

Council Meeting of  
January 26, 2010

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

Members of the City Council:

**SUBJECT: Calling General Municipal Election for June 8, 2010**

### **RECOMMENDATION**

Recommendation of the City Clerk that City Council:

- 1) Adopt a **RESOLUTION** calling a General Municipal Election on Tuesday, June 8, 2010 for the purpose of electing a mayor, three councilmembers, a city clerk and a city treasurer for four year terms;
- 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 and regulations for candidate statements.

### **Funding**

Funding is available in the City Clerk's 2009-2011 budget.

### **BACKGROUND / ANALYSIS**

The City Clerk, serving as the election official, 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 a mayor, three councilmembers, a city clerk and a city treasurer for four year terms.

The City Council and the Torrance Unified School District have approved a consolidation of elections on the last Tuesday in April of even years. Once direction has been given to prepare the ballot measure an item will be prepared to place a measure to change the election date and brought back to the Council to add to the June 8, 2010 ballot.

The candidate nomination period will be open from Tuesday, February 16, 2010 to Friday, March 12, 2010 at 5:00 p.m. If any incumbent candidate fails to file in that period the nomination(s) for only the applicable offices would be extended for five days to Wednesday, March 17.

Candidates are required to file a notice of intention of candidacy (Form 501) 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 the Daily Breeze by the City Clerk to

notify the public of the pending election at least 113 days prior to the election. Notification will also be place online and posted on Public Notice Boards.

The second resolution requests consolidation on the Los Angeles County ballot. It assures Los Angeles County that the City is aware that all charges incurred in the election process will be paid. The estimate from the County ranges from \$230,000 to \$260,000 depending on the number of candidates and measures being voted upon.

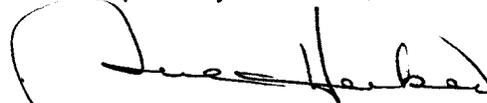
The final resolution adopts regulations for the candidates. The Elections Code provides that the local agency may authorize a candidate statement of qualifications of 200 to 400 words to be printed in the sample ballot pamphlet. It has been Council's policy in past elections to limit this statement to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

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. The printed candidate statement is optional and the City's actual amount for this portion of the costs is not known until well after the election. Previous councils have assumed candidate statement printing costs by holding the amount to a specific amount to enable more people the opportunity to file. In 2008 the partial reimbursement to the City for those costs was raised to \$400. The resolution as written is at \$400 or ½ of the actual amount for candidate statement printing costs whichever is higher. If the City Council wishes to change the amounts charged to the candidate that can be easily amended.

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, in the City Clerk' s office and online at the Registrar's website. If a candidate desires any other language to be printed in the Official Sample Ballot 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  
City Clerk

Noted:



LERROY J. JACKSON  
CITY MANAGER

Attachments:

- A Resolution 2008-06 - Calling Election
- B Resolution 2008-07 - Requesting Consolidation
- C Resolution 2008-08- Setting Candidate Regulations
- D California Elections Code 20440 through 20502

**RESOLUTION NO. 2010 - 06**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TORRANCE, CALIFORNIA, CALLING FOR THE HOLDING OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, JUNE 8, 2010, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE CHARTER.**

WHEREAS, under the provisions of the Charter of the City of Torrance, a General Municipal Election shall be held on June 8, 2010, 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 of the City of Torrance, there is called and ordered to be held in the City of Torrance, California, on Tuesday, June 8, 2010, a General Municipal Election for the purpose of electing a Mayor for the full term of four years; three Members of the City Council for the full term of four years; a City Clerk for the full term of four years; and a City Treasurer for the 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, pursuant to Election Code § 10242, 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.

SECTION 11. The City Council authorizes the City Clerk to administer said election and all reasonable and actual election expenses shall be paid by the City upon presentation of a properly submitted bill.]

PASSED, APPROVED AND ADOPTED ON JANUARY 26, 2010.

APPROVED AS TO FORM:  
JOHN FELLOWS III, City Attorney

\_\_\_\_\_  
Mayor Frank Scotto  
ATTEST:

by \_\_\_\_\_  
Patrick Q. Sullivan, Assistant City Attorney

\_\_\_\_\_  
Sue Herbers, City Clerk



**RESOLUTION NO. 2010 - 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 TUESDAY, JUNE 8, 2010, WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON THE 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 8, 2010, for the purpose of the election of a Mayor, three Members of the City Council, a City Clerk, and a City Treasurer; 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 8, 2010, for the purpose of the election of a Mayor, three Members of the City Council, a City Clerk, and a City Treasurer.

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 26, 2010.

APPROVED AS TO FORM:  
JOHN FELLOWS III, City Attorney

\_\_\_\_\_  
Mayor Frank Scotto  
ATTEST:

by \_\_\_\_\_  
Patrick Q. Sullivan, Assistant City Attorney

\_\_\_\_\_  
Sue Herbers, City Clerk



**RESOLUTION NO. 2010 - 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 8, 2010**

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 candidates 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 8, 2010 may prepare a candidate's 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.**

Pursuant to the Federal Voting Rights Act, candidates statements will be translated into all languages required by the County of Los Angeles. The County is required to translate candidate's statements into the following languages: Spanish, Chinese, Japanese, Korean and Vietnamese.

- A. The County will mail separate sample ballots and candidates statements in other languages to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

**SECTION 3. PAYMENT.**

- A. Translations (choose one or both):
  1. The candidate shall not be required to pay for the cost of translating the candidates statement into any required foreign language as specified in (A) of Section 2 above pursuant to Federal and/or State law.
  2. The candidate shall be required to pay for the cost of translating the candidates statement into any foreign language that is not required as specified in (A) of Section 2 above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

## B. Printing:

1. The candidate shall be required to pay \$400 or up to ½ the amount whichever is greater charged by the Los Angeles County Registrar for the cost of printing the candidates statement in English in the main voter pamphlet.
2. The candidate shall not be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.

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. MISCELLANEOUS.

- A) All translations shall be provided by professionally-certified translators.
- B) The City Clerk shall allow any 25 words in the candidate statement to be in formatting styles to the same extent and manner as allowed by the Los Angeles County Registrar including **bold type**, underlining, CAPITALIZATION, leading hyphens/dashes (-).
- C) The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections including the Ballot Designation Guidelines, December 2009.

SECTION 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 6. 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 7. That all previous resolutions establishing council policy on payment for candidates statements are repealed.

SECTION 8. That this resolution shall apply only to the election to be held on June 8, 2010 and shall then be repealed.

SECTION 9. 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 26, 2010.

APPROVED AS TO FORM:  
JOHN FELLOWS III, City Attorney

\_\_\_\_\_  
Mayor Frank Scotto  
ATTEST:

by \_\_\_\_\_  
Patrick Q. Sullivan, Assistant City Attorney

\_\_\_\_\_  
Sue Herbers, City Clerk

# CODE OF FAIR CAMPAIGN PRACTICES

(Division 20, Chapter 5, Elections Code.)

## Chapter 5. Fair Campaign Practices

### Article 1. General Intent

#### 20400. Intent of the legislature.

The Legislature declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

### Article 2. Definitions

#### 20420. Definition of "Code".

As used in this chapter, "Code" means the Code of Fair Campaign Practices.

### Article 3. Code of Fair Campaign Practices

#### 20440. Subscription to code; form.

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 Sections 82000) of the Government Code, and initial campaign statement on behalf of the committee.

The text of the code shall read, as follows: **(See "CODE OF FAIR CAMPAIGN PRACTICES" ON REVERSE SIDE).**

#### 20442. Retention of Forms; public inspection.

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. Public record.

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

#### 20444. Voluntary.

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

# 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 untrammled 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 this 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 a candidate's actual or perceived race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, marital status, age, sexual orientation, sex, including gender identity, or any other characteristic set forth in Section 12940 of the Government Code, or association with another person who has any of the actual or perceived characteristics set forth in Section 12940 of the Government Code.

(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 that 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

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Election