City of Garden Grove

INTER-DEPARTMENT MEMORANDUM

To:	Matthew J. Fertal	From:	John D.R. Clark
Dept:	City Manager	Dept:	Office of the City Clerk
Subject:	CONSIDERATION OF RESOLUTIONS RELATING TO CALLING OF NOVEMBER 6, 2012 GENERAL MUNICIPAL ELECTION	Date:	May 22, 2012

OBJECTIVE

To obtain the City Council's approval of the necessary Resolutions to call the November 6, 2012, General Municipal Election, to consolidate it with the General Statewide General Election and request the County to provide certain services in connection with the election, and to establish regulations pertaining to candidate statements.

DISCUSSION

The 2012 Garden Grove General Municipal Election will be held on Tuesday, November 6, 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 of the City Council for the full term of four years. The nomination period runs from July 16 to August 10, 2012. Should an incumbent not file, the nomination period for that seat will be extended to August 15, 2012. Pursuant to provisions of the California Elections Code, the City Council must adopt certain Resolutions related to the General Municipal Election. Accordingly, Resolutions are being presented for City Council consideration:

1. To call the election for the offices of Mayor and two Members of the City Council;

2. 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

3. To adopt regulations pertaining to Candidates Statements, which includes the word count limit of 400 words.

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. Alternatively, the City Council could elect to provide, at City expense, for the holding of 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.
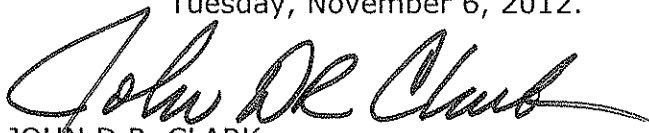
FINANCIAL IMPACT

Based on an estimate received from the Orange County Registrar of Voters, the estimated cost for the consolidated General Municipal Election is between $104,500-$131,500. Funds to cover these election-related costs are included as part of the FY 2012-13 budget.

RECOMMENDATION

It is recommended that the City Council adopt the following proposed Resolutions pertaining to the November 6, 2012 General Municipal Election:

- 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 6, 2012, for the election of certain officers as required by the provisions of the laws of the State of California relating to General Law cities.

- 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 6, 2012, with the Statewide General Election to be held on the date pursuant to Section 10403 of the Elections Code.

- 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 6, 2012.

JOHN D.R. CLARK
Director

By: Kathy Bailor, CMC
       City Clerk

Attachment 1: Resolution Calling the 2012 Election
Attachment 2: Resolution requesting County Services
Attachment 3: Resolution concerning Candidate Statements

Recommended for Approval

Matthew Fertal
City Manager

857316.1

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 6, 2012, 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 6, 2012, 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 6, 2012, 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 terms 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 Election 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 Election

856287.1

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.

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 6, 2012, 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 6, 2012, 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 6, 2012, 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.

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.

856292.1

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 6, 2012

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. That 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 6, 2012, 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 the Office of the City Clerk 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 to all voters 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 all 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. above 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. above, 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. above, 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. above, 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. above, 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 his estimated pro rata share as a condition of having his statement included in the voter's pamphlet. In the event the estimated payment is required, 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 may require the Candidate to pay the balance of the cost incurred. In the event of

856294.1

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

SECTION 5. 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 6. That all previous Resolutions establishing City Council policy on payment for Candidates Statements are repealed.

SECTION 7. That this Resolution shall apply only to the election to be held on Tuesday, November 6, 2012, and shall then be deemed repealed.

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.