and Taxation Code. [The Rev & Tax Section has been repealed.]
  - (3) An election on a measure or measures restricted to (A) the imposition of special taxes, or (B) expenditure limitation overrides, or (C) both (A) and (B), in a city, county, or special district with 5,000 or less registered voters calculated as of the time of the last report of registration by the county elections official to the Secretary of State.
  - (4) An election on the issuance of a general obligation water bond in accordance with Section 12944.5 of the Water Code.
  - (5) An election or assessment ballot proceeding required or authorized by Article XIIC or XIID of the California Constitution. However, when an assessment ballot proceeding is conducted by mail pursuant to this section, the following rules shall apply:
    - (A) The proceeding shall be denominated an "assessment ballot proceeding" rather than an election.
    - (B) Ballots shall be denominated "assessment ballots."

## **In Other Words...**

Some specific districts have obtained an exemption in the Elections Code from holding specific types of elections on established election dates, as long as it is done by all-mail ballot:

- Have no more than 1,000 registered voters.

**HOWEVER**, Elections Code §4108 allows a "district," regardless of the number of registered voters, to conduct an election by all-mail on an established mail ballot election date (found in Section 1500), or on any other date other than an established election date. This section was moved from the UDEL section and is intended to apply only to special districts; however, mail ballot elections have been called for school districts under this section.

- The election is to approve maximum property tax rates<sup>2</sup>.
- The election is called by a city, county or special district (schools are not listed) with 5,000 registered voters or less **and** the election is for a measure to impose a special tax or a Gann Limit<sup>3</sup> override or both;
- The election is for a general obligation water bond to fund acquisition and construction of works and facilities to enable the local public agency or improvement district to utilize the water supply secured by contract with the state;
- The election is for a special tax under Article XIII C or XIII D of the CA. Const. This includes all parcel tax elections regardless of the size or type of jurisdiction.
- The election is for a general tax pursuant to Proposition 218<sup>4</sup>. The Constitution requires the election be consolidated with a regularly scheduled general election for members of the governing body of the local government, **except** in cases of emergency declared by a unanimous vote of the governing body; or
- The measure is an assessment ballot proceeding held pursuant to Proposition 218<sup>4</sup> (See table on following page)

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<sup>2</sup> Maximum Tax Rate elections are not used any more since the passage of the Gann Limit. Prior to that time, districts would go to the voters to request an increase in the maximum they could charge per \$100 of property valuation. The language was removed from the Revenue and Taxation Code, but it continues to exist in this code section.

<sup>3</sup> The Gann Limit, passed by voters as Proposition 4 in November 1979 created Article XIII B of the state Constitution. It restricts governmental spending by setting an annual appropriations (i.e., expenditures) limit for governmental agencies. The California Constitution authorizes voters by majority vote to change this appropriations limit for a maximum period of four years at a time. Unless the voters do so, the appropriations limit will be based on an earlier year's limit, adjusted for changes in the cost of living and population.

**Exception for Special Districts to Conduct Any Election by All Mail Ballot**

Elections Code §4002 states: “Notwithstanding Section 4000, a special district may conduct its elections by mail in accordance with Sections 1500, 4104, 4105, and 4108.”

And, Elections Code §4108 states: “Notwithstanding any other provisions of law and regardless of the number of eligible voters within its boundaries a district may, by resolution of its governing board, conduct any election by all-mailed ballots pursuant to Division 4 (commencing with Section 4000).

An election conducted pursuant to this section shall be held on a date prescribed in Section 1500 or on any other date other than an established election date.”

**<sup>4</sup>Which Local Revenues are affected by Proposition 218?**

Affected	Not Directly Affected
<b>TAXES</b>	
Requires majority voter approval for new or increased general taxes. Such taxes include: Utility Taxes, Hotel and Transient Occupancy Taxes, Parks and Recreation Taxes.  Taxes for a specific purpose are considered “special taxes” even if deposited into the general fund. Requires 2/3 vote.	Property Taxes Bradley-Burns sales taxes Vehicle License Fees Mello-Roos Taxes Timber Taxes
<b>ASSESSMENTS</b>	
All new or increased assessments. Some existing assessments	Most existing assessments
<b>FEES</b>	
Property-related fees. (Fees imposed as an “incident of property ownership.”)	Fees that are NOT property-related. Gas and Electric fees. Developer fees.

## ESTABLISHED ELECTION DATES

### Established Election Dates (Elec. Code §1000)

		2009	2010	2009	2010
<b>First Tuesday in February of each year evenly divisible by the number four</b> E-88 Deadline	Polling Place	doesn't apply	doesn't apply	doesn't apply	doesn't apply
		doesn't apply	<b>11/06/10</b>	doesn't apply	doesn't apply
<b>First Tuesday after First Monday in March odd years</b> E-88 Deadline	Polling Place 12/08/06	<b>03/03/09</b>	doesn't apply	<b>03/03/09</b>	doesn't apply
		12/05/09	doesn't apply	12/05/09	doesn't apply
<b>First Tuesday in March even years</b> E-88 Deadline	*Mailed Ballot	doesn't apply	<b>03/02/10</b>	doesn't apply	<b>03/02/10</b>
		doesn't apply	12/04/10	doesn't apply	12/04/10
<b>Second Tuesday in April even years</b> E-88 Deadline	Polling Place	doesn't apply	<b>04/13/10</b>	doesn't apply	<b>04/13/10</b>
		doesn't apply	01/15/10	doesn't apply	01/15/10
<b>First Tuesday after First Monday in May each year</b> E-88 Deadline	*Mailed Ballot	<b>05/05/09</b>	<b>05/04/10</b>	<b>05/05/09</b>	<b>05/04/10</b>
		02/09/09	02/05/10	02/06/09	02/05/10
<b>First Tuesday after First Monday in June each year</b> E-88 Deadline	Polling Place	<b>06/02/09</b>	<b>06/08/10</b>	<b>06/02/09</b>	<b>06/08/10</b>
		03/06/09	03/12/10	03/06/09	03/12/10
<b>Last Tuesday in August each year</b> E-88 Deadline	*Mailed Ballot	<b>08/25/09</b>	<b>08/31/10</b>	<b>08/25/09</b>	<b>08/31/10</b>
		05/29/09	06/04/10	05/29/09	06/04/10
<b>First Tuesday after First Monday in November each year</b> E-88 Deadline	Polling Place	<b>11/03/09</b>	<b>11/02/10</b>	<b>11/03/09</b>	<b>11/02/10</b>
		08/07/09	08/06/10	08/07/09	08/06/10

**Established Polling Place Election Dates do not apply to:** Special elections called by the Governor; elections held in charter cities where the charter specifies a different date; school board elections initiated by petition; school district elections which overlap a charter city by 95% population and city is holding election; Initiatives, Referendums or Recalls; Mailed Ballot Elections; 2/3's vote school district bond elections. Elections Code Section 1000 et. seq.

**Established Mailed Ballot Election Dates are restricted to:** A jurisdiction of fewer than 1,000 registered voters ; (District exceptions 4108ec) a maximum property tax rate election (2287 Rev. & Tax. Code); imposition of special taxes or expenditure limit overrides or both in a jurisdiction of fewer than 5,000 registered voters; a general obligation water bond; elections or assessment ballot proceedings required or authorized by Article XIII C or XIII D of the CA Const. (includes all parcel tax elections regardless of the size or type of jurisdiction). Elections Code Section 4000.

**Miscellaneous provisions regarding when elections may be held:** Elections must be held on Tuesdays and may not be the day before, the day of, or the day after a state holiday; 2/3's vote school bond elections may be called for any Tuesday that does not fall with 45 days on either side of a statewide election (unless it is an established election date); 55% school bond elections must be held on primary, general or special statewide election, or regular school board election date for jurisdiction. Polling place elections should not be held on mailed ballot election dates and vice versa. Currently Special Districts may hold mailed ballot elections on any Tuesday other than an established election date. Cities with a population of less than 100,000 and school and special districts may hold special vacancy elections by all mailed ballot on any Tuesday other than a statewide primary or general election providing the special vacancy mailed ballot election is not consolidated with any other election.

**\* Must meet criteria set forth in Elections Code Section 4000 (see above).**