
File ID: 2023-01230

9/19/2023

Consent Item 15.

Administrative Approvals Associated with the March 5, 2024, Municipal Election

File ID: 2023-01230

Location: Citywide

Recommendation: Adopt a 1) **Resolution** calling for a municipal election to be held on Tuesday, March 5, 2024, for the election of certain officers (Districts 2, 4, 6, and 8 and the Mayor); and a 2) **Resolution** requesting the Sacramento County Board of Supervisors to consolidate the City of Sacramento's municipal election with the statewide primary election; and a 3) **Resolution** requesting the Sacramento County Board of Supervisors to permit the Sacramento County Registrar of Voter's Office to render certain election services to the City of Sacramento in connection with the consolidated elections.

Contact: Mindy Cuppy, City Clerk, (916) 808-5442, Office of the City Clerk, mcuppy@cityofsacramento.org; Kamie Southward, (916) 808-7604, Program Specialist, ksouthward@cityofsacramento.org, Office of the City Clerk

Presenter: None

Attachments:

- 1-Description/Analysis
- 2-Resolution Calling Elections
- 3-Resolution Consolidating Elections
- 4-Resolution Requesting Election Services
- 5-Exhibit A: City-County Election Services MOU

Additional Description/Analysis

Issue Detail: The terms for the incumbent Council Members in Districts 2, 4, 6, 8 and the Mayor will end in December 2024. Pursuant to established procedures, the Office of the City Clerk is calling for the holding of a municipal election in March 2024 that coincides with the California statewide primary election to fill these vacancies. In accordance with the Sacramento City Charter, regular city elections are to be consolidated with statewide elections.

Policy Considerations: The actions outlined in this report are in accordance with the California Elections Code and the Sacramento City Charter.

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: These actions are necessary to hold a March 2024 municipal election.

Financial Considerations: At the time of this report, we have not received an estimate of the cost for the March 2024 primary election. The March 3, 2020, primary election cost was \$434,000.

The Sacramento County Voter Registrar has provided an estimate of candidate statements as indicated below. These costs are nearly triple the amount of the June 2022 statement costs.

Mayor - \$12,300.00
District 2 - \$1,250.00
District 4 - \$1,850.00
District 6 - \$1,650.00
District 8 - \$1,550.00

The costs of candidate statements are passed on to the candidates, and therefore no cost to the city for candidate statements.

Local Business Enterprise (LBE): None.

RESOLUTION NO. 202X-XXXX

Adopted by the Sacramento City Council

Date Adopted

Calling for a Municipal Election to be held on Tuesday, March 5, 2024, for the Purpose of Electing Officers as Required by the Provisions of the Law of the State of California Relating to Cities

BACKGROUND

- A. In December 2024, the terms of the City Council Members in Districts 2, 4, 6, 8, and the Mayor will expire.
- B. As provided in the City Charter, the primary election for officers is held on the same date as the statewide direct primary election.
- C. As provided in the California Elections Code, elections must be formally called by resolution.
- D. If, for each elective office, one candidate does not receive a majority of votes in the March municipal election, a run-off election will be required at the November 5, 2024 general election.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of Sacramento, California, on Tuesday, March 5, 2024, a Municipal Election, for the purpose of electing five members of the City Council (Districts 2, 4, 6, 8, and the Mayor) 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 election voting centers shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the voting centers shall be closed, except as provided in Section 14401 of the Elections Code of the State of California. All ballot drop-off locations shall be open at least during regular business hours beginning not less than 28 days before the day of the election as provided in California Elections Code Section 4005(a)(1), (B).

- Section 4. 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 5. 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 the time, form, and manner as required by law.
- 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.

RESOLUTION NO. 202X-XXXX

Adopted by the Sacramento City Council

Date Adopted

Requesting the Board of Supervisors of the County of Sacramento to Consolidate the City of Sacramento's March 5, 2024, Municipal Election with the Statewide Election on the Same Date

BACKGROUND

- A. The Sacramento City Council has called and ordered a municipal election to be held on March 5, 2024, for the purpose of electing City Council Members in Districts 2, 4, 6, 8, and the Mayor.
- B. As provided in the California Elections Code, the request for consolidation with the jurisdiction conducting the election must be formally adopted.
- C. It is desirable that the City's municipal elections be consolidated with the California statewide direct primary election to be held on the same date and in the same manner as if there were one election.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Sacramento is hereby requested to consent and agree to the consolidation of a municipal election with the California statewide election on Tuesday, March 5, 2024, for the purposes of the election of City Council Members in Districts 2, 4, 6, 8, and the Mayor.
- Section 2. That the Board of Supervisors is requested to issue instructions to the Sacramento County Registrar of Voter's Office to take any and all steps necessary for the holding of the consolidated election.
- Section 3. That the Sacramento County Registrar of Voter's Office is authorized to canvass the returns of the City of Sacramento 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 4. That the City of Sacramento 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 Sacramento County Board of Supervisors and the County Registrar of Voter's Office.

Section 6. That the City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

RESOLUTION NO. 202X-XXXX

Adopted by the Sacramento City Council

Date Adopted

Requesting the Sacramento County Board of Supervisors to Permit the Sacramento County Elections Official to Render Certain Elections Services to the City of Sacramento Relating to the Conduct of the March 5, 2024, Municipal Election, Pursuant to Section 10002 of the Elections Code

BACKGROUND

- A. The Sacramento City Council has called for consolidation of the March 5, 2024, municipal election with the Statewide Election for the purpose of electing City Council Members in Districts 2, 4, 6, 8, and the Mayor.
- B. In the course of conducting the elections it is necessary for the City to request services of the County.
- C. All necessary expenses in performing these services shall be paid by the City of Sacramento.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. The Board of Supervisors of the County of Sacramento is hereby requested to permit the County Voter Registrar to render the following services in accordance with and pursuant to the provisions of the California Elections Code to the City of Sacramento in conducting a Municipal Election to be held on Tuesday, March 5, 2024.
- 1. Examine the signatures upon any nomination paper or petition of any candidate for municipal office.
 - 2. Establish voting centers, secure election officers, and prepare and mail notices of appointment.
 - 3. Purchase vote center supplies and absentee voter supplies.
 - 4. Print sample ballots and polling place cards, including the statements of candidates' qualifications and mail to registered voters.
 - 5. Transport ballots, original books of affidavits, ballot boxes, and other supplies to voting centers.

6. Provide printed official ballots.
7. Provide for "Vote by Mail" voting through the Office of the County Registrar of Voters.
8. Supervise and conduct election.
9. Tabulate electronic votes.
10. Perform all things necessary or incidental to accomplish the proper and legal conduct of the election.

Section 2. That the Sacramento County Registrar of Voter's Office is authorized to canvass and certify the returns of the March election.

Section 3. That the City of Sacramento recognizes that costs will be incurred by Sacramento County by reason of this election and agrees to reimburse Sacramento County for those costs.

Section 4. That the City Clerk is hereby directed to file a certified copy of this resolution with the Sacramento County Board of Supervisors and the Sacramento County Registrar of Voter's Office.

Section 5. That the City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

**MEMORANDUM OF UNDERSTANDING BY AND BETWEEN
THE CITY OF SACRAMENTO
AND
THE COUNTY OF SACRAMENTO**

1. **PARTIES.** This Memorandum of Understanding (MOU) is entered into by the City of Sacramento, a California charter city and municipal corporation (“City”) and the County of Sacramento, a political subdivision of the State of California (“County”).

2. **PURPOSE OF THIS MOU.** The purpose of this MOU is to define the expectations, rights, and responsibilities of the parties with regard to providing certain services for all elections. This MOU supersedes any other agreement between the parties related to the matters covered by this MOU. By entering this MOU the parties are mutually cancelling that certain City Agreement No. 83119, which was approved by the Board of Supervisors Resolution No. 84-124 and City Council Resolution 83-1034.

3. **ROLES AND RESPONSIBILITIES.** The responsibilities of the Sacramento County Registrar of Voters and the City Clerk of the City of Sacramento are defined in Attachment A (Scope of Services), which is a part of this MOU.

4. **REIMBURSEMENT FOR SERVICES PROVIDED.** The City agrees to reimburse the County for elections services within 30 days from receipt of an invoice from the County Elections Office. If there is a dispute about services provided or costs claimed, the Registrar of Voters and the City Clerk shall meet in good faith to resolve the dispute before any other remedies are sought.

5. **MUTUAL INDEMNIFICATION.**

5.1 City agrees to indemnify and hold harmless County, its officers, employees, agents, and volunteers from any and all liabilities for injury to persons and damage to property arising out of any act or omission of City, its officers, employees, agents or volunteers in connection with City’s performance of its obligations under this MOU.

5.2 County agrees to indemnify and hold harmless City, its officers, employees, agents, and volunteers from any and all liabilities for injury to persons and damage to property arising out of any act or omission of County, its officers, employees, agents or volunteers in connection with County’s performance of its obligations under this MOU.

5.3 This Section 5 survives the termination or expiration of this MOU.

6. **TERM OF AGREEMENT.** This MOU is effective upon the signatures of the parties, and may be modified at any time by the written consent of the parties. It may be terminated at any time upon mutual consent of the parties, or unilaterally upon written notice from the terminating party to the other party at least 60 days prior to the date of termination. The City shall reimburse the County for cost of services provided through the date of the termination notice.

CITY OF SACRAMENTO, a California
charter city and municipal corporation

By: 
City Clerk

Date: 11-9-15

Approved as to Form:


By: 
Assistant City Attorney

COUNTY OF SACRAMENTO,
a political subdivision of the State of
California

By: 
Registrar of Voters

Date: 11-20-15

Approved as to Form:

By: 
County Counsel

ATTACHMENT A
SCOPE OF SERVICES

ALL ELECTIONS

Registrar of Voters shall provide the following services for all City of Sacramento elections:

1. Prepare election process forms and provide to the City Clerk at least 120 days prior to the election.
2. Verify signatures on petitions, including but not limited to, all candidate official filing forms, nomination paper petitions, and supplemental nomination paper petitions; initiative, referendum, and recall petitions; Notices of Intent to Circulate Petitions; and Notices of Intent to Recall.
3. Assign measure letters.
4. Prepare, translate, and format the sample ballot for materials including, as applicable: candidates' statement, ballot arguments and rebuttals, measure ballot title and summary, measure impartial analysis, facsimile ballot, voting instructions, polling location information, and map and/or address of ballot drop-off locations in the City of Sacramento.
5. Provide all sample ballot materials to the City Clerk for review and confirmation within the Registrar's time frames to make necessary changes in time to meet legal deadlines prior to printing and mailing.
6. Supply sample ballot materials to registered voters in the affected Council Districts.
7. Provide to the City Clerk an electronic listing of all electors eligible to vote in the election, including polling location, if applicable.
8. Provide ballot tabulation equipment and qualified and trained personnel for its operation throughout the election as provided by law.
9. Provide security during ballot counting and tabulation process.
10. Provide sufficient personnel to deliver, process, count, and tabulate election ballots.
11. Provide sufficient personnel to process, count, and tabulate signature withdrawal requests.
12. Distribute and process vote-by-mail ballots.
13. Distribute and process provisional ballots and challenged ballots.
14. Perform canvass and issue Official Statement of Vote to the City Clerk as required by federal and state election laws.
15. Prepare invoices for services rendered within 45 days of the election and provide revised invoices, as necessary, following cost reconciliation
16. Refer media inquiries and requests relating to City of Sacramento elections to the City Clerk.
17. Other services as requested by the City Clerk.

The City Clerk shall provide the following services to the Registrar of Voters for all City of Sacramento elections:

1. Provide a copy of the resolution calling the election and requesting services as required by federal and state election law.
2. Provide City Council action regarding costs for printing of candidate statements.
3. Promptly forward candidates' Candidate Official Filing forms and Statement of Qualification upon submittal.

4. As applicable, promptly furnish copies of the full text of measures, including a written description of any related maps or images, impartial analysis, ballot title and summary, arguments, and rebuttals.
5. Promptly review and confirm content and content placement of sample ballot materials.
6. Furnish copies of published Notice of Election and list of qualified candidates.
7. Remit payment for services rendered within 30 days of receiving invoice.

ELECTION POLLING LOCATIONS

The Registrar of Voters shall provide the additional following services for City of Sacramento polling location elections:

1. Establish polling locations that are compliant with State of California law regarding accessibility.
2. Provide furniture and equipment, as needed, for polling locations and poll workers.
3. Hire, train, and compensate poll workers and alternate poll workers.
4. Hire, train, and compensate Coordinators and technical teams for technical and logistical support to poll workers and elections personnel.
5. Provide the City Clerk with a direct link to County website that indicates polling locations.

The City Clerk shall provide the additional following services for City of Sacramento polling election locations:

1. Provide location and security for a ballot box for vote-by-mail drop-offs at City Hall on Election Day and at least 15 days prior.

ALL-MAIL-BALLOT ELECTIONS

The Registrar of Voters shall provide the additional following services for City of Sacramento all-mail-ballot elections:

1. Provide materials, equipment, staffing, and activities required for all-mail-ballot elections as required by law.
2. Hire and train workers for ballot drop-off locations.
3. Provide for the establishment of ballot drop-off locations, with days and hours of operation for a period of at least 15 days prior to Election Day and on Election Day from 7 a.m. to 8 p.m. or as required by election law.
4. Provide materials, furniture, and equipment, as needed, for ballot drop-off locations.
5. Timely deliver all official ballots as required by law.
6. Provide daily tallies of returned ballots by Council District to the City Clerk.

The City Clerk shall provide to the Registrar of Voters for City of Sacramento all-mail-ballot elections:

1. Assist with the identification of potential facilities for ballot drop-off locations.
2. Provide location and security for a ballot box for vote-by-mail drop-offs at City Hall on Election Day and 15 days prior to Election Day or as otherwise required by law.