

2011 Council Study Issue

OCM 11-01 Consideration of Transitioning to All-Mail Ballot Elections

Lead Department Office of the City Manager

History 1 year ago None 2 years ago None

1. What are the key elements of the issue? What precipitated it?

At the Council meeting of 10/19/2010, a study issue was sponsored to study the feasibility of the City of Sunnyvale holding all-mail ballot elections. No concerns or goals were discussed when the study issue was raised.

California voters currently have the right to vote by mail and to register to become a permanent vote by mail voter should they choose. This study would look at whether to require all voters of the City to vote by mail only, while foregoing the provision of polling places on election day.

The California Elections Code authorizes all-mail ballot elections when certain conditions are met (CEC Section 4000), not all of which the City of Sunnyvale meets. Recent state legislation attempted to amend the Elections Code to allow additional cities to conduct all-mail ballot elections, however the bill was recently vetoed by the governor. The Office of the Registrar of Voters of the County of Santa Clara was instrumental in the proposed legislation, and may be supportive of continued attempts to provide a legislative remedy authorizing cities to hold all-mail ballot elections.

Several cities in California which also don't meet all of the conditions required in Elections Code Section 4000 have recently authorized conducting all-mail ballot elections, in part due to the fact that: (1) they are charter cities, and (2) they hold stand-alone elections.

The City of Sunnyvale has for many years consolidated with Santa Clara County which provides extensive and complex election services for which the City reimburses direct costs. If the City elects to switch to providing its own election services (also known as "stand-alone" elections), all duties and tasks would be performed "in-house" by the Sunnyvale City Clerk's Office, including public noticing, publishing and mailing voter information pamphlets, printing and mailing ballots, translating all election materials in four or more languages, receiving returned ballots, qualifying returned ballots, tallying results, securing against election fraud, performing audits and conducting re-counts.

To effectively perform an evaluation of this issue, a legal analysis will be required to explore the means by which the City could authorize conducting all-mail ballot elections. A study of the cost of providing full election coverage services in-house or with the services of a third-party election services consultant will be required. Other issues may need to be examined, such as the necessity for a charter amendment to authorize all-mail ballot and/or stand-alone elections, an examination of voter-fraud prevention issues, and the potential for lengthier periods needed to tally ballots and certify election results.

2. How does this relate to the General Plan or existing City Policy?

General Plan 7.3 Legislative Management

Policy B.5: Conduct elections in accordance with the Charter and state laws.

Action Statement B.5d: Explore ways to increase voter turnout in local elections, such as mail ballots.

Council Policy 7.3.1 A 1. Elections

A. In cooperation with County Registrar of Voters contain costs of elections as long as the elections process is not adversely affected (i.e., purge voter rolls, limit costs for candidate statements, prevent abuse of absentee ballot process).

B. In cooperation with County Registrar of Voters, support practices which would increase voter turnout in local elections (e.g., mail ballots, more information to voters for judicial elections).

C. Support efforts to increase vote-by-mail voters. Support efforts to simplify and to expedite the counting of absentee ballots.

3. Origin of issue

Council Member(s) Mayor Hamilton, Councilmember Lee

4. Staff effort required to conduct study Moderate**5. Multiple Year Project?** No **Planned Completion Year** 2011**6. Expected participation involved in the study issue process?**

Does Council need to approve a work plan? No

Does this issue require review by a Board/Commission? No

If so, which?

Is a Council Study Session anticipated? Yes

7. Briefly explain cost of study, including consultant hours, impacted budget program, required budget modifications, etc. and amounts if known.

The cost of the study would include staff's review of the city charter and state election law, review of recent and potential legislative amendments, research with other cities, consultation with elections services provider(s), and analysis of costs and alternatives. No anticipated outside costs.

8. Briefly explain potential fiscal impact of implementing study results (consider capital and operating costs, as well as potential revenue).

Implementation of all-mail ballot elections will require either a state legislative amendment to the California Elections Code to authorize this type of election (nominal cost to the City for the legislative amendment; potential cost savings to the City if S.C. County Registrar of Voters conducts all-mail ballot elections without polling places), or will require the City to assume all tasks and duties of holding stand-alone elections. Savings to the City by not using County ROV services would be offset by costs incurred by the City in conducting its own elections, including costs of additional staff, election consultant services, computers, equipment, supplies, software, secure office space, training, public noticing, translation services, printing, advertising, postage and return postage. A ballot measure to submit to the voters a charter amendment to authorize all-mail ballot elections would incur a one-time cost of approximately \$ 41,000 if submitted during a regular City election year.

9. Staff Recommendation

Staff Recommendation Against Study

If 'For Study' or 'Against Study', explain

Staff recommends continuing the regional and statewide efforts to amend the California

Elections Code to allow all-mail ballot elections. This alternative would be the most effective solution to achieving the goal of switching to all-mail ballots, and is significantly less costly in the short-term and would achieve long-term cost-savings for the City, county and state.

Reviewed by

Approved by



11-15-10



11-16-10

Department Director

Date

City Manager

Date