



City Attorney's Impartial Analysis

The San Mateo City Charter currently provides that the city's general elections shall be held in November of each odd-numbered year.

In 2015, the California Legislature enacted Senate Bill 415. The effect of this law is that commencing January 1, 2018, a city may not hold its general elections in odd numbered years, if holding an election in an odd numbered year has previously resulted in a "significant decrease in voter turnout" as defined in the law. Voter turnout for the city's November 2015 election resulted in a significant decrease in voter turnout as compared to even year elections as defined by SB 415. SB 415 provides that a voter residing in a city that holds an election in violation of the law may sue the city for a court order compelling the city to hold elections in even numbered years for future elections. The law also allows for the award of reasonable attorney fees to be paid by the city to residents who successfully sue to enforce its requirements.

It is uncertain whether San Mateo as a charter city would be required to comply with SB 415. Article 11, Section 5 of the California Constitution expressly authorizes city charters to provide for the times at which municipal officers will be elected. However, the California Attorney General has issued a formal opinion concluding that charter cities are required to comply with SB 415. This question has not been addressed by the courts.

If approved by a majority of voters, Measure B would amend the city charter to provide that the city's general elections shall be held in November of even numbered years. The proposed measure would make one-time alterations to the length of council terms of office to accommodate this adjustment. The terms of council members elected in 2015 would be extended to December 2020. The terms of council members elected in December 2017 would be extended to December 2022. Thereafter, all terms would be for four years.

This measure was placed on the ballot by vote of the San Mateo City Council.

A YES vote approves the measure.

A NO vote rejects the measure.



Shawn M. Mason