

Council Meeting of  
May 20, 2008

Honorable Mayor and Members  
of the City Council  
City Hall  
Torrance, California

Members of the City Council:

**SUBJECT: Directions for Tie Vote in 2008 General Municipal Election**

### **RECOMMENDATION**

Recommendation of the City Clerk that the City Council give formal direction to the City Clerk in the event of tie votes in the June 3, 2008 Municipal Election.

### **BACKGROUND / ANALYSIS**

After consultation with the Los Angeles County Registrar's office conducting the consolidated election, the City Clerk requests that the City Council give clear direction for procedures to be used in the event of tie votes in the coming general municipal election.

The California Elections Code provides for two methods for the resolution of a tie vote - by lot and by Special Election held not less than 40 nor more than 125 days after the "Declaration of Result" for the election which resulted in a tie vote. The determination to conduct a special runoff election must be formally adopted by resolution prior to the election itself. If no choice is made before the election, the determination by lot is used.

There being no regularly established election date between the June 2208 election and November 2008, the election would be a stand alone election with an estimated cost of between \$130,000 to \$150,000. Depending on the date the tie is brought to the City Council an election could be held anytime between August and October.

The City Council historically has rejected the idea of a special election due to the costs involved. If direction is given to conduct a special runoff election, a resolution is attached and ready for adoption at this meeting.

A hard fought election that ends in a tie deserves to have a dignified conclusion. Various methods can be used to resolve tie votes. One method would be to place each tied candidate's name in an unmarked, sealed envelope. The Council could then select a person to draw an envelope and read the name of the winning candidate. An alternate method would be to toss a coin. Examples of some formal processes and methods will be made available prior to the meeting. The City Council may also suggest alternate methods.

Recognizing that a tie vote would undoubtedly entail a recount of votes, general information on recount procedures from the Los Angeles County Registrar-Recorder/County Clerk is also attached for your information. Note that the cost of a recount requested by any candidate would be charged to that candidate.

Respectfully submitted,



Sue Herbers  
City Clerk

Noted:



LEROY J. JACKSON  
CITY MANAGER

Attachments:

- A Resolution to Resolve Tie Vote by Special Election
- B Recount Procedures - Los Angeles County Registrar-Recorder/County Clerk

RESOLUTION NO. 2008-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, PROVIDING FOR THE CONDUCT OF A SPECIAL RUNOFF ELECTION FOR ELECTIVE OFFICES IN THE EVENT OF A TIE VOTE AT ANY MUNICIPAL ELECTION.**

WHEREAS, § 15651(b) of the Elections Code of the State of California authorizes the City Council, by majority vote, to adopt provisions to require the conduct of a Special Runoff Election to resolve a tie vote involving those candidates who received an equal number of votes and the highest number of votes for an elective office;

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

SECTION 1. That pursuant to § 15651(b) of the Elections Code of the State of California, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the city, there shall be held within the city a Special Runoff Election to resolve the tie vote. A Special Runoff Election shall be called and held on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election which resulted in a tie vote.

SECTION 2. That this resolution shall apply only to the election to be held on June 3, 2008 and shall then be repealed.

SECTION 3. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON MAY 20, 2008.

APPROVED AS TO FORM:  
JOHN FELLOWS III, City Attorney

ATTEST:

by \_\_\_\_\_  
Ronald T. Pohl, Assistant City Attorney

\_\_\_\_\_  
City Clerk of the City of Torrance



# Chapter 6

**ELECTION RESULTS**

<b>ELECTION RESULTS/CANVASS/ ELECTION CONTESTS/RECOUNTS</b>
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***Can I, as a Candidate, view all parts of the ballot counting process?*** Yes, the ballot counting process is open to public observation. If you wish to observe the process, you may go to the lobby, located on the 1<sup>st</sup> floor of the Norwalk headquarters, to check in and be provided with an observer's badge. Tours are available.

***How Can I Get Results Election Night?***

- **Web site:** Results are available on the Internet at [www.lavote.net](http://www.lavote.net)
- **Phone:** Live operators are also available by calling (562) 466-1323 from 8:30 p.m. and approximately every 20 minutes thereafter until all precincts have reported.
- **Norwalk Headquarters:** Hard copy bulletins are printed and distributed on the 3<sup>rd</sup> floor near the Tally / MTS room.

***Are Election Night Results Final?*** No. California State law allows a specified period after the election for the completion of the official canvass. Results released on election night are considered semi-official.

## **POST ELECTION NIGHT RESULTS**

Supplemental counts of outstanding ballots will be scheduled approximately 3 days after the election. This count is conducted to get the majority of these ballots counted at the beginning of the canvass process.

Outstanding ballots include:

- Vote by mail ballots turned in at the polls on election day,
- Write-in ballots, or
- Provisional ballots voted at polls and sealed in envelopes for further research.

Semi-official election results are updated following an add-on count. If a race is very close, the outcome may not be known until the canvass is complete.

## **CANVASS/CERTIFICATION**

Canvass is a process of reconciling numbers and the supplemental counting of vote by mail ballots turned in at the polls, provisional and write-in ballots. The numbers of voted ballots reported by pollworkers and vote by mail ballots are matched to what the computer counted. California law permits 28 days to complete the final, official canvass and certify the results of the election. This provision of the law recognizes the complexity of completing the ballot count and conducting a thorough audit of the election results to ensure accuracy. Part of the canvass process is a legally required manual recount of the votes cast for all candidates and measures on the ballot in 1% of over 4300 voting precincts. This manual process verifies the accuracy of the computer count.

Candidates and members of the general public are invited to observe supplemental ballot counting and the manual tally of ballots from the randomly selected 1% of the voting precincts. After election night, the schedule of supplemental ballot counting will also be posted on the entrance door of our office in Norwalk.

## **STATEMENT OF VOTES CAST**

The Semifinal Official Canvass Statement of Votes Cast (SVC) which reports election results by individual voting precincts is available the Thursday after the election at the elections office. For most elections, this report is also posted on the department's website. Once the election is certified, the Final Official Canvass Statement of Votes Cast is made available at our office and on the website.

## **ELECTION CONTEST**

An election contest may involve a recount, but it is not the same as a requested recount. It is a court action and can be brought for a variety of reasons and at different times. For complete information, refer to the Elections Code Division 16, Election Contests.

## **DOCUMENT RETENTION**

Certain precinct supplies and all voted ballots must be preserved for 22 months when a federal office is on the ballot and 6 months for all other elections. If no legal action is pending at the end of this period, the documents may be destroyed or recycled. Unused ballots may be destroyed or recycled after the election.

## REQUESTING A RECOUNT

A recount is conducted by the elections official for the purpose of verifying the number of votes counted for any office or measure in an election. California Elections Code Division 15, Chapter 9, Sections 15620 through 15634 govern voter requested recounts.

### WHO MAY REQUEST A RECOUNT?

Any voter of the state may file a request. **(E.C. § 15620)**

### Timing of Recount Request

The request must be filed within five (5) calendar days after the completion of the official canvass. The canvass is complete when the elections official signs the Certification of the Election Results. **(E.C. § 15620)**

**Exceptions:** *For statewide contests, the request must be filed within five (5) calendar days beginning on the 29<sup>th</sup> day after the election.*

### Format of request

- The request must be submitted in writing. **(E.C. § 15620)**
- Must specify the contest to be recounted. **(E.C. § 15620)**
- Must state on behalf of which candidate, slate of electors, or position on a measure (affirmative or negative) it is filed. **(E.C. § 15620)**
- May specify the order in which precincts shall be counted. **(E.C. § 15622)**
- May specify the method of counting to be used (computer, manual or both). **(E.C. § 15627)**
- May specify any other relevant material to be examined. **(E.C. § 15630)**
- For statewide contests, may specify in which county or counties the recount is sought. **(E.C. § 15621)**

## Requesting a Recount (Cont'd)

### Place of filing

- With the county elections official responsible for conducting the election, if the contest is not voted upon statewide. **(E.C. § 15620)**
- If election is conducted in more than one county, the request may be filed with the county elections official of, and the recount conducted within, any or all of the affected counties. **(E.C. § 15620)**
- With the Secretary of State if the contest is voted upon statewide. **(E.C. § 15621)**
- With the City Clerk if it is a city election (or if the city has not consolidated with the county). **(E.C. § 15620)**

### Notice of recount

A notice stating the date and place of the recount will be posted by the elections official at least one day prior to the recount and the following persons will be notified in person or by telegram:

- All candidates for the office being recounted.
- Authorized representatives for presidential candidates, if the race for presidential delegates is to be recounted.
- Proponents of any initiative or referendum or persons filing ballot arguments for or against any initiative, referendum or measure to be recounted.
- Secretary of State if the recount is for candidates for any state or federal office, delegates to a national convention, or any state measure. **(E.C. § 15628)**

## Requesting a Recount (Cont'd)

### Process of recount

- The recount is open to the public. **(E.C. § 15629)**
- Recount shall start no later than seven calendar days following the receipt of the request by the elections official and shall be continued daily except for Saturdays, Sundays, and holidays, for not less than six hours each day until completed. **(E.C. § 15626)**
- A manual recount must be conducted under the supervision of the elections official by recount boards, consisting of four voters of the county, appointed by the elections official. **(E.C. § 15625)**

### Result of Recount

- The results of a recount are declared null and void unless every vote in which the contest appeared is recounted. **(E.C. § 15632)**
- Upon completion of a recount, if a different candidate, slate of electors, or position on a measure receives a plurality of votes, the results of the official canvass will be changed and the election results re-certified. **(E.C. § 15632)**
- A copy of the results of any recount conducted shall be posted conspicuously in the office of the elections official. **(E.C. § 15633)**

### Cost and payment

- The elections official shall determine the amount of deposit necessary to cover costs of the recount for each day. **(E.C. § 15624)**
- The voter filing the request for recount must deposit, before the recount commences and at the beginning of each day following, such sums as required by the elections official to cover the cost of the recount for that day. **(E.C. § 15624)**
- If upon completion of the recount the results are reversed, the deposit shall be returned. **(E.C. § 15624)**

## Requesting a Recount (Cont'd)

COST BREAKDOWN FOR MANUAL TALLY*	
No. of Boards	Cost per Day
1	\$3,744
2	\$5,999
3	\$8,253
4	\$10,508
5	\$14,252
6	\$16,506
7	\$18,761
8	\$21,015
9	\$24,759
10	\$27,014
11	\$29,268
12	\$31,523

\*Subject to change. Cost will include labor, equipment, material and personnel. If computer recount is requested costs vary.

05/07

**AUTOMATIC PUBLIC MANUAL TALLY**

By law, a random sample of ballots from every election must be recounted manually to verify the computer count. A minimum of all votes cast in one percent (1%) of the precincts is included in this process. *The Automatic Manual Recount is open to the public.* (E.C. § 15360)