# OFFICE OF THE CITY ATTORNEY
## Long Beach, California

ROBERT E. SHANNON
*City Attorney*

HEATHER A. MAHOOD
*Chief Assistant City Attorney*

MICHAEL J. MAIS
*Assistant City Attorney*

PRINCIPAL DEPUTIES

*Dominic Holzhaus*
*Anne C. Lattime*
*Monte H. Machit*
*J. Charles Parkin*

DEPUTIES

*C. Geoffrey Allred*
*Gary J. Anderson*
*Richard F. Anthony*
*Amy R. Burton*
*Kendra L. Carney*
*Christina L. Checel*
*Charles M. Gale*
*Barbara J. McTigue*
*Barry M. Meyers*
*Cristyl Meyers*
*Howard D. Russell*
*Tiffani L. Shin*
*Linda Trang*
*Theodore B. Zinger*

March 20, 2012

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

## RECOMMENDATION:

Declare ordinance amending the Long Beach Municipal Code by amending Section 1.21.060 of Chapter 1.21 relating to a pilot ballot rotation system for the June 2012 election only, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)
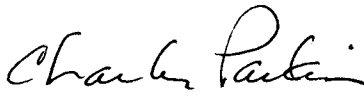
## DISCUSSION

Pursuant to the request of the City Council at its meeting of December 6, 2011, this office has prepared for your consideration the attached above-referenced ordinance.

## SUGGESTED ACTION:

Approve recommendation.

Very truly yours,

ROBERT E. SHANNON, City Attorney

By     *[signature]*

J. CHARLES PARKIN
Assistant City Attorney

Attachment
JCP:abc A12-00265
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# CITY CLERK DEPARTMENT
*Long Beach, California*

LARRY HERRERA
*City Clerk*

**ADMINISTRATIVE DIVISION**
*Monique De La Garza*
*Administrative Officer*

**ELECTIONS BUREAU**
*Poonam Davis*
*City Clerk Bureau Manager*

**LEGISLATIVE BUREAU**
*Merianne Nakagawa*
*City Clerk Bureau Manager*

**Date:** March 20, 2012

**To:** Honorable Mayor and City Council

**From:** Larry Herrera, City Clerk

**Subject:** Revised Estimated Cost for Ballot Rotation

On February 1, 2011, the City Council voted unanimously to refer the topic of municipal elections ballot rotation to the Elections Oversight Committee (EOC).

On September 27, 2011, the EOC deliberated on the topic of ballot rotation. During EOC deliberations, I estimated costs for ballot rotation to range from $2,300 to $9,500; and that the cost of rotation depended on the actual number of contested races and candidates in each contest. As stated below, this estimate was not complete because it only covered the cost of printing official ballots and did not include the cost of sample ballot printing. At conclusion of staff's presentation, the EOC forwarded discussion and approval of ballot rotation to the full City Council.

On December 6, 2011, the City Council directed the City Attorney to draft an ordinance to provide for ballot rotation for City office contests.

In February 2012, the City Clerk Department reviewed its previous estimate and determined that it did not include an additional $41,000 in estimated costs for preparing and printing sample ballots in circumstances similar to the April 2010 election cycle. As a result of this review, a revised cost estimate for ballot rotation is $50,500.

Although a "combined" sample ballot (wherein each voter receives a sample ballot with only the first order rotation) could mitigate the foregoing estimated cost, discussions with local county election officials revealed that such an approach may increase the risk of voter confusion. Nevertheless, a combined sample ballot is still allowed pursuant to Elections Code Section 13300.5, and if implemented would require budgeted resources for voter education.

On the basis of the revised estimate and new information, it is recommended that ballot rotation in City office elections, and how the rotations appear in the sample ballot, meet the requirement of Elections Code Section 13300 [b], i.e., that the sample ballot be identical to the official ballot that each voter will cast at their precinct voting location or by mail.

So that Council can continue to discuss ballot rotation for application in any City contest that goes to a June 2012 run-off election, the proposed ordinance is drafted to only launch a pilot program that becomes void after June 5, 2012. If adopted, the pilot program is estimated to cost $12,000 for a maximum of three June 2012 run-off contests that may occur in Council Districts 2, 4 or 8. In the event of fewer run-off contests, estimated costs may be less. If the proposed ordinance were enacted, staff will provide, at a later date, a report relative to actual ballot rotation impacts and costs.

ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE

CITY OF LONG BEACH AMENDING THE LONG BEACH

MUNICIPAL CODE BY AMENDING SECTION 1.21.060 OF

CHAPTER 1.21 RELATING TO A PILOT BALLOT

ROTATION SYSTEM FOR THE JUNE 2012 ELECTION

ONLY

The City Council of the City of Long Beach ordains as follows:

Section 1.    Section 1.21.060 of the Long Beach Municipal Code is hereby amended to read as follows:

1.21.060    Order of candidates' names on ballot.

A.    Notwithstanding the provisions of the California Elections Code, ballots for the election of candidates for city offices shall be printed and distributed in accordance with this section.

B.    In the case of elections for city-wide offices, the names of the candidates shall be placed on the ballot by the City Clerk in accordance with the randomized alphabet drawing pursuant to California Elections Code Section 13113 for the First Councilmanic District. Thereafter, for each succeeding councilmanic district, the name appearing first in the last preceding district shall be placed last, the order of the names remaining unchanged.

C.    In the case of elections for councilmanic offices, the names of the candidates shall be placed on the ballot by the City Clerk in "clusters" as defined below. In the cluster designated "Cluster No. 1," the names of the candidates shall be placed on the ballot by the City Clerk in

1

1  accordance with the randomized alphabet drawing pursuant to California

2  Elections Code Section 13113.  Thereafter, for each succeeding cluster,

3  the name appearing first in the last preceding cluster shall be placed last,

4  the order of the names remaining unchanged.  In the event that the

5  number of candidates exceeds the number of clusters, this process will

6  repeat with "Cluster No. 1" and so forth.

7  　　　　D.　　For purposes of this section, a "cluster" shall consist of one

8  or more precincts which need not be contiguous. The clusters of precincts

9  shall be numbered in consecutive order for purposes of ballot rotation of

10  candidates' names, and the City Clerk shall list the clusters by number and

11  identify which precincts are in each cluster. No cluster shall vary more

12  than 10 percent in the number of registered voters from other clusters in

13  the same councilmanic district.  The number of clusters in each

14  councilmanic district shall equal the number of candidates nominated

15  pursuant to California Elections Code Section 10220 for that councilmanic

16  election, provided however, that the number of clusters shall not exceed

17  five (5) in each councilmanic district.

18  　　　　E.　　Within seven (7) days of the date of a primary nominating

19  election, the City Clerk shall request that the secretary of state conduct a

20  randomized alphabet drawing pursuant to California Elections Code

21  section 13113. The results of such drawing shall determine the order on

22  the ballot of the candidates' names for the general election, in accordance

23  with this section.

24

25  　　　　Section 2.　　This amendment to Section 1.21.060 of the Long Beach

26  Municipal Code is hereby approved as a pilot program to assist the City of Long Beach to

27  determine the effectiveness of a ballot rotation system and shall only be in effect for the

28  June 2012 election.  Following the June 2012 election, this pilot program shall terminate

OFFICE OF THE CITY ATTORNEY
ROBERT E. SHANNON, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 and this amendment shall be null and void for all future elections unless authorized by

2 further action of the Long Beach City Council.

3

4          Section 3.     The City Clerk shall certify to the passage of this ordinance by

5 the City Council and cause it to be posted in three (3) conspicuous places in the City of

6 Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the

7 Mayor.

8          I hereby certify that the foregoing ordinance was adopted by the City

9 Council of the City of Long Beach at its meeting of _____, 2012, by the

10 following vote:

11

12     Ayes:         Councilmembers:   _____

13                                     _____

14                                     _____

15                                     _____

16     Noes:        Councilmembers:   _____

17                                     _____

18     Absent:      Councilmembers:   _____

19                                     _____

20

21

22                                 _____

                                              City Clerk

23

24

25 Approved: _____      _____

             (Date)                               Mayor

26

27

28

HAM:JCP:abc A12-00265 (2/15/12; 3/14/12)
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**City of Long Beach Memorandum**
*Working Together to Serve*

# REQUEST TO ADD AGENDA ITEM

**Date:** March 15, 2012

**To:** Larry Herrera, City Clerk

**From:** Larry Herrera, City clerk

**Subject:** Request to Add Agenda Item to Council Agenda of March 20, 2012

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Pursuant to Municipal Code Section 2.03.070 [B], the City Councilmembers signing below request that the attached agenda item (due in the City Clerk Department by Friday, 12:00 Noon) be placed on the City Council agenda under New Business via the supplemental agenda.

The agenda title/recommendation for this item reads as follows:

Recommendation to declare ordinance amending the Long Beach Municipal Code by amending Section 1.21.060 of Chapter 1.21 relating to a pilot ballot rotation system for the June 2012 election only, read the first time and laid over to the next regular meeting of the City Council for final reading. (Citywide)

| Council District | Authorizing Councilmember | Signed by |
|---|---|---|
| 7 | James Johnson | Will for JJ |
| 2 | Suja Lowenthal | Blackmun |
| 9 | Steven Neal | SN |

Attachment: Staff Report dated March 20, 2012

CC: Office of the Mayor