Council Meeting of
January 24, 2006

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

Members of the City Council:

**SUBJECT: Calling General Municipal Election for June 6, 2006**

## RECOMMENDATION

Recommendation of the City Clerk that the City Council:

1) Adopt a **RESOLUTION** calling a General Municipal Election on Tuesday, June 6, 2006 for the purpose of electing a mayor, three councilmembers, a city clerk and a city treasurer;
2) Adopt a **RESOLUTION** requesting Los Angeles County Board of Supervisors to agree to consolidate the election on the Statewide Primary Ballot; and
3) Adopt a **RESOLUTION** stating policy for candidate statements.

Funding

Funding is available in the City Clerk's 2005-2006 budget.

## BACKGROUND / ANALYSIS

In November 2003, a measure was passed by the voters to have the general municipal election remain on the Statewide Primary Election. This will be the first election held on this date.

The City Clerk, serving as the election officer, is required to call the election, request services from the Los Angeles County Board of Supervisors for a consolidated election and prepare for a regular General Municipal Election for all candidates according to provisions of the Charter and the California Elections Code.

On the ballot is the election of the mayor, three councilmembers the city clerk and the city treasurer. There are no ballot measures at this time. The nomination period is open from Tuesday, February 14, 2006 (moved from February 13 due to holiday closure) to Friday, March 10, 2006. Candidates are required to file a notice of intention of candidacy with the City Clerk, follow all FPPC campaign finance regulations and submit an official nomination petition, obtained from the City Clerk, containing the signatures of no less than twenty but no more than thirty registered Torrance voters.

Three resolutions are attached for your consideration. The first resolution calls for the election to be held. This information will be published in an adjudicated newspaper by the City Clerk to notify the public of the pending election between 127 and 133 days prior to the election.

The next resolution requests consolidation on the Los Angeles County ballot. It assures Los Angeles County that we are aware that all charges incurred in the election process will be paid. At this time we have received an estimated cost of $140,000.

The final resolution adopts regulations for the candidates. The Elections Code provides that the local agency may authorize a candidate statement of qualifications of 200 to 400 words to be printed in the sample ballot pamphlet. It has been Council's policy in past elections to limit this statement to no more than 200 words and the current resolution is so worded.

In a consolidated election the costs for printing consists of vendor charges for the sample ballot pamphlet printing as well as vote recorder pages with the costs prorated by the number of pages and registered voters. We will not know the City's actual cost for this portion of the costs until well after the election. It has been City Council's policy to charge the candidate not more than $300 for a printed statement as a partial reimbursement to the City for those costs. As written, the resolution holds to that $300 amount. The City Council may wish to change the amounts charged to the candidate to more fully cover the costs of printing the statement and to reduce the City's subsidy.

As the City is consolidated on the Los Angeles County ballot, candidate statements will automatically be translated into Spanish, Korean, Chinese, Japanese, and Vietnamese with sample ballot pamphlets in those languages available upon request of the voter. If a candidate desires any other language than one already printed the entire cost of translation and publication will be borne by the candidate.

Each candidate will be provided a copy of the Code of Fair Campaign Practices and §20440 through §20502 of the Elections Code. Any candidate may subscribe to the Code by filing a copy with the City Clerk at the time nomination papers are filed.

Respectfully submitted,

Sue Herbers, CMC
City Clerk

Noted:

LEROY J. JACKSON
CITY MANAGER

Attachments:

A Resolution - Calling Election
B Resolution - Requesting Consolidation
C Resolution - Setting Candidate Regulations
D Code of Fair Campaign Practices
E California Elections Code 20440 through 20502

**ATTACHMENT A**

## RESOLUTION NO. 2006-06

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2006 FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CHARTER OF THE CITY OF TORRANCE.**

**WHEREAS**, under the provisions of the Charter, a General Municipal Election shall be held on June 6, 2006 for the election of Municipal Officers; and

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

**SECTION 1.** That pursuant to the requirements of the Charter, there is called and ordered to be held in the City of Torrance, California, on Tuesday, June 6, 2006, a General Municipal Election for the purpose of electing a Mayor for the full term of four years; three (3) Members of the City Council for the full term of four years; a City Clerk for a full term of four years; and a City Treasurer for a full term of four years.

**SECTION 2.** That the ballots to be used at the election shall be in form and content as required by law.

**SECTION 3.** That the City Clerk is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

**SECTION 4.** That the polls for the election shall be open at seven o'clock a.m. of the day of the 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, except as provided in §14401 of the Elections Code of the State of California.

**SECTION 5.** That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

**SECTION 6.** That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

**SECTION 7**. 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 JANUARY 24, 2006.**

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

by _____
Ronald T. Pohl, Assistant City Attorney

_____
Mayor Dan Walker

ATTEST:

_____
Sue Herbers, CMC
City Clerk

**ATTACHMENT B**

## RESOLUTION NO. 2006 – 07

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF LOS ANGELES TO CONSOLIDATE A GENERAL MUNICIPAL ELECTION TO BE HELD ON JUNE 6, 2006 WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE SAME DATE PURSUANT TO §10403 OF THE ELECTIONS CODE.**

**WHEREAS**, the City Council of the City of Torrance called a General Municipal Election to be held on June 6, 2006 for the purpose of the election of a Mayor, three (3) Members of the City Council, a City Clerk, and a City Treasurer each for a full term of four years, and;

**WHEREAS**, it is desirable that the General municipal election be consolidated with the Statewide Primary election to be held on the same date and that within the city the precincts, polling places and election officers of the two elections be the same, and that the county election department of the County of Los Angeles canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE DOES RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1.** That pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Los Angeles is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Statewide Primary election on Tuesday, June 6, 2006 for the purpose of the election of a Mayor, three (3) Members of the City Council, a City Clerk, and a City Treasurer each for a full term of four years.

**SECTION 2.** That the county election department is authorized to canvass the returns of the General Municipal Election. The election shall be held in all respects as if there were only one election, and only one form of ballot shall be used.

**SECTION 3.** That the Board of Supervisors is requested to issue instructions to the county election department to take any and all steps necessary for the holding of the consolidated election.

**SECTION 4.** That the City of Torrance recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for any costs.

**SECTION 5.** That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of Los Angeles.

**SECTION 6.** 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 JANUARY 24, 2005.**

APPROVED AS TO FORM:
JOHN FELLOWS III, City Attorney

by _____
Ronald T. Pohl, Assistant City Attorney

_____
Mayor Dan Walker

ATTEST:

_____
Sue Herbers, CMC
City Clerk

**ATTACHMENT C**

## RESOLUTION NO. 2006 - 08

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2006.**

**WHEREAS**, §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;

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:**

**SECTION 1. GENERAL PROVISIONS**. That pursuant to §13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Torrance on June 6, 2006 may prepare a candidate statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than **200 words** of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

**SECTION 2. FOREIGN LANGUAGE POLICY.**

A. Pursuant to the Federal Voting Rights Act, the city is required to translate the candidate statements into the following languages: Spanish, Chinese, Japanese, Korean, and Vietnamese. These languages are available in the sample ballot pamphlet printed by the Los Angeles County Registrar-Recorder/County Clerk.
B. Pursuant to state law, the candidate statement must be translated and printed in the voter pamphlet in any language at a candidate's request.
C. The City Clerk shall:
   1. Have copies of the Sample Ballot Pamphlets available in the City Clerk's office. NOTE: Copies are available at any time through the Los Angeles County Registrar-Recorder/County Clerk.
   2. Upon request provide for translation for any other language with an estimated payment to be made in advance.

**SECTION 3. PAYMENT.**

A. The candidate shall be required to pay a pro rata share, not to exceed $300.00 for the cost of printing the candidate's statement in English.
B. The candidate shall be required to pay for the entire cost of translating and printing the candidate statement into any requested language other than the languages already printed by the Los Angeles County Registrar-Recorder/County Clerk.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a 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. In the event the estimated payment is required, 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 is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

**SECTION 4. ADDITIONAL MATERIALS.** No candidate will be permitted to include additional materials in the sample ballot package.

**SECTION 5.** That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

**SECTION 6**. That all previous resolutions establishing council policy on payment for candidate statements are repealed.

**SECTION 7** That this resolution shall apply only to the election to be held on June 6, 2006 and shall then be repealed.

**SECTION 8**. 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 JANUARY 24, 2006.**

APPROVED AS TO FORM:

JOHN FELLOWS III, City Attorney

by _____
Ronald T. Pohl, Assistant City Attorney

_____
Mayor Dan Walker

ATTEST:

_____
Sue Herbers, CMC
City Clerk

**ATTACHMENT D**

# CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

**THEREFORE:**

**(1) I SHALL CONDUCT** my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

**(2) I SHALL NOT USE OR PERMIT** the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

**(3) I SHALL NOT USE OR PERMIT** any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

**(4) I SHALL NOT USE OR PERMIT** any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to
vote, or voting.

**(5) I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees.

**(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE** support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

**(7) I SHALL DEFEND AND UPHOLD** the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

_____Date _____Signature

**ATTACHMENT E**

**CALIFORNIA ELECTIONS CODE**
**DIVISION 20 – ELECTION CAMPAIGNS**

**Chapter 5 – Code of Fair Campaign Practices**

**SECTION 20440-20444**

**20440**. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the elections official, shall give the individual a blank form of the code and a copy of this chapter. The elections official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure as defined in Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with Section 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the code shall read, as follows:

"CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues.

THEREFORE:

(1) I SHALL CONDUCT my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

(2) I SHALL NOT USE OR PERMIT the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) I SHALL NOT USE OR PERMIT any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

(4) I SHALL NOT USE OR PERMIT any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to
vote, or voting.

(5) I SHALL NOT coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) I SHALL DEFEND AND UPHOLD the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices."

_____Date _____Signature

**20441**. The Secretary of State shall print, or cause to be printed, blank forms of the code. The Secretary of State shall supply the forms to the elections officials in quantities and at times requested by the elections officials.

**20442**. The elections official shall accept, at all times prior to the election, all completed forms that are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

**20443**. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

**20444**. In no event shall a candidate for public office be required to subscribe to or endorse the code.

**Chapter 6 – Libel & Slander**

**SECTION 20500-20502**

**20500**. The provisions of Part 2 (commencing with Section 43) of Division 1 of the Civil Code, relating to libel and slander, are fully applicable to any campaign advertising or communication.

**20501**. (a) A candidate or state measure proponent is liable for any slander or libel committed by a committee that is controlled by that candidate or state measure proponent as defined by Section 82016 of the Government Code if the candidate or state measure proponent willfully and knowingly directs or permits the libel or slander.

(b) A person who is a sponsor of a sponsored committee, as defined by Section 82048.7 of the Government Code, is liable for any slander or libel committed by the sponsored committee if the sponsor willfully and knowingly directs or permits the libel or slander.

**20502**. (a) In any action for libel or slander brought by a candidate, the willingness or unwillingness of the defendant to retract or correct a communication made in the course of a campaign, and his or her action in doing so, shall be admissible in evidence in the exemplary damages phase of a bifurcated trial.

(b) The remedy provided by this section is in addition to any other remedy provided by law.