

SENATE BILL

No. 1180

**Introduced by Senator Dahle
(Principal coauthor: Senator Hill)**

February 20, 2020

An act to add Sections 61049 and 61108 to the Government Code, relating to community services districts.

LEGISLATIVE COUNSEL'S DIGEST

SB 1180, as introduced, Dahle. Fallen Leaf Lake Community Services District: elections.

Existing law, the Community Services District Law, specifies the procedures for district formation and the selection of district governing board members. That law also requires a person to be a voter of the district in order to serve on its board of directors.

Existing law, the Uniform District Election Law, provides for landowner voting districts, in which each voter is required to be an owner of land located within the district. Existing law also provides for resident voting districts, which are districts other than landowner voting districts.

Under existing law, the Fallen Leaf Lake Community Services District is a resident voting district.

This bill would require the El Dorado County elections official, with the assistance of the Fallen Leaf Lake Community Services District, to conduct district elections pursuant to the Uniform District Election Law, except as otherwise provided in the bill. The bill, notwithstanding existing law, would provide that voters who are resident registered voters of the district, and voters who are not residents but either own a real property interest in the district or have been designated by the owner of a real property interest to cast the vote for that property, may vote in a district election in the Fallen Leaf Lake Community Services

District, as specified. The bill would require the designations of voters and authority of legal representatives to be filed with the El Dorado County elections official and the secretary of the Fallen Leaf Lake Community Services District and maintained with the list of qualified voters of the district.

The bill also would authorize a voter who is not a resident of the district but owns a real property interest in the district to designate only one voter to vote on their behalf, regardless of the number of parcels in the district owned by the nonresident voter. The bill would prohibit a parcel from simultaneously having a designated voter and a resident voter or voters, as specified. The bill would require the El Dorado County elections official, with the assistance of the secretary of the Fallen Leaf Lake Community Services District, to notify each parcel owner regarding the right to designate a person to cast a vote at district elections, as provided. The bill would require the secretary to deliver to the El Dorado County elections official, and update, a preliminary list of eligible voters, as specified. By mandating a higher level of service on local government, this bill would impose a state-mandated local program.

The bill would provide that a person qualified to vote pursuant to these provisions is qualified to be a candidate for, and serve on, the Fallen Leaf Lake Community Services District Board of Directors.

The bill would require the election of the Fallen Leaf Lake Community Services District Board of Directors to be held on the last Tuesday of August of odd-numbered years, unless the El Dorado County elections official determines the public interest is best served by holding the election on a different date.

Existing law provides penalties for prohibited acts relating to statewide and local elections.

This bill would subject violations of its provisions relating to voting and elections to those penal provisions. By expanding the scope of an existing crime, this bill would impose a state-mandated local program.

Existing law, the Community Services District Law, generally provides for the formation of community service districts that have specified general powers, including, among others, the power to adopt ordinances or enter into and perform contracts, in order to provide specified services authorized under that law.

This bill would prohibit the Fallen Leaf Lake Community Services District from providing any services or facilities except fire protection

and medical services, including emergency response and services, as well as parks and recreation services and facilities.

This bill would make legislative findings and declarations as to the necessity of a special statute for the Fallen Leaf Lake Community Services District.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 61049 is added to the Government Code,
2 immediately following Section 61048, to read:

3 61049. (a) The El Dorado County elections official, with the
4 assistance of the Fallen Leaf Lake Community Services District,
5 shall conduct district elections pursuant to the Uniform District
6 Election Law (Part 4 (commencing with Section 10500) of Division
7 10 of the Elections Code), except as otherwise provided in this
8 section.

9 (b) Notwithstanding any other law, qualified voters at district
10 elections in the Fallen Leaf Lake Community Services District
11 shall be any of the following:

12 (1) Voters who are resident registered voters of the district.

13 (2) Voters who are not residents of the district, but meet either
14 of the following:

15 (A) Own a real property interest within the district.

16 (B) Have been designated by the owner of a real property
17 interest to cast the vote for that property.

18 (c) (1) A real property interest shall include both of the
19 following:

20 (A) Ownership within the district of a fee simple interest in real
21 property.

1 (B) Ownership of a United States Forest Service Recreation
2 Permit for land within the district.

3 (2) The last equalized county assessment roll shall be conclusive
4 evidence of ownership of a real property interest within the district.

5 (d) (1) If the real property interest is owned in joint tenancy,
6 tenancy in common, or any other multiple ownership, the owners
7 of the real property interest shall designate in writing the person
8 qualifying as a voter.

9 (2) If the real property interest is held in the name of a trust, the
10 trustee shall designate in writing which trustee or beneficiary shall
11 be the owner of the real property interest for purposes of qualifying
12 as a voter.

13 (3) (A) If the real property interest is held in the name of a
14 corporation, company, or an estate, the legal representative may
15 vote on behalf of the corporation, company, or estate or may
16 designate another person to be the voter.

17 (B) As used in this section, legal representative means an official
18 of a corporation or company owning the real property interest or
19 a guardian, executor, or administrator of the estate of the holder
20 of title to the real property who is:

21 (i) Appointed under the laws of this state.

22 (ii) Entitled to the possession of the estate's real property
23 interest.

24 (iii) Authorized by the appointing court to exercise the particular
25 right, privilege, or immunity which they seeks to exercise.

26 (iv) Before a legal representative votes at a district election,
27 they shall present to the El Dorado County elections official and
28 the secretary of the Fallen Leaf Lake Community Services District
29 a certified copy of their authority which shall be maintained with
30 the list of voters qualified to vote in elections of the Fallen Leaf
31 Lake Community Services District.

32 (4) If the real property interest is held in the name of an
33 individual, that person will be the voter, unless that person
34 designates another person in writing to be the voter.

35 (e) If a person other than a legal representative or a person or
36 entity listed on the last equalized county assessment roll is to be
37 the voter, the designation of that person by the person or entity
38 listed on the assessor's roll shall be in writing, include the signature
39 of the person so designated, filed with the El Dorado County
40 elections official and the secretary of the Fallen Leaf Lake

1 Community Services District, and maintained with the list of voters
2 qualified to vote in elections of the Fallen Leaf Lake Community
3 Services District. All designations shall be submitted at least 60
4 days before the election.

5 (f) Regardless of the number of parcels owned by a voter who
6 is not a resident of the district but owns a real property interest in
7 the district, that voter may designate only one person to vote on
8 their behalf at district elections.

9 (g) (1) A parcel shall not simultaneously have a designated
10 voter and a resident voter or voters.

11 (2) If a voter registers as a resident voter at a parcel, the El
12 Dorado County elections official shall immediately disqualify and
13 remove from the list of voters qualified to vote at district elections
14 any designated voter for that parcel.

15 (3) If more than one parcel is owned by a voter registered as a
16 resident voter, the El Dorado County elections official shall
17 immediately disqualify and remove from the list of voters qualified
18 to vote at district elections any designated voter for any of those
19 parcels.

20 (h) The Fallen Leaf Lake Community Services District and any
21 entity the district controls shall not be permitted to designate a
22 voter for itself if it is a property owner.

23 (i) The El Dorado County elections official, with the assistance
24 of the secretary of the Fallen Leaf Lake Community Services
25 District, shall notify each parcel owner regarding the parcel owner's
26 right to designate a person to cast a vote at district elections. When
27 the ownership of parcels changes, the El Dorado County elections
28 official, with the assistance of the Fallen Leaf Lake Community
29 Services District, shall notify new parcel owners regarding the
30 right to designate a person to vote at district elections. Notification
31 may be made either:

32 (1) Individually, at the time each parcel changes ownership.

33 (2) Together, all parcel owners that are new since the last
34 notification, once every two years.

35 (j) A voter who is a resident of the district shall not designate
36 anyone else to vote at district elections.

37 (k) (1) (A) At least 125 days before a district election, the
38 secretary of the Fallen Leaf Lake Community Services District
39 shall deliver to the El Dorado County elections official, in a form
40 prescribed by the elections official, a preliminary list of eligible

1 voters determined by the district as meeting the requirements of
2 this section, including voters who are residents of the district and
3 designees for voters who are not residents but who own real
4 property.

5 (B) The secretary of the Fallen Leaf Lake Community Services
6 District shall update the preliminary list of eligible voters at least
7 45 days before the election.

8 (C) When a petition for a recall, referendum, or initiative is filed
9 with the El Dorado County elections official, the secretary of the
10 Fallen Leaf Lake Community Services District shall update the
11 preliminary list of eligible voters within 10 days of being notified
12 by the elections official that a petition has been filed.

13 (2) The El Dorado County elections official shall have sole
14 responsibility for certifying the eligibility of voters pursuant to
15 this section and shall make a copy of the official list of eligible
16 voters available to the district.

17 (3) At least seven days before the district election, the Fallen
18 Leaf Lake Community Services District shall conspicuously post
19 a copy of the official list of eligible voters in the office of the
20 district in a place where the public generally has access and shall
21 make the list available on the district's internet website.

22 (l) The election of the Fallen Leaf Lake Community Services
23 District Board of Directors shall be held on the last Tuesday of
24 August of odd numbered years, unless the El Dorado County
25 elections official determines the public interest is best served by
26 holding the election on a different date.

27 (m) A person qualified to vote pursuant to this section is
28 qualified to be a candidate for, and serve on, the Fallen Leaf Lake
29 Community Services District Board of Directors.

30 (n) Violations of this section are subject to the penal provisions
31 of Division 18 (commencing with Section 18000) of the Elections
32 Code.

33 SEC. 2. Section 61108 is added to the Government Code,
34 immediately following Section 61107, to read:

35 61108. The Fallen Leaf Lake Community Services District
36 shall not provide any of the services or facilities set forth in this
37 chapter except fire protection and medical services, including
38 emergency response and services, as well as parks and recreation
39 services and facilities.

1 SEC. 3. The Legislature finds and declares that a special statute
2 is necessary and that a general statute cannot be made applicable
3 within the meaning of Section 16 of Article IV of the California
4 Constitution because of the unique need to ensure that property
5 owners have an equal opportunity to vote in Fallen Leaf Lake
6 Community Services District elections and serve as members of
7 the district's board.

8 SEC. 4. No reimbursement is required by this act pursuant to
9 Section 6 of Article XIII B of the California Constitution for certain
10 costs that may be incurred by a local agency or school district
11 because, in that regard, this act creates a new crime or infraction,
12 eliminates a crime or infraction, or changes the penalty for a crime
13 or infraction, within the meaning of Section 17556 of the
14 Government Code, or changes the definition of a crime within the
15 meaning of Section 6 of Article XIII B of the California
16 Constitution.

17 However, if the Commission on State Mandates determines that
18 this act contains other costs mandated by the state, reimbursement
19 to local agencies and school districts for those costs shall be made
20 pursuant to Part 7 (commencing with Section 17500) of Division
21 4 of Title 2 of the Government Code.