

ORDINANCE NO. 2285

**AN ORDINANCE OF THE CITY OF WEST COVINA, CALIFORNIA,
ADDING ARTICLE XI (LOCAL OFFICER ELECTIONS) OF
CHAPTER 2 RELATING TO CITY OFFICER ELECTION RECOUNTS**

WHEREAS, in some past elections for city council the vote count for the two candidates for a single seat have been extremely close, within a few votes; and

WHEREAS, past recounts of city election results, in elections consolidated with the County of Los Angeles, have demonstrated multiple counting errors which could have affected the results of the election; and

WHEREAS, conducting a recount of votes for local elections is expensive and burdensome and unduly increases the potential costs of running for local office, and can discourage candidates from running and discourage voters from requesting a recount to ensure the voters' will is carried out; and

WHEREAS, the City is currently unable to control the accuracy of the count for local elections because the counting of ballots and votes is conducted by Los Angeles County; and

WHEREAS, in order to encourage residents to run for local office and reduce the potential impacts to the City and its citizens of inaccurate vote counting, the City wishes to establish an ordinance allowing the City to reimburse the costs of recounts in any election involving city officials where the margin of victory for the winning candidate over the losing candidate for a single seat is less than one-half of one percent of the ballots cast.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WEST COVINA, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION NO. 1: Article XI (Local Officer Elections) of Chapter 2 (Administration) is hereby added as follows:

Article XI. LOCAL OFFICER ELECTIONS

Sec. 2-600. Purpose.

The purpose of this ordinance is encourage citizens of West Covina to run for city elected positions and to minimize the risk that vote counting errors will go uncorrected due to lack of funds for candidates or citizens to pay the costs of a recount in very close elections. Actions taken by the City Council and payments made pursuant to this ordinance shall not be considered a contribution to any candidate who may be involved in a vote recount authorized by the City Council as provided herein.

Sec. 2-601. Applicability.

This ordinance shall only apply to elective offices of the City.

Sec. 2-602 Reimbursement for Recount Costs.

Whenever the margin of victory between two candidates for an elective city office is less than one-half of one percent of the ballots cast after completion of the official canvass, and one of the candidates would be considered elected and the other would not be elected as a result, and a voter has timely requested a manual recount pursuant to California Elections Code section 15620, and requests in writing that the City reimburse the costs of the recount, the City shall reimburse the voter for the total cost of the full recount within fifteen (15) days of submission of documentation of the recount cost. To qualify for reimbursement, the manual recount shall be a complete manual recount of all ballots cast, conducted in the most cost efficient way possible. No reimbursement may be made where the recount changes the election result and the voter is required to be reimbursed by the County for the costs. No reimbursement shall be made for any amount which is refunded to the voter by the County because it exceeds the actual cost of the recount. No reimbursement may be made to any voter who has violated the City's Campaign Contribution Ordinance (West Covina Municipal Code section 2-400, *et seq.*) in connection with the election in question.

SECTION NO. 2: The City Clerk shall certify the adoption of this Ordinance and shall cause the same to be posted or published in the manner as required by law.

SECTION NO. 3: This ordinance shall take effect and be in force thirty (30) days from and after the date of its passage.

PASSED, APPROVED AND ADOPTED on this 17th day of November, 2015.


Fredrick Sykes
Mayor

APPROVED AS TO FORM:



Kimberly Hall Barlow
City Attorney

ATTEST:



Nickolas S. Lewis
City Clerk

I, NICKOLAS S. LEWIS, CITY CLERK of the City of West Covina, California, do hereby certify that the foregoing Ordinance was regularly introduced and placed upon its first reading at a special meeting of the City Council on the 27th day of October, 2015. That thereafter said Ordinance was duly adopted and passed at a regular meeting of the City Council on the 17th day of November, 2015, by the following vote:

AYES: Toma, Warshaw, Wong, Sykes
NOES: Spence
ABSENT: None
ABSTAIN: None

A handwritten signature in black ink, appearing to read 'Nickolas S. Lewis', written over a horizontal line.

Nickolas S. Lewis
City Clerk