REQUEST FOR COUNCIL ACTION

CITY COUNCIL MEETING DATE:

JULY 2, 2018

TITLE:

ADOPT RESOLUTION CALLING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO FILLWARD 4 VACANCY FOR THE REMAINDER OF THE TERM EXPIRING DECEMBER 2022, TO BE HELD ON NOVEMBER 5, 2019 AND REQUESTING THAT THE BOARD OF SUPERVISORS OF THE COUNTY OF ORANGE CONSOLIDATE THE CITY OF SANTA ANA SPECIAL MUNICIPAL WITH THE SANTA ANA UNIFIED SCHOOL DISTRICT'S SPECIAL VACANCY ELECTION OF THE SAME DATE; ADOPT RESOLUTION ADOPTING A REGULATION FOR CANDIDATES PERTAINING TO CANDIDATE STATEMENTS AND ESTABLISHING A SYSTEM FOR CANDIDATES WHOSE STATEMENTS ARE SUBMITTED TO THE ELECTORATE TO PAY THEIR PRO RATA SHARE OF THE COST OF INCLUSION OF THEIR STATEMENT IN VOTER PAMPHLETS (STRATEGIC PLAN NO. 5, 1)

CONTINUED TO __________________________________

FILE NUMBER __________________________________

RECOMMENDED ACTION

1. Adopt a resolution calling for and providing notice of a special municipal election to be held in the City of Santa Ana on Tuesday, November 5, 2019 to elect an officer of the City of Santa Ana to fill Ward 4 and Requesting that the County of Orange consolidate the City's special election on Tuesday November 5, 2019 with the Santa Ana Unified School District's special vacancy election on November 5, 2019 and that the County of Orange canvass the returns on behalf of the City of Santa Ana.

2. Adopt a resolution adopting a regulation for candidates for elective office pertaining to candidate statements submitted to the voters at a special election Tuesday, November 5, 2019 and establishing a system for candidates whose statements are submitted to the electorate in the special election on November 5, 2019 to pay the pro rata share of the cost of inclusion of their statement in voter pamphlets and/or electronic copy.

3. Direct Clerk of the Council to publish legal notices as required by law.

55D-1
DISCUSSION

On March 1, 2019, Councilmember representing Ward 4 submitted his resignation from City Council Office. In the case of a Council vacancy, the City Charter Section 403, provides direction to fill vacancy within thirty (30) days after office is vacant - "If the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy". On March 22, 2019, the City Council deliberated and motioned to proceed with an election to fill vacant ward 4.

In order to conduct an election, State law and the City Charter require the City Council to adopt a resolution calling for a special municipal election. The subject resolution establishes November 5, 2019 as the date for the special election for the vacancy for the office of Council Member of Ward 4 of the City Council for the remainder of the term expiring December 2022.

The Santa Ana Unified School District called for a special vacancy election to fill a vacant school board seat. The school district’s special vacancy election was called for Tuesday November 5, 2019. The City of Santa Ana and The Santa Ana Unified School District could share precincts and polling places and that would reduce the costs associated with conducting the election.

Pursuant to Section 10403 of the California Elections Code, the City Council is required to formally request consolidation of the City’s special municipal election with the Santa Ana Unified School District’s special vacancy election. The subject resolution fulfills this requirement by requesting that the Board of Supervisors of Orange County consolidate the special municipal election on November 5, 2019 for the purpose of electing a Councilmember for Ward 4 for the remainder of the term expiring December 2022 with the Santa Ana Unified School District’s special vacancy election and authorizes the Board of Supervisors to canvass the election returns (Exhibit 1).

Also, candidates for City Council Member – Ward 4 office may choose to have a candidate’s statement mailed to each voter as part of the Voter Information Pamphlet. As an added option, the County of Orange Registrar of Voters Office offers a 200 and 400-word option and further have the option to print or simply post an electronic copy of the statement on their website. Candidate statements are produced at the candidates’ option, not mandated, and the election code allows the Council to establish a charge to be levied against candidates in order to recover the cost of printing, handling and mailing these statements. The Orange County Registrar of Voters estimated cost for the Candidate Statement as follow (Exhibit 2).

Print in voter’s pamphlet and electronic copy of Candidate Statement in Registrar of Voter’s Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words $ 1,440.00
- 400 Words $ 2,686.22
Electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:

- 200 Words $ 319.41
- 400 Words $ 444.41

The California Elections Code requires the adoption of the attached resolutions in order to place a ballot measure before the voters at a special municipal election and must be submitted to the Registrar of Voters at least 88 days in advance of the election (refer to Exhibit 1).

**STRATEGIC PLAN ALIGNMENT**

Approval of this item supports the City's efforts to meet Goal #5 Community Health, Livability, Engagement & Sustainability, Objective #1 (Establish a comprehensive community engagement initiative to expand access to information and create opportunities for stakeholders to play an active role in discussing public policy and setting priorities).

**FISCAL IMPACT**

The cost to consolidate the Special Municipal Election for candidate is estimated to be $518,392.36. Funds for these administrative costs are budgeted in the Clerk of the Council, Contractual Services account no. 01107031 62300, FY 2019-2020.

![Signature]

Norma Mitre
Acting Clerk of the Council

![Signature]

Kathryn Downs, CPA
Executive Director
Finance and Management Services Agency

Exhibits: 1. Resolution Calling Election & Consolidating
2. Resolution Establishing Estimated Candidate Statement Cost
RESOLUTION NO. 2019-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CALLING FOR AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON TUESDAY, NOVEMBER 5, 2019 TO ELECT CERTAIN OFFICERS OF THE CITY OF SANTA ANA AND REQUESTING THAT THE COUNTY OF ORANGE CONSOLIDATE THE CITY'S SPECIAL ELECTION ON TUESDAY NOVEMBER 5, 2019 WITH THE SANTA ANA UNIFIED SCHOOL DISTRICT'S SPECIAL VACANCY ELECTION ON NOVEMBER 5, 2019 AND THAT THE COUNTY OF ORANGE CONDUCT THE CONSOLIDATED ELECTION AND CANVASS THE RETURNS ON BEHALF OF THE CITY OF SANTA ANA

WHEREAS, On March 1, 2019, the Councilmember for Ward 4 submitted his resignation.

WHEREAS, in the case of a Council vacancy, Santa Ana City Charter section 403, provides that the City Council shall declare the office vacant and fill the same by appointment or, "...if the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such an office shall have become vacant, it shall forthwith cause an election to be held to fill such vacancy".

WHEREAS, on March 22, 2019, the City Council, having failed to fill the Ward 4 vacancy by appointment, took action to proceed with a special election to be held on November 5, 2019 to fill the vacant Ward 4 council member office.

WHEREAS the Santa Ana Unified School District has also called for a special vacancy election to be held on Tuesday November 5, 2019 to fill a vacant seat on the School Board.

WHEREAS the City special municipal election and the Santa Ana Unified School District's special vacancy election can be consolidated pursuant to California Elections Code section 10400.

WHEREAS consolidation of the City's special election with the Santa Ana Unified School District's special vacancy election will result in decreased cost to the City as a result of conducting the election.

#271v5

Resolution 2019-XXX
Page 1 of 4
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1: The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

A. The City Council of the City of Santa Ana calls, orders, and gives notice that a special municipal election will be held in the City of Santa Ana on Tuesday, November 5, 2019 for the purpose of filling the vacancy for the office of City Councilmember for the City's Ward 4, created by Roman Reyna's resignation, for the remainder of the term of office expiring in December 2022.

B. It is desirable that special municipal election of the City of Santa Ana on Tuesday, November 5, 2019, be consolidated with the Santa Ana Unified School District's special vacancy election to be held on the same date, and that i) within the City of Santa Ana, the precincts and polling places be the same for both elections, and ii) the Board of Supervisors of the County of Orange canvass the returns of both elections in all respects as if there were only one election.

C. The Clerk of Council is authorized, instructed, and directed to give further notice of the election, in the time, form and manner required by law.

Section 2: Pursuant to Section 10403 of the Elections Code of the State of California, the Board of Supervisors of the County of Orange is hereby requested to consent to and order consolidation of the November 5, 2019, special municipal election of the City of Santa Ana for the purpose of filing the vacancy for the City Councilmember office of the City's Ward 4 for the remainder of the term of office expiring in December 2022 with the Santa Ana Unified School District's special vacancy election to be held on the same date. The City further requests that the consolidated special election be conducted by the Orange County Registrar of Voters and that it be held and conducted in accordance with the provisions of law regulating elections.

Section 3: The Board of Supervisors of the County of Orange is hereby authorized to canvass the returns of said special municipal election pursuant to Section 10411 of the Elections Code of the State of California.

Section 4: The City of Santa Ana recognizes that additional costs will be incurred by the County due to providing election services and canvassing returns for this special municipal election and agrees to reimburse the County of Orange for any such costs.

Section 5: The polls for the election shall be open at seven o'clock a.m. on the day of election and shall remain open continuously from that time until eight o'clock p.m. of the same day when the polls shall be closed, pursuant to Election Code section.
10242, except as provided in Section 14401 of the Elections Code of the State of California.

Section 6: In all particulars not recited in this resolution, the election shall be held and conducted as provided for by the applicable law for holding municipal elections.

Section 7: The Clerk of Council is hereby directed to file a certified copy of this Resolution with the Board of Supervisors of the County of Orange and a certified copy of this Resolution with the Registrar of Voters of the County of Orange.

Section 8: This Resolution shall take effect immediately upon its adopting by the City Council, and the Clerk of Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of July, 2019.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:

SONIA R. CARVALHO
City Attorney

By: Laura A. Rossini
Senior Assistant City Attorney

AYES: Councilmembers None (0)

NOES: Councilmembers None (0)

ABSTAIN: Councilmembers None (0)

NOT PRESENT: Councilmembers None (0)

* Ward 4 representative vacant.

#271v5

Resolution 2019-XXX
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CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-___ to be the original resolution adopted by the City Council of the City of Santa Ana on July ____, 2019.

Date: __________________________

规范米特
代理委员会秘书
圣塔安娜市
RESOLUTION NO. 2019-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A REGULATION FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TUESDAY NOVEMBER 5, 2019 AND ESTABLISHING A SYSTEM FOR CANDIDATES WHOSE STATEMENTS ARE SUBMITTED TO THE ELECTORATE IN THE SPECIAL MUNICIPAL ELECTION ON NOVEMBER 5, 2019 TO PAY THE PRO RATA SHARE OF THE COST OF INCLUSION OF THEIR STATEMENT IN VOTER PAMPHLETS AND/OR ELECTRONIC COPY

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 candidate statement.

WHEREAS, Section 13307(d) of the Elections Code of the State of California authorizes the governing body of any local agency to require each candidate filing a candidate's statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet or electronically distributed.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at a special election to be held in the City of Santa Ana on November 5, 2019 may prepare a candidate statement on an appropriate form provided by the City Clerk and in compliance with the requirements of the Elections Code for the State of California.

Section 2. Foreign Language Policy. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Orange.
Section 3. Payment,

A. The Orange County Registrar of Voters Office has estimated the total cost of translating, posting an electronic copy on the Registrar of Voters website, printing, handling, and/or mailing the candidates' statements and has determined the approximate cost of the pro rata share of each candidate filing a statement, based upon such estimate, as follows:

Print in voter's pamphlet and electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:
- 200 Words $1,440.00
- 400 Words $2,688.22

Electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:
- 200 Words $319.41
- 400 Words $44.41

B. Payment in advance by each such candidate of his or her prorated share of the candidate statement costs shall be a condition of having his or her statement included in the voter's pamphlet, and/or electronic posting.

Section 4. Notice of Requirement to Pay Candidate Statement Costs; Obligation to Pay Actual Costs.

A. Prior to the period in which candidates' statements may be filed, the Clerk of the Council shall prepare a written notice distributed to all candidates at the time of issuance of the nomination papers, informing them that payment of the pro rata share amount must be made at the same time as the candidate's nomination papers are filed, as prescribed by the California Elections Code.

B. The Clerk of the Council's receipt for the payment shall include a written notice that 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 Clerk of the Council shall not be bound by the estimate and shall, as applicable, on a pro rata basis, bill the candidate for the additional necessary to cover the actual expense or refund any excess monies paid by the candidate, depending on the final actual cost. In the event of underpayment, the Clerk of the Council shall require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk of the Council shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

Resolution No. 2019-xxx
Page 2 of 3
Section 5. The Clerk of the Council shall provide each candidate or the candidate's representative a copy of this Resolution at the time when nominating petitions are issued by the Clerk.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this ____ day of July, 2019.

Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: Laura A. Rossini,
Senior Assistant City Attorney

AYES: Councilmembers None (0)

NOES: Councilmembers None (0)

ABSTAIN: Councilmembers None (0)

NOT PRESENT: Councilmembers None (0)

* Ward 4 representative vacant.

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-____ to be the original resolution adopted by the City Council of the City of Santa Ana on June ____, 2019.

Date: ____________________________

Norma Mitre
Acting Clerk of the Council
City of Santa Ana
RESOLUTION NO. 2019-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA ADOPTING A REGULATION FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TUESDAY NOVEMBER 5, 2019 AND ESTABLISHING A SYSTEM FOR CANDIDATES WHOSE STATEMENTS ARE SUBMITTED TO THE ELECTORATE IN THE SPECIAL MUNICIPAL ELECTION ON NOVEMBER 5, 2019 TO PAY THE PRO RATA SHARE OF THE COST OF INCLUSION OF THEIR STATEMENT IN VOTER PAMPHLETS AND/OR ELECTRONIC COPY

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 candidate statement.

WHEREAS, Section 13307(d) of the Elections Code of the State of California authorizes the governing body of any local agency to require each candidate filing a candidate’s statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter’s pamphlet or electronically distributed.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The City Council of the City of Santa Ana hereby finds, determines and declares as follows:

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Section 2. Foreign Language Policy. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Orange.
Section 3. Payment.

A. The Orange County Registrar of Voters Office has estimated the total cost of translating, posting an electronic copy on the Registrar of Voters website, printing, handling, and/or mailing the candidates' statements and has determined the approximate cost of the pro rata share of each candidate filing a statement, based upon such estimate, as follows:

Print in voter's pamphlet and electronic copy of Candidate Statement in Registrar of Voter's Office website in English, Spanish, Vietnamese, Korean and Chinese:
- 200 Words $1,440.00
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- 200 Words $319.41
- 400 Words $441.41

B. Payment in advance by each such candidate of his or her prorated share of the candidate statement costs shall be a condition of having his or her statement included in the voter's pamphlet, and/or electronic posting.

Section 4. Notice of Requirement to Pay Candidate Statement Costs; Obligation to Pay Actual Costs.

A. Prior to the period in which candidates' statements may be filed, the Clerk of the Council shall prepare a written notice distributed to all candidates at the time of issuance of the nomination papers, informing them that payment of the pro rata share amount must be made at the same time as the candidate's nomination papers are filed, as prescribed by the California Elections Code.

B. The Clerk of the Council's receipt for the payment shall include a written notice that 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 Clerk of the Council shall not be bound by the estimate and shall, as applicable, on a pro rata basis, bill the candidate for the additional necessary to cover the actual expense or refund any excess monies paid by the candidate, depending on the final actual cost. In the event of underpayment, the Clerk of the Council shall require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk of the Council shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.
Section 5. The Clerk of the Council shall provide each candidate or the candidate’s representative a copy of this Resolution at the time when nominating petitions are issued by the Clerk.

Section 6. This Resolution shall take effect immediately upon its adoption by the City Council, and the Clerk of the Council shall attest to and certify the vote adopting this Resolution.

ADOPTED this _____ day of July, 2019.

__________________________
Miguel A. Pulido
Mayor

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

By: _________________________
Laura A. Rossini,
Senior Assistant City Attorney

AYES: Councilmembers None (0)

NOES: Councilmembers None (0)

ABSTAIN: Councilmembers None (0)

NOT PRESENT: Councilmembers None (0)
* Ward 4 representative vacant.

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, NORMA MITRE, Acting Clerk of the Council, do hereby attest to and certify the attached Resolution No. 2019-____ to be the original resolution adopted by the City Council of the City of Santa Ana on July ___, 2019.

Date: _________________________

Norma Mitre
Acting Clerk of the Council
City of Santa Ana

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