

**City of Culver City, California
Agenda Item Report**

Meeting Date: <u>04/13/15</u>		Item Number: <u>A-5</u>
CITY COUNCIL AGENDA ITEM: Discussion of Authorizing the Conduct of Municipal (City) Elections Wholly by Mail.		
Contact Person/Department Martin R. Cole, Assistant City Manager/City Clerk		Phone Number: 310-253-5851
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐
Public Hearing: ☐	Action Item: ☒	Attachments: ☒
Commission Action Required: Yes ☐ No ☒		Date: _____
Public Notification: Meetings and Agendas – City Council (03/13/15 and 04/08/15)		
Department Approval: Martin R. Cole (04/08/15)	City Attorney Approval: Carol Schwab (by H. Baker) (04/08/15)	
Chief Financial Officer Approval: Jeff Muir (04/08/15)	City Manager Approval: John M. Nachbar (04/08/15)	

RECOMMENDATION:

Staff recommends the City Council discuss authorizing the conduct of municipal (City) elections wholly by mail and direct the City Manager and/or City Attorney as deemed appropriate.

BACKGROUND:

At the General Municipal Election held on April 11, 2006, the voters of Culver City approved Measure V, a measure placed before the voters by the City Council. Approval of Measure V enacted a significantly revised and updated City Charter. Section 1505 of the City Charter provides: "The City Council may, by ordinance, authorize the conduct of elections wholly by mail, under which all votes shall be cast in the manner of absentee ballots."

At a recent City Council Meeting, the City Council directed the City Manager to place the discussion of this subject on an upcoming agenda.

DISCUSSION:

Vote-by-Mail (VBM), which had been previously known as Absentee Ballots, has been used by an increasing percentage of voters for some time. On a statewide basis, VBM ballots comprised 27% of total ballots cast in 2002 to just over 50% in 2012. For Culver City, at the General Municipal Election held on April 8, 2014, 63.03% of all ballots cast were VBM. Of the City's 13 voting precincts, VBM ballots comprised over 50% of all ballots cast in 12 of those precincts. This represents a record high percentage of VBM ballots casts and continues an upward trend in the use of VBM ballots in Culver City's municipal elections that began over a decade ago.

**City of Culver City, California
Agenda Item Report**

Experiences in Other Vote-by-Mail Jurisdictions

Limited California Experience

There are certain, somewhat limited examples of the use of VBM ballots in California. The rural and sparsely populated Counties of Sierra (population 3,047) and Alpine (population 1,159) conduct all of their elections using VBM. However, due to the small population, it is difficult to draw meaningful conclusions from analysis of the elections data available from those counties. Under Proposition 218, VBM processes are required for benefit assessment districts (which processes have been utilized in Culver City when appropriate). However, such benefit assessment VBM processes are based upon property ownership (as opposed to residency) and, in Culver City, generally impact a small number of property owners. Again, it is difficult to draw meaningful conclusions from benefit assessment district VBM “elections” when making a comparison to general (and special) municipal elections where residency (and other applicable voter registration requirements) determine who is eligible to vote.

State of Oregon

The State of Oregon (population 609,000) has a significant history of conducting VBM elections. In that state, VBM was first approved on a limited basis by the State Legislature in 1981. In 1987, it was made a permanent feature of some elections. Then, in 2000, the voters of Oregon approved a ballot measure by over 70% to make Oregon the first all VBM state.

The Oregon Secretary of State's Office provides turnout and cost information for various elections in that State since 1992. Generally, from a turnout and cost perspective, this data does not show an identifiable trend. For example, the following table shows the turnout and costs (both per voter and per ballot) for presidential elections in Oregon since 1992:

Election Year	Turnout %	Cost per Voter	Cost per Ballot
1992	84.28	\$1.62	\$1.92
1996	71.38	\$1.72	\$2.42
2000*	79.82	\$1.82	\$2.29
2004*	86.02	\$1.91	\$2.22
2008*	85.64	\$2.22	\$2.59
2012*	82.16	\$1.88	\$2.28

* All VBM Elections

City of Culver City, California
Agenda Item Report

State of Washington

Beginning in 2005, counties in Washington State were authorized to conduct elections via VBM (and by 2008, 2/3rds of the counties in Washington State had enacted all VBM elections). In 2011, the Governor of Washington signed a bill that required all of Washington's 39 counties to conduct elections by mail (38 of 39 counties were already conducting all VBM elections at the time this bill was signed). The table below provides presidential election turnout data as supplied by the Secretary of State's Office:

Election Date	Turnout %
1992	82.60
1996	74.52
2000	75.46
2004	82.23
2008	84.61
2012*	81.25

* All VBM Elections

Note: voter turnout is the percentage of ballots cast divided by registered voters.

While a trend is not evident in these statistics, one firm conclusion can be drawn: the average voter turnout in both the States of Oregon and Washington is higher than the average voter turnout in the State of California (in the 2012 Statewide Presidential Primary Election, voter turnout in California was 72.36%).

Other General Trends Associated with Vote-by-Mail Balloting

The University of California at Davis' Center for Regional Change (Center) has provided three "Issue Briefs" related to VBM Use. Their analysis of election data from California yields some interesting perspectives. They are attached for the City Council's information. One comment I would provide is that if VBM is adopted in Culver City, its mandatory nature would have different impacts than those conclusions drawn by the Center given the voluntary nature of the current statewide system in California (where VBM is optional)..

Recommendation from the Assistant City Manager/City Clerk

Section 1502 of the City Charter assigns the duties of Elections Official to the City Clerk. Based upon my experience in administering four Culver City General Municipal Elections and one Culver City Special Municipal Election, from an administration standpoint, I recommend the City Council implement an all VBM system in Culver City. I wanted to share the following thoughts with the City Council:

City of Culver City, California
Agenda Item Report

- ***The Percentage of Voters Voting at the Polls Continues to Decline:*** As the percentage of Culver City voters opting for VBM increases, the number of voters voting at the City's 13 polling places declines. Given nationwide (as well as our own Citywide) trends, it is expected the number of voters opting for VBM will continue to increase (with those voting at the polls continuing to decline).
- ***Finding Polling Places is Becoming More Difficult:*** The City Clerk's Office is thankful for those homeowners and business owners who allow the City to use their home/business as a polling place. As homeowners/businesses change ownership or management, the continued availability of a particular location as a polling place can change. This necessitates finding a suitable replacement polling place (preferably one with sufficient parking, which is ADA compliant, and which is located in the same precinct). When a change in polling place is needed, it can lead to voter confusion for those voters who have voted at a particular polling place (sometimes for decades).
- ***Finding Experienced Poll Workers Can be a Challenge:*** The City Clerk's Office is grateful to the approximately 50 persons who serve as poll workers in each of the City's municipal elections. They have a long day (polls open at 7:00 am and close at 8:00 pm) for little pay. While polls are open, poll workers are required to be aware of the many federal and state laws that govern the conduct of elections. After the polls close, poll workers are required to "close-out" their polling place, including preparing a number of documents which are an important part of the ballot counting and certification process. As a result of demanding requirements, each election year it has become more of a challenge to find volunteers to serve in this capacity.
- ***Voter Turn-Out is Low:*** Mirroring a trend seen nation and statewide, voter turnout in Culver City's General Municipal Election in 2014 was 14.28%. As seen in the States of Washington and Oregon, all VBM elections have a significantly higher turn-out.
- ***Efficient Use of Resources:*** The average direct cost of a General Municipal Election is \$70,000 (with variations due to number of candidates/measures and language translation requirements). Also, administering the City's elections is a very staff intensive endeavor (from November – April in an election cycle, the City Clerk's Office devotes upwards of 75% of its staff resources to administration of the election). An all VBM election is more efficient to administer and would result in a reduction in total costs (even though, as mentioned in the Fiscal Impact Section, it is expected direct costs would increase in an all VBM election system).
- ***Ballot Counting Would Be Streamlined:*** As directed by the City Charter, in an all VBM election "all votes shall be cast in the manner of absentee ballots." Under current state law, VBM ballots can be processed and prepared for counting 29 days prior to Election Day. This allows the great majority of VBM ballots to be counted after "close of polls" on Election Day.

City of Culver City, California
Agenda Item Report

Proposed All VBM Procedures

Should the City Council determine to authorize the conduct of municipal (City) elections wholly by mail, there would be some significant changes to the administration of the election. They are summarized in the following table:

Task	Current Process	All VBM Process
Voters Opting for Permanent or "Single Election" VBM Status Mailed a Ballot	Any voter may determine to become a Permanent VBM voter or may request a VBM ballot for a single election. The City Clerk's Office mails VBM ballots beginning 29 days prior to Election Day and continues mailing VBM ballots throughout the election cycle for those who request single election VBM ballots.	All 26,372 (as of April, 2014) registered voters would be mailed a VBM ballot approximately 29 days prior to Election Day. Voters who register during the election cycle would receive a VBM ballot from the City Clerk's Office (either in person or via USPS).
Ballot Processing	The City Clerk's Office may begin processing (preparing returned, valid ballots for counting) beginning 29 days prior to Election Day. The Elections Official appoints a Canvassing Board that prepares the ballots for counting.	Same process. However, it is expected under an all VBM ballot election, more ballots would be received earlier in the cycle and would be processed and available for counting after the "close of polls" on Election Day
Ballot Delivery to Elections Official	Persons may vote in three ways: (1) voting at the polling place, (2) mailing a VBM ballot, and (3) drop off of VBM ballot at polling places and City Hall	VBM ballots may be deposited into the USPS or a bona fide private mail delivery company for delivery to the Elections Official or dropped off at City Hall.
Ballot Counting	After the close of polls on Election Day (8:00 PM), the VBM ballots processed and deemed valid are counted in the City Council Chambers and precinct by precinct results are announced. As poll workers complete their close-out process, ballots cast at the 13 polling places are returned to the City	After the "close of polls" on Election Day (8:00 PM), all processed, valid ballots are counted and precinct by precinct results are announced. SB 29 which became effective on January 1, 2015, allows an Elections Official to count a valid VBM ballot if it is received by the voter's elections official via the United States Postal Service or a

City of Culver City, California
Agenda Item Report

	Council Chambers where they are processed and, if valid, counted. VBM ballots received at the polling places and provisional ballots are processed (such tasks take a number of days). Valid VBM and provisional ballots are counted some days after Election Day.	bona fide private mail delivery company no later than three days after Election Day. VBM ballots received on or after Election Day would be processed. Valid VBM ballots are counted some days after Election Day.
Certification of Final Election Results	The City Clerk canvasses (verifies) the election results and presents the final election tally to the City Council for certification. For General Municipal Elections, this occurs at the second Regular Meeting of the City Council in April.	Same process.

Next Steps

Should the City Council determine it wishes to authorize the conduct of municipal (City) elections wholly by mail, then the City Attorney, in consultation with the Assistant City Manager/City Clerk, would prepare a proposed Ordinance for consideration by the City Council at the May 11, 2015 Regular Meeting. If introduced at that meeting, it would be presented for second reading and adoption at the May 26, 2015 Regular Meeting. On June 10, 2015 the Ordinance would become effective.

The City Clerk's Office would request a \$20,000 appropriation as part of the Fiscal Year 2015/2016 Budget to begin an extensive voter education effort to inform the community about the change to an all VBM election beginning with the General Municipal Election to be held on April 12, 2016.

FISCAL ANALYSIS:

As mentioned earlier in this report, the average cost for a General Municipal Election (GME) is \$70,000 (with variations for number of candidates/measures presented to the voters and language translation requirements). Should the City Council ultimately authorize the conduct of municipal (City) elections wholly by mail, I estimate the following incremental fiscal impacts:

**City of Culver City, California
Agenda Item Report**

Direct Cost Item	Notes	Amount
Postage and Printing	Mail a VBM to all 26,372 registered voters (vs. approximately 2,500 VBM ballots mailed in 2014 GME). The costs for printing VBM envelopes and ballots would be offset by eliminating the need for polling place ballots and supplies.	+ \$12,000
Poll Place and Poll Worker Payments	Polling Places and Poll Workers would no longer be needed in an all VBM election.	- \$ 4,500
Signature Verifications	Assumes a 50% increase in Culver City's voter turnout (to approximately 20% of registered voters)	+ \$ 2,000
NET INCREMENTAL CHANGE:		+ \$9,500

To clarify, it is estimated the average VBM election would involve an increase of \$9,500 in direct costs (or a total of \$70,000 + \$9,500 = \$79,500).

Also, the City Clerk's Office would request a \$20,000 one-time appropriation in the Fiscal Year 2015/2016 Budget for the voter education effort.

It is important to remain aware of the anticipated reduction in the amount of staff time needed to administer an all VBM election. While not a direct cost, I estimate the savings of staff time to be 33% (from 75% of staff time to 50% of staff time during the November – April election cycle).

ATTACHMENTS:

University of California, Davis – Center for Regional Change – Issue Briefs

MOTION:

That the City Council:

1. Discuss authorizing the conduct of municipal (City) elections wholly by mail; and,
2. Direct the City Manager and/or City Attorney as deemed appropriate.