

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
BURBANK AMENDING TITLE 2, CHAPTER 3, OF THE
BURBANK MUNICIPAL CODE.

City Attorney's Synopsis

This Ordinance amends §2-3-608 (B), §2-3-1523, §2-3-2011, §2-3-2014, §2-3-2502 and §2-3-2504 (D) (E) and repeals §2-3-608 (C) of Title 2, Chapter 3, Elections, of the Burbank Municipal Code. This ordinance allows for a mailed ballot to be counted if received by the City Clerk by noon on the third day after the election if certain criteria are met and updates the City's campaign finance ordinance to exempt candidates and committees that have contributions or expenditures of \$2000 or less.

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

1. Section 2-3-608 (B) of the Burbank Municipal Code (Code) is amended as follows:

“(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 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.”

2. Section 2-3-608 (C) of the Code is repealed.

3. Section 2-3-1523 of the Code is amended and replaced as follows:

“2-3-1523: RETURN OR DELIVERY OF BALLOT TO CITY CLERK; BY MAIL OR DEPOSITING IN BALLOT BOX:

For a mailed ballot election: On the back of the Identification/Return Envelope, the voter shall SIGN his or her name where indicated by the “X” and print his or her residence address and date. The voter shall affix the required postage and mail the ballot such that it is received by the City Clerk no later than 7:00 p.m. on election day.

Any vote by mail ballot cast shall be timely cast if it is received by the City Clerk via the United States Postal Service or a bona fide private mail delivery company no later than noon on the third day after election day and either of the following is satisfied:

(1) The ballot is postmarked on or before election day or is time stamped or date stamped by a bona fide private mail delivery company on or before election day.

(2) If the ballot has no postmark, a postmark with no date, or an illegible postmark, the vote by mail ballot identification envelope is date stamped by the elections official upon receipt of the vote by mail ballot from the United States Postal Service or a bona fide private mail delivery company, and is signed and dated pursuant to California Elections Code Section 3011 on or before election day.

The voter can also personally deliver the ballot to the City Clerk or personally deliver the ballot to any ballot drop-off location in the jurisdiction no later than 7:00 p.m. on election day.

For a polling place election: Once the ballot is placed into the secrecy sleeve, the voter shall remove the stub and then deposit the ballot in the ballot box.”

4. Section 2-3-2011 of the Code is amended and replaced as follows:

“2-3-2011: CASTING A VOTE BY MAIL BALLOT WITHIN OR WITHOUT THE TERRITORIAL LIMITS OF THE UNITED STATES:

Any person desiring to cast a vote by mail ballot, within or without the territorial limits of the United States may mark the ballot and transmit it to the City Clerk by mail, in sufficient time to permit the ballot to be received by the City Clerk by the times enumerated in Section 2-3-1523 of this Code.”

5. Section 2-3-2014 of the Code is amended and replaced as follows

“2-3-2014: BALLOTS MUST BE MAILED IN TIME; CHALLENGE OF BALLOTS:

To be counted, vote by mail ballots must be received by the City Clerk not later than times enumerated in Section 2-3-1523 of this Code. The City Clerk or authorized designee shall write the word “Rejected” and the reason for rejection on each such ballot or the rejected ballots shall be placed in a container specifically designated for that purpose.”

6. Section 2-3-2502 of the Code, the definition of “Committee” is amended as follows:

“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.”

7. Section 2-3-2504 (D) of the Code is amended as follows:

“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.”

8. Section 2-3-2504 (E) of the Code is amended as follows:

“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 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.”

9. 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.

10. This ordinance shall be introduced, passed and adopted at one and the same meeting and shall become effective immediately as provided in Section 500 of the Burbank City Charter.

11. The City Clerk shall certify to the passage of this ordinance and cause this ordinance to be published in the manner provided in Section 500 and 800 of the Burbank Charter.

PASSED AND ADOPTED this 20th day of September, 2016.

s/Jess A. Talamantes
Jess A. Talamantes
Mayor

Attest:

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk

Approved as to Form
Office of the City Attorney

s/Amy Albano
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. 16-3,886 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 20th day of September, 2016, by the following vote:

- AYES: Frutos, Gabel-Luddy, Gordon, Rogers and Talamantes.
- 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 28th day of September, 2016.

s/Zizette Mullins
Zizette Mullins, MMC, City Clerk