

Agenda Report

TO: CITY COUNCIL

DATE: JULY 24, 2000

FROM: CITY CLERK

SUBJECT: VOTING ALTERNATIVES FOR PLACING THE SCHOOL ACCOUNTABILITY AND REFORM PLAN ON THE BALLOT AS AN ADVISORY VOTE

RECOMMENDATION:

This report is informational and is intended to provide City Council with various options and associated costs for putting the School Accountability and Reform Plan on the ballot.

BACKGROUND:

On June 26, 2000, the City Council received the Final Report and Recommendations of the City of Pasadena Charter Reform Task Force on School District Governance. After a presentation by the Task Force and Council discussion of the report, three motions were made by Councilmember Little. The first motion was to adopt and endorse the findings and recommendations of the Charter Reform Task Force, but this motion was subsequently tabled pending a joint meeting to be held in the near future with the School Board regarding the Task Force's final report.

The second motion, which was approved, gave direction to the City Attorney's Office to prepare and return to Council with formal resolutions and ballot language for placing on the ballot the three Charter amendments recommended by the Task Force (increase the School Board size to seven; adopt the subdistrict election method; and require an annual State of the School District Address by the Board President, including the financial state of the schools).

The third motion, which was ultimately approved, was made to direct the City Attorney to draft ballot language which would place the School Accountability and Reform Plan ("Reform Plan") of the Charter Reform Task Force before the voters on November 7, 2000, for endorsement.

Prior to voting on the motion, there was discussion regarding whether the Reform Plan should be placed before the people as an advisory vote to endorse the Reform Plan. The City Clerk briefly reviewed election costs in putting a fourth measure on the ballot, and costs in printing a supplemental pamphlet.

Councilmember Crowfoot noted that, if the people were asked to adopt the Reform Plan, it would be an advisory vote. He suggested that, since the vote was advisory, some thought should be given to alternative voting methods that may have less cost and less formality than an election for Charter amendments. He suggested that a separate, all-mail election be conducted in January, or that this advisory vote should be non-traditional with a different way of tabulating votes, and possibly expanding the franchise such that every residence in the School District would receive a ballot whether or not they were otherwise eligible voters. He raised the issue of whether such alternative voting methods would be legal and requested staff report back on alternative voting methods and associated costs.

The third motion was subsequently approved with an amendment that staff report back on alternative voting methods and associated costs. Council clarified that it had not decided whether to place measures on the ballot for November at this time, but was only directing the City Attorney to prepare ballot language and formal resolutions that will be considered for adoption at a future meeting.

ALTERNATIVE VOTING METHODS AND RELATED COSTS

Listed below are some options and various voting methods for Council to consider if it desires to place the Reform Plan before the people for endorsement.

Option 1: Place on the Ballot for November 7, 2000

The Reform Plan could be placed on the November 7, 2000 ballot as an advisory vote, along with the three proposed Charter amendments recommended by the Task Force. The City Attorney's Office has concurrently prepared resolutions allowing this for City Council consideration. This election would be consolidated and administered by the County Clerk, and would have some workload impact with the City Clerk's and City Attorney's Offices (preparing and forwarding formal resolutions to the County, publishing election notices, processing ballot arguments, proofreading pamphlet).

The County Registrar's Office has quoted a price of \$60,000 to consolidate and put the three Charter amendments on the November ballot. This quote is based on three water districts also consolidating with this election. If the water districts cancel their elections, this \$60,000 figure could rise to \$110,000. To place

additional measures on this ballot would increase the cost approximately \$8,000 for each additional measure. To put the three Charter amendments on the November ballot, as well as the Reform Plan, the County Registrar's cost would be approximately \$68,000 (assuming the three water districts are participating in the consolidated election).

The \$68,000 figure is based on not having the actual Charter amendment text or the text of the Reform Plan (Findings and Recommendations) printed at the back of the sample ballot pamphlet. The County Registrar has informed the City that, due to the number of other measures on the ballot, it will not be able to accommodate printing the full text of the Charter amendments or the Reform Plan Findings and Recommendations. The Election Code does not require that the full text of a measure be printed, but it does require that copies be printed and made available to voters upon request.

In the past, we have sometimes printed the text; at other times, we have made it available upon request. For example, the Charter amendments that were put on the consolidated November 1998 ballot from the 1997-98 Task Force did not have the full text printed. The pamphlet had the ballot question, the City Attorney's Impartial Analysis (one for each measure), and arguments. A statement was included in the pamphlet, following the City Attorney's Analysis, that voters could call the Clerk's Office and a copy would be mailed at no cost, or the text could be accessed from the Internet with the web address listed.

If the Council wishes to have the full text of the Charter amendments printed, as well as having the Findings and Recommendations of the Reform Plan printed (if Council determines to place this on the November ballot), it will necessitate the City printing a supplemental pamphlet. The estimated cost to print and mail a supplemental pamphlet (in addition to the \$68,000 cost to consolidate with the County), with the texts of three Charter amendments and the Findings and Recommendations of the Reform Plan (not full report) in English and Spanish, would cost approximately \$72,000. Of the \$72,000, \$18,000 would be for bulk mailing costs (regardless of size of pamphlet), \$21,000 for bilingual text of the three Charter amendments, and \$33,000 for bilingual text of the Reform Plan Findings and Recommendations (not full report). It has been the City's policy to print a bilingual English/Spanish pamphlet since the early 1990's. The County Registrar does not print a bilingual pamphlet, but, practice is that translations are mailed to voters who have requested translations, or who call with a new request.

Oakland Education Reform Experience

This office has learned that the City of Oakland had a relevant experience with putting an advisory school reform measure on the ballot for the March 2000 election. Staff contacted Oakland in order to learn if there are considerations in the process that might be relevant to the Pasadena Council's deliberations.

In 1999, Oakland's Mayor Jerry Brown appointed a Mayor's Commission on Education, whose task was to explore the governance of the 54,000 student Oakland Unified School District. The 16-member Commission followed a path similar to that of the Pasadena Charter Reform Task Force, including issuing a detailed report calling for major changes in the governance of the District. From the beginning of its process, the Oakland Commission's mission included "providing voters with an opportunity to vote on policies and accountability measures to guide the District in its reform efforts" through a school advisory ballot measure.

The Commission's recommendations for governance included a Charter amendment to allow the Mayor to appoint three additional members of the School Board. That structural change was placed on the March 2000 ballot as Measure D. The recommendations of the report itself were placed on the ballot as an advisory measure, identified as Measure E.

This office has spoken with the Oakland's City Clerk's Office and has received materials that they used to present Measure E to the voters. Oakland did not print the full report of its Commission in the voter information pamphlet. Rather, the City Attorney developed a very brief summary of the report and its recommendations and devised language that asked the community whether it wished the report to be endorsed by the community for implementation by the governing bodies.

The measure itself was briefly described. There was a short description of the Commission and its report. There was a short analysis by the City Attorney that clarified the advisory nature of the measure. The City Auditor presented a fiscal impact analysis that indicated that the measure was advisory and did not mandate action by the School District or the City, and therefore no revenues or expenditures are identified and mandated. There was a ballot argument in favor of the measure; no opposing argument was submitted.

In the March election, Measure D, which made a very significant Charter change, was the main subject of the campaign. It passed with 52% of the vote. Measure E, the advisory vote on school reform, was less controversial, and passed with 72% of the vote.

If Council so desires, a comparable format may be workable for Pasadena, should the advisory measure be placed on the ballot. The ballot question (limited to 75 words) could briefly summarize a few of the key recommendations, with the City Attorney's Impartial Analysis providing a more expanded summary (within its 500-word limit) of the key recommendations.

The Council might wish to go further than Oakland did and have the Findings and Recommendations (but not the full report) printed in the voter information pamphlet, with a statement that the full report is available from the City Clerk's

Office, the Internet, and public libraries (including Altadena and Sierra Madre). It may be advisable that a greater level of detail be included in the ballot handbook than was presented to Oakland voters, and that the Task Force's Findings and Recommendations be clearly summarized.

The total election cost under Option 1 (for four measures) would be \$68,000 (if neither the Charter amendment text nor the Reform Plan findings and recommendations were printed in the voter information pamphlet and made available upon request. To consolidate (\$68,000) plus print and mail a bilingual English/Spanish supplemental pamphlet of the text of four measures (\$72,000) would cost approximately \$140,000.

Option 2: All-Mail Ballot Election – Registered Voters

Legality of All-Mail Ballot Elections: At the June 26th Council meeting, it was suggested an all-mail ballot election could perhaps be conducted in January 2001 (in between the November 2000 state general election and our regular municipal elections in March/April 2001). Under the California State Constitution, charter cities are currently given latitude through their charters for the conduct of their elections, and such cities are not bound by the restrictions on the use of mail ballots set forth in the California Election Code. However, since the area covered by this election includes territory outside the boundaries of the city of Pasadena, there may be limitations on the City's ability to hold an all-mail election pertaining to Board of Education issues.

Advantages of All-Mail Ballot Elections: Some of the advantages reported by jurisdictions that have conducted all-mail elections are increased voter participation, increased integrity of the election process, decreased election costs, convenience and an increased ability for the elderly and disabled to vote, easier for the elections official to administer, promotes the updating of voter files, and more time for voters to consider issues before casting their vote. Every signature on the return identification envelope of a mail ballot is verified against the voter's affidavit of registration. In "regular" precinct elections, in contrast, there is no verification of signatures in the roster sign-in book. In larger metropolitan areas that are heavily populated, there is less chance that poll workers would personally know voters in the precinct and be in a position to challenge someone who might be attempting to fraudulently vote under another name.

Increased Demand to Vote by Mail: Over the last decade, the number of people voting absentee or by mail in Pasadena's municipal elections has risen dramatically. In our 1999 municipal election cycle, 34% of voters cast absentee or mail ballots, compared to 17% in 1989. The City is at the point in its municipal elections where the elections official is, in effect, conducting two elections at the same time – a mail or absentee election and a polling place election. . . . Much staff time and related costs are expended in finding polling

places, hiring and training poll workers, delivering and recovering poll supplies, finding replacement poll workers at the last minute when poll workers cancel, dealing with polling problems on Election Day, as well as processing a large number of absentee/mail ballots. In addition, over the years, due to the increased demand by voters to vote absentee or by mail, the elections official has had to hire more and more in-house temporary staff to assist with processing absentee/mail ballots and assist with the rigorous signature verification process.

Mail Ballot Process: In an all-mail election, each registered voter is mailed (by non-forwarding mail) a ballot and other voting material (instructions, information pamphlet, security envelope, return identification envelope, etc.) two to three weeks in advance of the election without having to go through the process in polling place elections of requesting a ballot by submitting an application to the elections official. Some jurisdictions provide return postage for the voter to mail the ballot back, others have the voter pay the postage. Generally, there tends to be better turnout if the jurisdiction provides the return postage. Some jurisdictions provide drop-off satellite stations on Election Day (such as libraries and community centers) for voters to drop ballots off in a secured ballot box. In order for the ballot to be counted, the return identification envelope must be signed by the voter and returned to the elections official prior to the close of the election period. Voter signatures on the returned identification envelope would be verified against the voter's affidavit of registration. Ballots are tracked through a computer system (utilizing bar coding) when issued and mailed, and when returned. Elections administration staff are alerted through the computer system if there has been an attempt to vote twice.

Disadvantages of All-Mail Elections

Critics of all-mail elections raise concerns that all-mail voting alienates voters from one another and does not encourage the personal contact and visiting with neighbors that traditional polling sites do.

Another criticism is regarding the integrity of the secret ballot and opening the process up to coercion. Traditional polling sites guarantee that a voter can mark his/her ballot in secrecy without a spouse, family member or other person looking over the voter's shoulder and trying to exert influence or "help" the voter mark the ballot. There is also concern that social or community groups may urge their members to come to a meeting, bring and mark their ballots, and put pressure on members to vote a certain way. These are valid concerns, but these concerns also hold the same for voters who request mail or absentee ballots in traditional elections. (As noted earlier, in our last regular municipal elections, 34% of voters voted by mail/absentee.) As noted in Innovations in Election Administration, All-Mail-Ballot Elections, Federal Election Commission, September 1995, "The response of some election officials to this concern is to point out that the sheer numbers of mailed ballots makes such an effort unrewarding. In fact, they say, the high turnout in all-mail ballot elections will

dilute any such efforts much more than in low-turnout regular precinct elections, when the absentee voters may have a much greater influence on the outcome.”

Critics of all-mail ballot elections also question the requirement that voters must affix a stamp to their mail ballot in order to mail it back to the elections official. While postage is a small amount (33 cents), this may be seen as a poll tax by some. This criticism can be avoided if the jurisdiction provides return postage. As noted earlier, some jurisdictions provide satellite locations where voters may drop off ballots on Election Day.

Cost of All-Mail Election/Registered Voters with Full Signature Verification Process: If the City Council desires to conduct an all-mail election (with a full signature verification process) for one advisory vote on endorsement of the Reform Plan, it would cost approximately \$187,000 (printing a bilingual English/Spanish pamphlet with Reform Plan Findings and Recommendations, not full report), and \$209,000 if the City provided postage for returned ballots.

In comparison, a polling place election costs approximately \$220,000 - \$250,000, depending on a number of factors. In an all-mail ballot election, experience in jurisdictions using all-mail elections generally reports increased voter participation. Instead of turnout in our municipal elections in the range of 20-30% (and much lower in the School District area outside the City boundaries), it would be estimated turnout in an all-mail election would be more in the range of 40-60%, based on the experiences of other jurisdictions. An all-mail election costs less if you compare the cost of the election based on the cost per vote, since voter participation is greater.

Cost of All-Mail Election/Registered Voters, without a Signature Verification Process: Because this vote would be advisory and if there were no other binding measures on this ballot, if Council so desired, the election could be conducted less formally without the rigorous signature verification process. This would be less costly, but without the strict controls over voter fraud through the signature verification process, the solemnity of the election would be brought down more to the level of a survey. If at some point in the future Council and the community wants to conduct all-mail elections for binding elections, critics of all-mail elections may want to use this as an example that all-mail elections are more open to fraud, and it may not be properly explained that this first all-mail election was different in that it was advisory and not binding, and thus conducted without the formal signature verification process.

There would be a savings of approximately \$36,000 in not verifying signatures from the estimated costs in the above paragraph (\$151,000 and \$173,000, respectively).

Workload Impacts: This fall, the Clerk's Office will gear up for our March/April regular municipal elections by preparing formal documents calling the election,

preparing nomination packets (nomination period is November 13 – December 8, 2000), precinct consolidations, locating polling places, hiring poll workers, processing nomination papers, publishing notices, overseeing ballot layout, translations, etc. To conduct a separate all-mail election with a labor-intensive signature verification process a couple months before our regular elections could jeopardize the City's regular elections, as there are many legal requirements that must be met in administering a binding election.

In doing an all-mail advisory election, if the signature verification process were omitted, that would relieve major workload impacts, but there would still be a concern that with administering two elections so close together, something important may fall between the cracks.

Option 3: Survey by Mail of All Households in PUSD

A third option is to conduct a survey of all households in the PUSD territory. This would give a voice to the many parents of children in the public school system that otherwise may not be eligible to vote in a binding election but are stakeholders in the public school system. This option would, however, be similar to the above option without the signature verification process, have less solemnity than a formal election administered completely under California Election Code regulations, and would technically be an opinion survey.

Survey process: Under this option, the survey would be conducted similar to the election process, but there would be no signature verification process. A mailing house would obtain a data tape of residence addresses in the PUSD area (specific names would not be on the data tape), our election vendor would print an information pamphlet with voting instructions, the ballot question, City Attorney's Impartial Analysis, arguments for and against, and the text of the Reform Plan findings and recommendations (not full report). It is proposed one ballot per household would be provided, and the return identification envelope would be signed by the head of the household.

A mailing house would do the bulk of the work in affixing labels and putting the "voting kit" together, and mailing out the material. Identification envelopes would be bar-coded by the mailing house so return envelopes could be scanned and tracked by computer when returned to the City Clerk's Office. It is estimated one temporary clerical person would be needed for a period of approximately three weeks to "wand" returned envelopes. There would be no signature verification process. Ballots would be opened by a canvassing board, in the presence of interested observers, and tabulated by computer.

Workload Impact: The bulk of the work under this option would be performed by a mailing house, with a temporary clerical person hired for two to three weeks to scan returned envelopes/ballots. City Clerk's staff (a canvassing board) would prepare the ballots for computer tabulation. As mentioned with Option 2, some

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staff attention would be diverted away from the numerous legal requirements at the height of our regular municipal elections.

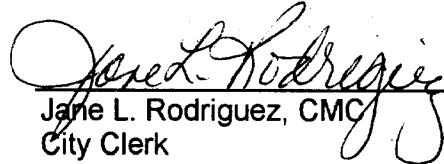
Costs:

The total cost under this third option would be the range of \$87,000 (based on printing the Reform Plan Findings and Recommendations in English and Spanish, and not the full report) and mailed to approximately 80,000 households in the PUSD area. If return postage is provided (paid only for returned ballots), the total estimated cost would increase to \$103,000.

FISCAL IMPACT:


The fiscal impacts and associated costs are detailed under each option. There are no additional funds in the Elections Budget, other than funds for our regularly scheduled March/April elections. Based on the option selected, funds would need to be identified and appropriated to the Elections Budget.

Respectfully submitted,


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