



AGENDA ITEM SUMMARY

Election Code Committee

STAFF

Heather Walls, Interim City Clerk
Rita Knoll, Chief Deputy City Clerk
Carrie Daggett, City Attorney

SUBJECT

Proposed Charter Amendments Relating to Elections, Recall and Initiative and Referendum.

EXECUTIVE SUMMARY

The purpose of this item is to allow the Committee to consider amendments to Articles VIII, IX, and X of the City Charter that will address computation of time, inconsistencies in timing, re-organization of certain provisions, and suggested updates to simplify language to promote more efficiencies in the conduction of election-related processes.

GENERAL DIRECTION SOUGHT AND SPECIFIC QUESTIONS TO BE ANSWERED

1. What are the Committee's thoughts on the proposed amendments to Articles VIII, IX and X of the City Charter?

BACKGROUND / DISCUSSION

During recent election activities and referendum efforts, staff has recognized inconsistencies in required timing of these activities that the Clerk's office would not be able to meet in the realm of today's elections. These proposed amendments will modernize language, address computation of time, and timing of election events.

Update to Modernize of Language

On February 27, 2024, Council adopted a priority to update and modernize the City Charter to bring to the 2025 ballot. Staff proposes to address this priority in part by updating Articles VIII, IX, and X to include inclusive language and replacing the word 'shall' with 'must', 'may' or 'will'. The provisions will also clarify and make more consistent the petition and protest processes.

Computation of Time

Staff has historically had to seek clarification when various deadlines fall on a weekend or holiday. The proposed computation of time provision will be addressed in Article IV, General Provisions, but instead could be address in each Article under discussion. Committee discussion of these options will be helpful. Including the computation of time provision in each Article as part of the proposed amendments will ensure that it will take effect with any Article that receives voter approval, even if another Article is not approved.

Timing of Election Events

Staff proposes to amend all timing provisions in Articles VIII, IX, and X. For processes that are required by internal staff, the proposed timing would be in increments of 5 working days. The timing of processes that are required by external individuals or groups would be in increments of 7 calendar days. Each scenario helps ensure that required timing and deadlines would land on a workday.

Example: The current deadline to file a petition is 60 days after the City Clerk's approval of the form of petition. If the Clerk approves the form of petition on Tuesday or Wednesday, the deadline to file the petition will be on Saturday or Sunday. The proposed deadline to file a petition is 63 days so the day it would be due is always on a weekday.

Article VIII - Elections

- Section 4 – Sufficiency of petition notification within 5 working days.
- Section 7 – Certification of election results: Shorten timeframe for candidates to qualify from 60 days to 30 working days.

Article IX – Recall

Staff is developing more realistic timelines for the recall provisions. The current timing to call an election does not allow enough time to plan and conduct a recall election whether it is a special election or on the regular election ballot in November.

- Section 2(f) - Staff proposes to increase the number of days to circulate a petition for recall to provide adequate time for circulation.

In addition to timing revisions, staff suggest removing the provision to cure an insufficient petition.

The proposed language sets timeframes in which a recall election would be consolidated with a November election and prevents a recall from going forward at the same time an officer would already be on the ballot for reelection. In addition, it allows an officer subject to a recall effort to resign prior to the mailing of ballots and create a vacancy to be filled through the vacancy appointment process.

Article X – Initiative and Referendum

This Article has caused confusion among petition representatives. Staff proposes to re-organize this Article into three parts: Part 1- Initiative, Part 2 – Referendum and Part 3– In General. Part 1 and 2 would have similar procedural guidelines to follow and be organized in chronological order. Timing of petition circulation and action by Council differ between Initiative and Referendum.

Besides re-organization and timing revisions, staff is proposing to remove the ability to amend an insufficient petition. For an initiative, state statute does not allow time to cure an insufficient petition. State law allows 180 days for circulation of the petition and the signature requirement is higher. State statute also does not allow time to cure an insufficient petition for a referendum. State law allows 30 days for circulation. The signature requirement in state law is higher (at least 5% of the registered electors of the municipality on the date of final publication of the ordinance).

Staff also proposes to include language that requires an initiative to plan their question on a November ballot rather than an off-cycle special election. This will be a cost-saving measure as well as avoid potential conflicts with primaries in a general election year.

CITY FINANCIAL IMPACTS

Any time a measure needs to be placed before the voters at an election, there is a cost to conduct that election. The cost can vary, but typically will be several hundred thousand dollars.

PUBLIC OUTREACH

There is no time to conduct public outreach on these items before the needed action to place them on the ballot this November. This November is desirable so that changes are in place by 2025.

ATTACHMENTS

1. Article VIII Elections (redlined)
2. Article IX Recall (redlined)
3. Article X Initiative and Referendum (redlined)