

Agenda Report

TO: CITY COUNCIL

DATE: NOVEMBER 1, 2004

FROM: CITY CLERK

SUBJECT: RESOLUTIONS RELATED TO THE CALLING OF THE REGULAR MARCH 8, 2005, PRIMARY NOMINATING ELECTION AND CONSOLIDATION OF THE PASADENA BOARD OF EDUCATION PRIMARY WITH SAID ELECTION

RECOMMENDATION:

It is recommended that the City Council adopt the following resolutions:

- (1) A resolution calling a primary nominating election for the offices of members of the City Council for Districts 3, 5, and 7 of the City of Pasadena, and consolidating with said election the Pasadena Unified School District (PUSD) Board of Education Primary, Seats 1, 3, 5, and 7, and authorizing the City Clerk to enter into a contract with PUSD for the City Clerk to provide election services to the School District.
- (2) A resolution requesting the Board of Supervisors of Los Angeles County to permit the Registrar of Voters of said County to render specified services to said City relating to the conduct of a consolidated City of Pasadena and Pasadena Board of Education primary nominating election on March 8, 2005 and, if necessary, a general municipal election to be held on April 19, 2005.
- (3) A resolution setting forth regulations relating to candidate statements for said primary and general municipal elections.

BACKGROUND:

Calling and Consolidating Election (First Resolution)

Section 1208 of the City Charter and the California Elections Code provides that elections be called by ordinance or resolution. Accordingly, the first resolution stipulates general information regarding the date of the primary nominating election, offices to be elected, the method by which candidates shall be selected, ballots, time of opening and closing polls, polling places and election officers, and the canvass to be conducted by the City Clerk. The date of the City primary nominating election is established by Section 1202 of the Charter.

Section 703 of the Charter provides for the primary nominating election of the Pasadena Unified School District (PUSD) Board of Education to be held at the same time as the City primary nominating election. California Elections Code Sections 10400, et seq., permit the consolidation of elections, and the Pasadena Unified School District has requested consolidation as noted in its October 18, 2004 letter (Attachment 1).

The resolution calling the election also sets forth the stipend for poll workers. The stipend was last raised in 2001 to \$75 for inspector and \$55 for clerk. Due to the long hours worked by poll workers on election day (14-15 hours), the difficulty in recruiting new poll workers, and the need to keep up with inflation, the stipend for poll workers is proposed to be raised to \$100 for inspector and \$75 for clerk, with increases in the custodial fee from \$12 to \$15 and the polling place rental fee from \$25 to \$30. Funds are available in the Election budget for these increases.

Election Services (Second Resolution)

California Elections Code Section 10002 permits the County to provide election services to cities, if requested. This resolution is necessary to request services of the Registrar of Voters, from the Board of Supervisors of Los Angeles County. The services include County computer records identifying names and addresses of all eligible registered voters; precinct maps for consolidation of County precincts; verification of signatures on nomination papers and absent voter applications; precinct officer materials; and the formula for the allocation of costs involved among the appropriate entities in accordance with the California Education Code and other applicable provisions of law. The County provides such services and bills the City and School District their pro-rata share of costs.

Candidate Statements/Compliance with 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 a pro-rata share of costs associated with printing their candidate statements in English, and the City and School District will absorb translation costs in complying with the Voting Rights Act, including costs associated with printing candidate statements in Spanish in the sample ballot pamphlet.

In the past, based on Census data for the City of Pasadena and the School District area, Spanish and Chinese have qualified for translations and assistance. Because of Pasadena's high Latino population, it is the City's policy to print a bilingual English/Spanish sample ballot pamphlet and provide translations, upon request, in Chinese since this language meets the 1% criteria for providing a targeting method of complying with the Voting Rights Act.

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. Based on current voter registration figures and a cost estimate by the election supplier, the proposed deposit amounts are \$250 for the district races and \$1,700 for the at-large

PUSD races. If actual costs are lower or higher than the deposit, candidates will be refunded or invoiced the difference.

For the general (run-off) election, candidates electing to have a statement printed may use the same statement or they may file a new statement. A new deposit in the respective amount above will be required to be filed with either a new statement for the general election or a written request directing the City Clerk to use the same statement, by the deadline of Friday, March 11, 2005.

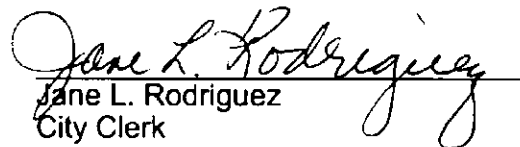
With only six weeks between the primary and general elections, it is crucial that candidate statements for the general election be filed by this deadline, in order to allow time for translations, proofreading, printing, affixing labels to the pamphlets, and still meet a legal requirement to have the pamphlets mailed at least three weeks in advance of the election.

The third resolution also requests the Secretary of State's Office to conduct a randomized alphabetical drawing on December 16, 2004, to determine the order of names on the primary election ballot, and a second drawing on March 11, 2005, to determine the order of names for the general election ballot, in the event a run-off election is required.

FISCAL IMPACT:

It is estimated that the total cost of the primary election will be approximately \$315,000, including costs for election supplies and services. This estimated figure may fluctuate based on various factors such as number of candidates, measures (if any) on the ballot, an increase in voter registration, and if there is a larger than expected demand to vote absentee. The Pasadena Unified School District will reimburse approximately 68% of the costs of the primary election (per a pro-rata formula established by the County). Funds for the City's share of election costs have been budgeted and recognized in the Elections Budget 263000.

Respectfully submitted,


Jane L. Rodriguez
City Clerk

Reviewed by:



10/25/04

Nicholas G. Rodriguez
Assistant City Attorney

ATTACHMENT !

**Pasadena Unified
School District**

PURCHASING AND STORES SERVICES

RECEIVED

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CITY CLERK
CITY OF PASADENA



October 18, 2004

Jane Rodriguez, City Clerk
City of Pasadena
100 North Garfield Avenue
Pasadena, CA. 91109-7215

Dear Ms. Rodriguez:

The Pasadena Unified School District has four seats (1, 3, 5 and 7) up for election in the Spring of 2005. Except for the dates needing to be changed, the most recent (2003) contract is acceptable to the District and funds are budgeted for its execution.

I would appreciate it if you and/or the City Attorney's office could review the contract and get back to me no later than November 1st, as we will need to submit it to our governing board for their November meeting. Please call me at (626)-568-4542 if you have any questions.

Sincerely,

Teri Castaneda
Teri Castaneda, Director
Purchasing and Stores Services

TC:dc
Attachment

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CALLING AND GIVING NOTICE OF THE HOLDING OF A PRIMARY NOMINATING ELECTION FOR MEMBERS OF THE CITY COUNCIL IN DISTRICTS 3, 5, AND 7 OF SAID CITY, AND CONSOLIDATING WITH SAID ELECTION THE PASADENA UNIFIED SCHOOL DISTRICT PRIMARY NOMINATING ELECTION FOR BOARD OF EDUCATION SEATS 1, 3, 5, AND 7

BE IT RESOLVED by the City Council of the City of Pasadena as follows:

SECTION 1. Date of the Primary Nominating Election. A Primary Nominating Election is hereby called for the offices of Member of the City Council for the full term of four years in Districts 3, 5, and 7 of the City of Pasadena as said districts have heretofore been established. Said election shall be held Tuesday, March 8, 2005.

SECTION 2. Candidates to be Selected. Pursuant to Articles IV and XII of the Charter of the City of Pasadena, there shall be selected at the Primary Nominating Election hereby called, not more than two candidates for each of said offices, respectively, whose names shall be printed upon the ballots to be used at the General Municipal Election to be held in said City on Tuesday, April 19, 2005.

Said two candidates for each of the district offices shall be the two candidates receiving the highest number of votes of the qualified electors of their respective district for the office of member of the City Council from the district at the Primary Nominating Election. Provided, however, that any candidate for the office of member of the City Council who, at said Primary Nominating Election, shall receive a majority of the total

votes cast in the district for said office shall be elected to such office as such member of the City Council.

SECTION 3. Pasadena Unified School District Primary Election. The Pasadena Unified School District has requested and the City Council hereby consents to the conducting of the Pasadena Unified School District ("PUSD") Primary Nominating Election for members of the Pasadena Board of Education Office Numbers 1, 3, 5 and 7, for the full term of four years. Said Primary Nominating Election shall be consolidated with the City's Primary Nominating Election as if there were one election. The costs of such consolidated elections shall be prorated between the City and the Pasadena Unified School District in accordance with applicable law.

Pursuant to Article VII of the Charter of the City of Pasadena, at the PUSD Primary Nominating Election hereby called, the two candidates for each of the numbered offices of the Board of Education receiving the highest number of votes at the Primary Nominating Election shall be the candidates and the only candidates for such office whose names shall be printed on the ballots to be used at the General Municipal Election to be held in the Pasadena Unified School District territory on Tuesday, April 19, 2005; provided that any candidate who at a Primary Nominating Election shall receive a majority of all the votes cast for candidates for said office, shall be elected to said office.

SECTION 4. Ballots. The ballots to be used at the said consolidated Primary Nominating Election shall be in the quantity, form and content as required by the California Elections Code.

SECTION 5. Time of Opening and Closing Polls. The polls for the election shall be open at 7:00 a.m. on the day of the election and shall be kept open continuously from that time until 8:00 p.m. of the same day, when the polls shall be closed, except as provided in California Elections Code Section 14401.

SECTION 6. Polling Places and Precinct Board Members. The City Clerk shall post a public notice or cause such notice to be published in accordance with California Elections Code Section 12105, listing the polling place and precinct board members of each consolidated precinct in which the consolidated Primary Nominating Election is to be held. Pursuant to California Elections Code Section 12310, a stipend for the persons named as precinct board members is hereby fixed at the sum of \$100.00 for each Inspector and \$75.00 for each Clerk for the election. The rental for each polling place, where a charge is made, shall be the sum of \$30.00 for the election. When required, the compensation of the custodian of a building shall be \$15.00 for the election.

SECTION 7. Canvass of Returns. Pursuant to Pasadena City Charter Section 707, the City Clerk of the City of Pasadena is directed to canvass the returns of the Pasadena Unified School District Election to the Pasadena Board of Education on the second Tuesday after the Primary Nominating Election. Pursuant to Pasadena City Charter Section 1207, the City Clerk is directed to canvass the returns of the City's Primary Nominating Election to the City Council on the second Monday after the Primary Nominating Election.

SECTION 8. Particulars. In all particulars not recited in this resolution, said elections shall be noticed and held and all publications made as provided by law for holding municipal elections in said City and Pasadena Unified School District territory.

SECTION 9. Contract for City Clerk Services. The City Clerk is hereby authorized to enter into a contract with the Pasadena Unified School District to provide election services to said School District.

SECTION 10. Randomized Alphabetical Drawings. The City Clerk shall cause this resolution to be forwarded to the Secretary of State to conduct a randomized alphabetical drawing on Thursday, December 16, 2004, to determine the order of placement of candidates' names on the ballot for the Primary Nominating Election, pursuant to California Elections Code Section 13113, and for the Secretary of State to conduct a second randomized alphabetical drawing on Friday, March 11, 2005, to determine the order of placement of candidates' names on the General Municipal Election ballot.

SECTION 11. 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.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez
City Clerk, CMC

APPROVED AS TO FORM:

 10/25/04

Nicholas G. Rodriguez
Assistant City Attorney

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA REQUESTING THE BOARD OF SUPERVISORS OF LOS ANGELES COUNTY TO PERMIT THE REGISTRAR OF VOTERS OF SAID COUNTY TO RENDER SPECIFIED SERVICES TO SAID CITY RELATING TO THE CONDUCT OF A CONSOLIDATED CITY OF PASADENA AND PASADENA UNIFIED SCHOOL DISTRICT PRIMARY NOMINATING ELECTION TO BE HELD MARCH 8, 2005, AND IF NECESSARY, A GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 19, 2005

WHEREAS, a consolidated Primary Nominating Election is to be held on March 8, 2005, in the City of Pasadena and, if necessary, a General Municipal Election on April 19, 2005; and

WHEREAS, the Pasadena Unified School District Primary Nominating Election will be consolidated with the City of Pasadena Primary Nominating Election and conducted by the City Clerk within the Pasadena Unified School District area; and

WHEREAS, in the course of conduct of said election it will be necessary to consolidate county precincts, have available the computer records of the names and addresses of all eligible registered voters, to perform other related services, and to compute the costs involved in accordance with applicable law;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena, as follows:

A. Pursuant to the provisions of Section 10002 of the Elections Code of the State of California, the City Council hereby requests the Board of Supervisors of said

County to permit the Registrar or Voters, in connection with the March 8, 2005 and April 19, 2005 elections, to do the following:

1. Tabulate the number of registered voters in the precincts as consolidated by the City.
2. Prepare election specific voter file tape for use in providing labels for mailing sample ballot pamphlets in the City and the Pasadena Unified School District.
3. Verify signatures on nominating petitions and on absent voter applications.
4. Provide miscellaneous supplies for precinct kits including, but not limited to, street indices, rosters, lights, extension cords, and flags.
5. Prepare a formula for the allocation of costs involved in the foregoing between or among the appropriate entities in the City and the Pasadena Unified School District for election costs incurred.

B. The Director of Finance is authorized and directed to pay out of the General Fund a sum equal to the actual cost thereof to the County upon the completion of such services and upon presentation to the City of a bill therefor.

C. The City Clerk is authorized and directed to forward, without delay, a certified copy of this resolution to the Board of Supervisors of the County of Los Angeles and to said Registrar of Voters.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2004, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Jane L. Rodriguez
City Clerk, CMC

APPROVED AS TO FORM:



10/25/04

Nicholas G. Rodriguez
Assistant City Attorney

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RESOLUTION NO.

**A RESOLUTION SETTING FORTH REGULATIONS RELATING
TO CANDIDATE STATEMENTS FOR THE MARCH 8, 2005
PRIMARY NOMINATING ELECTION AND APRIL 19, 2005
GENERAL MUNICIPAL ELECTION**

WHEREAS, Section 13307 of the Elections Code of the State of California provides that each candidate for nonpartisan elective office in any local agency may prepare a candidate's statement on any appropriate form provided by the City Clerk. Such statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself, except that the statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement of each candidate shall be printed in type of uniform size and darkness in upper and lower case letters only, and with uniform spacing. There shall be no bolding, and no special emphasis of any kind. Such statement shall be filed in the office of the City Clerk at the same time the candidate's nomination papers are filed. Except as provided in California Elections Code Section 13309, such statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:30 p.m. of the next working day after the close of the nomination period; and

WHEREAS, Section 13307 also permits the City to adopt regulations to ensure recovery of the prorata costs from each candidate; and

WHEREAS, Section 13311 of the California Elections Code mandates that candidate statements shall remain confidential until the expiration of the filing deadline.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena as follows:

SECTION 1. The City Clerk shall advise all persons to whom nominating papers are given of the provisions of the Elections Code pertaining to said candidate's statement and the City's requirements thereunder.

SECTION 2. A statement must be filed by the candidate at the same time the candidate's nominating papers are filed.

SECTION 3. No candidate will be permitted to include additional statements or materials in the sample ballot pamphlet.

SECTION 4. A deposit of not less than \$250.00 shall be required of each district candidate for City Council, and \$1,700.00 for each candidate for Pasadena Unified School District Board of Education requesting publication of a candidate's statement pursuant to the Elections Code, which shall be deposited by the City Clerk into the City treasury. The deposit is due at the time the nominating papers and candidate's statement are filed.

SECTION 5. A candidate in the general election on April 19, 2005, who desires to have a candidate's statement printed, shall be required to make an additional deposit, in the same amounts as set forth above, with the City Clerk. In order to meet the deadline for mailing the sample ballot pamphlet, and to meet the locally determined requirements of the Voting Rights Act of 1965, as amended, and in light of the longer time period required in certifying the canvass results occasioned by the rise in absentee and provisional ballots, the candidate's statement for the general election shall be filed and said required deposit shall be made with the City Clerk no later than 5:30 p.m. on Friday, March 11, 2005. A candidate may elect either to file the same statement printed for the primary election or to file a different statement. The filing

requirement may be met either by filing a written request from the candidate to use the same statement or by filing the text of a new statement, along with the required deposit, with the City Clerk prior to the March 11, 2005 deadline.

SECTION 6. Each candidate filing such statement shall be liable for a prorata share of the actual cost of printing, handling and mailing the candidate's statement in English, only. No candidate will be charged their prorata share of costs incurred as a result of complying with the federal Voting Rights Act of 1965, as amended. The Director of Finance shall bill each candidate for the actual prorated costs of printing and handling the candidate's statement, if required, and such bill shall be due and payable immediately upon receipt therefor. If the actual cost is less than the deposit, the Director of Finance shall refund any excess deposit to the candidate within 30 days of the election.

SECTION 7. In light of past practice and demand in complying with the minority language requirements of the federal Voting Rights Act of 1965, as amended, and consistent with an agreement among the Los Angeles County Registrar of Voters, the Asian Pacific American Legal Center, and the Mexican American Legal Defense and Education Fund, *minority language translations will be provided where at least 1% of a single language minority is identified by Census data as being limited-English proficient. Utilizing this 1% targeting method, Spanish and Chinese qualify for translations and assistance, based on the most recent detailed Census data available for the City of Pasadena and the Pasadena Unified School District area. Because of the high Spanish-speaking population in the City of Pasadena and School District area, the sample ballot pamphlet, which is mailed to all registered voters in the City and in the Pasadena Unified School District, will be printed in English and Spanish. As to the Chinese language translation, on the first inside page of the bilingual sample ballot*

pamphlet there will be instructions in Chinese for voters who wish to obtain a sample ballot pamphlet in the Chinese language, at no cost to the voter.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2004, by the following vote:


AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED AS TO FORM:

 10/25/04

Nicholas G. Rodriguez
Assistant City Attorney

Jane L. Rodriguez
City Clerk, CMC

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