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NEVADA COUNTY BOARD OF SUPERVISORS
BOARD AGENDA MEMO

MEETING DATE: July 22, 2025

TO: Board of Supervisors

FROM: Tine Mathiasen, Chief Deputy Clerk of the Board

SUBJECT: An ordinance repealing and replacing Chapter 2 of Title 2 of the Nevada County Code to align elections for the Assessor, Auditor-Controller, Clerk-Recorder and Elections Official, and the Treasurer-Tax Collector with the presidential primary as authorized by California Elections Code section 1300(b)(2) and codify that the elections for the Sheriff-Coroner-Public Administrator and District Attorney are mandated to be held with the presidential primary (Elections Code section 1300(a)(1)).

RECOMMENDATION: Introduce and waive first reading of the Ordinance authorizing repealing and replacing Chapter 2 of Title 2 of the Nevada County Code to align the elections of certain county officers with the presidential primary as authorized by California Elections Code section 1300(b)(2) and codify that the elections for the Sheriff-Coroner-Public Administrator and District Attorney are mandated to be held with the presidential primary (Elections Code section (a)(1)).repeal and replace

FUNDING: N/A

BACKGROUND: Signed into law in September of 2022, AB 759 required that elections for District Attorney and Sheriff in California move from the Gubernatorial to the Presidential election cycle. That change was generally accomplished by a one-time extension of the terms of those offices from 4 years to 6 years. California Elections Code section 1300(d) directs that “[a] district attorney or sheriff elected in 2022 shall serve a six-year term and the next election for that office shall occur at the 2028 presidential primary.”

AB 759 additionally provides that a county board of supervisors is authorized to adopt an ordinance that would align the election of any county officers other than a county superintendent of schools with the presidential election cycle.

The authors of the legislation pointed to the discrepancy in voter turnout as a primary reason for the change from Gubernatorial to Presidential election cycles. An analysis by

the Assembly Committee on Elections found evidence supporting this argument and cited the following statistics, "...voter turnout as a percentage of eligible voters has averaged 32.7% in the presidential primary elections compared to 26.9% in gubernatorial primary elections.... general elections over the same time period, voter turnout in presidential elections averages 57.3% of eligible voters compared to 42.4% of eligible voters in gubernatorial elections."

Other organizations in support of the legislation cited the Public Policy Institute of California, which found, "...the best instrument for increasing voter turnout is scheduling elections during the presidential election cycle."

AB 759 passing and being signed into law had the effect of amending California Elections Code section 1300 to, in part, include, "a county board of supervisors may adopt an ordinance to hold an election to select any county officer other than a county superintendent of schools with the presidential primary."

To facilitate this change in Nevada County, the proposed ordinance would amend Chapter 2 of Title 2 of the Nevada County Code to specify that the elections for the assessor, auditor-controller, county clerk-recorder and elections official, and the treasurer and tax collector "be held with the presidential primary."

This would, in effect, result in the next election of county officers, including the assessor, auditor-controller, county clerk-recorder and elections official, and the treasurer tax collector joining the sheriff and the district attorney on the 2028 ballot(s) in alignment with the Presidential election cycle.

The Ordinance also includes clean-up language in Section 2.02.030 to reflect alignment with any changes made to Government Code section 26945.

Initiated:

Approved:

Submittal Date: July 7, 2025