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September 13, 1978

Eeve Lewis  
Acting County Clerk and  
Registrar of Voters  
County of Sonoma  
2555 Mendocino Avenue  
Santa Rosa, CA 95401

Dear Eeve:

The California Courts of Appeal have recently decided the following cases regarding election law:

1. The County of San Mateo v. Belmont County Water District, 83 Cal.App.3d 485.

Residents of the local water district petitioned for the establishment of the district as a subsidiary of a city pursuant to the District Reorganization Act (Government Code section 56000 et seq.). Even though the proposal was defeated, the County presented the water district with a bill for costs. The Court of Appeal ordered the district to pay holding that under the requirements of the Act, in the event of a conflict between the provisions of Elections Code, provisions dealing with local elections were controlling, i.e., that the statute providing that expenses for general elections were to be paid by counties (Elections Code section 10000) did not apply in light of a second and controlling statute providing that a district would reimburse a county for the costs of conducting district elections (Elections Code section 23524). The Court noted that no benefit was received from the election by voters residing outside the water district and that it was appropriate for the residents of the district to bear the costs under the circumstances.

2. Kellan v. Eu, 83 Cal.App.3d 463.

The Court of Appeal upheld the Secretary of State's interpretation that Election Code section 7201 ultimately required independent candidates for special primary election to submit 500 valid signatures pursuant to Elections Code section 6831 while qualified party candidates need only submit

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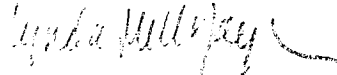
forty signatures. The Court further held that the special election provisions did not violate the petitioner's right to equal protection inasmuch as the signature requirement was not shown to operate in a way as to deny the constitutionally guaranteed right to appear on the special primary election ballot; rather, it was an implementation of the state's legitimate desire that its elections represent fair choice and that its ballots maintain manageable proportions.

3. Libertarian Party of California v. Eu, 83 Cal.App. 3d 470.

The Court of Appeal held that Elections Code section 7203 which excluded from a general election ballot all candidates not affiliated with an established political party, violated voters' and candidates' rights to equal protection because of the severity of the burden placed on independent party candidates who had no alternative approach to the ballot.

If you have any questions concerning these decisions, please do not hesitate to contact me.

Sincerely yours,

  
LYNDA MILLSPAUGH  
Deputy County Counsel

LM:jw

cc: ✓ Leanne Chipchase  
Elections Supervisor