

Agenda Report

TO: CITY COUNCIL

DATE: NOVEMBER 18, 2002

FROM: CITY CLERK

SUBJECT: PROPOSED CHARTER AMENDMENT BALLOT MEASURE FOR THE CONSOLIDATED CITY OF PASADENA AND PASADENA UNIFIED SCHOOL DISTRICT PRIMARY NOMINATING ELECTION ON MARCH 4, 2003, TO ALLOW THE CITY COUNCIL AND THE BOARD OF EDUCATION THE OPTION TO HOLD ALL-MAIL BALLOT ELECTIONS

RECOMMENDATION:

It is recommended that the City Council:

- (1) Adopt a joint resolution of the City Council and Board of Education ordering the submission to the qualified electors of the City of Pasadena and the Pasadena Unified School District at the primary nominating election to be held on Tuesday, March 4, 2003, a certain Charter amendment measure to allow the City Council and the Board of Education the option to hold all-mail ballot elections; and
- (2) Adopt a joint resolution of the City Council and Board of Education authorizing a combined total of no more than five members of the City Council and the Board of Education to file a written argument in favor of the measure, and directing the City Attorney to prepare an impartial analysis of the measure.

(Note: The above joint resolutions will be presented to the Board of Education on November 26, 2002, and shall take effect upon the date adopted by both bodies.)

BACKGROUND:

On October 28, 2002, the City Clerk presented a report recommending Council consider all-mail ballot elections as a method to increase voter participation in the municipal elections. The City Council currently has the authority, as a Charter city, to conduct all-mail ballot City elections. But, because the Charter also governs the Pasadena Unified School District (PUSD) elections, and the PUSD election is consolidated with the City municipal election, there would be limitations on the City's ability to hold a consolidated all-mail ballot election. It should be noted that should this proposed Charter amendment be placed on the ballot and fail, it would not preclude the City Council from calling an all-mail ballot City election, as the Council currently has that authority as a Charter city.

At the October 28th meeting, the Council approved the City Clerk's recommendation to consider all-mail ballot municipal elections as a method of increasing voter participation, directed that a similar report on all-mail elections be presented to the Pasadena Board

of Education, and if the Board of Education concurs, that formal ballot language be prepared for placing a Charter amendment before the City and PUSD voters on the March 4, 2003 ballot to permit consolidated all-mail ballot municipal elections, at the option of the City Council and the Board of Education.

On November 12, 2002, the City Clerk presented to the Board of Education a similar report on all-mail ballot elections. The Board asked various questions regarding the mail ballot process and the cost comparison. Draft copies of the above referenced resolutions were distributed to the Board with the proposed ballot question and Charter language. The City Clerk noted that the proposed Charter language, if approved by the voters, does not mandate that all-mail ballot elections be held, but rather allows the Board and the City Council the option of holding consolidated all-mail ballot elections in the future. The Board was informed that if it desired to pursue placing a Charter amendment on the ballot, the joint resolutions would be presented to the City Council for adoption on November 18th, and then to the Board for adoption on November 26th. The City Clerk noted that the joint resolutions would not be effective unless adopted by both bodies.

The Board was supportive of amending the Charter to permit this option for future election cycles, with the understanding that if approved by the voters, it would take additional future actions of the Board (by resolution) and the City Council (by ordinance) to implement. It was noted this could be tried for one election cycle without committing to this method for all future election cycles. Board President Tommy McMullins expressed some reservations regarding all-mail elections, and stated he would need to see data that all-mail elections increase voter participation among minority and ethnic groups before he supports adoption of the formal resolutions on November 26th. The City Clerk has subsequently reviewed the research materials used to prepare the prior agenda report on all-mail elections, and this type of data was not reported.

There is no dispute that all-mail elections increase voter turnout, although the extent of the increase can vary by jurisdiction and the candidates and issues on the ballot. Generally, based on past precinct-by-precinct canvass results, the more affluent areas of Pasadena tend to already have greater turnout. By increasing the ease and convenience of voting by mail, one might expect that turnout may increase even more significantly in lower-income areas as these voters would no longer have to deal with transportation to the polls, child care, etc., that could be obstacles in polling place elections.

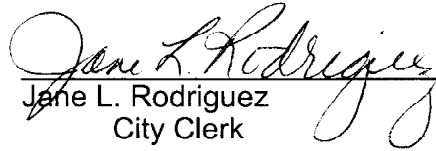
FISCAL IMPACT

The cost to place a Charter amendment on the March 4, 2003 ballot is approximately \$10,000. Funds are budgeted in the FY 2003 Elections Budget, Account 8114-101-

November 18, 2002


263000, for having up to two measures on the ballot without the need for an additional appropriation.

Respectfully submitted,


Jane L. Rodriguez
City Clerk

Reviewed by:

11/14/02


Nicholas G. Rodriguez
Assistant City Attorney

CITY RESOLUTION NO. _____

PUSD RESOLUTION NO. _____

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION ORDERING THE SUBMISSION TO THE QUALIFIED ELECTORS OF THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT AT THE PRIMARY NOMINATING ELECTION TO BE HELD ON TUESDAY, MARCH 4, 2003, A CERTAIN CHARTER AMENDMENT MEASURE TO ALLOW THE CITY COUNCIL AND THE BOARD OF EDUCATION THE OPTION TO HOLD ALL-MAIL BALLOT ELECTIONS

WHEREAS, a primary nominating election on Tuesday, March 4, 2003, has been called by Resolution 8167, adopted on October 28, 2002; and

WHEREAS, the City Council and the Board of Education desire to submit to the voters of the City of Pasadena and the Pasadena Unified School District at the primary nominating election a question relating to whether the Pasadena City Charter shall be amended to allow the City Council and the Board of Education the option to hold elections in which the primary or only method of voting is by mail, known as "all-mail" ballot elections.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION DO RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council and the Board of Education, pursuant to their right and authority, do hereby order submitted to the voters at the consolidated City of Pasadena and Pasadena Unified School District primary nominating election the following question:

MEASURE ___: Shall the Pasadena City Charter be amended to allow the City Council and the Board of Education the option to hold elections in which the primary or only method of voting is by mail, known as “all-mail” ballot elections?	YES	
	NO	

SECTION 2. That the entire text of the proposed Charter amendment is as follows:

“Section 708. STATE LAW APPLICABLE; ERRORS OR IRREGULARITIES. In all other matters, the election for members of the Board of Education shall, as to the primary nominating and as to the general election, be governed by the applicable general laws of the State relating to city boards of education; however, the Board of Education may, by resolution, consent to any consolidated, all-mail ballot election which is to be called by the City Council or may decline to give such consent.

No election, whether primary nominating or general, shall be set aside for any error, irregularity or defect in the proceedings leading up to or in said election, when the provisions of law governing the same are substantially complied with and where a fair expression of the will of the electorate is secured.”

“Section 1208. PROCEDURES FOR CONDUCTING ELECTIONS. Unless otherwise provided by ordinance, all municipal elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may hereafter be amended, governing municipal elections. The conduct of all City elections shall be under the control of the City Council, and the City Council shall, by ordinance or resolution, provide for the holding of each City election. Except where prohibited by any provision of the California Constitution or by federal law, the City Council may call an all-mail ballot election. Where an election is consolidated with an election of the Pasadena Unified School District, an all-mail ballot election may be called only with the prior consent of the Board of Education given by resolution.”

[Revised language is underlined]

SECTION 3. That in all particulars not recited in this Resolution, the election shall be held and conducted as provided by law for holding municipal elections.

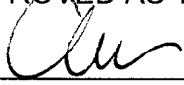
SECTION 4. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

SECTION 5. This Resolution shall take effect upon the date when it has been adopted by both the City Council and the Board of Education.

Adopted at the regular meeting of the City Council on the ____ day of _____, 2002, by the following vote:

City Clerk

Adopted at the regular meeting of the Board of Education on the ____ day of _____, 2002, by the following vote:

APPROVED AS TO FORM: *11/14/02*


Nicholas G. Rodriguez
Assistant City Attorney

Secretary to the Board of Education

CITY RESOLUTION NO. _____

PUSD RESOLUTION NO. _____

A JOINT RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION REGARDING A WRITTEN ARGUMENT PERTAINING TO A CHARTER AMENDMENT MEASURE TO ALLOW THE CITY COUNCIL AND THE BOARD OF EDUCATION THE OPTION TO HOLD ALL-MAIL BALLOT ELECTIONS

WHEREAS, a primary nominating election is to be held in the City of Pasadena and in the territory that is now annexed thereto for Pasadena Unified School District purposes, on Tuesday, March 4, 2003, at which time there will be submitted to the voters of the City of Pasadena and the Pasadena Unified School District the following measure:

MEASURE ____: Shall the Pasadena City Charter be amended to allow the City Council and the Board of Education the option to hold elections in which the primary or only method of voting is by mail, known as "all-mail" ballot elections?	YES	
	NO	

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF PASADENA AND THE PASADENA UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION DO RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That the City Council and the Board of Education authorize a combined total of no more than five members of the City Council and Board of Education to file a written argument in favor of the above measure, accompanied by the printed names and signatures of the persons submitting it, in accordance with Article 4, Chapter 3, Division 9 of the Elections Code of the State of California, and to change the argument until and including the date fixed by the

City Clerk after which no arguments for or against the measure may be submitted to the City Clerk.


SECTION 2. That the City Council and the Board of Education direct the City Clerk to transmit a copy of the measure to the City Attorney. The City Attorney shall cause to be prepared an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. The impartial analysis shall be filed by the date set by the City Clerk for the filing of primary arguments.

SECTION 3. This Resolution shall take effect upon the date when it has been adopted by both the City Council and the Board of Education.

Adopted at the regular meeting of the City Council on the ____ day of _____, 2002, by the following vote:

City Clerk

Adopted at the regular meeting of the Board of Education on the ____ day of _____, 2002, by the following vote:

APPROVED AS TO FORM: ^{11/14/02}


Nicholas G. Rodriguez
Assistant City Attorney

Secretary to the Board of Education