

ORDINANCE NO. 3133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF WHITTIER, CALIFORNIA, ESTABLISHING VARIOUS ELECTION PROCEDURES RELATING TO ELECTION STYLE, VOTING LOCATIONS, APPOINTMENT, EARLY VOTING, PRECINCT CONSOLIDATIONS, AUDITING, AND REPORTING FOR THE 2022 GENERAL MUNICIPAL ELECTION

WHEREAS, Section 1002 of the Charter of the City 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, the State Legislature through Assembly Bill 37 (2021) mandated every qualified voter receive a ballot in the mail for every type of election;

WHEREAS, although California Elections Code Section 12241 sets the maximum number of precinct consolidations allowed, Whittier is authorized to change the relevant precincts;

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 contest;

WHEREAS, Charter Section 415 provides that ordinances relating to elections take effect immediately upon adoption;

WHEREAS, the City of Whittier seeks to conduct its election in a legally-compliant, secure, efficient, and transparent manner while encouraging voter participation and expanded voter outreach efforts;

WHEREAS, Los Angeles County elections have shifted to a Vote Center model, and City of Whittier voters have become accustomed to automatically receive a vote-by-mail ballot while preserving the option to vote in-person; and whereas the State Legislature excluded local elections through legislation and funding the ability to run Vote Center models; therefore it is the intent of the City of Whittier to substantially provide for a similar voting experience within statutory and practical means; and

WHEREAS, Article XI, Section 5 of the California Constitution grants a "home rule" doctrine to Charter Cities in the conduct of its local election;

WHEREAS, and it is the City Council's intent that where matters are not of statewide concern, the city's procedures shall control.

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

SECTION 1. Election Registration and Voting Hours. For the April 12, 2022 General Municipal Election, the City of Whittier shall conduct a hybrid election consisting of an all-mail-ballot election and in-person voting as an option. The last day to register to vote for the 2022 General Municipal Election shall be the 15th day before the day of the election consistent with Election Code Section 2102. Voting hours on Election Day shall be 7:00 a.m. to 8:00 p.m. consistent with Election Code Section 14212. The Election Official through official posting and notification, except for election day, can provide for earlier or later in-person voting hours if necessary.

SECTION 2. Voting Locations. The Election Official shall provide two in-person voting locations to be available for voting or dropping off vote-by-mail ballots at least four days before the date of the election. The Election Official shall provide an electronic roster authorized by the Secretary of State and contingency planning at in-person voting locations to verify that a voter cannot vote twice in the same election. In-person voting locations shall not constitute a traditional polling place nor a vote center. The voting location shall substantially provide translated materials as prescribed by Election Code Section 14201. The provisions of Election Code Sections 14295 and 14298 relating to a street index shall not apply. A list of voters who have already voted shall be made available upon request.

SECTION 3. Vote-by-Mail. The provisions of the California Elections Code relating to the conduct of traditional polling place and Vote Center election shall not apply for the 2022 General Municipal Election. Election Code Section 3001 regarding when the Election Official can begin mailing/providing vote-by-mail ballots shall not apply; the Election Official can begin to mail/provide mail ballot packages earlier if deemed necessary. Vote-by-mail ballots can be issued through Election Day. A voter requesting a replacement vote-by-mail ballot in-person at City Hall shall have a ballot produced substantially in the form provided by Election Code Section 3021. A written statement for a replacement vote-by-mail ballot shall not be required, the Election Official shall keep a record of each vote-by-mail ballot sent to and received from a voter.

SECTION 4. Precinct Consolidation. The provisions of Elections Code Section 12241 relating to precinct consolidation shall not apply to the April 12, 2022 General Municipal Election. The Election Official shall establish three consolidated precincts per district in the form substantially provided in the 2018 General Municipal Election.

SECTION 5. Elections Materials. The City Clerk shall retain and preserve election materials an additional six months beyond the requirements imposed by State Law for the 2022 General Municipal Election.

SECTION 6. Audit of Ballots. The Election Official shall perform a manual audit of ballots received in every district. The manual audit shall exceed the minimum 1% threshold required by State Law for the 2022 General Municipal Election. The City Clerk shall evaluate the ballot counting segments and pick a representative sampling to audit consistent with Election Code Section 15360.

SECTION 7. Ballot Counting. The Election Official shall operate a central count location, initiation of counting ballots shall occur after the polls have closed on election day at City Hall. The processing and counting of ballots shall be open to the public. Consistent with Election Code Section 15101, the Election Official may begin the canvass process of the vote-by-mail ballot on the 15th business day before the election. The Election Official shall provide an in-person and electronic means to observe the processing and counting of ballots.

SECTION 8. Military and Overseas Voters. In addition to the requirements established for Military and Overseas Voters in Election Code Division 3, Chapter 2, the City shall mail official ballots to these voters.


SECTION 9. Appointment. The provisions of Elections Code Section 10229(b) shall not apply to the 2022 General Municipal Election. The City Council may appoint to fill the office of Mayor, office of Council Member for District 2, and/or office of Council Member for District 4 if no one or only one person qualifies as a candidate as of the 88th day before the Election.

SECTION 10. Repeal. 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 11. Severability. 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 12. Certification. The Mayor shall sign and the City Clerk 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 11th day of January 2022.



JOSEPH A. VINATIERI, Mayor

ATTEST:


for RIGOBERTO GARCIA JR., City Clerk

Date: 1/12/2022

I CERTIFY THAT THE FOREGOING ORDINANCE NO. 3133 was introduced on the 14th day of December 2021, and was adopted by the City Council of the City of Whittier at the regular meeting held on the 11th day of January 2022, by the following vote:

AYES: 4 Council Members: Vinatieri, Warner, Martinez, Dutra
NOES: 0
ABSTAIN: 0
ABSENT: 1 Council Member: Bouchot


for RIGOBERTO GARCIA JR., City Clerk
(seal)