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City Council Meeting Agenda Report

Subject: Consideration of Resolutions Calling a General Municipal Election to be Held on Tuesday, November 8, 2022, Requesting Consolidation with the County of Riverside, and Adopting Regulations Pertaining to Candidates Statements

Date: June 21, 2022

Prepared by: Kimberly Ramirez, Deputy City Clerk

Approved by: Cristal McDonald, City Clerk
Ivan Holler, Acting City Manager

RECOMMENDATION

1. Adopt Resolution No. 22-4593 entitled: *A Resolution of the City Council of the City of Murrieta, California, Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2022, for the Purpose of Electing Certain Officers of Said City as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and, Other Election Matters as Required by Law*, to include in the event of a tie vote, the tie will be determined by lot;
2. Adopt Resolution No. 22-4594 entitled: *A Resolution of the City Council of the City of Murrieta, California, Requesting the Board of Supervisors of Riverside County to Consolidate a General Municipal Election to be Held on November 8, 2022, With the Statewide General Election to be Held on the Date Pursuant to §10403 of the California Election Code; and, Other Election Matters as Required by Law*;
3. Adopt Resolution No. 22-4595 (**OPTION A**) entitled: *A Resolution of the City Council of the City of Murrieta, California, Adopting Regulations for Candidates for Elective Office, Pertaining to, and Costs of, Candidate Statements Submitted to the Voters at the Consolidated General Municipal Election to be Held on Tuesday, November 8, 2022*, to include candidate statements not exceeding **200 words** and requiring candidates to pay for the costs associated with candidate statements;

OR

4. Adopt Resolution No. 22-4595 (**OPTION B**) entitled: *A Resolution of the City Council of the City of Murrieta, California, Adopting Regulations for Candidates for Elective Office, Pertaining to, and Costs of, Candidate Statements Submitted to the Voters at the Consolidated General Municipal Election to be Held on Tuesday, November 8, 2022*, to include candidate statements not exceeding **400 words** and requiring candidates to pay for the costs associated with candidate statements; and
5. Direct the City Clerk to fulfill any administrative requirements in accordance with the law.



PRIOR ACTION/VOTE

On February 17, 2004, the City Council adopted Ordinance No. 295-04, providing for Municipal Elections to be held on the first Tuesday, following the first Monday in November of even-numbered years (Vote: 5-0).¹

On August 1, 2017, the City Council adopted Ordinance No. 522-17, changing the City Council District voting system from at-large to by-district (Vote 3-1-1).²

On March 1, 2022, the City Council adopted Ordinance No. 572-22, adopting revised City Council District boundaries (Vote: 5-0).

CITY COUNCIL GOAL

Maintain a high performing organization that values fiscal sustainability, transparency, accountability and organizational efficiency; and

Foster and promote an engaged, connected and caring community.

BACKGROUND

In accordance with Murrieta Municipal Code (MMC) §1.20, *Elections*, the general municipal elections for the City of Murrieta (City) shall be held on the first Tuesday, after the first Monday of November in each even-numbered year. Therefore, the City's next General Municipal Election (Election) shall be held on November 8, 2022. Terms are defined as four (4) years, and elected municipal officers shall serve no more than two (2) consecutive terms in office.

In 2017, the City Council adopted Ordinance No. 522-17, changing the election systems for City Council Members from at-large to by-District. As a result, the November 6, 2018, General Municipal Election began the first phase of the City's transition to District-based City Council Member elections. This included Districts 1, 2, and 5. The November 3, 2020, General Municipal Election completed the City's transition to District-based City Council Member elections for Districts 3 and 4.

On March 1, 2022, in compliance with the Fair and Inclusive Redistricting for Municipalities and Political Subdivisions (FAIR MAPS) Act, the City Council adopted Ordinance No. 572-22, which revised boundaries for all Districts. However, the existing terms for each District representative remained the same.

The California Elections Code (EC) §14052, known as the California Voter Participation Rights Act, provides that political subdivisions shall not hold an election other than on a statewide election date, if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout. In addition, EC §10400 provides that whenever two or more elections are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body.

¹ Enochs, McAllister, Ostling, Seyarto, and van Haaster

² Ayes: Lane, Long, Gibbs; Noes: Ingram; Absent: Seyarto



At the November 8, 2022 Election, City Council representatives for Districts 1, 2, and 5 will be elected for four (4) years.

The County of Riverside Consolidation Process

To commence the consolidation process, the County of Riverside requires that before July 1, 2022, the City must submit to the County of Riverside Board of Supervisors and the Registrar-Recorder/County Clerk: 1) a resolution calling and giving notice of the November 8, 2022, Election to elect three City Council Members for Districts 1, 2 and 5; 2) request consolidation with the Statewide General Election; and 3) set regulations pertaining to the candidate statements:

- Resolution No. 22-4593 (Attachment No. 1): *Calling for the Holding of a General Municipal Election to be Held on Tuesday, November 8, 2022, for the Purpose of Electing Certain Officers of Said City as Required by the Provisions of the Laws of the State of California Relating to General Law Cities; and, Other Election Matters as Required by Law*, to include in the event of a tie vote, the tie will be determined by lot.

According to EC §12001, the local agency's governing body shall issue a proclamation or resolution calling the election. Adopting Resolution No. 22-4593 meets that obligation. This resolution also provides the procedure to resolve a tie vote. EC §15651 provides that in the event two or more persons receive an equal amount of votes and the highest number of votes, upon the canvass of returns or recount by the court, the City Council can determine a tie vote by lot; or by conducting a special runoff election involving those candidates who received an equal number of votes and the highest number of votes.

Historically, in the event of a tie vote, the City Council has opted to resolve a tie vote by lot, and is included in Resolution No. 22-4593. Although not recommended, if the City Council would prefer to hold a special runoff election in the case of ties votes, an alternate resolution would be presented for City Council consideration at a later City Council meeting.

- Resolution No. 22-4594 (Attachment No. 2): *Requesting the Board of Supervisors of Riverside County to Consolidate a General Municipal Election to be Held on November 8, 2022, With the Statewide General Election to be Held on the Date Pursuant to §10403 of the California Election Code; and, Other Election Matters as Required by Law*.

EC §10403, in part, provides that when an election is called by a city, at least 88-days before the date of the election, the city file with the Board of Supervisors, and a copy with the elections official, a resolution of its governing board that 1) requests that the city election be consolidated with the statewide election; 2) sets forth the exact form of the question, proposition, or office to be voted upon at the election, as it is to appear on the ballot; and 3) acknowledges that the consolidated election will be held and conducted with procedures same as statewide election (EC §10418). The resolution requesting consolidation shall be adopted and filed at the same time as the adoption of the resolution calling the election. Furthermore, the names of the candidates to appear on the ballot shall be filed with the county elections official no later than 81-days before the election. Adopting Resolution No. 22-4594 meets all applicable obligations.

- Resolution No. 22-4595 (Attachment No. 3): *Adopting Regulations for Candidates for Elective Office, Pertaining to, and Costs of, Candidate Statements Submitted to the Voters at the Consolidated General Municipal Election to be Held on Tuesday, November 8, 2022*, to include candidate



statements not exceeding **200 words OR 400 words** and requiring candidates pay for the costs associated with candidate statements.

The final resolution associated with the consolidation process pertains to regulations and costs associated with candidate statements. According to EC §13307, each candidate for elective office may prepare a candidate's statement. 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/herself. *However, the local agency's governing body may authorize an increase in the limitations on words for the statement from 200 to 400 words.*

It is optional for each candidate to submit a candidate statement. However, if the candidate chooses to have a statement included in the sample ballot, Resolution No. 22-4595 stipulates that the candidate pays the costs involved in the form of a deposit when the nomination papers are filed. The County of Riverside will provide final costs following the Election; however, based on County estimates, the deposit for printing each statement will be \$600 for **200 words** or \$800 for **400 words**.

Before 2014, the City Council adopted candidate statement regulations with a 200-word limit. On June 3, 2014, the staff's recommendation remained at the 200-word limit; however, the City Council amended Resolution No. 14-3231 by a unanimous vote to increase the candidate statements from 200 to 400 words on the floor. Since 2014, the word count associated with candidate statements has remained at 400.

The City Clerk is seeking direction on word count. Therefore, Resolution No. 22-4595 presents **Option A** or **Option B**. The only difference between both options is the word count.

With consolidation, the County of Riverside administers the Election, and the City Clerk is the City's local Elections Official. As the local Elections Official, the City Clerk retains certain obligations. Those obligations include, but are not limited to, public noticing, issuing and accepting nomination papers, candidate statement verification, and handling of Fair Political Practice Commission (FPPC) filings.

Nomination Period

Division 10, Part 2, Article 2. Nomination of Candidate of the California EC provides the nomination and nomination filing method. Based on EC §§10220 and 10224, the nomination period for the Election opens on Monday, July 18, 2022 and closes on Friday, August 12, 2022. All potential candidates will pull and file nomination papers with the City's local Elections Official/City Clerk.

If an incumbent does not file, pursuant to EC §10225, the period for the district the incumbent did not file for is extended to Wednesday, August 17, 2022. Incumbents may not file during this extended period.

The issuance and filing of nomination papers can be complex. To ensure clear instructions, during the nomination period, the City Clerk will provide potential candidates with a 30–45-minute overview of the process. To better assist, the City Clerk will also provide a candidate handbook. This overview will include issuing nomination papers, qualifying as a candidate, FPPC filings, redistricting, candidate statements and ballot designation regulations, etc. Therefore, the City Clerk will see potential candidates seeking to pull nomination papers by appointment.



Election Outreach and Education

In addition to being the City's local Elections Official, the City Clerk's role includes constituent outreach and education. This Election is significant due to the recent adoption of Ordinance No. 572-22, *Adopting Revised District Voting Boundaries* (Information on the redistricting process can be found on the City's website <https://www.murrietaca.gov/Redistricting>).

With the recent boundary adjustments, the City Clerk has identified Areas of Interest (Areas) that require personalized outreach. These Areas have had a District change, resulting in a difference in their elected City Council Member and potentially a shift in the election year to be voted on. Therefore, the City Clerk will send out mailers to those affected before the nomination period. The City Clerk's webpage will also have an updated "Find My City Council District" feature, which will reflect the new Districts.

To promote the upcoming Election, the City Clerk has added an Elections Central component to the website. The webpage will provide the community with all Elections information and is expected to go live on June 27, 2022. Furthermore, the City Clerk will attend various events, including the Murrieta Market Nights in July and October.

FISCAL IMPACT

Funding is available in the City Clerk's FY 2022/23 operating budget for election services. General ledger account number 1102400-63520 is funded at \$135,000.

The County of Riverside estimates the Election cost for the three (3) districts at \$138,000. Although not applicable, including a measure would increase the estimate by \$67,000.

The City Clerk will return to the City Council with a budget increase request after receiving the County of Riverside's invoice in 2023.

ATTACHMENTS

1. Resolution No. 22-4593
2. Resolution No. 22-4594
3. Resolution No. 22-4595 (Option A)
4. Resolution No. 22-4595 (Option B)