

Agenda Report

TO: CITY COUNCIL

DATE: NOVEMBER 2, 1998

FROM: CITY CLERK

SUBJECT: RESOLUTIONS RELATED TO THE CALLING OF THE REGULAR MARCH 9, 1999, CITY DISTRICT PRIMARY 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 City District Primary Election in Districts 1, 2, 4 and 6 of the City of Pasadena and consolidating with said election the Pasadena Unified School District (PUSD) Board of Education Primary, Seats 2 and 4, 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 District and Pasadena Board of Education primary election and, if necessary, a general municipal election to be held on April 20, 1999.
- (3) A resolution (two options provided):
 - (A) Setting forth regulations relating to candidate statements and continuing with the policy of providing multi-lingual translations of voting materials, in full compliance of the Voting Rights Act, for the following languages: Chinese, Japanese, Spanish, Vietnamese, Tagalog, and Armenian, and printing/mailing a bilingual English/ Spanish sample ballot pamphlet to all voters.
 - OR
 - (B) Setting forth regulations relating to candidate statements and changing the City's policy of providing multi-lingual translations of voting materials to target minority populations where 1% of a single language minority has been identified by Census data as being limited-English proficient in accord with practice County-wide. Translations of voting materials would be provided in Chinese and Spanish as these languages meet the 1% criteria, and the City would continue to print and mail a bilingual English/Spanish sample ballot pamphlet to all voters.

MEETING OF 11/2/98

AGENDA ITEM NO. 7.C.1.

BACKGROUND:

Calling and Consolidating Election (First Resolution)

Section 1208 of the City Charter and the California Elections Code provides elections to be called by ordinance or resolution. The first resolution stipulates general information regarding the date of the District Primary 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 District Primary 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 District Primary 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 the letter (Attachment 1) dated October 23, 1998, from the Pasadena Unified School District.

Election Services (Second Resolution)

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)

City Council is provided with two options pertaining to the third resolution to be adopted. The regulations pertaining to candidate statements is the same in both versions of the resolution. Candidates will be required to pay a pro-rata share of all 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.

The two versions of the third resolution differ regarding the City's method of complying with the Voting Rights Act. In 1992, the Voting Rights Act ("VRA") was amended to require that voting materials be made available where Census data determines (on a County-wide basis) that 5% of the citizens of voting age are members of a single language minority and are limited-English proficient. In Los Angeles County, the following five minority languages meet this 5% County-wide criteria: Chinese, Japanese, Spanish, Tagalog, and Vietnamese. In Pasadena's municipal election cycles in 1993, 1995 and 1997, the City printed and mailed to each voter a bilingual English/Spanish sample ballot pamphlet, and offered to provide translations, upon request, in the remaining four minority languages (Chinese, Japanese, Tagalog, and Vietnamese). In addition, because Pasadena has a recognized Armenian community, the City also provided Armenian translations upon request. Although the City was not required to provide Armenian translations under the VRA, it did so in the spirit of doing the maximum possible to meet the intention of the law. The Option A version of the third resolution proposes that the City continue with this past practice.

Over the last three election cycles, the requests for translations has been minimal to non-existent. There were no requests for translations in Japanese and Tagalog, 0 to 1 per election for Vietnamese, 0 to 2 per election for Armenian, and 1 to 4 per election for Chinese.

In 1993, the Los Angeles County Registrar of Voters reached a mutual agreement with various community organizations representing the five minority languages meeting the 5% criteria identified for Los Angeles County. In order to minimize translation costs and to target areas with the largest concentration of minority language populations, an agreement was reached that minority language translations and assistance would be provided where only 1% (instead of the higher 5% VRA criteria) of a single language minority was identified by Census data as being limited-English proficient. Because the ethnic make-up of communities/cities can vary widely throughout Los Angeles County, this method targets the specific needs of individual communities, it uses a lower 1% criteria number to trigger translation requirements, and it provides greater access to materials in some aspects than the VRA even though the 5% criteria itself is not strictly observed.

The Option B version of the third resolution proposes to follow the lead of the County Registrar of Voters, and most cities, and use the 1% targeting method. Based on Census data for the city of Pasadena and the School District area, Spanish and Chinese qualify for translations and assistance. Because of Pasadena's high Latino population, it is recommended the City continue to print a bilingual English/Spanish sample ballot pamphlet and provide translations, upon request, in Chinese since this language meets the 1% criteria. It is proposed that the City no longer provide translations for the Japanese, Vietnamese, or Tagalog languages since, although they meet the 5% County-wide criteria, they do not meet the 1% criteria under a targeting method, and statistics over the last three election cycles do not reflect a demand that would support translation costs.

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Because the Armenian language did not meet the 5% County-wide criteria under the VRA, and the number of requests for Armenian translations has ranged from 0 to 2 requests per election since 1993, it is also proposed under this option that we discontinue offering Armenian translations as the demand does not support translation costs. In utilizing the targeting method, there is a cost savings of approximately \$20,000 for the primary municipal election, and a savings of approximately \$7,000 for the general municipal election (costs vary depending on number of pages in the sample ballot pamphlet).

FISCAL IMPACT:

It is estimated that the total cost of the primary election will be approximately \$245,000, including costs for election supplies and services. This estimated figure may fluctuate based on various factors such as number of candidates, measures on the ballot, an increase in voter registrations, 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.

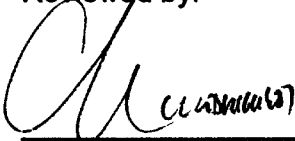
Estimated savings of approximately \$27,000 can be realized in the Elections Budget by utilizing the 1% targeting method of providing minority language translations. These cost savings can help offset estimated unbudgeted costs of approximately \$40,000 for the five local measures placed on the consolidated November 3, 1998 ballot. If voters approve a citywide Mayoral election for March 1999, additional funding will need to be identified and allocated to the Elections Budget.

Respectfully submitted,



Jane L. Rodriguez
City Clerk

Reviewed by:



Nicholas G. Rodriguez
Assistant City Attorney