

# Agenda Report

October 23, 2023

**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'S MARCH 5, 2024 PRIMARY MUNICIPAL ELECTION FOR THE OFFICE OF MAYOR AND FOR MEMBERS OF THE CITY COUNCIL IN DISTRICTS 1, 2, 4, AND 6, AS WELL AS A SPECIAL ELECTION FOR MEMBER OF THE CITY COUNCIL IN DISTRICT 3; AND IF NECESSARY, THE CALLING AND GIVING NOTICE OF THE NOVEMBER 5, 2024 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) (Common Sense Exemption);
- (2) Adopt a resolution of the City Council of the City of Pasadena calling and giving notice of the City of Pasadena's March 5, 2024 Primary Municipal Election for the Office of Mayor and for members of the City Council in Districts 1, 2, 4, and 6, as well as a Special Election for a member of the City Council in District 3 in compliance with City Charter Section 404; and if necessary, the calling and giving notice of the City of Pasadena's November 5, 2024 General Municipal Election;
- (3) Adopt a resolution of the City Council of the City of Pasadena requesting the Board of Supervisors of the County of Los Angeles approve the consolidation of the March 5, 2024 Primary Municipal Election, and if necessary, the November 5, 2024 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, and for those elections to be conducted as one election; and
- (4) Adopt a resolution of the City Council of the City of Pasadena setting forth regulations relating to candidate statements for the March 5, 2024 Primary Municipal Election, and if necessary, the November 5, 2024 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 ordinance or resolution. Accordingly, the first resolution stipulates general information regarding the date of the primary and general municipal elections, offices to be elected, the method by which candidates shall be nominated, and the thresholds needed to determine a successfully elected candidate for each race. The timing for the City’s primary municipal and general municipal elections are established by Charter Sections 1202 and 1205.

In addition, the resolution includes the calling of a special election to elect a member of the City Council to represent District 3 for the final two years of a four-year term, in compliance with Charter Section 404. On July 21, 2022, Councilmember John J. Kennedy passed away while in office, creating a vacancy for his position on the City Council as the District 3 representative. On September 29, 2022, following an application and appointment process, the City Council appointed Justin Jones to fill the vacancy for the term ending on December 12, 2022. Consistent with Charter Section 404, on December 15, 2022, the City Council acted again to appoint Justin Jones to fill the vacancy for the first two years of the new four-year term, with the appointed term ending on December 9, 2024. The Special Election occurring as part of the March and November 2024 election cycle, is being called for the purpose of allowing voters to elect a representative for District 3 to serve the final two years of the four-year term, with the elected term expiring on December 7, 2026.

Resolution Requesting Election Services (Second Resolution)

California Elections Code Section 10403 permits municipal elections to be consolidated with statewide elections, and for those elections to be conducted as one election. This second resolution is necessary to request and receive the Los Angeles County Board of Supervisors’ approval for full consolidated election services for the City’s Primary Municipal Election, and if necessary, the General Municipal Election, with the services 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 Los Angeles County’s 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 languages.

The Los Angeles County Registrar-Recorder/County Clerk is required to comply with the Federal Voting Rights Act (VRA) of 1965 to accommodate language translation needs for minority voters. In the City of Pasadena, language translation needs have historically included Spanish, Chinese, and Korean. Consistent with the VRA, and in addition to English, Los Angeles County will provide language assistance to the following VRA voters: Armenian, Chinese, Cambodian/Khmer, Farsi, Korean, Spanish, Tagalog/Filipino, Vietnamese, Hindi, Japanese, Thai, Russian, along with Bengali, Burmese, Gujarati, Indonesian, Mongolian, and Telugu (though for these last six languages, the County notes that some translation services may not be available).

It is the County's policy to print translated ballot books for voters who have registered and requested language assistance of election information in their chosen language. This means that for voters in Pasadena that have self-designated as English proficient, they will receive an English only booklet. For voters that self-designate in one of the languages provided by the County (as detailed above), they will receive ballot books both in English and the requested language as required by the VRA.

Under the regulations set forth in the resolution, candidates will be required to pay a deposit for the actual costs of printing their 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 an estimated cost of printing candidates based on previous actual costs, to submit and print a candidate statement in English, the proposed deposit amounts are as follows:

<b>MARCH 2024 PRIMARY ELECTION</b>						
	<b>Mayor</b>	<b>Council 1</b>	<b>Council 2</b>	<b>Council 4</b>	<b>Council 6</b>	<b>**Council 3</b>
English	\$1,300	\$400	\$400	\$400	\$400	\$400

Candidates who wish to include Spanish translations of their candidate statements in the English booklet are allowed to do so. However, they will be an additional cost for the Spanish translated statement, and the candidate is responsible for paying the additional printing costs to include the Spanish statement. Candidates will pay the estimated costs at the time nomination papers and candidate's statements are filed, with the estimated costs for Spanish being equal to the amount required for the estimated cost for the English statement.

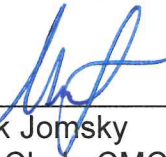
In terms of the general (run-off) election, where in each race one candidate does not receive a 50%+1 majority of the votes cast in the primary election, the top two candidates receiving the most votes in the primary will continue on to the general election for a run-off between these two candidates. For candidates involved in the run-off, they may request in writing the printing of the same statement, or they may file a new statement with the City Clerk's Office. In either case, the new deposit in the appropriate amount as detailed above will be required to be filed by the deadline of Friday, August 9, 2024. 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.

**FISCAL IMPACT:**

The adopted Fiscal Year 2024 Election Budget is \$515,000. Recent changes to the County's estimated election cost calculator for cities, along with additional costs incurred as a result of the City holding a special election for City Council District 3, now make it likely that election expenses will exceed the current Election Budget. Actual election costs will vary and be impacted based on several additional factors, including the number of candidates on the ballot, an increase in voter registration in the City, and/or if the City places one or more measures on the ballot prior to the state-required 88-day deadline for measures.

Once cost factors are more fully known, the City Clerk's Office will return after January 2024 as part of a future budget clean-up report to request additional appropriation of funds for City Council consideration.

Respectfully submitted,



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Mark Jomsky  
City Clerk, CMC

Resolutions:

- Calling Elections for Mayor and Council Districts 1, 2, 4, and 6, and Special Election for Council District 3 in compliance with City Charter Section 404
- Requesting Full Consolidated Election Services from County of Los Angeles
- Related to Candidate Statements/Compliance with Federal Voting Rights Act