

STAFF REPORT
City of Lancaster, California

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Date: April 24, 2007

To: Mayor Hearn and City Council Members

From: Geri K. Bryan, City Clerk

Subject: Consideration of Options regarding the Lancaster General Municipal Election

Recommendation:

Consider options regarding the City of Lancaster General Municipal Election:

- A) Take no action; Election would remain Stand-Alone in April of even-numbered years; or
- B) Direct staff to return on May 8, 2007 with an urgency ordinance requesting consolidation with Los Angeles County beginning with the November 2007 Election; or
- C) Other direction as provided by Council.

Fiscal Impact:

Approximately \$100,000.00-\$115,000.00, dependent upon option as described in the report.

Background:

On March 13, 2007 the City Council requested that staff look into the feasibility of consolidating the City's General Municipal Election with the Los Angeles County November Election, of odd-numbered years, and report back regarding options.

The local election has been a community event since incorporation, in which citizens get involved with the proceedings and the outcome of the Election.

There are 88 cities in Los Angeles County. Of those 88 cities, twenty cities consolidate with Los Angeles County for their elections. Attachment "A" details these cities, along with election dates for other Los Angeles County cities.

Legal Issues

Since incorporation, the City has held its general municipal election on the second Tuesday of April in each even-numbered year. Elections Code Section 1301(b) provides that the City Council may enact an ordinance, pursuant to Division 10 (commencing with Section 10000), requiring its general municipal election to be held on the same day as the statewide direct primary election, the day of the statewide general election, on the day of school district elections as set forth in Section 1301, the first Tuesday after the first Monday of March in each odd-numbered year, or the second Tuesday of April in each year.

The Ordinance adopted pursuant to Section 1301(b) does not become effective until it is approved by the Board of Supervisors of the County.

Pursuant to Election Code 10403.5 (a) (1) Any city ordinance requiring its general municipal election to be held on a day specified in subdivision (b) of Section 1301 shall be approved by the Board of Supervisors unless the ballot style, voting equipment, or computer capability is such that additional elections or materials cannot be handled. Prior to adoption of a resolution to either approve or deny a consolidation request, the Board or Boards of Supervisors shall each obtain from the elections official a report on the cost-effectiveness of the proposed action.

Although it is not law, since 1981 the Board of Supervisors has consistently applied a policy of denying requests for consolidation with the Primary and General Elections (even-numbered years) due to the limited number of ballot positions and the risk of forcing concurrent elections. Finite ballot capacity continues to limit the County's ability to guarantee access to Primary and General Election ballots.

Consolidating the City's election in 2007 would shorten the terms of office by five months for those elected officials whose terms expire in April 2008 (Mayor Hearn; Council Member Jeffra; Council Member Visokey); and shorten the terms, by five months for those elected officials whose terms expire in April 2010 (Council Member Sileo; Council Member Smith.) The following are two sections of the California Election Code pertaining to consolidation of elections:

Pursuant to Election Code 10403.5 (b) – As a result of the adoption of an ordinance to consolidate an election, no term of office shall be increased or decrease by more than 12 months. “12 months” means the period between the day upon which the term of office would otherwise have commenced and the first Tuesday after the second Monday in the 12th month before or after that day, inclusive.

Pursuant to Election Code 10403.5 (e) Within 30 days after the ordinance becomes operative, the City elections official shall cause a notice to be mailed to all registered voters informing the voters of the change in the election date. The notice shall also inform the voters that as a result in the change in the election date, the terms of office of the elected City officials will be changed.

Cost Information

The General Municipal Election for the City of Lancaster costs vary from \$102,000.00 to \$112,000.00. In 2006, the election costs were \$102,567.00.

It has been estimated that in order to comply with Election Code 10403.5, it would cost the City approximately \$10,000.00 to notify the registered voters of the City of Lancaster if the election date were to change.

COST COMPARISONS

<i>DUTIES</i>	<i>STAND-ALONE (Current System)</i>	<i>CONSOLIDATION WITH LOS ANGELES COUNTY</i>
Securing Boards/Polls; Payroll; Ballots; Election Supplies; Postage; Absent Voter Processing; Ballot Printing; Publications; Multi-Language Ballot Printing; Delivery; Mileage; many other line items.	\$82,000.00 (includes assistance from the Sheriff's Department on Election Night)	\$85,000.00
Voter Outreach (by the City of Lancaster)	\$15,000.00	\$15,000.00
Administrative Duties (City Clerk Department) Includes review of Candidate Handbooks with each candidate; processing candidate nomination papers, processing candidate statements, etc.	\$5,000.00	\$ 5,000.00
Notification to all Registered voters as required by law (City Clerk Department) <i>*one time only</i>	Not applicable	\$10,000.00 *
ESTIMATED TOTALS	\$102,000.00	\$115,000.00

Timeline to move the City Election to November 2007:

<ul style="list-style-type: none"> • May 8, 2007 	<ul style="list-style-type: none"> • Council adopts an Ordinance changing election date and files with the County Board of Supervisors and the Registrar Recorder.
<ul style="list-style-type: none"> • May 11, 2007 	<ul style="list-style-type: none"> • Ordinance must be sent to the County, allowing a 30 day window for the Board of Supervisors agenda calendar.
<ul style="list-style-type: none"> • June 11, 2007 	<ul style="list-style-type: none"> • City Clerk to prepare the mailing of postcards to registered voters notifying them of the change of Election date.
<ul style="list-style-type: none"> • July 9, 2007 	<ul style="list-style-type: none"> • Resolution calling election and setting candidate statement policy must be adopted by the City Council.
<ul style="list-style-type: none"> • July 16, 2007 	<ul style="list-style-type: none"> • Nomination period opens
<ul style="list-style-type: none"> • November 6, 2007 	<ul style="list-style-type: none"> • Election Day

BENEFITS TO CONSOLIDATION

- Possible increase in voter turnout, but not guaranteed, as some cities have higher turnout than county elections for school districts.
- Decrease in number of trips to the polls for the voters.
- Less work for the City Clerk’s office. With consolidation the City Clerk would only handle filing of nomination papers, argument-rebuttals filings if a measure on the ballot and FPPC filings.
- Compliance with the Federal Voter Rights Act would be transferred to Los Angeles County. Currently, this responsibility rests with the City of Lancaster because we conduct Stand-Alone elections.

CONCERNS REGARDING CONSOLIDATION

- Cities sometimes assume that placing the election of their candidates and measures on a countywide ballot will increase voter turnout for their races. However, City candidates and measures always appear at, or near, the end of County ballots, after school and county candidates, per Election Code Section 13109(j) and (l). A lengthy ballot invites voter fatigue and often produces a higher undervote (no vote) rate for the contests appearing at the end. Therefore, it cannot be assumed that consolidation with a major election has a positive effect on local turnout.
- Stand-Alone cities typically finish election night ballot counting much earlier in the evening than does the County, due to a smaller volume. Consolidated cities must wait for all City precincts to report to County check-in centers. This often leads to lengthening the election night process, for cities, by several hours, possibly days. Results may not be known until the following day, days or weeks later. Counting of ballots will take place in Norwalk, not at City Hall. Candidates will have to travel further if they want to observe the counting process. In fact, candidates may not be able to observe the counting process at all, as it is in a non-public area.
- Candidate Statements are small in the Voter's Pamphlet, in 8 point type, 200 word limit, block paragraphs, so candidates will not have the flexibility to be creative with indents and bullets as they do with city elections.
- The City of Lancaster currently allows each candidate to submit a 400 word candidate statement and a photo. This would not be allowed with a consolidated election.
- Once the filing period has passed, candidates must rely on receiving information and answers to their inquiries from the County Registrar-Recorders office in Norwalk, CA.
- The canvass of the election will take an additional 2 weeks, as the county has a 28 day canvass period – therefore, Council declares results and seats the new officers at first meeting in December.
- Fight for visibility – candidates may have to spend more money to make mailers and signs seen amongst other state and county or school candidates' mailings and signs.
- Cost savings are questionable. With the County conducting Touchscreen & Inkavote voting systems, costs could increase significantly over what the County costs are now. Additional Touchscreens may be needed as well as additional Inkavote voting systems.

Consolidate to Odd-Numbered Years

The first Tuesday in November of odd-numbered years is open and available to any city whose Council wishes to consolidate with County elections. It is the final decision, however, of the Board of Supervisors whether a city can change their election date to November of odd years.

Conduct Stand-Alone Election in March of Odd-Numbered Years

The first Tuesday after the first Monday in March of odd-numbered years may be a consideration, as there are 42 cities that currently conduct their elections at this time. This would require the extension of council member terms by eleven (11) months.

Hold Concurrent Elections

A concurrent election process raises the following issues, however, the County of Los Angeles strongly advises cities against holding concurrent elections.

- Voters are required to check in at two separate tables, sign two separate rosters, and under current conditions, would vote using two different voting systems – one for the County election and one for the City election.
- The potential for error is very high and includes the risk of co-mingling City/County ballots.
- Because voters are given their County ballot first, some jurisdictions report considerable voter “drop-off” for City elections held in this manner. Some voters become impatient, or understandably confused or upset, and do not want to stand in line and sign in a second time and leave the polling place before casting a City ballot.
- Concurrent elections are confusing for both pollworkers and voters.
- Concurrent elections are not cost effective.
- Concurrent elections mean a voter will get separate Sample Ballots, and they will get separate absentee ballots. Voter will have to apply twice for an absent voter ballot, once to the county and once to the city. They will have to make sure they return the correct ballot to the correct jurisdiction.

State law prohibits precinct consolidation for Primary and General elections, whereas cities holding their own elections are not bound by this mandate. Therefore, in concurrent elections, cities are paying additional costs for polling locations and pollworkers that they would not expend if they were conducting an independent election with consolidated voting precincts.

Potential Legislation

AB 1654

Currently, AB 1654 is an Assembly Bill that has been introduced and would amend the current Chapter in the Elections Code regarding All-Mail Ballot Elections. If this bill passes, it would allow any city to hold an All-Mail Ballot Election. In a case such as this, the City would still provide several target areas for polling booths and poll workers for those citizens who would still like to vote at a precinct location. Several counties are pushing for urgency on this bill, which means, it is effective as soon as the Governor signs it. The goal is to conduct the Presidential Primary in February 2008 by All-Mail Ballot. If the bill makes it for the Presidential Primary, it will allow all cities to conduct All-Mail Ballot Elections. If the bill is signed but not signed as urgent, the bill becomes effective January 1, 2008, which is 98 days before the April election, giving the City time to conduct an All-Mail Ballot Election. The advantages to an All-Mail Ballot Election will be: improved voter turn-out, as citizens will be able to vote from the convenience of their homes in the same manner as absentee voters currently vote; lower costs due to the elimination of poll workers and polling locations. There is less chance for fraud, as all voters signatures will be verified before ballots are opened and counted.

Other Cities:

The following cities consolidate with the November, odd-numbered year Election:

- Agoura Hills
- Baldwin Park
- Bell Gardens
- Diamond Bar
- Duarte
- El Monte
- Hawaiian Gardens
- Hawthorne
- Hermosa Beach
- Irwindale
- La Puente
- Lynwood
- Maywood
- Montebello
- Palmdale
- Rancho Palos Verdes
- Rolling Hills Estates
- Santa Fe Springs
- South El Monte
- West Covina

The following cities conduct “Stand-Alone” elections in April of even-numbered years:

- Arcadia*
- Avalon
- Bradbury
- Culver City*
- El Segundo
- Lancaster
- Lawndale
- Long Beach
- Malibu
- Santa Clarita
- Sierra Madre
- Vernon*
- Whittier*
- Walnut

*Denotes Charter Cities

The following cities conduct “Stand-Alone” elections in March of odd-numbered years:

- Artesia
- Azusa
- Bell
- Bellflower
- Beverly Hills
- Calabasas
- Carson
- Cerritos*
- Claremont
- Commerce
- Covina
- Cudahy
- Gardena
- Glendora
- Hidden Hills
- Huntington Park
- La Canada Flintridge
- La Habra Heights
- Lakewood
- La Mirada
- La Verne
- Los Angeles*
- Manhattan Beach
- Monrovia
- Monterey Park
- Norwalk
- Palos Verdes Estates
- Paramount
- Pasadena
- Pico Rivera
- Redondo Beach
- Rolling Hills
- Rosemead
- San Dimas
- San Fernando
- San Gabriel
- San Marino
- Signal Hill*
- South Gate
- South Pasadena
- Temple City*
- West Hollywood

*Denotes Charter Cities

Additionally, there are two cities that conduct “Stand-Alone” elections in November of odd-numbered years:

- Lomita
- West Lake Village

November General Election Consolidations

Five cities consolidate with the November General Election in even-numbered years, as the result of long-standing Charter provisions. One of these, the City of Santa Monica, was forced to conduct a concurrent election due to ballot capacity measures during one election cycle. The cities include:

- Alhambra*
- Downey*
- Pomona*
- Santa Monica*
- Torrance*

*Denotes Charter Cities