

Council Meeting of
May 20, 2008

SUPPLEMENTAL MATERIAL

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

ESTIMATED ELECTION COSTS

Note that the third paragraph for the item references a June 2208 election that should read June **2008**.

A cost estimate for a run off election was received from election consultants Martin & Chapman. The Los Angeles County Registrar-Recorder/County Clerk has yet to respond to my request as of 12:00 p.m. today. According to an article in today's Daily Breeze Martin & Chapman may not be available to conduct an election in August as they will have a skeleton crew due to the sheer number of elections in 2008.

Methods of breaking a tie by lot are also attached. There is no formal action necessary at this time if the City Council chooses to use the 'by lot' method. However, the Council may wish to indicate the preferred method – straws, envelopes, coins, marbles, or other at this time. The City Clerk will work with the City Attorney to ensure a fair and impartial process for the implementation of the tie breaker with all rules being properly noticed in an appropriate City Council item posted at least 72 hours prior to the action as required by the Ralph M. Brown Act.

Respectfully submitted,



Sue Herbers
City Clerk

Noted:


LEROY J. JACKSON
CITY MANAGER

- Attachment A Estimated Costs of Run Off Election
- Attachment B Methods of Breaking a Tie Vote by Lot
- Attachment C CA Election Code Section 15650-15652

MAY 2008 MARTIN AND CHAPMAN ESTIMATE

NOTE: Estimate requested in the event that a tie vote occurs.

Polling Place or Mail Ballot Election based on 73,073 Registered Voters (April 4, 2008)

Based on the following:

- 13,000 vote-by-mail ballots if polling place election
- 35 polling places (or 3 drop off sites for mail ballot election)
- Four (4) candidates (costs include candidates statements)
- Sample Ballots in English Chinese Korean and Spanish (for DOJ compliance) – candidate costs are included in the overall costs
 - if polling place election, Sample Ballots in 4 languages, approximately 18 pages – assuming 4 or less candidates
 - if all mail ballot, 1 11 x 17 Voter Pamphlet in English and Spanish for all voters, 1 11 x 17 for voters in Chinese and Korean to those indicated on the county file – assuming 4 or less candidates
- For polling place election - we will address, insert and mail out your approximately 10,000 Permanent Vote-By Mail voter (PVM) ballots for you, you will only have to handle the daily VBM's that come in
- For all mail ballot election, we do all the inserting and mailing
- The county will provide you with the VIMS signature retrieval system for you to check your own signatures at city hall

Costs	Polling Places	Mail Ballot
Martin & Chapman's costs	\$124,024.00	\$91,082.00
Postage - Outgoing SB	\$16,131.00	\$16,131.00
Postage - Outgoing AV's	\$4,090.00	included above
Postage - Returned AV's (40%)	\$0.00	\$13,198.00 <i>(if city pays for it)</i>
Poll Workers & Polling Places	\$12,775.00	\$0.00
Estimated County charges	\$3,500.00	\$1000.00
TOTAL	\$160,520.00	\$121,411.00

Once the council has determined what date the election will be, a Calendar of Events will be generated, and once it is determined if you will do polling places or all mail ballot, a formal estimate will be prepared.

Thanks,

Scott Martin
Martin & Chapman Co.

CALIFORNIA CODES
ELECTIONS CODE
SECTION 15650-15654

15650. This article does not apply to any primary election.

15651. (a) If at any election, except as provided in subdivision (b) and an election for Governor or Lieutenant Governor, two or more persons receive an equal and the highest number of votes for an office to be voted for in more than one county, the Secretary of State shall forthwith summon the candidates who have received the tie votes, whether upon the canvass of the returns by the Secretary of State or upon recount by a court, to appear before him or her at the Secretary of State's office at the State Capitol at a time to be designated by him or her. The Secretary of State shall at that time and place determine the tie by lot. Except as provided in subdivision (b), in the same manner, at a time and place designated by it, the election board shall determine a tie vote, whether upon the canvass of the returns by the election board or upon a recount by a court, for candidates voted for wholly within one county or city.

(b) In lieu of resolving a tie vote by lot as provided in subdivision (a), the legislative body of any county, city, or special district not subject to the Uniform District Election Law (Part 4 (commencing with Section 10500) of Division 10) may resolve a tie vote by the conduct of a special runoff election involving those candidates who received an equal number of votes and the highest number of votes.

A special runoff election shall be held only if the legislative body adopts the provisions of this subdivision prior to the conduct of the election resulting in the tie vote. If a legislative body decides to call a special runoff election in the event of a tie vote, all future **elections** conducted by that body shall be resolved by the conduct of a special runoff election, unless the legislative body later repeals the authority for the conduct of a special runoff election.

If a special runoff election is held pursuant to this subdivision, the legislative body shall call for the runoff election to be held in the local entity on a Tuesday not less than 40 nor more than 125 days after the administrative or judicial certification of the election that resulted in a tie vote. If a regular election is to be held throughout the jurisdiction within that time period, the special runoff election shall be held on the same day as, and consolidated with, the regular election.

15652. If the tie vote has been determined pursuant to Section 15651, the person declared elected by the Secretary of State or the election board is entitled to a certificate of election. The Secretary of State, the county elections official or the city elections official, whichever the case may be, shall immediately make out and deliver to that person a certificate of election.