



DATE: June 15, 2021

TO: Mayor and Members of the City Council

FROM: Megan Wiegelman, CMC, City Clerk *MW*

VIA: Greg Humora, City Manager *GH*  
Glenn Sabine, City Attorney *GS*

SUBJECT: Adoption of Resolutions Pertaining to the Special Municipal Election to be Held on November 2, 2021

On the special election of April 6, 2021, the voters elected Dr. Akilah Weber to the 79<sup>th</sup> State Assembly District seat. Consequently, Dr. Weber submitted her resignation from the La Mesa City Council on April 19, 2021.

California Government Code §36512 governs the process for filling a vacancy on the City Council. The vacancy can be filled by either appointment of a new member by the City Council or by special election. The City Council has 60 days from the commencement of the vacancy to either make an appointment or call for a special election. Due to Dr. Weber's resignation the 60 day expires on June 18, 2021.

The vacant seat on the City Council has a remaining term of approximately 18 months (up for election at the November 8, 2022 General Election).

The time to fill the vacancy by appointment has passed; therefore, the vacancy shall be filled by a special election. The election can be held no sooner than 114 days from the date it is called by Resolution, and pursuant to Government Code section 36512(d)(2), must be held on the next regularly scheduled election date. The next regularly scheduled election date which is more than 114 days from the period of time between now and June 18<sup>th</sup> is November 2, 2021. The only day the special election may be held is Tuesday, November 2, 2021.

The City is eligible to conduct its special election as an all-mail ballot election. Elections Code section 4004(c) permits "small cities", defined as those less than 100,000 in population to conduct special elections by mail, subject to the following conditions:

- (1) The legislative body of the small city or the governing body of the eligible entity, by resolution, authorizes the use of mailed ballots for the election.

- (2) The election is a special election to fill a vacancy in the legislative body or governing body.
- (3) The election is not held on the same date as a statewide primary or general election.
- (4) The election is not consolidated with any other election.
- (5) The return of voted mail ballots is subject to Section 3017.

As such this section poses some challenges for conducting an all-mail ballot election. There is a potential that other elections could be held in La Mesa on November 2, 2021 (such as the Gubernatorial recall), and if so, the City could not conduct an all-mail ballot stand-alone election. In that case, the County would conduct the election in the same manner they conduct the other election, so that there is only one ballot received by La Mesa voters. In the event there is no other elections called for November 2, 2021, the City could conduct an all-mail ballot stand-alone special election, as provided for in Elections Code section 4004. At this time there are no other elections scheduled for November 2, 2021.

The County Registrar of Voters' cost estimate for holding a La Mesa all-mail ballot special election to fill the vacancy on City Council is approximately \$400,000 - \$650,000. The cost estimate for a consolidated election that is not all-mail ballot is approximately \$600,000 - \$900,000. These estimations are based on prior elections similar in size.

Adoption of the attached resolutions is required by law in order to: (1) call and give notice of the Special Municipal Election to be held November 2, 2021; (2) request the County Registrar of Voters conduct the election by all-mail ballot and perform specified services in relation to the election; and (3) adopt regulations pertaining to candidate statements.

Staff recommends the Council adopt the attached resolutions.

RESOLUTION NO. 2021-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA, CALLING FOR THE HOLDING OF AN ALL-MAIL BALLOT SPECIAL MUNICIPAL ELECTION ON TUESDAY, NOVEMBER 2, 2021, TO FILL A VACANCY AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES

---

WHEREAS, a vacancy on the La Mesa City Council was created by the resignation of Dr. Akilah Weber on April 19, 2021; and

WHEREAS, the term of office in which the vacancy exists ends November 8, 2022.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. That pursuant to the requirements of the laws of the State of California relating to General Law Cities, there is called and ordered to be held in the City of La Mesa, California, on Tuesday, November 2, 2021, a Special Municipal Election conducted by all-mail ballot for the purpose of electing a Member of the City Council for the term of office in which the vacancy was created by the resignation of Dr. Akilah Weber, which ends November 8, 2022.

SECTION 2. That the ballots to be used at the election shall be in form and content as required by law.

SECTION 3. That the City Clerk is authorized, instructed and directed to coordinate with the County of San Diego Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election by all-mail ballot.

SECTION 4. That the county election department is authorized to canvass the returns of the Special Municipal Election.

SECTION 5. 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 6. That pursuant to the California Elections Code, said Special Election shall be conducted by all-mail ballot, and shall be conducted pursuant to Chapter 2 of Division 4 (commencing with § 4100) of the California Elections Code only insofar as required by law. Notwithstanding Elections Code § 4013, ballots cast in the Special Election shall be returned to the San Diego County elections department no later than 8:00 p.m. on Election Day in order to be counted. Ballots that are postmarked on Election Day and received no later than three (3) days following the day of election will also be counted.

SECTION 7. 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 time, form and manner as required by law.

SECTION 8. That the City Council authorizes the San Diego County election department to administer said election, and recognizes that additional costs will be incurred by the County by reason of this request and agrees to reimburse the County for any costs.

SECTION 9. That the City Clerk is hereby directed to file a certified copy of this resolution with the Board of Supervisors and the county election department of the County of San Diego.

SECTION 10. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED AND ADOPTED at a Special meeting of the City Council of the City of La Mesa, California, held the 15th day of June 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2021-\_\_\_, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)

RESOLUTION NO. 2021-\_\_\_\_\_

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA, REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SAN DIEGO RENDER SPECIFIED SERVICES TO THE CITY RELATING TO THE CONDUCT OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2021

---

WHEREAS, on June 15, 2021, the City Council of the City of La Mesa adopted Resolution No. 2021-064, calling a Special Municipal Election to be held on November 2, 2021, for the purpose of the election of one Member of the City Council, for the term of office in which a vacancy was created and which ends November 8, 2022; and;

WHEREAS, pursuant to the provisions of § 4004 of the Elections Code of the State of California, this election will be conducted wholly by Mail Ballot; and

WHEREAS, in the course of conduct of the election it is necessary for the City to request services of the County; and

WHEREAS, all necessary expenses in performing these services shall be paid by the City of La Mesa.

NOW, THEREFORE, BE IT AND IT IS HEREBY RESOLVED by the City Council of the City of La Mesa:

SECTION 1. That pursuant to the requirements of § 10002 of the Elections Code, the Board of Supervisors of the County of San Diego is hereby requested to consent and agree to permit the county elections official to render specific services to the City relating to the conduct of the Special Municipal Election. Further pursuant to Elections Code § 10002, the Finance Director, or his or her designee, is hereby authorized to reimburse the County for the actual cost incurred in conducting the election upon receipt of a bill stating the amount due as determined by the elections official.

SECTION 2. That the City Clerk is authorized, instructed and directed to coordinate with the County of San Diego Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

SECTION 3. The City Council directs the City Clerk to file a certified copy of this Resolution with the San Diego County Board of Supervisors and the San Diego County Registrar of Voters.

SECTION 4. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED AND ADOPTED at a Special meeting of the City Council of the City of La Mesa, California, held the 15th day of June 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2021-, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)

RESOLUTION NO. 2021-

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LA MESA,  
CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE  
OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE  
VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 2, 2021

---

WHEREAS, § 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LA MESA, CALIFORNIA,  
DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1: GENERAL PROVISIONS.

Pursuant to § 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at a special election to be held in the City of La Mesa on November 2, 2021 may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2: FOREIGN LANGUAGE POLICY

Pursuant to the Federal Voting Rights Act, candidates statements will be translated into all languages required by the County of San Diego Registrar of Voters ("Registrar of Voters"). The Registrar of Voters is required to translate voter information guide text, including candidate's statements, into the following languages: Chinese, Filipino, Spanish and Vietnamese.

The Registrar of Voters will mail separate voter information guides and candidates statements in Chinese, Filipino, Spanish or Vietnamese to only those voters who are on the County voter file as having requested a voter information guide in a particular language or whose birthplace is in one of the respective language speaking countries. The Registrar of Voters will make the voter information guides and candidates statements in the required languages available on the Registrar of Voters website and in the Registrar's office.

SECTION 3: PAYMENT

Translations: The candidate shall be required to pay for the cost of translating the candidate statement into any required foreign language as specified in Section 2 above pursuant to Federal and/or State law.

The candidate shall be required to pay for the cost of translating the candidate statement into any foreign language that is not required as specified in Section 2 above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

Printing: The candidate shall be required to pay for the cost of printing the candidate statement in English and the required foreign languages, as specified in Section 2 above, in the main voter pamphlet and any foreign language the candidate requests as an option by the candidate.

The City Clerk shall estimate the total cost of printing, handling, translating and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

#### SECTION 4: MISCELLANEOUS

All translations shall be provided by professionally-certified translators.

The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

#### SECTION 5: ADDITIONAL MATERIALS

No candidate will be permitted to include additional materials in the voter information guide.

SECTION 6: That the City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

SECTION 7: That all previous resolutions establishing Council policy on payment for candidates' statements are repealed.

SECTION 8: That this Resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 9: That the City Clerk shall certify to the passage and adoption of this Resolution.



PASSED AND ADOPTED at a Special meeting of the City Council of the City of La Mesa, California, held the 15th day of June 2021, by the following vote, to wit:

AYES:

NOES:

ABSENT:

CERTIFICATE OF CITY CLERK

I, MEGAN WIEGELMAN, City Clerk of the City of La Mesa, California, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2021-\_\_, duly passed and adopted by the City Council of said City on the date and by the vote therein recited.

MEGAN WIEGELMAN, CMC, City Clerk

(SEAL OF CITY)