

Meeting Date: 12/1/2015

Report Type: Consent

Report ID: 2015-00942

Title: Administrative Approvals Associated with the June 7, 2016 Primary and November 8, 2016 General Election

Location: Citywide

Recommendation: 1) Pass a Resolution calling for a primary municipal election to be held on Tuesday, June 7, 2016, for the election of certain officers (Mayor and Districts 2, 4, 6 and 8); and for a general municipal election to be held on Tuesday, November 8, 2016, for a run-off election of certain officers if necessary; 2) a Resolution requesting the Sacramento County Board of Supervisors to consolidate the City of Sacramento's primary and general municipal elections with the statewide primary and general elections; and 3) a Resolution requesting the Sacramento County Board of Supervisors to permit the County Elections Official to render certain election services to the City of Sacramento in connection with the consolidated elections.

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

Presenter: None

Department: City Clerk

Division: City Clerk

Dept ID: 04001011

Attachments:

- 1-Description/Analysis
- 2-Calling Resolution
- 3-Resolution Consolidating Elections
- 4-Resolution Requesting Election Services
- 5-City/County Election Services MOU

City Attorney Review

Approved as to Form
Matthew Ruyak
11/13/2015 12:26:34 PM

Approvals/Acknowledgements

Department Director or Designee: Wendy Klock-Johnson - 10/15/2015 4:34:56 PM

Description/Analysis

Issue Detail: The terms for the incumbent Mayor and Council Members in Districts 2, 4, 6, and 8 will expire in November 2016. Pursuant to established procedures, the Office of the City Clerk is calling for the holding of a primary election in June 2016 to fill these vacancies, and for a general election for these offices in November 2016 if a run-off election is necessary. In accordance with the City Charter, regular city elections are to be consolidated with statewide elections.

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

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: These actions are necessary to hold a June 2016 primary election and a November 2016 general election.

Financial Considerations: Funds are available in the City Clerk's election budget to accommodate the cost of these elections. The following is a rough estimate of election costs provided by the County Registrar.

Mayoral - \$143,078
District 2 - \$17,452
District 4 - \$24,148
District 6 - \$20,461
District 8 - \$17,977

First Citywide Measure - \$13,292

Estimated Grand Total - \$236,408

Additional Citywide Measures - \$ 13,292

The cost of the November election will depend on the necessity of run-off elections. Information on the cost of a November election will be brought back to Council if those contests are called. The cost for measures in November are expected to be similar to the cost for measures in June.

Local Business Enterprise (LBE): None.

RESOLUTION NO.

Adopted by the Sacramento City Council

Date Adopted

CALLING FOR A PRIMARY MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2016, AND FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016, FOR THE PURPOSE OF ELECTING OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES

BACKGROUND

- A. In November 2016, the terms of the Mayor and City Council Members in Districts 2, 4, 6, and 8 will expire.
- B. As provided in the City Charter, the election of officers is held on the same date as the statewide primary and general elections.
- C. As provided in the California Elections Code, elections must be formally called by resolution.
- D. If, for each elective office, one candidate does not receive a majority of votes in the June primary election, a run-off election will be required at a November general election.

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

- Section 1. Pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of Sacramento, California, on Tuesday, June 7, 2016, a Primary Municipal Election; and on Tuesday, November 8, 2016, a General Municipal Election, for the purpose of electing a Mayor and four members of the City Council (Districts 2, 4, 6, and 8) for the full term of four years.
- 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 Elections Code of the State of California.

- 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.

Adopted by the Sacramento City Council

Date Adopted

REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SACRAMENTO TO CONSOLIDATE THE CITY OF SACRAMENTO'S JUNE 7, 2016, PRIMARY MUNICIPAL AND NOVEMBER 8, 2016, GENERAL MUNICIPAL ELECTIONS WITH THE STATEWIDE ELECTIONS ON THE SAME DATES

BACKGROUND

- A. The Sacramento City Council has called and ordered a Primary Municipal Election to be held on June 7, 2016, for the purpose of electing a Mayor and City Council Members in Districts 2, 4, 6, and 8; and has called a General Municipal Election to be held on November 8, 2016, for the purpose of conducting a run-off in those offices if necessary.
- B. As provided in the California Elections Code, the request for consolidation with the jurisdiction conducting the election must be formally adopted.
- C. It is desirable that the Primary and General Municipal Elections be consolidated with the Statewide Primary and General Elections to be held on the same date and in the same manner as if there were one election.

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

- Section 1. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Sacramento is hereby requested to consent and agree to the consolidation of a Primary Municipal Election with the Statewide Primary Election on Tuesday, June 7, 2016, and of a General Municipal Election with the Statewide General Election on Tuesday, November 8, 2016, for the purposes of the election of a Mayor and City Council Members in Districts 2, 4, 6, and 8.
- Section 2. That the County Elections Department is authorized to canvass the returns of the Primary and General Municipal Elections. The elections shall be held in all respects as if there were only one election, and only one form of ballot shall be used.
- Section 3. That the Board of Supervisors is requested to issue instructions to the County Election Department to take any and all steps necessary for the holding of the consolidated election.

- Section 4. That the City of Sacramento recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.
- Section 5. That the City Clerk is hereby directed to file a certified copy of this resolution with the Sacramento County Board of Supervisors and the County Elections Department.
- 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.

Adopted by the Sacramento City Council

Date Adopted

REQUESTING THE SACRAMENTO COUNTY BOARD OF SUPERVISORS TO PERMIT THE COUNTY ELECTIONS OFFICIAL TO RENDER CERTAIN ELECTION SERVICES TO THE CITY OF SACRAMENTO RELATING TO THE CONDUCT OF THE JUNE 7, 2016, PRIMARY AND NOVEMBER 8, 2016, GENERAL MUNICIPAL ELECTIONS, PURSUANT TO SECTION 10002 OF THE ELECTIONS CODE

BACKGROUND

- A. The Sacramento City Council has called for consolidation of the June 7, 2016, Primary Municipal Election and November 8, 2016, General Municipal Election with the Statewide Elections for the purpose of electing a Mayor and City Council Members in Districts 2, 4, 6, and 8.
- 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 Primary Municipal Election to be held on Tuesday, June 7, 2016, and a General Municipal Election to be held on Tuesday, November 8, 2016:
 - 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 Primary and General Municipal Elections.

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.

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
THE CITY OF SACRAMENTO
AND
THE COUNTY OF SACRAMENTO**

1. **PARTIES.** This Memorandum of Understanding (MOU) is entered into by the City of Sacramento, a California charter city and municipal corporation (“City”) and the County of Sacramento, a political subdivision of the State of California (“County”).

2. **PURPOSE OF THIS MOU.** The purpose of this MOU is to define the expectations, rights, and responsibilities of the parties with regard to providing certain services for all elections. This MOU supersedes any other agreement between the parties related to the matters covered by this MOU. By entering this MOU the parties are mutually cancelling that certain City Agreement No. 83119, which was approved by the Board of Supervisors Resolution No. 84-124 and City Council Resolution 83-1034.

3. **ROLES AND RESPONSIBILITIES.** The responsibilities of the Sacramento County Registrar of Voters and the City Clerk of the City of Sacramento are defined in Attachment A (Scope of Services), which is a part of this MOU.

4. **REIMBURSEMENT FOR SERVICES PROVIDED.** The City agrees to reimburse the County for elections services within 30 days from receipt of an invoice from the County Elections Office. If there is a dispute about services provided or costs claimed, the Registrar of Voters and the City Clerk shall meet in good faith to resolve the dispute before any other remedies are sought.

5. **MUTUAL INDEMNIFICATION.**

5.1 City agrees to indemnify and hold harmless County, its officers, employees, agents, and volunteers from any and all liabilities for injury to persons and damage to property arising out of any act or omission of City, its officers, employees, agents or volunteers in connection with City’s performance of its obligations under this MOU.

5.2 County agrees to indemnify and hold harmless City, its officers, employees, agents, and volunteers from any and all liabilities for injury to persons and damage to property arising out of any act or omission of County, its officers, employees, agents or volunteers in connection with County’s performance of its obligations under this MOU.

5.3 This Section 5 survives the termination or expiration of this MOU.

6. **TERM OF AGREEMENT.** This MOU is effective upon the signatures of the parties, and may be modified at any time by the written consent of the parties. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 60 days prior to the date of termination. The City shall reimburse the County for cost of services provided through the date of the termination notice.

CITY OF SACRAMENTO, a California
charter city and municipal corporation

COUNTY OF SACRAMENTO,
a political subdivision of the State of
California

By: _____
City Clerk

By: _____
Registrar of Voters

Date: _____

Date: _____

Approved as to Form:

Approved as to Form:

By: _____
Assistant City Attorney

By: _____
County Counsel

ATTACHMENT A

SCOPE OF SERVICES

ALL ELECTIONS

Registrar of Voters shall provide the following services for all City of Sacramento elections:

1. Prepare election process forms and provide to the City Clerk at least 120 days prior to the election.
2. Verify signatures on petitions, including but not limited to, all candidate official filing forms, nomination paper petitions, and supplemental nomination paper petitions; initiative, referendum, and recall petitions; Notices of Intent to Circulate Petitions; and Notices of Intent to Recall.
3. Assign measure letters.
4. Prepare, translate, and format the sample ballot for materials including, as applicable: candidates' statement, ballot arguments and rebuttals, measure ballot title and summary, measure impartial analysis, facsimile ballot, voting instructions, polling location information, and map and/or address of ballot drop-off locations in the City of Sacramento.
5. Provide all sample ballot materials to the City Clerk for review and confirmation within the Registrar's time frames to make necessary changes in time to meet legal deadlines prior to printing and mailing.
6. Supply sample ballot materials to registered voters in the affected Council Districts.
7. Provide to the City Clerk an electronic listing of all electors eligible to vote in the election, including polling location, if applicable.
8. Provide ballot tabulation equipment and qualified and trained personnel for its operation throughout the election as provided by law.
9. Provide security during ballot counting and tabulation process.
10. Provide sufficient personnel to deliver, process, count, and tabulate election ballots.
11. Provide sufficient personnel to process, count, and tabulate signature withdrawal requests.
12. Distribute and process vote-by-mail ballots.
13. Distribute and process provisional ballots and challenged ballots.
14. Perform canvass and issue Official Statement of Vote to the City Clerk as required by federal and state election laws.
15. Prepare invoices for services rendered within 45 days of the election and provide revised invoices, as necessary, following cost reconciliation.
16. Refer media inquiries and requests relating to City of Sacramento elections to the City Clerk.
17. Other services as requested by the City Clerk.

The City Clerk shall provide the following services to the Registrar of Voters for all City of Sacramento elections:

1. Provide a copy of the resolution calling the election and requesting services as required by federal and state election law.
2. Provide City Council action regarding costs for printing of candidate statements.
3. Promptly forward candidates' Candidate Official Filing forms and Statement of Qualification upon submittal.

4. As applicable, promptly furnish copies of the full text of measures, including a written description of any related maps or images, impartial analysis, ballot title and summary, arguments, and rebuttals.
5. Promptly review and confirm content and content placement of sample ballot materials.
6. Furnish copies of published Notice of Election and list of qualified candidates.
7. Remit payment for services rendered within 30 days of receiving invoice.

ELECTION POLLING LOCATIONS

The Registrar of Voters shall provide the additional following services for City of Sacramento polling location elections:

1. Establish polling locations that are compliant with State of California law regarding accessibility.
2. Provide furniture and equipment, as needed, for polling locations and poll workers.
3. Hire, train, and compensate poll workers and alternate poll workers.
4. Hire, train, and compensate Coordinators and technical teams for technical and logistical support to poll workers and elections personnel.
5. Provide the City Clerk with a direct link to County website that indicates polling locations.

The City Clerk shall provide the additional following services for City of Sacramento polling election locations:

1. Provide location and security for a ballot box for vote-by-mail drop-offs at City Hall on Election Day and at least 15 days prior.

ALL-MAIL-BALLOT ELECTIONS

The Registrar of Voters shall provide the additional following services for City of Sacramento all-mail-ballot elections:

1. Provide materials, equipment, staffing, and activities required for all-mail-ballot elections as required by law.
2. Hire and train workers for ballot drop-off locations.
3. Provide for the establishment of ballot drop-off locations, with days and hours of operation for a period of at least 15 days prior to Election Day and on Election Day from 7 a.m. to 8 p.m. or as required by election law.
4. Provide materials, furniture, and equipment, as needed, for ballot drop-off locations.
5. Timely deliver all official ballots as required by law.
6. Provide daily tallies of returned ballots by Council District to the City Clerk.

The City Clerk shall provide to the Registrar of Voters for City of Sacramento all-mail-ballot elections:

1. Assist with the identification of potential facilities for ballot drop-off locations.
2. Provide location and security for a ballot box for vote-by-mail drop-offs at City Hall on Election Day and 15 days prior to Election Day or as otherwise required by law.