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ORDINANCE NO. 20-3,933

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK REPEALING, AMENDING, AND RESTATING TITLE 2, CHAPTER 3, ELECTIONS, AND AMENDING SECTION 2-1-203 OF THE BURBANK MUNICIPAL CODE.

City Attorney's Synopsis

This Ordinance repeals the existing Title 2, Chapter 3, Elections, of the Burbank Municipal Code. The purpose of this Ordinance is to bring the Burbank Municipal Code on elections into alignment with recent changes in the City of Burbank Charter and California Elections Code.

The Council of the City of Burbank does ordain as follows:

1. Title 2, Chapter 3, Elections, of the Burbank Municipal Code is hereby repealed, amended and restated to read as follows:

**“CHAPTER 3
ELECTIONS**

SECTION:

Article 1. General Provisions

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- 2-3-103: Liberal Construction
- 2-3-104: Definitions
- 2-3-105: Classification of Municipal Elections
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- 2-3-139: City Clerk Responsible for Preparing and Delivering Ballots
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Mailed with Sample Ballot
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ARTICLE 1. GENERAL PROVISIONS

2-3-101: SHORT TITLE:

This Article constitutes the City Elections Code referred to in Section 800 of the City Charter. It shall be known as the City of Burbank Elections Code or Burbank Elections Code, and whenever cited in this chapter may be referred to as “this chapter” or “this Elections Code.”

2-3-102: STATE LAWS APPLICABLE TO CITY ELECTIONS—EXCEPTIONS:

For the purpose of providing for the manner of holding and conducting municipal elections in the city, provisions of the California Elections Code relating to the qualification of electors, the manner of voting, the duties of election officers and all particulars in respect to the management of municipal elections, so far as they may be applicable, shall govern all municipal elections of the city except as otherwise provided in this chapter or in the Charter.

2-3-103: LIBERAL CONSTRUCTION:

The provisions of this chapter shall be liberally construed to promote its objects and, if there has been substantial compliance therewith, no error, omission, or irregularity in the conduct of a municipal election shall invalidate such election.

2-3-104: DEFINITIONS:

The following words and phrases, whenever used in this chapter, shall be construed as defined herein:

CITY: City of Burbank

CITY CLERK: For the purposes of the Municipal Election shall act as the Elections Official.

ELECTION OR MUNICIPAL ELECTION: Municipal elections held in the City.

ELECTIVE OFFICER OF THE CITY OR ELECTIVE OFFICE OF THE CITY: Every office filled by municipal election.

ELECTOR: Any person who qualifies as such under Section 1, Article II of the State Constitution.

MAJORITY: The number larger than half the total.

OATH: Includes affirmation.

REGISTER: The affidavits of registration prepared and bound by the County Registrar of Voters.

VOTER: Any person who has conformed to the general laws of the State governing the registration of voters and by reason of registration in the City of Burbank is entitled to vote in a municipal election.

2-3-105: CLASSIFICATION OF MUNICIPAL ELECTIONS:

Municipal elections held in the City of Burbank shall be classified as two (2) kinds:

1. General Municipal Elections; and,
2. Special Elections.

2-3-106: CITY CLERK TO SUPERVISE ELECTIONS; AUTHORITY TO MAKE RULES AND REGULATIONS; DELEGATE DUTIES; AND, EMPLOY/SUPERVISE ELECTION OFFICERS:

The City Clerk and/or their designated City Clerk's Office staff, in the absence of the City Clerk, shall supervise all municipal elections and may prescribe rules and regulations for the conduct of such elections that are not in conflict with the provisions of this chapter, the City Charter, or such laws of the State as may be applicable thereto.

Whenever any statement is made in this Elections Code to the effect that the City Clerk shall perform any clerical work in connection with the conduct of an election, such work may be delegated to one of his/her staff, or to any person specially employed by the City Clerk during the election period to assist in the conduct of such election.

The City Clerk and/or their designated City Clerk's Office staff shall employ all election officers and shall supervise them in the performance of their duties.

2-3-107: DEADLINES:

If the day for the performance of any act provided for by this chapter shall fall on a day that the City Clerk's Office is closed, such act may be performed upon the next business day with the same effect as if it had been performed upon the day appointed.

2-3-108: AIRPORT AGREEMENTS:

No approval by the City of Burbank of any agreement between the City and the Burbank-Glendale-Pasadena Airport Authority for a relocated or expanded airport terminal project, or any other discretionary act by the City relating to the approval of a relocated or expanded airport terminal project shall be valid and effective unless previously approved by the voters voting at a City election.

2-3-109: ELECTIVE OFFICERS:

The elective officers of the City are five (5) members of the City Council, a City Treasurer, and a City Clerk.

2-3-110: TERMS OF OFFICE:

All elective officers of the City shall hold office for terms of four (4) years or until their successors are elected and qualified. Pursuant to Burbank Municipal Code Section 2-1-223, the terms of office shall commence on the Council Reorganization Meeting date, which is the sixth Monday after the November Election Date, which is the first Tuesday after the first Monday in November, where newly elected members shall be inducted into office and the newly constituted Council shall choose one member to serve as Mayor and one member to serve as Vice Mayor. An example is as follows:

<u>Election Date</u>	<u>Reorganization Meeting Date</u>
November 3, 2020	December 14, 2020
November 2, 2021	December 13, 2021
November 8, 2022	December 19, 2022
November 7, 2023	December 18, 2023
November 5, 2024	December 16, 2024

2-3-111: QUALIFICATIONS:

All elective officers of the City must be electors of the City at the time of their nomination and must have resided in the City for at least twenty-nine (29) days prior to filing their nomination papers or declaration of candidacy. Members of the City Council shall not hold any other elective office to which compensation is attached.

2-3-112: GENERAL MUNICIPAL ELECTIONS HELD:

Pursuant to Charter Section 800, General Municipal Elections for the election of officers and for such other purposes as the Council may prescribe shall be held biennially on the first Tuesday after the first Monday in November in each even-numbered year, or to coincide with any general statewide election held in November of each even-numbered year.

2-3-113: CANDIDATES TO BE ELECTED:

Pursuant to Charter Section 800, Candidates to be elected to the office of Council Member, City Clerk or City Treasurer shall be elected at a General Municipal Election. The candidate who receives the highest number of votes for that office is elected.

2-3-114: CONDUCT OF SPECIAL ELECTIONS:

Except as to the date thereof, every Special Election shall be ordered, held, conducted, and the results thereof made known and delivered, in the same manner as other municipal elections.

2-3-115: CONSOLIDATION WITH OTHER ELECTIONS:

The City Council may consolidate Special Elections with each other or with any municipal, County, or State election. When consolidated, they shall be held, conducted, and the returns thereof canvassed and the results thereof declared, in all particulars the same as one election.

2-3-116: WHEN VACANCIES FILLED BY SPECIAL ELECTION:

Pursuant to Charter Section 900 (b), if the seats of a majority of the City Council shall become vacant, then the City Clerk shall call a Special Election at once to fill the vacancies for the unexpired terms. The Special Election called for such purpose shall be conducted substantially in the manner provided for General Municipal Elections, and the candidates receiving the greatest number of votes, equal to the number of vacancies, shall be deemed elected.

2-3-117: CALLING AN ELECTION AND CONTENTS OF THE ELECTION RESOLUTION:

A. Except as provided by Section 2-3-116 of this Article, the City Council shall, by resolution, order the holding of all municipal elections. Whenever two (2) or more municipal elections are consolidated, they may be ordered and consolidated by the same resolution.

B. Every resolution calling an election shall specify the object and time of holding the election and any other requirement as prescribed by the Los Angeles Registrar-Recorder/County Clerk's Office and/or State Law.

2-3-118: REFERENCE TO PRECINCTS, POLLING PLACES, BALLOT DROP-OFF LOCATIONS AND ELECTION OFFICERS WHEN MUNICIPAL ELECTIONS ARE CONSOLIDATED:

A. With State or County Election: If a municipal election is consolidated with a State or County election, the resolution calling the municipal election need not set forth the precincts, polling places, ballot drop-off locations or election officers, but reference shall be made to the notice or resolution of the County Board of Supervisors calling such State or County election in which the information concerning the election is set forth.

B. With Another Municipal Election: If two (2) or more municipal elections are consolidated, but not consolidated with either a State or County election, then the precincts, ballot drop-off locations or polling places, and election officers need be set forth in only one list.

2-3-119: PUBLICATION OF RESOLUTION:

Every resolution ordering the holding of a municipal election or the consolidation of a municipal election with another municipal election or with a State or County election shall be published once, at least five (5) days prior to the date of the election, in a daily newspaper of general circulation (as defined in the California Government Code) in the City. The publication also serves as the Notice of Election.

2-3-120: CITY MAILED BALLOT ELECTIONS:

A. Pursuant to Section 800 of the Charter of the City of Burbank, the City Council may authorize the conduct of mailed ballot elections for General Municipal Elections and Special Elections. Such mailed ballot elections shall be conducted in accordance with the applicable provisions of the California Elections Code, except as otherwise provided in this Section.

B. California Elections Code Sections 3001 through 3008, 3013, 3015 through 3017, 3019(f) and 3020 through 3022 shall not be applicable to City elections conducted pursuant to this section. Chapter 1 of Division 4 of the California Elections Code (commencing with Section 4000) and Elections Code Sections 4103 through 4108 shall not be applicable to the City elections conducted pursuant to this section.

C. Any voter may return a voted ballot by mail or personally return the ballot to any designated ballot drop-off location. A voter may also designate and authorize, in the voter's own handwriting at the appropriate place on the outside of the ballot envelope, any adult person other than any candidate for any office in such election, to deliver the voter's ballot to a designated ballot drop-off location. The City Clerk shall provide the appropriate location on the ballot envelope for the voter's handwritten and signed designation and authorization. The person who delivers any other voter's ballot to a ballot drop-off location shall sign his or her name in the appropriate location on the outside of the ballot envelope indicating that the ballot was dropped off by someone other than the voter.

D. California Elections Code Section 3019 shall apply with the added provision that the City Clerk may compare a copy of a voter's signature produced from the original ballot envelope to the voter's signature on the original affidavit, or may arrange with the County Registrar of Voters to compare such signature copies on the City's behalf, and if a ballot shall be rejected on the basis of such comparison an appropriate notation shall be marked on the original ballot envelope as required by Section 3019 of the California Elections Code.

E. In all other respects, General Municipal Elections and Special Elections conducted wholly by mail shall be conducted in conformance with all other applicable provisions of this Article.

2-3-121: COMPLIANCE WITH REQUIREMENTS:

All nominations for an elective office of the City shall comply with the provisions of this Article.

2-3-122: NOMINEES MUST BE RESIDENTS AND QUALIFIED ELECTORS:

No person shall be eligible to be nominated for an elective office of the City unless:

- A. He or she has resided in the City for at least twenty-nine (29) days prior to filing his or her nomination papers or declaration of candidacy.
- B. He or she is a qualified elector of the City at the time of nomination or election to office, whichever is sooner.

2-3-123: FILING OF NOMINATION PAPERS; CANDIDATES LIMITED TO ONE OFFICE; WRITE-IN CANDIDATES:

Candidates may be nominated for any elective office of the City by the filing of a nomination paper with the City Clerk; provided, however, that no candidate shall be nominated for more than one office at the same election. If nomination papers for more than one office are presented on behalf of a candidate, the City Clerk shall accept only one office for filing. Any person who runs for office as a write-in candidate shall file a declaration stating that he or she is a write-in candidate for nomination or election to the particular office and giving the title to that office.

2-3-124: TIME FOR FILING:

Nomination papers shall be filed not earlier than the one hundred thirteenth day before the Election Date nor later than five o'clock (5:00) p.m. on the eighty-eighth (88) day before the Election Date, but any person filing a declaration for office as a write-in candidate may do so no later than the fourteenth day before the Election Date.

2-3-125: FILING FEE:

Each candidate filing nomination papers or a declaration of candidacy as a write-in candidate shall pay a filing fee of twenty-five dollars (\$25.00) to the City and shall file with

the fee nomination papers in support of his or her candidacy signed by not less than fifty (50) nor more than one hundred (100) voters . Said filing fee shall not be refundable.

2-3-126: FINANCIAL DISCLOSURE STATEMENT:

No person shall be a candidate for any elective office of the City unless he or she has made such financial disclosures as may be required by law.

2-3-127: CIRCULATION OF NOMINATION PAPER:

No person shall circulate nomination papers unless he or she is a resident within the City. A candidate may circulate his or her own nomination papers.

2-3-128: CITY CLERK TO PROVIDE FORMS:

The City Clerk or designated staff shall prepare and issue nomination papers to any person desiring them. At the time of issuance, the City Clerk shall fill in the name of the candidate and the office which the candidate seeks, shall imprint or type the words "Official Filing Form" on the form and shall affix his or her signature.

2-3-129: SIGNATURES ON NOMINATION PAPER:

A person may sign his or her name to any number of nomination papers, provided he or she does not sign more papers for any particular office than there are candidates to be elected. Should a person sign his or her name to additional nomination papers for the same office beyond the number of candidates to be elected, his or her signatures shall be counted only on as many petitions, in the order of their filing, as there are candidates to be elected to such office. A candidate may sign his or her own nomination paper and his or her signature shall be given the same effect as that of any other qualified signer.

2-3-130: SIGNERS TO STATE RESIDENCE ADDRESS:

Each signer of a nomination paper shall state his or her residence, giving the street and number, if any. If the signer's residence has no street or number, the signer shall designate his or her place of residence by such description as will enable its location to be readily ascertained.

2-3-131: AFFIDAVIT OF CIRCULATOR:

Every nomination paper shall have an affidavit of the person who circulated it annexed thereto, stating the dates between which all signatures to the paper were obtained, that

he or she saw the signatures appended thereto signed and knows that they are the signatures of the persons whose names they purport to be. Further, the circulator shall affix his or her residential address including street and number. If no street or number exists, a designation of my residence adequate to readily ascertain its location.

2-3-132: CANDIDATE'S AFFIDAVIT OF ACCEPTANCE:

Each nominating paper shall contain the constitutional oath or affirmation of the candidate and a verified statement that the candidate will accept the nomination and the office if elected. Such statement shall contain a blank space wherein the candidate shall be required to fill in his or her name in the manner in which he or she wishes the same to appear on the ballot and also the designation which he or she wishes to have under his or her name on the ballot, which designation shall conform to one of the designations permitted under California Elections Code relating to the form of ballots generally.

2-3-133: FORM OF NOMINATION PAPER:

The nomination paper, declaration of circulator, affidavit of nominee and oath of affirmation of allegiance shall be followed in accordance to California Elections Code Section 10226.

2-3-134: NOMINATION PAPERS TO BE NUMBERED AND CHECKED BY CITY CLERK:

All nomination papers shall be numbered consecutively by the City Clerk in the order of their filing and shall be checked for sufficiency when the time for nominations has closed.

2-3-135: WITHDRAWAL OF NOMINATION PAPER:

Any candidate may withdraw his or her nomination paper at any time on or before the eighty-eighth day prior to the Election Date for said office.

2-3-136: UNLAWFUL TO FALSIFY OR FRAUDULENTLY DEFACE OR DESTROY NOMINATION PAPERS:

Any person who falsely makes or fraudulently defaces or destroys all or any part of a nomination paper shall be guilty of a misdemeanor.

2-3-137: UNLAWFUL TO FILE FALSE NOMINATION PAPER:

Any person who files a nomination paper which he knows is false in whole or in part, is guilty of a misdemeanor.

2-3-138: CITY ATTORNEY TO PREPARE BALLOT TITLES AND IMPARTIAL ANALYSIS FOR MEASURES AND PROPOSITIONS:

The City Attorney shall prepare a ballot title and an impartial analysis for each measure and/or proposition to be submitted to the voters of the City. Such ballot title and impartial analysis shall be prepared within fifteen (15) days from the date the measure or proposition has been approved by the City Council and shall not exceed five hundred (500) words (except as to bond propositions). The ballot title shall be phrased in such language that it shall not be intentionally an argument or designed to create prejudice either for or against the measure or proposition. The impartial analysis shall show the effect of the measure on the existing law and the operation of the proposed measure.

2-3-139: CITY CLERK RESPONSIBLE FOR PREPARING AND DELIVERING BALLOTS:

For a citywide mailed ballot election as prescribed in Section 2-3-120 of this Article, the City Clerk shall provide a sufficient number of official ballots for all registered voters Citywide. For a polling place election, a sufficient number of ballots shall be provided in each precinct to reasonably meet the needs of the voters in that precinct and such additional number of ballots as may be necessary for vote by mail and emergency purposes. Prior to the date of the election, the City Clerk shall deliver a sufficient quantity of ballots to each Precinct Board to meet the requirements of the precinct. Delivery may be made to any member of the Board.

2-3-140: UNLAWFUL TO USE UNOFFICIAL BALLOT:

Only ballots furnished by the Los Angeles County Registrar-Recorder/County Clerk's Office shall be used at municipal elections unless it is a citywide mailed election as prescribed in Section 2-3-120 of this Article. Any person knowingly preparing, delivering, or using any other ballot at a municipal election shall be guilty of a misdemeanor

2-3-141: NOTICE OF BALLOT DROP-OFF LOCATION OR VOTE CENTER AND OTHER MATTER TO BE MAILED WITH SAMPLE BALLOT:

The Los Angeles County Registrar-Recorder/County Clerk's Office shall send notice of the ballot drop-off location or polling place to each voter with the sample ballot. Only official matter shall be sent out with the sample ballot as provided by law.

2-3-142: ARGUMENTS ON MEASURES TO BE MAILED WITH SAMPLE BALLOT:

Written arguments for or against measures or propositions on the ballot shall be selected by the City Clerk and printed and mailed with the sample ballot as provided in Division 9, Chapter 3, Article 4 and Section 9290 of the State Elections Code.

2-3-143: PREPARATION AND FORM OF CANDIDATE'S STATEMENT:

A. Form of Statement and Filing Period: Each candidate for a City of Burbank elective office may prepare a candidate's statement. The statement may include the name, age, and occupation of the candidate and a brief description of no more than two hundred (200) words, of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. For the General Municipal Election, the statement shall be filed in the City Clerk's Office 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 five o'clock (5:00) p.m. of the next working day after the close of the nomination period.

B. Mailing, Printing, Translation: The Los Angeles County Registrar-Recorder/County Clerk's Office shall send to each voter together with the sample ballot, a voter's pamphlet which contains the candidates' statements prepared pursuant to this Section. The statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing. The Los Angeles County Registrar-Recorder/County Clerk's Office shall print any required translation of a candidate's statement in the voter's pamphlet in compliance with the requirements of the Voting Rights Act of 1965 (42 USC §1971 et. seq.). Any additional translations will be printed as requested by the candidate at the time the statement is submitted.

C. Charges for Statement; City Council Resolution: Before the nominating period opens, the City Council shall, by resolution, determine whether charges shall be levied against candidates for the cost of sending the candidates' statements to the voters including any legally-mandated translations. The City Clerk shall provide each candidate or the candidate's representative with a copy of this Section and such resolution at the time he or she picks up the nomination papers and/or forms for candidates' statements.

D. Payment of Charges: If the Council determines that the charges should be levied against the candidates for candidates' statements, the City Clerk shall estimate the total cost of printing, handling, legally mandated translating, and mailing the candidates' statements, including any other requested language translations, and shall require each candidate filing a statement, as a condition of having his or her statement included in the voter's pamphlet, to pay in advance an estimate of his or her fees. Candidates requesting

additional language translations beyond the legally mandated, shall be required to pay for the entire cost of such translation. The candidate shall be responsible for paying the City Clerk for any charges over and above the original estimated amount. No statement will be included in the voter's pamphlet where the payment for the estimated fees has not been timely made, unless as otherwise provided in Section 2-3-144 of this Article.

2-3-144: CANDIDATE'S STATEMENT; INDIGENCY:

A. **Statement of Financial Worth:** Notwithstanding Section 2-3-143 of this Article, if a candidate claims to be indigent and unable to pay in advance the requisite fee for submitting a candidate's statement, the candidate shall submit to the City Clerk a Statement of Financial Worth to be used in determining whether or not he or she is eligible to submit a candidate's statement without payment of the fee in advance. The Statement of Financial Worth shall be submitted by the candidate together with his or her candidate's statement on a form provided by the City Clerk's Office. The Statement of Financial Worth form may include questions relating to the candidate's employer, income, real estate holdings, tangible personal property, and financial obligations. The candidate shall certify the truthfulness of the content of the statement under penalty of perjury. The candidate shall also sign a release form and provide a copy of the candidate's most recent Federal income tax report.

B. **Determination of Indigency:** Upon receipt of a Statement of Financial Worth, the City Clerk shall, in his or her sole and exclusive discretion, determine whether or not the candidate is indigent and unable to pay, and shall notify the candidate of the decision in writing via overnight mail. If it is determined that the candidate is not indigent, the candidate shall within three (3) working days of the notification, withdraw the statement or pay the requisite fee. If the candidate fails to respond within the time prescribed, the City Clerk shall not be obligated to print and mail the statement. If it is determined that the candidate is indigent, the City Clerk shall print and mail the statement.

C. **Payment After Election:** Even if determined to be indigent, the candidate is still responsible for payment of said costs for the candidate statement. Nothing in this Section shall prohibit the City Clerk from billing and attempting to collect the cost of printing and mailing the candidate statement.

2-3-145: PROTESTS AND RECOUNTS:

A. Within five (5) days after the results of the election have been posted, any voter of the City may file a verified written protest with the City Clerk, if the Election is being conducted by the City Clerk's Office, or the Los Angeles County Registrar-Recorder/County Clerk, if the Los Angeles County Registrar-Recorder/County Clerk's

Office is conducting the Election on behalf of the City, contesting the count of the ballots. Such protest shall set forth specifically the following:

1. The name and address of the voter protesting;
2. The name of the person whose right to be nominated or elected to office, stating the office, is being contested; or the proposition being contested;
3. The number of the precinct or precincts wherein it is claimed errors in the counting of ballots would give a different result, if corrected;
4. A statement of particulars as to the errors claimed to have been made in the original count;
5. A demand for a recount of the ballots cast in the specified precinct or precincts; and,
6. A deposit in an amount estimated by the City Clerk, if the Election is being conducted by the City Clerk's Office, or the Los Angeles County Registrar-Recorder/County Clerk, if the Los Angeles County Registrar-Recorder/County Clerk's Office is being conducting the Election on behalf of the City, to cover the cost of the recount.

B. Should the City Clerk or the Los Angeles County Registrar-Recorder/County Clerk's Office, as applicable, have reasonable cause to believe the ballots in a precinct(s) have been miscounted, he or she may order a recount.

2-3-146: PRESENTATION OF RESULTS TO COUNCIL:

The City Clerk shall present the results of the election to the City Council at the first regular City Council meeting following receipt of the official election certification from the Los Angeles County Registrar-Recorder/County Clerk's Office.

2-3-147: TIE VOTE:

Whenever it appears upon the canvass of the returns of an election that two (2) or more persons have received an equal number of votes for any office so that it is impossible to determine who has been elected to such office, the persons tied shall be notified by the City Clerk in writing to appear before the City Council in open session at a time specified in the notice for the purpose of breaking the tie by the drawing of lots. At the time and place appointed, lots shall be drawn in such manner as the City Council shall prescribe. If any tied candidate does not appear, the City Clerk shall act for him or her in the drawing of lots.

2-3-148: ACTION BY COUNCIL; DECLARATION OF ELECTION RESULTS; COUNCIL ACTION FINAL:

If no voter protests have been filed and a recount has not been ordered, the City Council shall accept the canvass of returns by the Los Angeles Registrar-Recorder/County-Clerk's Office as correct. If however, any protest has been filed and/or a recount has been ordered, the City Council shall fix a time not more than seven (7) days after the presentation of the results to the City Council for the Los Angeles Registrar-Recorder/County Clerk's Office to conduct a recount of the ballots and as to the officers and propositions involved in the protest. The City Clerk shall publicly present the results of the recount by the Los Angeles Registrar-Recorder/County Clerk's Office to the City Council at their next meeting for action. The action of the City Council shall be final. If the election to the office of the City Clerk is the subject of the recount, the City Council shall appoint an officer, other than the City Clerk, to perform the duties of this Section.

2-3-149: COST FOR RECOUNT:

The voter filing the request seeking the recount pursuant to subsection 2-3-145A of this Article shall, before the recount is commenced and at the beginning of each day following, deposit with the City Clerk, if the Election is being conducted by the City Clerk's Office, or the Los Angeles County Registrar-Recorder/County Clerk, if the Los Angeles County Registrar-Recorder/County Clerk's Office is being conducting the Election on behalf of the City, a sum as required to cover the cost of the recount for that day. The money deposited shall be returned to the depositor if, upon completion of the recount the recount was successful in changing the election result as to the candidate, or the position on the measure (affirmative or negative) for which the protest is filed. The depositor shall be entitled to the return of any money deposited in excess of the cost of the recount if the candidate, or position on the measure was not successful in changing the election result.

2-3-150: PROCEDURE TO CHALLENGE BALLOTS ON RECOUNT:

On recount, ballots may be challenged for incompleteness, ambiguity, or other defects, in accordance with the following procedure:

- A. The person challenging the ballot shall state the reason for the challenge.
- B. The official counting the ballot shall count it as he or she believes proper and then set it aside with a notation as to how it was counted.
- C. The City Clerk or the Los Angeles County Registrar-Recorder/County Clerk's Office, as applicable, shall, before the recount is official, determine whether the challenge is to be allowed. The decision of the City Clerk is final.

2-3-151: COUNCIL JUDGE OF QUALIFICATIONS:

The City Council shall be the judge of the qualifications of all elective officers of the City. The action of the City Council shall be final and conclusive.

2-3-152: STATEMENT OF ELECTION RESULTS:

As soon as the election results have been declared by the City Council, the City Clerk shall enter the resolution containing the following in the minutes of the Council:

- A. The whole number of votes cast in the City;
- B. The names of the persons voted for;
- C. The measures or propositions voted upon;
- D. For what office each person was voted for;
- E. The number of votes given at each precinct, if applicable, to each person, and for and against each measure or proposition;
- F. The number of votes given in the City to each person, and for and against each measure or proposition.

2-3-153: OATH OF OFFICE:

Every person elected under the provisions of this chapter shall take and subscribe to the oath of office prescribed by the State Constitution before entering upon the performance of his or her official duties. The oath shall be administered by the City Clerk. The oath for the Office of City Clerk shall be administered by the City Clerk's Office designated staff.

2-3-154: CERTIFICATE OF ELECTION:

After administering the oath of office to an elected candidate, the City Clerk shall present him or her with a Certificate of Election.

2-3-155: PRESERVATION OF NOMINATION DOCUMENTS:

All nomination documents shall be held by the City Clerk in accordance with State laws and the City's Record's Retention Schedule. Thereafter, the documents shall be destroyed as soon as practicable unless they either are in evidence in some action or proceeding then pending or unless the City Clerk has received a written request from a

governing body that the documents must be preserved for use in a pending or ongoing investigation into election irregularities.

2-3-156: PRESERVATION OF INITIATIVE AND REFERENDUM PETITIONS:

The City Clerk shall preserve any initiative or referendum petition as specified in California Elections Code Section 17200. Public access to any such petition shall be restricted in accordance with CA Government Code Section 6253.5.

2-3-157: INDUCING WITHDRAWAL OF CANDIDATE:

No person may, directly or indirectly, or through any other person, advance or pay any money or other thing of value to or for the use of any other person, in consideration of a person withdrawing as a candidate for an elective office in a municipal election.

2-3-158: PAYING MONEY, ETC., TO GO TO POLLS:

No person may, with the intent to promote the election of any person, furnish or engage to pay or deliver any money or property for the purpose of either:

- A. Procuring the attendance of voters at the polls; or
- B. Compensating any person for procuring the attendance of voters at the polls, except for conveying them to or from the polls.

2-3-159: RECEIVING MONEY, ETC., FOR VOTING OR NOT VOTING:

It shall be unlawful for a person, before or during an election, to receive or enter into an agreement to receive an office, employment, money, loan or other thing of value, for himself or herself or any other person, for either:

- A. Voting or agreeing to vote;
- B. Coming or agreeing to come to the polls;
- C. Refraining or agreeing to refrain from voting;
- D. Voting or agreeing to vote for any particular person or measure; or
- E. Refraining or agreeing to refrain from voting for any particular person or measure.

2-3-160: RECEIVING MONEY, ETC., FOR INDUCING ANOTHER TO VOTE OR NOT VOTE:

It shall be unlawful, during or after an election, for a person to receive, directly or through any other person, an office, employment, money, loan, or other thing of value because that person or any other person either:

- A. Voted or refrained from voting for any particular person or measure;
- B. Came to the polls or remained away from the polls; or
- C. Induced any other person to:
 - 1. Vote or refrain from voting;
 - 2. Vote or refrain from voting for any particular person or measure; or
 - 3. Come to or remain away from the polls.

2-3-161: BRIBERY:

No person may, directly or indirectly, or through any other person, advance or pay any money or other thing of value to or for the use of any other person, with the intent that it, or any part thereof, shall be used in bribery at any election, or knowingly pay any money or other thing of value to any person in discharge or repayment of any money, wholly or in part, expended in bribery at any election.

2-3-162: WRONGFUL CHALLENGE, ETC.:

Every person is guilty of a misdemeanor who knowingly challenges or causes another person to challenge a person's right to vote without probable cause or on fraudulent or spurious grounds, or who engages in mass, indiscriminate, and groundless challenging of voters solely for the purpose of preventing such voters from voting or to delay the process of voting, or who fraudulently advises any person that he or she is not eligible to vote or is not registered to vote when in fact such person is eligible or is registered or who violates any part of this chapter.

ARTICLE 2. CAMPAIGN REFORM ACT**2-3-201: TITLE:**

This Article shall be known as the City of Burbank Campaign Reform Act.

2-3-202: INTERPRETATION OF THIS ACT:

Except as herein provided, the definitions set forth in the Political Reform Act of 1974 (Government Code Section 81001 et seq.) shall govern the interpretation of this act.

ADVERTISEMENT: Any general or public advertisement which is authorized and paid for by a person or committee for the purpose of supporting or opposing a candidate. "Advertisement" does not include campaign buttons, bumper stickers, T-shirts or yard signs.

CANDIDATE: An individual who is listed on the ballot or has qualified to have write-in votes on his or her behalf counted by Election Officials, for the offices of City Council, City Treasurer, City Clerk, or who receives contributions or makes an expenditure or gives his or her consent for any other person to receive a contribution or make an expenditure with a view to bringing about his or her nomination or election to the offices of City Council, City Treasurer, or City Clerk, whether or not the specific elective office for which he or she will seek nomination or election is known at the time the contribution is received or the expenditure is made and whether or not he or she has announced his or her candidacy or filed a declaration of candidacy at such time. An individual who becomes a candidate shall retain his or her status as a candidate until such time as that status is terminated pursuant to Government Code Section 84214. "Candidate" does not include any person within the meaning of 2 USCS Section 431(2).

COMMITTEE: Any person or combination of persons who directly or indirectly receives contributions or makes expenditures or contributions of two thousand dollars (\$2,000.00) or more for the purpose of influencing or attempting to influence the action of voters for or against the election of one or more candidates. "Committee" includes controlled committees, primarily formed committees and independent committees.

CONTROLLED COMMITTEE: A committee which is controlled directly or indirectly by a candidate or which acts jointly with or in coordination with a candidate or controlled committee in connection with the making of expenditures. A candidate controls a committee if such candidate, or the candidate's agent, or any other committee such candidate controls, has a significant influence on the actions or decisions of the committee or if such committee coordinates its expenditures with the expenditures of a candidate or a committee controlled by a candidate, whether or not such candidate is personally aware of such coordination.

ELECTION: Any Primary, General, or Special Election for the offices of City Council Member, City Treasurer, or City Clerk.

INDEPENDENT COMMITTEE: Any committee which makes expenditures in support or opposition to any candidate or group of candidates which is neither controlled by a

candidate nor coordinates its expenditures with the expenditures of a candidate or a committee controlled by a candidate.

PRIMARILY FORMED COMMITTEE: Any committee that is formed or exists primarily to support or oppose a single candidate or a group of candidates whether said support is through contributions and/or independent expenditures.

2-3-203: RECEIPT OF CONTRIBUTIONS LIMITED TO ELECTION YEAR CYCLE; LIMITING COMMITTEE FROM CHANGING STATUS DURING ELECTION YEAR CYCLE:

A. No candidate or officeholder, the controlled committee of such a person, or an independent committee or primarily formed committee which will make any contribution to a candidate and/or a candidate's controlled committee in a municipal election, shall accept any contribution except between six (6) months prior to an election and December 31st immediately following an election.

B. A committee may not change its status from the type of committee that is reported on its statement of organization to any other type of committee between the period that is six (6) months prior to an election and December 31st immediately following an election.

2-3-204: DISCLOSURE OF CONTRIBUTORS:

A. In addition to the disclosure requirements of the Political Reform Act of 1974, as amended, candidates, their controlled committees, and all other committees as defined by the Political Reform Act of 1974 shall disclose all contributions of one hundred dollars (\$100.00) or more, by providing the amount of the contribution as well as the name, address, occupation, and employer of each such contributor.

B. No contribution shall be deposited into a campaign checking account unless the name, address, occupation and employer of the contributor is on file in the records of the recipient of the contribution.

C. In addition to the disclosure and record keeping requirements of the Political Reform Act of 1974, as amended, every candidate who accepts a contribution of one hundred dollars (\$100.00) or more shall file with the City Clerk the form prescribed by the City Clerk pursuant to Section 2-3-214 of this Article.

D. The provisions of this Section shall not apply to any candidate or all committees who receive contributions or have expenditures of two thousand dollars (\$2,000.00) or less.

E. **Electronic Filing of Campaign Disclosure:** Any elected officer, candidate, committee or other person required to file specified statements, reports or other documents with the

City Clerk pursuant to Chapter 4 (commencing with Section 84100) of Title 9 of the California Government Code, also known as the Political Reform Act, and that has received contributions or made expenditures of two thousand dollars (\$2,000.00) or more, shall electronically file such statement using the City Clerk's online system according to procedures established by the City Clerk.

In any instance in which the original statement, report, or other document is required to be filed with the Secretary of State and a copy of that statement, report, or other document is required to be filed with the local government agency, the filer may, but is not required, to file the copy electronically.

If the City Clerk's system is not capable of accepting a particular type of statement, report or other document, an elected officer, candidate, committee or other person shall file that document in paper format with the City Clerk.

2-3-205: ADVERTISEMENTS:

A. All advertisements generated by the candidate or the candidate's controlled committee shall contain the name, address and identification number of the sender.

B. The identifying information required in subsection A of this section shall, if in printed form, be in no less than 10-point type, printed in color or typeface that contrasts with the background. If the advertisement is broadcast or via telephone, the information shall be spoken so as to be clearly audible and understood by the intended public. If the advertisement is via internet or other computer electronic mail, the identifying information shall be displayed in a conspicuous manner.

2-3-206: ADDITIONAL PRE-ELECTION CAMPAIGN STATEMENT:

In addition to the campaign statements required to be filed pursuant to the Political Reform Act of 1974, and the provisions of this Article, candidates, their controlled committees, independent committees and primarily formed committees shall file a pre-election statement by five o'clock (5:00) P.M. on the Friday immediately before the election. This statement shall disclose all contributions received and expenditures made by the Wednesday before the election.

2-3-207: LIMITATIONS OF CONTRIBUTIONS FROM PERSONS:

A. No person shall make to any candidate and/or the controlled committee of such a candidate and no such candidate and/or the candidate's controlled committee shall accept from a person a contribution or contributions totaling more than five hundred

dollars (\$500.00) for each election in which the candidate is on the ballot or is a write-in candidate.

B. Any primarily formed committee that makes contributions or independent expenditures supporting or opposing a candidate or group of candidates shall not accept from any person a contribution or contributions totaling more than five hundred dollars (\$500.00) for each election in which the candidate or candidates are on the ballot or are a write-in candidate.

2-3-208: FAMILY CONTRIBUTIONS:

A. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated.

B. Contributions by children under eighteen (18) years of age shall be treated as contributions by their parents and attributed proportionately to each parent (1/2 to each parent or the total amount to a single custodial parent).

2-3-209: LOANS:

A. Except as provided in subsection D of this Section, a loan shall be considered a contribution from the maker and the guarantor of the loan and shall be subject to the contribution limitations of this Article.

B. Every loan to a candidate or the candidate's controlled committee shall be by written agreement and such written agreement shall be filed with the candidate's or committee's campaign statement on which the loan is first reported.

C. The proceeds of a loan made to a candidate by a commercial lending institution in the regular course of business on the same terms available to members of the public and which is secured or guaranteed shall not be subject to the contribution limitations of this Article.

D. During the election cycle, no candidate shall personally make loans to the candidate's campaign or the candidate's committee which total more than twenty-five thousand dollars (\$25,000.00).

E. Extensions of credit (other than loans pursuant to subsections C and D of this section) for a period of more than thirty (30) days are subject to the contribution limitations of this Article.

F. Nothing in this section shall prohibit a candidate from making unlimited contributions to the candidate's campaign.

2-3-210: ONE CAMPAIGN COMMITTEE AND ONE CHECKING ACCOUNT PER CANDIDATE:

A candidate shall have no more than one campaign committee and one checking account out of which all expenditures shall be made. This section shall not prohibit the establishment of savings accounts, but no qualified campaign expenditures shall be made out of these accounts. The provisions of this section shall not apply to a petty cash fund established pursuant to Title 2 Section 18524(d) of the California Code of Regulations as amended from time to time by the Fair Political Practices Commission.

2-3-211: TRANSFERS:

No candidate and no committee controlled by a candidate or officeholder shall make any contribution from the checking account established pursuant to Section 2-3-210 of this Article to any other candidate running for office or to any committee supporting or opposing a candidate for office. This section shall not prohibit a candidate from making a contribution from the candidate's own personal funds to the candidate's campaign or to the campaign of any other candidate for elective office.

2-3-212: AGGREGATION OF PAYMENTS:

For purposes of the contribution limitations in Section 2-3-207 of this Article the following shall apply:

A. All payments made by a person, as defined in the Political Reform Act of 1974, as amended, whose contribution or expenditure activity is financed, maintained or controlled by any corporation, labor organization, association, political party or any other person or committee, including any parent, subsidiary, branch, division, department or local unit of the corporation, labor organization, association, political party or any other person, or by any group of such persons shall be considered to be made by a single person or committee.

B. Two (2) or more entities shall be treated as one person when any of the following circumstances apply:

1. The entities share the majority of members of their boards of directors.
2. The entities share two (2) or more officers.
3. The entities are owned or controlled by the same majority shareholder or shareholders.
4. The entities are in a parent-subsidary relationship.

C. An individual and any general partnership in which the individual is a partner, or an individual and any corporation in which the individual owns a controlling interest, shall be treated as one person.

2-3-213: SURPLUS CAMPAIGN FUNDS:

Any campaign funds in excess of expenses incurred for the campaign received by or on behalf of an individual who seeks nomination for election, or election to office, or any independent committee or primarily formed committee with funds in excess of expenses incurred for the campaign of a candidate or group of candidates seeking nomination for election or election to office, shall be deemed to be surplus campaign funds and shall be distributed within ninety (90) days from the City Council Certification of the Election for that Office, returned to contributors on a pro rata basis, donated to any bona fide charitable, educational, civic, religious, or similar tax exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the former candidate or elected officer, any member of his or her immediate family, or his or her campaign treasurer, or turned over to the General Fund of the City of Burbank.

2-3-214: DUTIES OF THE CITY CLERK:

The City Clerk shall prescribe the necessary forms for filing the appropriate statements required by Section 2-3-204 of this Article.

2-3-215: CRIMINAL MISDEMEANOR ACTIONS:

Any person who violates any provision of this Article is guilty of a misdemeanor. Any person who causes any other person to violate any provision of this Article, or who aids and abets any other person in the violation of any provision of this Article, shall be guilty of a misdemeanor. Prosecution for violation of any provision of this Article shall be commenced within four (4) years after the date on which the violation occurred.

2-3-216: CIVIL ACTIONS:

Any person who intentionally or negligently violates the contribution provisions of this Article shall be liable in a civil action brought by the City Attorney or by a person residing within the jurisdiction for an amount not more than three (3) times the amount of the unlawful contribution.

2-3-217: INJUNCTIVE RELIEF:

Any person residing in the jurisdiction, including the City Attorney, may sue for injunctive relief to enjoin violations or to compel compliance with the provisions of this Article.”

2. Burbank Municipal Code Section 2-1-203 is amended to read as follows:

“2-1-203: MEETINGS

A. TIME: The Council shall hold regular meetings on at least two Tuesdays of each month, which meetings shall be determined annually by the City Council upon recommendation from the City Manager. The open session of each regular meeting for the conducting of agendized City business of the Council shall begin at such time as the Council may determine from time to time by resolution. Closed Sessions may be held prior to the agendized time of the open session, with the beginning time thereof noted on the posted agenda. However, prior to holding such closed sessions the Council shall convene in open session only for the limited purpose of receiving Public Comment on Closed Session items. The Council may, by resolution, make rules for conducting its proceedings, and for determining the order of such proceedings.

B. PLACE: All regular meetings of the Council shall be held in the Council chamber on the second floor of the City Hall of the City unless the Council chamber are determined by vote of the Council to be inadequate or unavailable for a meeting, in which event the Council may designate some other suitable place in the City for the conduct of such meeting. Reasons for such determination may include, but are not limited to, disaster (declared or undeclared), destruction of City Hall or the Council Chamber, remodel or reconstruction of City Hall or of the Council’s, or anticipated or actual overcrowding. If the determination to hold a regular meeting at a place other than the Council chamber is made prior to the meeting date, notice of the change in place for conduct of the meeting shall be published prior to the meeting in a newspaper of general circulation published or circulated in the City, and a copy of the notice shall be posted on the Council Chamber door for at least 72 hours prior to the time scheduled for the meeting and during the meeting. If the Council adjourns its meeting from the Council Chamber to another place, notice of such adjournment shall be posted on the Council Chamber door during the time the meeting is being held.”

3. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

4. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

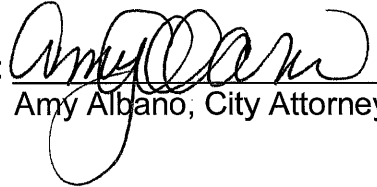
PASSED AND ADOPTED this 17th day of March, 2020.


Sharon Springer
Mayor

Attest:

Approved as to Form:
Office of the City Attorney


Zizette Mullins, MMC, City Clerk

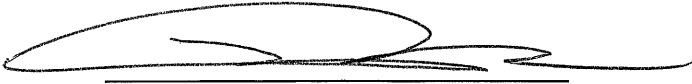
By: 
Amy Albano, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Zizette Mullins, MMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 20-3,933 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 17th day of March, 2020, by the following vote:

- AYES: Frutos, Gabel-Luddy, Murphy, Talamantes and Springer.
- NOES: None.
- ABSENT: None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 21st day of March, 2020.


Zizette Mullins, MMC, City Clerk