OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: November 14, 2005 REPORT NO.: 05-12

SUBJECT: FORMATION OF AN ELECTIONS TASK FORCE

ISSUE

On October 17, 2005, the Office of the City Clerk presented information on Instant Run-Off Voting at the City's Government Efficiency and Openness Meeting. During the course of the discussion, it became clear that there were a number of elections-related issues that would benefit from an organized process of researching, discussing and presenting information to the City Council.

SUMMARY

Issues

A variety of elections-related issues have been raised over the past year, including:

1. Mail Only Ballot

The idea of a mail only ballot has been raised several times in the course of discussing other elections-related items. The idea is appealing in that it could be enacted via Ordinance, would potentially save 30-50% over standard election costs and could increase voter turn-out and involvement. It is not without controversy, however. It is not clear what kind of impact this would have on communities with high density and movement. It would also be important to get feedback from the County's Registrar of Voters regarding impacts to the election and canvass process.

2. Write-in Candidates

On September 6, 2005, Council approved item 51 amending the San Diego Municipal Code to prohibit write-in candidates in City run-off elections in order to make the Municipal Code consistent with the City Charter, Section 10. At the time of the approval, however, it was agreed that this was an issue that should be brought before the people, and that further discussion and research were in order.

3. Potential Charter Changes

It would be important to work with the City Attorney's Office to identify and isolate all of the potential Charter inconsistencies or issues as they relate to elections. A preliminary list includes:

A. 49 days: Charter Section 12 states that "if no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine (49) days of the first special election, unless there is a regular municipal or statewide election scheduled to be held within ninety (90) days of the proposed special run-off election date...." State Law allows the Registrar of Voters (ROV) twenty-eight (28) days to certify election results. It also stipulates that early voting be allowed twenty-nine (29) days from the election date. Thus, the 49-day requirement in the Charter automatically places the City in conflict with State Law unless the ROV can certify results earlier than the 28 days that are allowed.

B. San Diego Municipal Code 27.0701 states that the Charter gives "the City Council the authority to fill a vacancy in the offices of the Mayor and City Attorney within thirty business days by appointment," while Charter section 24 says "thirty (30) days" - not thirty business days. Municipal Code 27.0801 and 27.0902(b) also have the "thirty business days" language. It would be worth considering consistency in all cases.

C. In addition, City Charter Section 12 uses the term "regular" when describing "regular municipal, statewide, or countywide election scheduled to be held within 180 calendar days of the vacancy" – removing the word "regular" would allow the City to appropriately consolidate our elections with statewide "special" elections.

D. Charter sections 12 and 24: Term limit issues. The City's interpretation of term limits differed from the court's interpretation during the District 4 special election in 2004. It might be worth discussing the differing interpretations and discussing what changes (if any) are warranted.

4. City/County Consistency

Since the City and County both utilize the Registrar of Voters and thus share the ballot and the deadlines and requirements, it makes sense that there would be consistency in the rules and regulations. It would be useful to have a presentation from the ROV regarding any existing inconsistencies in order to consider possible changes.

5. Ballot Tabulation

Several members of the public have come forward during City Council Non-Agenda Public Comment to express some concern about the County's ballot tabulation software. In fact, a request for a re-count was made after the July 26th special Mayoral Election, and even though the recount found virtually no difference between the manual re-count and the initial machine tabulation, the concern expressed by these individuals may warrant a more formal study of the current procedures.

6. Instant Run-off Voting

The concept of instant run-off voting is an interesting one, but would require that several elements be researched prior to a true assessment of its feasibility. The Committee would need to do some research about the type of instant run-off voting that would be brought forward, the potential impacts to consolidated elections and the cost and funding issues that would be involved in implementing and certifying this voting system with the ROV.

7. Relationship to Registrar of Voters

The Registrar of Voters (ROV) currently coordinates all elections. This group has the staffing, expertise and equipment in place to run the election process efficiently and effectively. However, several of the elements related to the elections-related issues noted above might be possible if the City utilized a private vendor to oversee and/or coordinate the elections process. It is worth investigating the current relationship with the County and look to long-term possibilities that consider alternative scenarios for election support and implementation.

8. Voter Outreach

Recent attention has been given to voter turnout in a variety of jurisdictions; the City may wish to examine the issue of voter outreach to boost public participation in municipal elections.

TASK FORCE CREATION

Following Charter Section 43(b) guidelines, a citizen advisory group would be created by the City Council to address the elections-related items outlined above and any additional appropriate items, and report back to the Rules Committee for feedback and approval prior to moving to the full Council. The task force would be temporary in nature, and would have the following structure:

Chair:	City Clerk
City Staff:	City Manager's/Mayor's Office
	City Attorney

Citizen Members: One nomination from each Councilmember and the Mayor to be submitted to the City Clerk by January 31, 2006

Having the Clerk as the chair is fairly unique under advisory groups formed under Charter Section 43(b). In this case, however, it has merit. The Clerk is the elections official for the City of San Diego and since many of the topics under consideration by this task force have the potential to impact the elections process, the Clerk would need to have an active role in crafting the reports and presentations that come from the task force. In addition, experts from each of the areas under consideration would be asked to present their ideas, suggestions and recommendations. A representative from the Registrar of Voters would be contacted for input and ongoing feedback for information about impacts to the current voting process. In addition, representatives from the League of Women Voters would be encouraged to attend and provide information.

CONCLUSION

Over the past several years, several issues relating to the municipal election process have surfaced. An Elections Task Force would provide the City with a vehicle for discussing and bringing forward items for consideration by the full City Council.

Submitted by:

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