

# How to Call an Election 2021



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This reference guide has been prepared in an effort to answer frequently asked questions. 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. Refer to the code sections cited for more information.

This guide is distributed with the understanding that the Ventura County Elections Division is not rendering legal advice and that this guide is, therefore, not to be a substitute for private legal counsel.

Unless otherwise indicated, all code sections referenced are from the California Elections Code.

## **Important Code Sections**

### ***Established Election Dates***

The established election dates are as follows:<sup>1</sup>

- a) The second Tuesday of April in each even-numbered year.
- b) The first Tuesday after the first Monday in March of each odd-numbered year.
- c) The first Tuesday after the first Monday in June in each year.
- d) The first Tuesday after the first Monday in November of each year.

### ***Statewide Election Dates***

Elections held in June and November of each even-numbered year are statewide elections and the dates of those elections are statewide election dates.<sup>2</sup>

### ***Date of State, County, Municipal, District and School Elections***

Except as provided in §1003, notwithstanding any other provisions of law, all state, county, municipal, district, and school district elections shall be held on an established election date.<sup>3</sup>

### ***Exceptions to the Above***

This chapter shall not apply to the following:<sup>4</sup>

- (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 §1302.2 or initiated by petition pursuant to §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.

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<sup>1</sup> §1000

<sup>2</sup> §1001

<sup>3</sup> §1002

<sup>4</sup> §1003

- (f) Any election conducted solely by mailed ballot pursuant to Division 4 (commencing with §4000).
- (g) Elections held pursuant to Article 1 (commencing with §15100) of Chapter 1, or pursuant to Article 4 (commencing with §15340) of Chapter 2 of, Part 10 of the Education Code.

### ***Tuesday Elections***

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.<sup>1</sup>

### **Established Election Dates**

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

<b>JURISDICTION</b>	<b>ELECTION TYPE</b>	<b>ELECTION YEAR</b>
President	Primary & General	2020, 2024, 2028
Governor, State Offices	Primary & General	2018, 2022, 2026
1st, 3rd and 5th District Supervisors	Primary & General run-off if needed	2020, 2024, 2028
County Department Heads, 2nd and 4th District Supervisors	Primary & General run-off if needed	2018, 2022, 2026
General run-off if needed	General only	even-numbered years
All Cities	General only	even-numbered years
School Districts	General only	even-numbered years
Special Districts	General only	even-numbered years
Oxnard Drainage District 1, Oxnard Drainage District 2, Ojai Water Conservation District, Pleasant Valley County Water District	General – Landowners Only	May of odd- numbered years

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.

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<sup>1</sup> §1100

## Other Election Dates

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:

### *Special Elections*

Special elections called by the Governor.

**Note:** Article IV, Section 8(c)(3) of the California Constitution, allows the Legislature to enact statutes calling elections.

### *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 §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 §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 120<sup>th</sup> day after the determination of a sufficient petition. However, if a regular election date, as defined in §1000 of the Elections Code, occurs between the 120<sup>th</sup> day and the 150<sup>th</sup> 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 was 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.

## ***School Bonds – 2/3 Vote***

The school governing body or initiative petition can place a 2/3 vote school bond question on a ballot on any Tuesday.<sup>1</sup> 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 §§1000 or 1500 of the Elections Code.<sup>2</sup>

## **Mail Ballot Elections**

Elections conducted by all-mail ballots are also exempt from calling elections on the established election dates.

### ***Established Mail Ballot Election Dates***

The established mailed ballot election dates are as follows:<sup>3</sup>

- (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 Mail Ballot Election***

A local, special, or consolidated election may be conducted wholly by mail provided that all of the following conditions apply:<sup>4</sup>

1. The governing body of the local agency authorizes the use of mailed ballots for the election.
2. The election is held on an established mailed ballot election date pursuant to §1500.

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<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.

<sup>2</sup> Education Code §§15100 & 15101

<sup>3</sup> §1500

<sup>4</sup> §4000

3. The election is one of the following:
  - a. An election in which no more than 1,000 registered voters are eligible to participate.
  - b. 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.
  - c. An election on the issuance of a general obligation water bond in accordance with §12944.5 of the Water Code.
  - d. An election of the Directors of the Monterey Peninsula Water Management District as authorized in §122 of Chapter 527 of the Statutes of 1977, known as the Monterey Peninsula Water Management District Law.
  - e. An election of the Aliso Water Management Agency, or its affected member agencies, pursuant to §§13416 and 13417 of the Water Code.
  - f. An election of the San Jacinto Mountain Area Water Study Agency pursuant to §§13416 and 13417 of the Water Code.
  - g. An election of the San Lorenzo Valley Water District pursuant to §§13416 and 13417 of the Water Code.
  - h. An election or assessment ballot proceeding required or authorized by Article XIII C or XIII D of the California Constitution. However, when an assessment ballot proceeding is conducted by mail pursuant to this section, the following rules apply:
    - i. The proceeding shall be denominated an “assessment ballot proceeding” rather than an election.
    - ii. Ballots shall be denominated “assessment ballots.”

In other words, 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.

All other jurisdictions that want to hold an election on a date other than the established election dates, must do so by all-mail ballot *and* meet one of the following criteria:

- Have no more than 1,000 registered voters.<sup>1</sup>

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<sup>1</sup> 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 §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>1</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 override or both.<sup>2</sup>
- 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 California Constitution. 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. 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.
- The measure is an assessment ballot proceeding held pursuant to Proposition 218 (see table on following page).

### ***“Small City” or “Eligible Entity” Mailed Ballot Election***

Elections Code §4004 states:

- a) "Small city" means a city with a population of 100,000 or less, as determined by the annual city total population rankings by the Demographic Research Unit of the Department of Finance.
- b) "Eligible entity" means a school district or a special district.
- c) Notwithstanding §§1500 and 4000, an election in a small city or an eligible entity may be conducted wholly as an all-mail ballot election, subject to the following conditions:
  - 1) The legislative body of the small city or the governing body of the eligible entity, by resolution, authorizes the use of mailed ballots for the election.

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<sup>1</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>2</sup> The Gann Limit, passed by voters as Proposition 4 in November 1979, created Article XIII B of the California 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.

- 2) The election is a special election to fill a vacancy in the legislative body or governing body.
- 3) The election is not held on the same date as a statewide primary or general election.
- 4) The election is not consolidated with any other election.
- 5) The return of voted mail ballots is subject to §3017.

### ***Exception for Special Districts***

Elections Code §4002 states:

“Notwithstanding §4000, a special district may conduct its elections by mail in accordance with §§1500, 4104, 4105, and 4108.”

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 §4000).”

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

## Chart of Established Election Dates

		2017	2018	2019	2020
<b>First Tuesday after First Monday in March odd years</b> E-88 Deadline	Polling Place	<b>3/7/17</b> 12/8/16	Does not apply	<b>3/5/19</b> 12/7/18	Does not apply
<b>First Tuesday in March even years</b> E-88 Deadline	*Mailed Ballot	Does not apply	<b>3/6/18</b> 12/8/17	Does not apply	<b>3/3/20</b> 12/6/19
<b>Second Tuesday in April even years</b> E-88 Deadline	Polling Place	Does not apply	<b>4/10/18</b> 1/5/18	Does not apply	<b>4/14/20</b> 1/17/20
<b>First Tuesday after First Monday in May each year</b> E-88 Deadline	*Mailed Ballot	<b>5/2/17</b> 2/3/17	<b>5/8/18</b> 2/9/18	<b>5/7/19</b> 2/8/19	<b>5/5/20</b> 2/7/20
<b>First Tuesday after First Monday in June each year</b> E-88 Deadline	Polling Place	<b>6/6/17</b> 3/10/17	<b>6/5/18</b> 3/9/18	<b>6/4/19</b> 3/8/19	<b>6/2/20</b> 3/6/20
<b>Last Tuesday in August each year</b> E-88 Deadline	*Mailed Ballot	<b>8/29/17</b> 6/2/17	<b>8/28/18</b> 6/1/18	<b>8/27/19</b> 5/31/19	<b>8/25/20</b> 5/29/20
<b>First Tuesday after First Monday in November each year</b> E-88 Deadline	Polling Place	<b>11/7/17</b> 8/11/17	<b>11/6/18</b> 8/10/18	<b>11/5/19</b> 8/9/19	<b>11/3/20</b> 8/7/20

**\*Mailed ballot election:**<sup>1</sup> May be conducted for a jurisdiction of fewer than 1,000 registered voters; 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; Monterey Peninsula Water Management District elections; Aliso Water Management Agency elections; San Jacinto Mountain Area Water Study Agency elections; San Lorenzo Valley Water District elections; elections or assessment ballot proceedings required or authorized by Article XIII C or XIII D of the California Constitution (includes all parcel tax elections regardless of the size or type of jurisdiction). In addition, any special district may call its election by mail.

**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.<sup>2</sup>

<sup>1</sup> §§4000 &4002

<sup>2</sup> §§1000 et. seq

**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 within 45 days on either side of a statewide election (unless it is an established election date); 55% school bond elections must be held on a primary, general or special statewide election, or regular school board election date for jurisdiction. Just as a rule of thumb, 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.