

Agenda Report



Date: January 12, 2016
To: Jeffrey W. Collier, City Manager
From: Kathryn A. Marshall, City Clerk-Treasurer
Subject: 2016 Election Procedure Ordinance

RECOMMENDATION

It is recommended the City Council adopt an Ordinance approving 2016 General Municipal Election procedures relating to the quantity of precinct ballots and consolidated precincts, the location of polling places, and cancellation of a portion of the Election if there is none or only one candidate for an office.

DISCUSSION

At its meeting held December 8, 2015, pursuant to the City Charter, the City Council called an Election for Tuesday, April 12, 2016 for the purpose of electing a citywide Mayor and Council Members in Districts 1 and 3. Among the actions taken to initiate the Election was introduction of an ordinance which authorizes the City Clerk-Treasurer to 1) reduce the number of precinct ballots to 40% of voter registration; 2) consolidate more than six County precincts and/or establish polling places outside of precinct boundaries when necessary to improve public service; and 3) authorize the City Council to cancel the Election for one or more offices if none or only one candidate qualifies for an office. Ordinances relating to an election are effective upon adoption pursuant to Charter Section 415(a). Adoption of the 2016 Election procedure ordinance at the January 12, 2016 Council meeting will put the needed regulations in place prior to the close of nominations and other project deadlines.

FISCAL IMPACT

Adoption of the ordinance will result in a publication expense and could reduce Election costs relating to ballot printing and other costs should a portion of the Election be cancelled.

Submitted by:

A handwritten signature in black ink that reads "Kathryn A. Marshall".

Kathryn A. Marshall
City Clerk-Treasurer

Attachment: A – Ordinance No. 3048

ORDINANCE NO. 3048

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING ELECTION PROCEDURES RELATING TO PRECINCT BALLOTS AND POLLING PLACES FOR THE 2016 GENERAL MUNICIPAL ELECTION

WHEREAS, Section 1002 of the Charter of the City of Whittier requires elections to be held in accordance with the provisions of the California Elections Code, unless otherwise established by ordinance of the City Council;

WHEREAS, California Elections Code Section 14102(b) requires the elections official to provide a sufficient number of official ballots in each precinct to reasonably meet the needs of the voters on election day, using the precinct's turn-out history, but in no case a number less than 75% of the registered voters;

WHEREAS, voting by mail has increased from 30% of participating voters in 2000 to approximately 64% of participating voters in 2014;

WHEREAS, adhering to the state law requirement to supply precincts with ballots equaling 75% of voter registration could result in the City purchasing ballots exceeding 100% of registration which has an associated fiscal impact to the public;

WHEREAS, purchasing ballots equaling 40% of precinct registration in addition to vote-by-mail ballots will result in the City purchasing ballots equaling approximately 70% of its registered voters;

WHEREAS, California Elections Code Section 12241 requires the polling place for a consolidated precinct to be located within the boundaries of the consolidated precinct;

WHEREAS, voters in some precincts could be better served with regard to polling place accessibility, parking, and/or voting space if the polling place is located nearby the precinct rather than within the precinct boundaries due to the heavily residential nature of some portions of the City;

WHEREAS, three forms of ballots and sample ballot pamphlets will be prepared for the 2016 Election with the associated costs and complexity of administration;

WHEREAS, if there is not more than one qualified candidate for an office at the time the nomination period closes, the City Council can be authorized to make an appointment to fill the office in lieu of conducting the Election; and

WHEREAS, Charter Section 415 of the City of Whittier provides that ordinances relating to elections take effect immediately upon adoption.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, DOES ORDAIN AS FOLLOWS:

SECTION 1. The provisions of California Elections Code Section 14102(b) relating to the percentage of ballots supplied to precincts shall not apply to the City of Whittier 2016 General Municipal Election.

SECTION 2. The provisions of California Election Code Section 12241 relating to precinct consolidation and polling places shall not apply to the City of Whittier 2016 General Municipal Election.

SECTION 3. In connection with the 2016 General Municipal Election, the City Clerk-Treasurer will order precinct ballots equaling no less than 40% of voter registration. The City Clerk-Treasurer is authorized to determine the number of ballots provided to precincts, to be determined on a precinct-by-precinct basis, providing the number is equal to at least 25% of voter registration.

SECTION 4. The provisions of California Elections Code Section 10229(b) shall not apply to the 2016 General Municipal Election. The City Council may appoint to fill the office of Mayor, office of Council Member for District 1, and/or office of Council Member for District 3 if no one or only one person qualifies as a candidate as of the 88th day before the Election.

SECTION 5. Any provision of the Whittier Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, are hereby repealed or modified to that extent necessary to affect the provisions of this Ordinance.

SECTION 6. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Whittier hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 7. The Mayor shall sign and the City Clerk-Treasurer shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard. This Ordinance shall take effect immediately from and after its passage.

APPROVED AND ADOPTED this ____ day of _____ 2016.

FERNANDO DUTRA, Mayor

ATTEST:

KATHRYN A. MARSHALL
City Clerk-Treasurer

