

City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

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| To: | Matthew J. Fertal | From: | Kathy Bailor |
| Dept: | City Manager | Dept: | City Clerk's Office |
| Subject: | ADOPTION OF RESOLUTIONS FOR THE NOVEMBER 4, 2014, GENERAL MUNICIPAL ELECTION | | |
| | | Date: | June 10, 2014 |

OBJECTIVE

To have the City Council adopt the necessary Resolutions for the General Municipal Election (Election) on November 4, 2014.

DISCUSSION

The 2014 Election will be held on Tuesday, November 4, 2014, in conjunction with the Statewide General Election, for the purpose of electing a Mayor for the full term of two years and two Council Members for the full term of four years each. The nomination period runs from July 14, 2014, to August 8, 2014. Should an incumbent not file, the nomination period for that seat will be extended to August 13, 2014. Pursuant to provisions of the California Elections Code, the City Council must adopt certain Resolutions related to the Election:

- To call the election for the offices of Mayor and two Council Members;
- To request the County of Orange consent to consolidation of the General Municipal Election with the Statewide General Election and provide certain services in connection with the election; and
- To adopt regulations pertaining to Candidates Statements.

Note that the Resolution calling the election includes a provision that, in the event of a tie vote, the tie will be broken by lot. The City Council could elect, at the City's expense, to hold a special runoff election in the case of a tie. If the City Council wishes to select this alternative, the Resolution would need to be revised accordingly.

FINANCIAL IMPACT

Funds to cover election-related costs (estimated to be more than \$120,000) will be included as part of the FY 2014-15 budget.

RECOMMENDATION


It is recommended that the City Council adopt the following proposed Resolutions pertaining to the November 4, 2014, General Municipal Election:

- Adopt a Resolution calling for the holding of a General Municipal Election to be held on Tuesday, November 4, 2014, for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law cities;
- Adopt a Resolution requesting the Board of Supervisors of the County of Orange to consolidate a General Municipal Election to be held on Tuesday, November 4, 2014, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections code; and
- Adopt a Resolution regulating the Candidates Statement submitted to the voters at an election to be held on Tuesday, November 4, 2014.


KATHY BAILOR, CMC
City Clerk

Attachment 1: Resolution calling the 2014 Election
Attachment 2: Resolution requesting County Services
Attachment 3: Resolution concerning Candidate Statements

Recommended for Approval


Matthew Fertal
City Manager

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

WHEREAS, under the provisions of the laws relating to General Law cities in the State of California, a General Municipal Election shall be held on Tuesday, November 4, 2014, for the election of Municipal Officers.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law cities, there is called and ordered to be held in the City of Garden Grove, California, on Tuesday, November 4, 2014, a General Municipal Election for the purpose of electing a Mayor for the full term of two years; and two Council Members of the City Council for the full term of four years each.

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 City Clerk is authorized, instructed, and directed to coordinate with the County of Orange Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter, and all supplies, equipment, and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 4. That the polls for the election shall be open at 7:00 a.m. of 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, pursuant to Elections Code Section 10242, except as provided for in Section 14401 of the Elections Code of the State of California.

SECTION 5. 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 6. 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 time, form, and manner as required by law.

SECTION 7. That in the event of a tie vote, if any two or more persons receive an equal and the highest number of votes for an office as certified by the

County of Orange Registrar of Voters, the City Council, in accordance with Elections Section 15651(a), shall set a date and time and place and summon the candidates who have received the tie votes to appear and will determine the tie by lot.

SECTION 8. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

SECTION 9. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014, WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE DATE PURSUANT TO SECTION 10403 OF THE ELECTIONS CODE

WHEREAS, the City Council of the City of Garden Grove called a General Municipal Election to be held on Tuesday, November 4, 2014, for the purpose of the Election of a Mayor and two Council Members of the City Council; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date and that within the city the precincts, polling places, and election officers of the two elections be the same, and that the Orange County Registrar of Voters canvass the returns of the General Municipal Election, and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Orange is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide General Election on Tuesday, November 4, 2014, for the purpose of the election of a Mayor and two Council Members of the City Council.

SECTION 2. That the Orange County Registrar of Voters is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used. The election will be held and conducted in accordance with the provisions of law regulating the Statewide General Election.

SECTION 3. That the Board of Supervisors is requested to issue instructions to the Orange County Registrar of Voters to take any and all steps necessary for the holding of the consolidated election.

SECTION 4. That the City of Garden Grove 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 Board of Supervisors and the Orange County Registrar of Voters.

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.

GARDEN GROVE CITY COUNCIL

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 4, 2014

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any Candidate for a municipal election, including costs of the Candidates Statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GARDEN GROVE, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS.

Pursuant to Section 13307 of the Elections Code of the State of California, each Candidate for elective office to be voted for at an election to be held in the city of Garden Grove on Tuesday, November 4, 2014, may prepare a Candidate's Statement on an appropriate form provided by the City Clerk. The Statement may include the name, age, and occupation of the Candidate and a brief description of no more than 400 words of the Candidate's education and qualifications expressed by the Candidate himself. The Statement shall not include party affiliation of the Candidate, nor membership or activity in partisan political organizations. The Statement shall be filed, in type written form, in the City Clerk's Office at the same 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 5:00 p.m. of the next working day after the close of the Nomination Period.

SECTION 2. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, Candidates Statements will be translated into all languages required by the County of Orange. The County is required to translate Candidate's Statements into the following languages: Spanish, Chinese, Korean, and Vietnamese.
- B. The County will print and mail sample ballots and Candidates Statements in Spanish, Chinese, Korean, or Vietnamese to only those voters who are on the County voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and Candidates Statements in the required languages available at all polling places, on the County's website, and in the City Clerk's Office.

SECTION 3. PAYMENT.

A. Translations:

1. The Candidate shall be required to pay for the cost of translating the Candidates Statement into any required foreign language as specified in Section 2.A. and Section 2.B., pursuant to Federal and/or State law.
2. The Candidate shall be required to pay for the cost of translating the Candidates Statement into any foreign language that is not required as specified in Section 2.A. and Section 2.B., pursuant to Federal and/or State Law, but is requested as an option by the Candidate.

B. Printing:

1. The Candidate shall be required to pay for the cost of printing a Candidates Statement in English in the main voter pamphlet.
2. The Candidate shall be required to pay for the cost of printing the Candidates Statement in a foreign language required in Section 2.A., in the main voter pamphlet.
3. The Candidate shall be required to pay for the cost of printing the Candidates Statement in a foreign language requested by the Candidate per Section 2.B., in the main voter pamphlet.
4. The Candidate shall be required to pay for the cost of printing the Candidates Statement in a foreign language required by Section 2.A., in the facsimile voter pamphlet.

The City Clerk shall provide an estimate of the total cost of printing, handling, translating, and mailing the Candidates Statements filed pursuant to this Section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each Candidate filing a statement to pay in advance to the City the estimated pro rata share as a condition of having his statement included in the voter's pamphlet. The estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the Candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk shall require the Candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall pro rate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

SECTION 4. MISCELLANEOUS

- A. All translations shall be provided by professionally-certified translators.
- B. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS.

No Candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. That 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. That all previous Resolutions establishing City Council policy on payment for Candidates Statements are repealed.

SECTION 8. That this Resolution shall apply only to the election to be held on Tuesday, November 4, 2014, and shall then be deemed repealed.

SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.