February 6, 2007

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Request the City Attorney to draft an ordinance allowing the use of directions on the side of ballots and allowing other variations in design as may be permitted by the Hart ballot design software or software for any other state-certified elections system that the City may subsequently use.

DISCUSSION

On January 9, 2007, the City Council voted to acquire its own voting system from Hart InterCivic, Inc. Previously, Long Beach had contracted much of its elections administration to an outside vendor, which had the responsibility of printing the ballots and ensuring that they met all legal requirements. This year, the Clerk's Office will be designing the ballot using state-certified software provided by Hart. Ballots designed by Hart have been used successfully in dozens of elections across the country, including in Orange, Yolo, and San Mateo Counties here in California. (A recent San Mateo ballot is included with this memo as Attachment A.)

In order to facilitate voting from everyone in Long Beach, including from our elderly and disabled population, the Clerk's Office is aiming to design a ballot that is as clear as possible. Towards that end, a ballot design including graphic instructions has been explored. Such a design would not just instruct voters how they can vote, but would show them how they can do so with a graphic running alongside the left-hand column of the ballot. Such instructions would be clearer to understand than simple text directions. Moreover, the voter could easily find the instructions, as they would not be on a separate piece of paper that might be misplaced. Hart has confirmed that such a ballot can be designed on its software, and that such ballots would have no problem being counted or sorted. (An example of our proposed ballot design is included with this memo as Attachment B.)

The City Clerk has discussed this ballot design with the California Deputy Secretary of State, Lowell Finley, who stated that his office would be supportive of this change because of its potential to make ballots more voter-friendly. However, Mr. Finley pointed out that Elections Code Section 13231 apparently prevents such a design, as it requires instructions to be only at the top or bottom of the ballot. Long Beach's Charter states that the City will follow the state Elections Code except when the Charter or an

ordinance supersedes it. (See Charter Section 1910.) Given this fact, Mr. Finley suggested that the City adopt an ordinance allowing graphic instructions to be placed on the side of a ballot in time for the May 1, 2007 election.

TIMING CONSIDERATIONS

If the City Council wishes to act on this item, it should do so in time for the ballots to be designed and printed for the May 1, 2007 election. Sample ballots are scheduled to be mailed beginning on March 22, 2007. Thus, action on this item should be taken in time for the ordinance to take effect by that date. The City Attorney's Office has been consulted regarding this proposed schedule, and it has advised that there is time for the ordinance to go into effect if the Council wishes it to do so.

FISCAL IMPACT

There is no known fiscal impact of this proposed ordinance.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

LARRY HERRERA
CITY CLERK

Attachments

Attachment A

OFFICIAL BALLOT
GUBERNATORIAL GENERAL ELECTION - COUNTY OF SAN MATEO, NOVEMBER 7, 2006

Polling Place Voters: This ballot stub shall be removed by an Elections officer and given to the voter. If you wrongly mark, tear or deface your ballot, you may return it for a replacement ballot. Any distinctive marks or erasures are not allowed and might void the ballot.

Vote Both Sides

OFFICIAL BALLOT	COUNTY OF SAN MATEO	November 07, 2006
GUBERNATORIAL GENERAL ELECTION		Precinct *1001-0*

12TH CONGRESSIONAL DISTRICT

8TH SENATE DISTRICT

19TH ASSEMBLY DISTRICT

INSTRUCTIONS TO VOTERS:
Use a black or blue ink pen to mark your choices on the ballot. To vote for your choice in each contest, completely fill in the box provided to the left of your choice. To vote for a write-in candidate, completely fill in the box provided to the left of the words "Write-In" and write in the name of the candidate on the line provided.

STATE

GOVERNOR
vote for one

- [ ] ART OLIVIER
  Libertarian
  Engineer
- [ ] JANICE JORDAN
  Peace and Freedom
  Counselor
- [ ] PETER MIGUEL CAMEJO
  Green
  Financial Advisor
- [ ] EDWARD C. NOONAN
  American Independent
  Computer Shop Owner
- [ ] PHIL ANGELIDES
  Democratic
  Treasurer of the State of California
- [ ] ARNOLD SCHWARZENEGGER
  Republican
  Governor
- [ ] WRITE-IN

LIEUTENANT GOVERNOR
vote for one
- [ ] JOHN GARAMENDI

CONTROLLER
vote for one

- [ ] ELIZABETH CERVANTES BARRON
  Peace and Freedom
  Retired Teacher
- [ ] JOHN CHIANG
  Democratic
  Member, State Board of Equalization
- [ ] WARREN MARK CAMPBELL
  American Independent
  Minister
- [ ] LAURA WELLS
  Green
  Financial Systems Consultant
- [ ] DONNA TELLO
  Libertarian
  Tax Accountant
- [ ] TONY STRICKLAND
  Republican
  Taxpayer Organization President
- [ ] WRITE-IN

TREASURER
vote for one

- [ ] E. JUSTIN NOONAN
  American Independent
  Computer Technician
- [ ] BILL LOCKYER
  Democratic
  California Attorney General
- [ ] CLAUDE PARRISH
  Republican
  Member, State Board of Equalization
- [ ] MEHUL M. THAKKER
  Green
  Investment Advisor
- [ ] MARIAN SMITHSON
  Libertarian

MEMBER, STATE BOARD OF EQUALIZATION DIST 1
vote for one

- [ ] DAVID CAMPBELL
  Peace and Freedom
  Office Worker
- [ ] DAVID J. NEIGHBORS
  Republican
  Certified Public Accountant
- [ ] KENNITA WATSON
  Libertarian
  Retired Quality Engineer
- [ ] BETTY T. YEE
  Democratic
  Acting Equalization Boardmember
- [ ] WRITE-IN

U.S. SENATOR
vote for one

- [ ] DON J. GRUNDMANN
  American Independent
  Doctor of Chiropractic
- [ ] RICHARD "DICK" MOUNTJOY
  Republican
  Immigration Control Consultant
- [ ] MICHAEL S. METTI
  Libertarian
  Parent/Educator/Businessman
- [ ] TODD CHRETIEN
  Green
  Writer
- [ ] MARSHA FEINLAND
  Peace and Freedom
  Retired Teacher
- [ ] DIANNE FEINSTEIN
  Democratic
  United States Senator
- [ ] WRITE-IN

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☐ Democratic
California State Insurance Commissioner
☐ **TOM MCCLINTOCK**
Republican
California State Senator
☐ **DONNA J. WARREN**
Green
Financial Manager/Author
☐ **STEWART A. ALEXANDER**
Peace and Freedom
Automobile Sales Consultant
☐ **LYNNETTE SHAW**
Libertarian
Caregiver/Musician
☐ **JIM KING**
American Independent
Real Estate Broker
☐ **WRITE-IN**

SECRETARY OF STATE
vote for one
☐ **FORREST HILL**
Green
Financial Advisor
☐ **DEBRA BOWEN**
Democratic
State Senator
☐ **GLENN MCMILLON, JR.**
American Independent
Small Business Owner
☐ **BRUCE MCPHERSON**
Republican
Appointed Secretary of State
☐ **GAIL K. LIGHTFOOT**
Libertarian
Retired Nurse
☐ **MARGIE AKIN**
Peace and Freedom
Archaeologist/Medical Anthropologist
☐ **WRITE-IN**

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City Treasurer/CPA
☐ **GERALD SANDERS**
Peace and Freedom
☐ **WRITE-IN**

ATTORNEY GENERAL
vote for one
☐ **MICHAEL S. WYMAN**
Green
Attorney-At-Law
☐ **CHUCK POOCHIGIAN**
Republican
California Senator/Attorney
☐ **JACK HARRISON**
Peace and Freedom
Attorney/Rent Commissioner
☐ **JERRY BROWN**
Democratic
Oakland Mayor/Attorney
☐ **KENNETH A. WEISSMAN**
Libertarian
Attorney At Law
☐ **WRITE-IN**

INSURANCE COMMISSIONER
vote for one
☐ **DALE F. OGDEN**
Libertarian
Actuary/Insurance Consultant
☐ **JAY EARL BURDEN**
American Independent
Student
☐ **CRUZ M. BUSTAMANTE**
Democratic
California Lt. Governor
☐ **TOM CONDIT**
Peace and Freedom
Writer
☐ **LARRY CAFIERO**
Green
Newspaper Editor
☐ **STEVE POIZNER**
Republican
Businessman/Entrepreneur
☐ **WRITE-IN**

U.S. REPRESENTATIVE
12TH CONGRESSIONAL DIST
vote for one
☐ **MIKE MOLONEY**
Republican
Economist
☐ **TOM LANTOS**
Democratic
U.S. Congressman
☐ **WRITE-IN**

STATE SENATOR
8TH SENATE DIST
vote for one
☐ **LELAND Y. YEE**
Democratic
Assemblymember/Child Psychologist
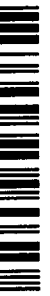☐ **MICHAEL SKIPAKEVICH**
Republican
Director of Marketing
☐ **WRITE-IN**

MEMBER OF THE STATE ASSEMBLY
19TH ASSEMBLY DIST
vote for one
☐ **ELSIE GUFLER**
Republican
Realtor/Businesswoman
☐ **GENE MULLIN**
Democratic
State Assemblymember/Educator
☐ **WRITE-IN**

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Vote Both Sides

Attachment B

| General Election	OFFICIAL BALLOT
City of Long Beach	
May 01, 2007	Precinct *1001*

Instructions:

❶
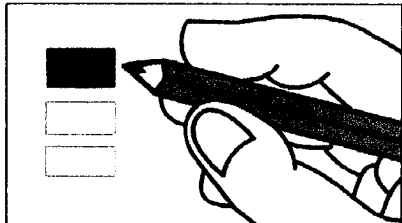
Please use a black or blue pen to mark your ballot. To vote for your choice in each contest, completely fill in the box provided to the left of your choice.
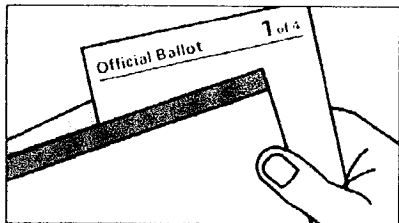
❗ Do not cross out or erase, or your vote may not count. If you make a mistake or a stray mark, ask for a new ballot from the poll workers.
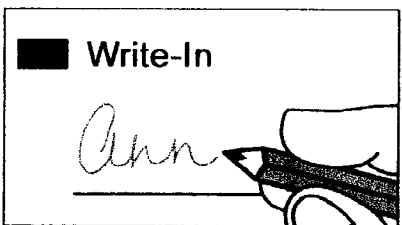
❷

▪ Write-In

To vote for a write-in candidate, completely fill in the box provided to the left of the words "Write-in" and write in the name of the candidate on the line provided.

❸

Insert the completed ballot into the ballot sleeve. Hand the ballot in to be counted.

Long Beach City Council, District 2
Vote for one.
- [ ] Suja Lowenthal
  Incumbent
- [ ] Ansel Adams
  Photographer
- [ ] Jack London
  Author
- [ ] Michelle Pfeiffer
  Actress
- [ ] Write-in

Long Beach City Council, District 4
Vote for one.
- [ ] Amy Tan
  Author
- [ ] Patrick O'Donnell
  Incumbent
- [ ] Sally Ride
  Astronaut
- [ ] Junior Seau
  Professional Athlete
- [ ] Write-in

Long Beach City Council, District 6
Vote for one.
- [ ] Pete Carroll
  Businessman/Coach
- [ ] Lindsey Buckingham
  Musician
- [ ] Anastasia Ashman
  Author
- [ ] Miguel Ferrer
  Actor
- [ ] Write-in

Long Beach City Council, District 8
Vote for one.
- [ ] Rae Gabel.
  Incumbent
- [ ] Michelle Kwan
  Professional Athlete
- [ ] Earl Warren
  Jurist
- [ ] Yasuhiro Ishimoto
  Photographer
- [ ] Write-in

Long Beach Unified School District, District 2
Vote for one.
- [ ] Felton Williams
  Incumbent
- [ ] Amy Chow
  Athlete
- [ ] K. Eric Drexler
  Engineer
- [ ] Bo Derek
  Actress
- [ ] Write-in

Long Beach Unified School District, District 4
Vote for one.
- [ ] John Meyer
  Incumbent
- [ ] Steve Wozniak
  Businessman
- [ ] Billie Jean King
  Professional Athlete
- [ ] Julia Morgan
  Architect
- [ ] Write-in

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