

Meeting Date: 12/9/2014

Report Type: Staff/Discussion

Report ID: 2014-00926

Title: Administrative Approval Options for an April 7, 2015 Special Election to Fill a Vacancy in Council District 6 by Either Vote-by-Mail or Polling Place Voting [To Be Delivered]

Location: District 6

Recommendation: **Option A:** 1) Pass a Resolution calling for a vote-by-mail special municipal election to be held on Tuesday, April 7, 2015 for the election of the officer for Council District 6; 2) pass a Resolution requesting the Sacramento County Board of Supervisors permit the County Elections Official to render certain vote-by-mail election services to the City of Sacramento in the conduct of the special election; and 3) pass a Resolution adopting regulations for candidate statements to be submitted to the voters for Council District 6. - **OR -** **Option B:** 1) Pass a Resolution calling for a special municipal election to be held on Tuesday, April 7, 2015 for the election of the officer for Council District 6; 2) pass a Resolution requesting the Sacramento County Board of Supervisors permit the County Elections Official to render certain election services to the City of Sacramento in the conduct of the special election; and 3) pass a Resolution adopting regulations for candidate statements to be submitted to the voters for Council District 6.

Contact: Shirley Concolino MMC, City Clerk, (916) 808-5442, Office of the City Clerk

Presenter: Shirley Concolino MMC, City Clerk, (916) 808-5442, Office of the City Clerk

Department: City Clerk

Division: City Clerk

Dept ID: 04001011

Attachments:

- 1-Description/Analysis
- 2-Option A Resolution Calling Elections Vote By Mail
- 3-Option A Resolution Requesting Election Services Vote By Mail
- 4-Option A Resolution Candidate Statement Vote By Mail
- 5-Option B Resolution Calling Elections Polling Place
- 6-Option B Resolution Requesting Election Services Polling Place
- 7-Option B Resolution Candidate Statement Polling Place

City Attorney Review

Approved as to Form
Matthew Ruyak
12/8/2014 12:24:14 PM

Approvals/Acknowledgements

Department Director or Designee: Stephanie Mizuno - 12/4/2014 1:41:52 PM

Description/Analysis

Issue Detail: The Councilmember for District 6 has been elected to the State Assembly, leaving the office vacant effective December 1, 2014. Pursuant to the Sacramento City Charter and established procedures, the City Council must call a special election to fill the vacancy. If City Council passes the proposed ordinance allowing mailed-ballot elections, the District special election will be wholly vote-by-mail; if the ordinance is not adopted, the election will be a polling-place election (with vote-by-mail for voters who are so registered). In addition, to obtain election services from the County Registrar of Voters, it is necessary to formally request the Sacramento County Board of Supervisors to instruct the County Elections Official to provide such services. Finally, the City Council must adopt a resolution that establishes the regulations for the preparation of, and payment for, processing candidate statements.

Policy Considerations: The actions outlined in this report are in accordance with the California Elections Code, the Sacramento City Charter, and the Sacramento City Code.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: Pursuant to section 154 of the Sacramento City Charter, a special election shall be called by the City Council no later than 14 days following the date upon which a vacancy occurred. The special election shall be held on the next regular election date which time permits or an earlier date as adopted by the City Council. California Elections Code section 13307 states that the City Council must adopt regulations pertaining to the preparation and payment of candidate statements prior to the opening of the nomination period.

Financial Considerations: Funds are available in the City Clerk's election budget to accommodate the cost of this election. The estimate of a vote-by-mail election provided by the County Registrar for a contest in District 6 is roughly \$150,000. This amount is approximately 25% less than a traditional polling-place election, which the County Registrar estimates at roughly \$200,000. In addition, the adoption of the candidate statement regulation will establish the cost of including the optional candidate statement in the official sample ballot. The funds received will be deposited into an Elections Account that will be used to offset the overall costs incurred.

Local Business Enterprise (LBE): None.

RESOLUTION NO. 2014-

Adopted by the Sacramento City Council

Date Adopted

**CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
APRIL 7, 2015 FOR THE ELECTION OF CITY COUNCILMEMBER DISTRICT 6**

BACKGROUND

- A. On December 1, 2014, Kevin McCarty was duly sworn into office as a Member of the California State Assembly, thereby creating a vacancy in the office of City Councilmember District 6.
- B. The term of office for District 6 Councilmember ends November 2016, more than one year after the vacancy.
- C. As provided in the City Charter, a special election to fill a vacancy shall be called within 14 days of the date the vacancy occurs.
- D. The City Charter provides that the candidate receiving the greatest vote in the special election shall be elected to fill the vacant office.
- E. As provided in the California Elections Code, elections must be formally called by resolution.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES
AS FOLLOWS:**

- Section 1. Pursuant to the requirements of the Sacramento City Charter and the laws of the State of California, there is called and ordered to be held in the City of Sacramento, California, on Tuesday, April 7, 2015, a special municipal election, for the purpose of the election of a City Councilmember in District 6 to fill the vacant office for the remainder of the term of office.
- Section 2. Pursuant to Sacramento City Code section 1.16.025, the election shall be conducted by mailed ballot. The vote-by-mail ballots to be used at the election shall be in form and content as required by law.
- Section 3. That the polling place for the mailed-ballot election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed except as provided in Section 14401 of the California Elections Code.
- Section 4. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
- Section 5. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in

the time, form, and manner as required by law.

Section 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 2014-

Adopted by the Sacramento City Council

Date Adopted

REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO TO PERMIT THE COUNTY ELECTIONS OFFICIAL TO RENDER SPECIFIED SERVICES TO THE CITY OF SACRAMENTO RELATING TO THE CONDUCT OF THE APRIL 7, 2015 SPECIAL MUNICIPAL ELECTION, PURSUANT TO SECTION 10002 OF THE ELECTIONS CODE

BACKGROUND

- A. The Sacramento City Council has called for a special municipal election to be held April 7, 2015 for the purpose of electing a City Councilmember in District 6.
- B. In the course of conduct of the elections it is necessary for the City to request services of the County.
- C. All necessary expenses in performing these services shall be paid by the City of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Board of Supervisors of the County of Sacramento is hereby requested to permit the County Elections Official to render the following services in accordance with and pursuant to the provisions of the California Elections Code to the City of Sacramento in conducting a vote-by-mail Special Municipal Election to be held on Tuesday, April 7, 2015:
 - 1. Examine the signatures upon any nomination paper or petition of any candidate for municipal office.
 - 2. Establish precincts, three ballot drop-off locations within Council District 6, and a single polling place within Council District 6 for the day of the election; secure election officers, and prepare and mail notices of appointment.

3. Purchase precinct supplies and absentee voter supplies.
4. Print sample ballots and polling place cards, including the statements of candidates' qualifications and mail to registered voters.
5. Transport voting booths, ballots, original books of affidavits, ballot boxes, and precinct supplies to precincts.
6. Provide printed official ballots.
7. Provide for absentee voting through the Office of the County Registrar of Voters.
8. Supervise and conduct election.
9. Tabulate electronic votes.
10. Perform all things necessary or incidental to accomplish the proper and legal conduct of the election.

Section 2. That the County Elections Department is authorized to canvass and certify the returns of the Special Municipal Election.

Section 3. That the City of Sacramento recognizes that costs will be incurred by the County by reason of this election and agrees to reimburse the County for those costs.

Section 4. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Sacramento.

Section 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 2014-

Adopted by the Sacramento City Council

Date Adopted

**ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO
CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TO BE
HELD ON TUESDAY, APRIL 7, 2015**

BACKGROUND:

- A. The Sacramento City Council has called a Special Municipal Election to be held on Tuesday, April 7, 2015, for the purpose of electing a City Councilmember in District 6.
- B. California Elections Code section 13307(e) requires that the City adopt regulations pertaining to the processing of, and payment for, candidate statements.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES
AS FOLLOWS:**

- Section 1. GENERAL PROVISIONS. Pursuant to Section 13307 of the California Elections Code, each candidate for elective office to be voted for at a special election to be held in the City of Sacramento, California, on Tuesday, April 7, 2015, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement is limited to 200 words and a maximum of five paragraphs and may include the name, age and occupation of the candidate and a brief description of the candidate's education and qualifications expressed by the candidate in first person tense. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be prepared in typewritten form and be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until the close of business of the next working day after the close of the nomination period. Statements exceeding 200 words in length will be shortened by removing words from the end of the statement until the word limit is reached. The standard word count as provided in the Elections Code shall be used.
- Section 2. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

Section 3. FOREIGN LANGUAGE POLICY. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Sacramento. The County is required to translate candidate's statements into Spanish and Chinese.

The County will print and mail official sample ballots containing candidate's statements to all voters in English, Spanish, and Chinese. The County will make the official sample ballots in the required languages available at all polling places and in the County Election Official's office.

Section 4. PAYMENT. The Sacramento County Registrar of Voters has estimated the cost of printing, handling, translating, and mailing the candidate's statement filed pursuant to this section, including costs incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and the City requires each candidate filing a statement to pay in advance his or her estimated pro rata share as a condition of having his or her statement included in the official sample ballot. The estimate is an approximation of the actual cost that varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expenses or refund any excess paid depending on the actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of receiving the actual costs from the County Registrar of Voters.

The cost for each District 6 candidate filing a statement shall be \$650.00. Payment of the deposit shall be by cash, money order or check payable to the City of Sacramento.

Section 5. MISCELLANEOUS.

All translations will be provided by a professionally-certified translator procured by the County Elections Official. Candidates may not translate their own candidate statements.

The statement of each candidate shall be printed in type that is of uniform size and darkness, and with uniform spacing. Candidates may not use underlining; ALL CAPS; *italics*; **bold print**; dashes (--); bullets (•); stars (★) or other forms of emphasis; multiple punctuation; "... " or "-----"; etc. Publication names and titles that are referenced are not to be underlined. In order for the statement to fit onto one page in the official sample ballot, the maximum number of paragraphs is five.

Section 6. The City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

Section 7. All previous resolutions establishing City Council policy on payment for candidate statements are repealed.

- Section 8. This resolution shall apply only to the special election to be held on Tuesday, April 7, 2015, and shall then be repealed.
- Section 9. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 2014-

Adopted by the Sacramento City Council

Date Adopted

**CALLING FOR A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY,
APRIL 7, 2015 FOR THE ELECTION OF CITY COUNCILMEMBER DISTRICT 6**

BACKGROUND

- A. On December 1, 2014, Kevin McCarty was duly sworn into office as a Member of the California State Assembly, thereby creating a vacancy in the office of City Councilmember District 6.
- B. The term of office for District 6 Councilmember ends November 2016, more than one year after the vacancy.
- C. As provided in the City Charter, a special election to fill a vacancy shall be called within 14 days of the date the vacancy occurs.
- D. The City Charter provides that the candidate receiving the greatest vote in the special election shall be elected to fill the vacant office.
- E. As provided in the California Elections Code, elections must be formally called by resolution.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Pursuant to the requirements of the Sacramento City Charter and the laws of the State of California, there is called and ordered to be held in the City of Sacramento, California, on Tuesday, April 7, 2015, a special municipal election, for the purpose of the election of a City Councilmember in District 6 to fill the vacant office for the remainder of the term of office.
- Section 2. That the ballots to be used at the election shall be in form and content as required by law.
- Section 3. That the polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed except as provided in Section 14401 of the California Elections Code.
- Section 4. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
- Section 5. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.

Section 6. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 2014-

Adopted by the Sacramento City Council

Date Adopted

REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO TO PERMIT THE COUNTY ELECTIONS OFFICIAL TO RENDER SPECIFIED SERVICES TO THE CITY OF SACRAMENTO RELATING TO THE CONDUCT OF THE APRIL 7, 2015 SPECIAL MUNICIPAL ELECTION, PURSUANT TO SECTION 10002 OF THE ELECTIONS CODE

BACKGROUND

- A. The Sacramento City Council has called for a special municipal election to be held April 7, 2015 for the purpose of electing a City Councilmember in District 6.
- B. In the course of conduct of the elections it is necessary for the City to request services of the County.
- C. All necessary expenses in performing these services shall be paid by the City of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. The Board of Supervisors of the County of Sacramento is hereby requested to permit the County Elections Official to render the following services in accordance with and pursuant to the provisions of the California Elections Code to the City of Sacramento in conducting a Special Municipal Election to be held on Tuesday, April 7, 2015:

- 1. Examine the signatures upon any nomination paper or petition of any candidate for municipal office.
- 2. Establish precincts and polling places, secure election officers, and prepare and mail notices of appointment.

3. Purchase precinct supplies and absentee voter supplies.
4. Print sample ballots and polling place cards, including the statements of candidates' qualifications and mail to registered voters.
5. Transport voting booths, ballots, original books of affidavits, ballot boxes, and precinct supplies to precincts.
6. Provide printed official ballots.
7. Provide for absentee voting through the Office of the County Registrar of Voters.
8. Supervise and conduct election.
9. Tabulate electronic votes.
10. Perform all things necessary or incidental to accomplish the proper and legal conduct of the election.

Section 2. That the County Elections Department is authorized to canvass and certify the returns of the Special Municipal Election.

Section 3. That the City of Sacramento recognizes that costs will be incurred by the County by reason of this election and agrees to reimburse the County for those costs.

Section 4. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the County Election Department of the County of Sacramento.

Section 5. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 2014-

Adopted by the Sacramento City Council

Date Adopted

**ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO
CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TO BE
HELD ON TUESDAY, APRIL 7, 2015**

BACKGROUND:

- A. The Sacramento City Council has called a Special Municipal Election to be held on Tuesday, April 7, 2015, for the purpose of electing a City Councilmember in District 6.
- B. California Elections Code section 13307(e) requires that the City adopt regulations pertaining to the processing of, and payment for, candidate statements.

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES
AS FOLLOWS:**

- Section 1. GENERAL PROVISIONS. Pursuant to Section 13307 of the California Elections Code, each candidate for elective office to be voted for at a special election to be held in the City of Sacramento, California, on Tuesday, April 7, 2015, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement is limited to 200 words and a maximum of five paragraphs and may include the name, age and occupation of the candidate and a brief description of the candidate's education and qualifications expressed by the candidate in first person tense. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be prepared in typewritten form and be filed in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until the close of business of the next working day after the close of the nomination period. Statements exceeding 200 words in length will be shortened by removing words from the end of the statement until the word limit is reached. The standard word count as provided in the Elections Code shall be used.
- Section 2. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

Section 3. FOREIGN LANGUAGE POLICY. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Sacramento. The County is required to translate candidate's statements into Spanish and Chinese.

The County will print and mail official sample ballots containing candidate's statements to all voters in English, Spanish, and Chinese. The County will make the official sample ballots in the required languages available at all polling places and in the County Election Official's office.

Section 4. PAYMENT. The Sacramento County Registrar of Voters has estimated the cost of printing, handling, translating, and mailing the candidate's statement filed pursuant to this section, including costs incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and the City requires each candidate filing a statement to pay in advance his or her estimated pro rata share as a condition of having his or her statement included in the official sample ballot. The estimate is an approximation of the actual cost that varies from one election to another and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expenses or refund any excess paid depending on the actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of receiving the actual costs from the County Registrar of Voters.

The cost for each District 6 candidate filing a statement shall be \$650.00. Payment of the deposit shall be by cash, money order or check payable to the City of Sacramento.

Section 5. MISCELLANEOUS.

All translations will be provided by a professionally-certified translator procured by the County Elections Official. Candidates may not translate their own candidate statements.

The statement of each candidate shall be printed in type that is of uniform size and darkness, and with uniform spacing. Candidates may not use underlining; ALL CAPS; *italics*; **bold print**; dashes (--); bullets (•); stars (★) or other forms of emphasis; multiple punctuation; "... " or "-----"; etc. Publication names and titles that are referenced are not to be underlined. In order for the statement to fit onto one page in the official sample ballot, the maximum number of paragraphs is five.

Section 6. The City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating petitions are issued.

Section 7. All previous resolutions establishing City Council policy on payment for candidate statements are repealed.

Section 8. This resolution shall apply only to the special election to be held on Tuesday, April 7, 2015, and shall then be repealed.

Section 9. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.