August 9, 2020

The Honorable Tom Umberg  
California State Senate, 34th District  
State Capitol, Room 3076  
Sacramento, CA 95814

Re: SB 970 (Umberg) - Primary election date  
City of Beverly Hills - Support if Amended

Dear Senator Umberg:

On behalf of the City of Beverly Hills, I write to inform you of our City’s Support If Amended position on SB 970, your measure that would change the date of the statewide direct primary to the first Tuesday after the first Monday in June, in even-numbered, non-presidential primary years. We request that you amend SB 970 to allow cities to extend their City Council terms beyond the current 12-month statutory limit until the June 2022 election can be certified and the installation of the elected officials can occur. Arguably, without this amendment, the City of Beverly Hills will lack a quorum of its City Council beginning in March 2022 as the City is unable to extend the term the three current City Councilmembers who are up for reelection.

In 2015, the Legislature passed SB 415 (Hueso) the “California Voter Participation Rights Act,” which required cities to align their elections with statewide election dates. Subsequently, in 2017, the Legislature passed SB 568 (Lara), which changed the State’s primary election date to March.

Prior to SB 415 and SB 568, the City of Beverly Hills conducted elections in odd numbered years. In order to conform to SB 415 and SB 568, the City of Beverly Hills extended the terms of the City Council by one year, the maximum allowed under state law. The first election to conform to the change enacted by these two bills was in March 2020 for two of the five City Council seats. The next election for the remaining three seats will take place in March 2022.
SB 970 would change the date of the state’s primary election, in years not divisible by four, to the first Tuesday after the first Monday in June. As Beverly Hills has already extended the term of its City Councilmembers by the maximum allowed under state statute, the City is requesting SB 970 be amended to add the following:

*Notwithstanding subdivision (b) of Elections Code section 10403.5, any term of office set to expire in March or April 2022 may be extended to expire in June 2022 following the certification of election results and administration of oath of office to the newly elected office holder.*

If SB 970 becomes law without this amendment, arguably the City of Beverly Hills would not have the authority to adjust its council terms to conform to such a change. The City has exhausted its authority under current law to extend local City Council terms and there is no earlier date on which the City would be allowed to hold a City Council election pursuant to current law (as enacted by SB 415).

The City of Beverly Hills is not the only city in Los Angeles County or the state that is faced with this situation. For these reasons, the City of Beverly Hills respectfully requests SB 970 be amended to address this issue by providing cities a one-time exemption from the 12-month rule so they may change their election date from March to June in order to conform with the new election timeline proposed by SB 970 (Umberg). With this amendment, the City of Beverly Hills would be in full Support of SB 970.

Sincerely,

George Chavez
City Manager, City of Beverly Hills

cc: Members and Consultants, Assembly Elections and Redistricting Committee
Members and staff, Senate Elections and Constitutional Amendments Committee
Members and staff, Assembly Appropriations Committee
The Honorable Ben Allen, 26th Senate District
The Honorable Richard Bloom, 50th Assembly District
Mayor and City Councilmembers, City of Beverly Hills
Andrew K. Antwih, Shaw Yoder Antwih Schmelzer & Lange