



Agenda Report

October 28, 2019

TO: Honorable Mayor and City Council

FROM: City Clerk

SUBJECT: ADOPTION OF RESOLUTIONS RELATED TO THE CALLING AND GIVING NOTICE OF THE CITY OF PASADENA MARCH 3, 2020 PRIMARY MUNICIPAL ELECTION FOR THE OFFICE OF MAYOR AND FOR MEMBERS OF THE CITY COUNCIL IN DISTRICTS 1, 2, 4, AND 6, AND THE SUBMISSION TO THE VOTERS OF AN INITIATIVE PETITION BALLOT MEASURE TO ALLOW OPERATION OF CANNABIS BUSINESSES THAT PREVIOUSLY OPERATED ILLEGALLY, IN VIOLATION OF THE PASADENA MUNICIPAL CODE; AND IF NECESSARY, THE CALLING AND GIVING NOTICE OF THE NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION; AND THE CONSOLIDATION OF PASADENA'S PRIMARY AND GENERAL MUNICIPAL ELECTIONS WITH THE STATEWIDE PRIMARY AND GENERAL ELECTIONS; AND OTHER RELATED MATTERS

RECOMMENDATION:

It is recommended that the City Council take the following actions:

- (1) Find that the proposed actions are exempt from review pursuant to the California Environmental Quality Act ("CEQA") in accordance with State CEQA Guidelines § 15061(b)(3) (General Rule):
- (2) Adopt a resolution of the City Council of the City of Pasadena calling and giving notice for the holding of a Primary Municipal Election to be held on March 3, 2020 for the Office of Mayor and for members of the City Council in Districts 1, 2, 4, and 6; the submission of an initiative petition ballot measure to allow operation of cannabis businesses that previously operated illegally, in violation of the Pasadena Municipal Code; and if necessary, the calling and giving notice for the holding of a General Municipal Election on November 3, 2020;
- (3) Adopt a resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of the County of Los Angeles to approve the consolidation of the March 3, 2020 Primary Municipal Election, and if necessary, the November 3, 2020 General Municipal Election with the Statewide Primary and General Elections, and direct the Los Angeles County Registrar-Recorder/County Clerk to administer said elections on behalf of the City;

- (4) Adopt a resolution of the City Council of the City of Pasadena setting forth regulations relating to candidate statements for the March 3, 2020 Primary Municipal Election, and if necessary, the November 3, 2020 General Municipal Election;
- (5) Adopt a resolution of the City Council of the City of Pasadena setting priorities for the filing of written arguments pertaining to an initiative petition ballot measure to allow operation of cannabis businesses that previously operated illegally, in violation of the Pasadena Municipal Code; and directing the City Attorney to prepare an impartial analysis; and
- (6) Adopt a resolution of the City Council of the City of Pasadena providing for the filing of rebuttal arguments for an initiative petition ballot measure to allow operation of cannabis businesses that previously operated illegally, in violation of the Pasadena Municipal Code.

BACKGROUND:

Resolution Calling and Consolidating Election (First Resolution)

Section 1208 of the City Charter ("Charter") and the California Elections Code, Section 12001, provides that elections be called by ordinance or resolution. Accordingly, the first resolution stipulates general information regarding the date of the primary municipal election, offices to be elected, the method by which candidates shall be selected, and submitting an initiative petition ballot measure question to the voters. The dates of the City primary municipal election and general municipal elections are established by Charter Sections 1202 and 1205.

Resolution Requesting Election Services (Second Resolution)

California Elections Code Section 10403 permits municipal elections to be consolidated with statewide elections, to be conducted as one election. This second resolution is necessary to receive the Los Angeles County Board of Supervisors' approval for full consolidated election services for the Primary Municipal Election, and if necessary, the General Municipal Election, to be performed by the Los Angeles County Registrar-Recorder/County Clerk. The City Clerk's Office will continue to perform all nomination, campaign, and ballot measure filing duties.

Candidate Statements/Compliance with Federal Voting Rights Act (Third Resolution)

The third resolution sets forth regulations pertaining to candidate statements for the primary and general municipal elections. Candidates will be required to pay actual costs for printing candidate statements in English in the sample ballot pamphlet. The City will absorb translation costs in complying with the Federal Voting Rights Act (as detailed in the next paragraph), including costs associated with printing candidate statements in required translated sample ballot pamphlets.

Spanish, Chinese, and Korean are languages within Pasadena that have been identified by 2010 Census data and the County of Los Angeles as single-language minorities and limited-English proficient; and where 3% or more of voters in certain precincts have requested language assistance in one of these three required languages. It is the County's policy to print single-language ballot books, with voters receiving election information in the requested language. For voters in Pasadena that have self-designated as English proficient, they will receive an English only booklet. For Spanish, Chinese, and Korean speaking voters that have requested election information in those languages, they will receive single-language ballot books both in English and the respective requested language.

Under the regulations set forth in the resolution, candidates will be required to pay a deposit for the actual costs of printing candidate statements in English. The City will cover the costs of translating and printing candidate statements in the other required languages. Based on current voter registration figures and a cost estimate provided by the County for candidates to submit and print a candidate statement in English, the proposed deposit amounts are as follows:

MARCH 2020 PRIMARY ELECTION					
	Mayor	Council 1	Council 2	Council 4	Council 6
English	\$1,900	\$400	\$400	\$400	\$400

Candidates who wish to include Spanish translations of their candidate statements in the English booklet shall pay printing costs to include the translated statement. Candidates will pay the estimated costs at the time nomination papers and candidate's statements are filed, with the estimated costs being equal to the amount required for the printing of the English statement.

For the general (run-off) election, where in each race a majority winner is not elected, the top two candidates receiving the most votes in the primary will continue on to the general election for a run-off. For those candidates, they may request in writing the same statement or they may file a new statement with the City Clerk's Office. A new deposit in the appropriate amount as detailed above will be required to be filed by the deadline of Friday, August 7, 2020. This deposit will be accompanied with either a new candidate statement or a written request directing the City Clerk to use the same candidate statement used in the primary election.

Primary Arguments, Impartial Analysis, and Rebuttal Arguments (Fourth and Fifth Resolutions)


The final two resolutions provide details on the priority order for the filing of arguments, authorizes those designated by the City Council to file a written argument against the measure, directs the City Attorney to prepare an impartial analysis of the measure, and authorizes the filing of rebuttal arguments for the measure.

FISCAL IMPACT:

The adopted Fiscal Year 2019-2020 Election Budget is \$600,000. Recent changes to the County's estimated costs for cities, along with additional costs incurred due to a qualified initiative petition ballot measure, now make it so that election expenses will exceed the current Election Budget. Actual election costs will vary based on several additional factors such as the number of candidates on the ballot, an increase in voter registration, greater demand by voters to vote by mail (as well as the cost for paid return postage of vote by mail ballots), and unknown factors associated with the County's new voting system and process. Once cost factors are more fully known, the City Clerk's Office will return after January 2020 as part of a future budget clean-up report to request additional appropriation of funds for City Council consideration.

Attachment A to the agenda report utilizes the County's recently updated "Election Cost Estimator", which provides a breakdown of the anticipated expenses for election services to be provided by the Los Angeles County Registrar-Recorder/County Clerk's Office.

Respectfully submitted,



Mark Jomsky
City Clerk, CMC

Attachment A – Estimated Election Expenses

Resolutions:

- Calling Elections for Mayor and Council Districts 1, 2, 4, and 6, and Submission of Initiative Petition Ballot Measure
- Requesting Full Consolidated Election Services from County of Los Angeles
- Related to Candidate Statements/Compliance with Federal Voting Rights Act
- Setting Priorities for Primary Arguments and Directing an Impartial Analysis
- Providing for the Filing of Rebuttal Arguments