

ITEM 19

PROPOSED AMENDMENT TO PARAMETERS AND GUIDELINES

LOCAL ELECTIONS: CONSOLIDATION

04-PGA-21 (CSM-4317)

As Added or Amended by:

Statutes 1981, Chapter 1013, Statutes 1982, Chapter 218
Statutes 1985, Chapter 896, Statutes 1986, Chapters 188 and 667
Statutes 1987, Chapters 2, 84, and 1083, Statutes 2004, Chapter 206

EXECUTIVE SUMMARY

Background

In 1989, the Commission on State Mandates (Commission) determined that the *Local Elections: Consolidation* program imposed a reimbursable state-mandated program upon specified counties¹ within the meaning of article XIII B, section 6 of the California Constitution and Government Code section 17514, by requiring the counties to prepare impact analyses, cost-benefit analyses, and conduct public hearings on requests to consolidate city or school district elections with statewide primary or general elections. In 1989, the Commission adopted parameters and guidelines for this program.

Last year, Assembly Bill (AB) 2854 (Stats. 2004, ch. 206) was enacted to make optional the requirement that counties conduct cost-benefit analyses on requests to consolidate elections. On November 8, 2004, the State Controller's Office (SCO) requested that the parameters and guidelines for this program be amended to reflect the changes made by AB 2854.²

Staff Analysis

Staff reviewed the legislation and the SCO's request. Non-substantive changes were made to Section II, Eligible Claimants. Staff modified all other sections of the parameters and guidelines as discussed below.

I. SUMMARY OF THE MANDATE

This section was amended to include information regarding AB 2854, and to make the section consistent with other parameters and guidelines that the Commission recently adopted.

¹ Counties that deny requests to consolidate city and/or school district elections with statewide primary or general elections.

² Exhibit A.

III. PERIOD OF REIMBURSEMENT

Government Code section 17557 provides that a request for amendment of parameters and guidelines filed more than 90 days after the claiming deadline for initial reimbursement claims, and on or before January 15 following a fiscal year, shall establish reimbursement eligibility for that fiscal year. The SCO requested that these parameters and guidelines be amended on November 8, 2004, which would make the proposed amendments effective July 1, 2004. However, the legislation that caused the need for the amendments did not become effective until July 27, 2004. Therefore, the effective date of the proposed amendments is July 27, 2004. Staff revised this section to clarify that effective July 27, 2004, conducting a cost-benefit analysis and submitting a cost-effectiveness report are no longer eligible for reimbursement.

This section was also revised to include language adopted by the Legislature and the Commission since these parameters and guidelines were originally adopted in 1989. When these parameters and guidelines were adopted, the minimum threshold for filing reimbursement claims was \$200. In 2004, that amount was increased to \$1,000.³ The proposed revisions reflect this increase.

IV. REIMBURSABLE ACTIVITIES

This section was revised to include language regarding supporting documentation requirements adopted by the Commission. This section was also revised to remove the activity of completing a cost-benefit analysis to adhere to the AB 2854 requirements.

V. – X. CLAIM PREPARATION AND SUBMISSION, RECORD RETENTION, OFFSETTING SAVINGS AND REIMBURSEMENTS, CLAIMING INSTRUCTIONS, REMEDIES BEFORE THE COMMISSION, AND LEGAL AND FACTUAL BASIS FOR PARAMETERS AND GUIDELINES

The remaining sections regarding preparation of reimbursement claims, retaining records, and information regarding amending parameters and guidelines and the legal and factual basis for parameters and guidelines were added to make these parameters and guidelines consistent with other parameters and guidelines adopted by the Commission.

Staff Recommendation

Staff recommends that the Commission adopt the proposed amendments to the parameters and guidelines for the *Local Elections: Consolidation* program, beginning on page 3.

Staff also recommends that the Commission authorize staff to make any non-substantive, technical corrections to the parameters and guidelines following the hearing.

³ Statutes 2002, chapter 1124 (Assem. Bill No. 3000).