

Agenda Report

February 16, 2017

TO: Honorable Mayor and City Council
Honorable President and Board of Education

FROM: City Clerk

SUBJECT: FUTURE OF PASADENA ELECTIONS: CALIFORNIA VOTER PARTICIPATION RIGHTS ACT (SB 415), CALIFORNIA VOTER'S CHOICE ACT (SB 450), AND THE LOS ANGELES COUNTY'S VOTING SYSTEM ASSESSMENT PROJECT (VSAP)

RECOMMENDATION:

This is presented for information only; no action is required at this time.

BACKGROUND:

Over the past decade, State policymakers have increased efforts to address the issue of low voter turnout rates, and have sought changes to state law in order to increase accessibility and participation for elections held in California. Examples of this include increasing flexibility in voting (e.g. making available the option of Permanent Vote by Mail voting to all registered voters), as well as leveraging technology (e.g. accepting electronic voter registration) to make voting and elections more accessible. However, in the last two to four years, changes to California Elections Code have become more significant, with new laws affecting not only the timing of when elections can occur, but also the way voters experience elections. This has been especially impactful for local elections held in Los Angeles County.

In 2014, Governor Brown signed SB 415 – California Voter Participation Rights Act (Elections Code Sections 14050-14057) (Attachment A), which requires all local elections that occur on “off-year” election dates to shift to statewide election dates (June and November of even years) when local voter turnout rates average 25% less than statewide rates for the same political subdivision. In order to comply with the law, general law cities and local agencies in the state will be required to transition to statewide election dates by no later than the November 2022 election cycle. For Los Angeles County, this change will affect nearly all of the 88 cities that hold off-year elections. In response to the change in the law, a number of cities have already transitioned to statewide election dates. The deadline for cities to declare an intention to transition to statewide dates is set for January 1, 2018.

In 2016, Governor Brown signed SB 450 – California Voter’s Choice Act (CVCA) (Attachment B), which significantly changes the traditional election model for elections held in California. In an effort to replace small neighborhood polling sites open on only one day, the Voter’s Choice Act offers options to counties such as all-mail ballot elections, or large voting centers utilizing a 10-day voting window. The focus is to provide voters with a choice on how, where, and when to cast a ballot in an election. This voting model is based on one developed and used in Colorado, where turnout rates and voter participation are among the highest levels in the country. In place of neighborhood voting sites, larger voting centers will be open for 10 days, offer a wide range of election services to assist voters, and utilize modern voting equipment designed to be more accessible and voter friendly.

Los Angeles County’s Voting System Assessment Project

With regard to modern voting equipment, the County of Los Angeles is in the midst of significant changes to their voting system that is expected to greatly enhance the voting experience for Los Angeles County voters. The Registrar-Recorder/County Clerk’s Office kicked off the County’s Voting System Assessment Project (VSAP) in 2009 with the goal of replacing the current Inka-vote system. Utilizing Help America Vote Act (HAVA) funds, the County’s project is composed of five phases:

Phase I: Public Opinion, Baseline Research	(Sep 2009 to July 2010)
Phase II: Process Assessment	(Jan 2011 to Dec 2011)
Phase III: System Design and Engineering	(Jan 2012 to July 2016)
Phase IV: Manufacturing and Certification	(Aug 2016 to Dec 2019)
Phase V: Implementation	

Los Angeles County has for many years, rejected permanent consolidation requests from cities within the County, citing ballot capacity limitations on the Inka-vote system. One of the expected outcomes of the VSAP system is an increased ballot capacity that will be able to accommodate all political subdivision elections in Los Angeles County on one ballot. As noted previously, in anticipation of the new voting system and in response to the California Voter Participation Rights Act, the County has for the first time started to approve permanent consolidation requests from cities. This trend is likely to continue as the January 1, 2018 deadline draws closer.

In tying these issues back to Pasadena and PUSD, it is clear that there are changes on the horizon for future local elections. Voting technology and election format will be noticeably different for gubernatorial and presidential elections held on or after the 2020 election cycle (Attachment C). The question on how this all impacts City and School District elections will need to be more fully examined. Staff has been working hard to gather all the relevant information in order to facilitate the discussion, including this presentation on changes in election law and on the County’s role going forward.

Focusing on Pasadena and PUSD

As directed by the City Council in the Spring 2016, City staff requested a clarification from the State Attorney General's Office on the applicability of the California Voter Participation Rights Act (CVPR) on charter cities, including when Board of Education elections are governed and contained in a city charter (as is the case for PUSD). However, with the timing of former Attorney General Kamala Harris's candidacy and subsequent successful election to the United States Senate seat as one mitigating factor, the Attorney General's Office has been thus far unable to review and provide the requested clarification/determination. Staff has and will continue to inquire and solicit an opinion from the AG's Office regarding the question of applicability.

Setting aside the question of applicability, there are other reasons that changes will need to be considered and implemented in the near future with regard to the timing of City and School District elections. As has been discussed with the City Council and Board of Education on previous occasions, the City's election vendor Martin & Chapman Company has been negatively affected by the recent changes in law. While the company struggles through the loss of many of its client cities as a result of CVPR and the changing to statewide election dates (resulting in lost revenue), there are few, if any, experienced election vendors with California certified election systems capable of replacing the services provided by Martin & Chapman. Although it now appears that the City's vendor will be available to provide election consultant services through the 2019 election cycle, anything beyond that point is uncertain.

The City Clerk's Office is not structured, nor is it in a position, to handle election services on an in-house basis, so the obvious and best positioned entity (if no other viable vendor exists) is the County of Los Angeles' Registrar-Recorder/County Clerk. As was discussed in detail above, the County is preparing to implement the recent changes approved by the State, and to reinvent elections in the coming years via a new voting system and voting model. The County has invested millions of dollars (utilizing HAVA funds) for the purpose of improving the voting experience for voters in County-run elections. And voters will be utilizing this equipment on a regular basis as part of future state and federal elections, increasing familiarity and confidence in the system. Understanding that these changes are fast approaching, it is important that the City and School District prepare to study the available options and alternatives shortly after the conclusion of the 2017 election cycle.

If CVPR does apply....

Pursuant to California Elections Code, Section 14052(b), "A political subdivision may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election." If it is determined by the State Attorney General's Office that the Act does apply to charter cities, then the City and School District could, for example, adopt a plan to consolidate with statewide dates prior to the deadline, stating that a Charter Amendment will be

submitted to a vote of the people during the City and School District's March 2019 election cycle. This will give the City and School District sufficient time to study all the issues related to such a change, and forward an informed and well-vetted measure for consideration by City and School District voters.

If CVPRA does not apply....

If it is determined that the Act does not apply to charter cities, the City and School District should still consider what changes are necessary to the timing of future elections in order to address the question of future election administration. One option, assuming CVPRA is not applicable, would be to maintain the general timing of spring odd-year elections but to coordinate and synchronize election dates with other charter cities. Currently, there are as many as seven unique election dates held in the spring of odd-years for charter cities within Los Angeles County. Dean Logan, Registrar-Recorder/County Clerk, has stated publically that the County would be hard-pressed to accommodate that many elections in that short of time. Pasadena specifically has a very tight window of just six weeks between the March Primary Nominating Election and April General Municipal Election. In initial discussions with Mr. Logan, there could be value and efficiencies gained in coordinating charter city elections on just two election dates. An example would be for all charter cities to hold an election on the first Tuesday following Monday in April; and for those cities requiring a run-off election, a subsequent election could be held on the first Tuesday following a Monday in June.

There are many issues to consider in pursuing a change to the timing of City and School District elections. Following is a short list of issues supporting a change, with some brief staff notes and analysis included as part of each issue:

- 1) Changing to statewide election dates will likely increase voter turnout rates and provide efficiencies for voters (fewer elections to vote in).
Notes/Analysis: This is the main focus of the California Voter Participation Rights Act, as one way to increase voter turnout rates for local elections.
- 2) Los Angeles County's VSAP project should greatly increase accessibility at polling sites, especially for voters with special voting needs, and allow residents to leverage voting system enhancements to improve their voting experience.
Notes/Analysis: Like Ink-A-Vote, the City's Opto-Mark voting system is substantially the same voting technology used during the past 60 years. Positioning the City and School District elections to consolidate with statewide dates, or as an alternative, for charter city elections to be run by the County in the future, will benefit City and School District voters, especially those with special voting needs.
- 3) The State legislature continues to introduce new bills focusing on voter participation issues that are designed for implementation at the County level. Same-day voter registration is another new law where only the County has the authority and capacity to administer.

Notes/Analysis: Through these actions, the State has declared the County to be the appropriate elections administration agency for all elections.

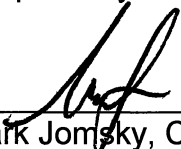
Next Steps

At the conclusion of the 2017 Election cycle, staff will immediately transition focus on the future of City and School District elections, and providing additional information and alternatives on how to proceed to the City Council and Board of Education. The City will continue to work to receive some determination from the State Attorney General on the applicability of CVPRA. Staff will also start to coordinate a discussion with other charter cities in Los Angeles County, as well as with the County of Los Angeles, on the viability and benefits related to the concept of charter city election dates. The option of a citizen-based Charter Study Task Force for the purpose of examining the questions raised in this report and by the City Council and Board of Education is also available.

FISCAL IMPACT

The City Council originally allocated \$150,000 in the City Clerk's FY 2016 Operating Budget towards the formation and support of a citizen-based Charter Study Task Force. The City Clerk's Office has carried these funds forward to FY 2017 budget. At this time, no additional funding is being requested.

Respectfully submitted,



Mark Jomsky, CMC
City Clerk

Attachments:

- A. California Elections Code – California Voter Participation Rights Act (Text)
- B. California Elections Code – California Voter's Choice Act (Text)
- C. SB450 – Modernizing the Voting Experience (County of Los Angeles diagram)