



Agenda Report

October 22, 2012

TO: Honorable Mayor and City Council

FROM: Office of the City Clerk

SUBJECT: RESOLUTIONS RELATED TO THE CALLING OF THE REGULAR MARCH 5, 2013 PRIMARY NOMINATING ELECTION AND THE APRIL 16, 2013 GENERAL MUNICIPAL ELECTION, IF NECESSARY; AND CONSOLIDATION OF THE PASADENA BOARD OF EDUCATION WITH SAID ELECTIONS; AND OTHER RELATED MATTERS

RECOMMENDATION:

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

- (1) A resolution of the City Council of the City of Pasadena calling for the holding of a District Primary Nominating Election on March 5, 2013 for members of the City Council in Districts 3, 5, and 7 of said City, and consolidating said Election with the Pasadena Unified School District Primary Nominating Election for Board of Education Districts 1, 3, 5, and 7; calling for the holding, if necessary, of a General Municipal Election on April 16, 2013; and authorizing the City Clerk to enter into a contract with PUSD for the City Clerk to provide election services to the PUSD.
- (2) 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 Board of Education Primary Nominating Election to be held on March 5, 2013 and, if necessary, a General Municipal Election to be held on April 16, 2013.
- (3) A resolution of the City Council of the City of Pasadena setting forth regulations relating to candidate statements for the March 5, 2013 Primary Nominating Election and the April 16, 2013 General Municipal Election.

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 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.

The resolution calling the election also sets forth the stipend for poll workers. It is recommended that the stipend be \$110 for inspector and \$85 for clerk (equal to the amounts provided for the previous election cycle). Workers receive an additional \$25 stipend for attending poll worker training and a \$15 bilingual stipend (as needed, and to be determined by the City Clerk's Office) when demonstrating proficiency in Spanish, Chinese, or Korean, the required minority languages for the Pasadena area under the Federal Voting Rights Act. It is also recommended that the custodial fee be \$15 and the polling place rental fee be \$30. Funds are available in the Election budget for all stipends and fees as detailed in this agenda report.

Resolution Requesting Election Services (Second Resolution)

California Elections Code Section 10002 permits the County to provide election services to cities, if requested. This second resolution is necessary in order 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 vote by mail ballot applications, as necessary; 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 PUSD their pro-rata share of costs.

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 a pro-rata share of costs associated with printing their candidate statements in English, and the City and PUSD 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 translated sample ballot pamphlets.

Spanish, Chinese, and Korean are languages within the Pasadena and PUSD area that have been identified by the most recent census data and the County of Los Angeles as single language minorities that are limited-English proficient; and where 3% or more of voters in certain precincts have requested language assistance in one of these three languages. Due to Pasadena's large Hispanic and Latino population, it has been the City's policy to print a bilingual English/Spanish sample ballot pamphlet for all voters. Chinese and Korean translated sample ballot pamphlets will be provided to certain precincts where voters have requested translations and have met that 3% criterion.

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 \$350 for City Council and Board of Education district races. Candidates who wish to include translations of their candidate statements for any languages not required to be translated and printed under the Federal Voting Rights Act shall pay the same estimated translation and printing costs at the time nomination papers and candidate's statements are filed.

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 amount noted 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 as the primary election, by the deadline of Friday, March 8, 2013. The deadline is strictly enforced due to the limited time available for translations, proofreading, printing, affixing labels to the pamphlets, and meeting the 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 Thursday, December 13, 2012, to determine the order of names on the primary election ballot, and a second drawing on Friday, March 8, 2013, to determine the order of names for the general election ballot, in the event a run-off election is required.

EARLY VOTING:

In an effort to better serve the voters of Pasadena and the School District, the City Clerk's Office will continue to advertise the use of "Early Voting," which allows for voting in person at City Hall prior to Election Day. Registered voters can walk into the Office of the City Clerk, complete a Vote by Mail (VBM) application, receive a ballot and election materials, and vote the ballot in a voting booth located in the office. The voted ballot is sealed in a "VBM envelope," which is signed by the voter and returned to the Elections Official.

Advertisement for Early Voting will be included in the Sample Ballot Pamphlet for both the upcoming March 5, 2013 Primary Election, as well as the April 16, 2013 General Municipal (Run-Off) Election. The information will provide registered voters with details regarding the hours of operation and the dates available for Early Voting at City Hall.

For the March Primary Election, voters will have the opportunity for Early Voting at the City Clerk's Office on weekdays when City Hall is open beginning Tuesday, February 19, 2013, from 8:00 a.m. to 5:00 p.m. The City Clerk's Office will also be open for Early Voting on Saturday, March 2, 2013 (the Saturday prior to Election Day), from 10:00 a.m. to 2:00 p.m., to provide those with busy work schedules an opportunity to utilize this service.

CHANGES TO METHOD OF ELECTION AND VOTING DISTRICTS:

As was reported to the City Council in July, a Charter Amendment measure was approved by the voters of the Pasadena Unified School District that changes the method of election for the Board of Education from at-large to geographic sub-district elections. This will be the first election cycle where members of the Board of Education residing in the newly created Districts 1, 3, 5, and 7, will be elected by voters residing in the respective geographic sub-districts.

Additionally, the City Council's redistricting process was recently completed and each Council District experienced varying degrees of change from previously established boundary lines. The City Clerk's Office is working with the Los Angeles County Registrar, the School District, and the City's Election Consultant to ensure that the changes to the method of election and the new voting district boundaries will be properly implemented in time for the upcoming election cycle.

FISCAL IMPACT:

It is estimated that the total cost of the primary election will be approximately \$430,850 including costs for election supplies and services. This estimated figure may fluctuate based on various factors such as number of candidates on the ballot, an increase in voter registration, and demand by voters to vote by mail. The Pasadena Unified School District will reimburse the City its pro-rated share of the costs of the primary and general elections per a 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,



Mark Jomsky
City Clerk, CMC

Reviewed by:



Theresa Fuentes
Assistant City Attorney

Resolutions:

Calling and Consolidating Election
Requesting Election Services from County of Los Angeles
Related to Candidate Statements/Compliance with Federal Voting Rights Act

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA CALLING FOR THE HOLDING OF A PRIMARY NOMINATING ELECTION ON MARCH 5, 2013 FOR A DISTRICT PRIMARY 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 DISTRICTS 1, 3, 5, AND 7, AND CALLING FOR THE HOLDING, IF NECESSARY, OF A GENERAL MUNICIPAL ELECTION ON APRIL 16, 2013; AND AUTHORIZING THE CITY CLERK TO ENTER INTO A CONTRACT WITH PUSD FOR THE CITY CLERK TO PROVIDE ELECTION SERVICES TO THE PUSD

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 5, 2013.

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 the district 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 16, 2013.

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 offices of Member of the PUSD Board of Education for the full term of four years in Districts 1, 3, 5, and 7, as said districts have heretofore been established. Said primary shall be consolidated with the City's Primary Nominating Election as if there were one election. The costs of such consolidated elections shall be pro-rated between the City and PUSD 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 district offices of the Board of Education receiving the highest number of votes of the qualified electors of their respective district for the office of Member of the Board of Education from said district at the Primary Nominating Election shall be the candidates for such district whose names shall be printed upon the ballots to be used at the General Municipal Election to be held in the corresponding Board of Education district on Tuesday, April 16, 2013; provided that any candidate who at a Primary Nominating Election shall receive a majority of the total votes cast in the district for said office shall be elected to such district office as such Member of the Board of Education.

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 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 \$110.00 for each Inspector and \$85.00 for each Clerk for the election, plus an additional \$25.00 for each Inspector and Clerk attending poll worker training. Additionally, a \$15 bilingual stipend will be provided to Inspectors and Clerks (as needed, and to be determined by the City Clerk's Office) demonstrating proficiency in Spanish, Chinese, or Korean; the required minority languages for the Pasadena area under the Federal Voting Rights Act. 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, by registered mail, to conduct a randomized alphabetical drawing on Thursday, December 13, 2012, 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 8, 2013, 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 October, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Jomsky
City Clerk, CMC

APPROVED AS TO FORM:



Theresa Fuentes
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 5, 2013, AND IF NECESSARY, A GENERAL MUNICIPAL ELECTION TO BE HELD APRIL 16, 2013

WHEREAS, a consolidated Primary Nominating Election is to be held on March 5, 2013, in the City of Pasadena and, if necessary, a General Municipal Election on April 16, 2013; 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 request services of the County of Los Angeles; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of Pasadena and the Pasadena Unified School District.

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 Los Angeles County Registrar of Voters, in connection with the March 5, 2013 and April 16, 2013 elections, to prepare and furnish the following:

1. A listing of County precincts with the number of registered voters in each precinct in order to consolidate election precincts into City and School District voting precincts, and maps of the voting precincts.
2. A list of polling places and poll workers utilized by the County for County-run elections.
3. Prepare and furnish the computer records of the names and address of all eligible registered voters in the City and Pasadena Unified School District in order that the City's election consultant may:
 - a. Produce labels for vote by mail voters;
 - b. Produce labels for sample ballot pamphlets; and
 - c. Print Rosters of Voters and Street Indexes.
3. Voter signature verification services, as needed.
4. Make available to the City election equipment and assistance as needed according to state law.
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 to the County upon the completion of the services described above and upon presentation to the City of a properly approved bill.

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 October, 2012 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Jomsky
City Clerk, CMC

APPROVED AS TO FORM:



Theresa Fuentes
Assistant City Attorney

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA SETTING FORTH REGULATIONS RELATING TO CANDIDATE STATEMENTS FOR THE MARCH 5, 2013 PRIMARY NOMINATING ELECTION AND APRIL 16, 2013 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 an 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. As provided in Section 13307(a)(3), 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 pro-rata 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 \$350.00 shall be required of each district candidate for City Council and each district 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.

Candidates who wish to included translations of their candidate's statement for any language not required to be translated and printed by the Federal Voting Rights Act, shall pay estimated translation and printing costs at the time the nomination papers and candidate's statements are filed.

SECTION 5. A candidate in the general election on April 16, 2013, 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 Federal Voting Rights Act of 1965, and in light of the longer time period required in certifying the canvass results occasioned by the rise in vote by mail 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 8, 2013. 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 8, 2013 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, or additional languages requested by the candidate but not required under the Federal Voting Rights Act. No candidate will be charged their pro-rata share of costs incurred as a result of complying with the Federal Voting Rights Act of 1965. The Director of Finance shall bill each candidate for the actual pro-rated costs of printing and handling the candidate's statement, if required, and such bill shall be due and payable immediately upon receipt thereof. 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, 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 3% of a single language minority is identified by recent census data as being limited-English proficient. Utilizing this 3% targeting method, Spanish, Chinese, and Korean qualify for translations and assistance, based on the most recent detailed census data and Los Angeles County Registrar of Voters assistance data available for the City of Pasadena and the Pasadena Unified School District area.

Due to the large 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 and Korean language translations, on the first inside page of the bilingual sample ballot pamphlet for those voters residing within a ballot type with precincts having met the 3% criteria, there will be instructions in Chinese and Korean for voters who wish to obtain a sample ballot pamphlet in the Chinese or Korean language, at no cost to the voter. Sample ballot pamphlets will automatically be mailed to voters in the Registrar's database who reside within precincts eligible for language assistance that have already requested translations in Chinese and Korean.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2012, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Jomsky
City Clerk, CMC

APPROVED AS TO FORM:



Theresa Fuentes
Assistant City Attorney

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