



REPORT TO CITY COUNCIL

To: Honorable Mayor and Members of the City Council

From: Jason Simpson, City Manager

Prepared by: Candice Alvarez, MMC, City Clerk

Date: August 21, 2024

Subject: 2024 General Municipal Election – Council Member Districts 4 and 5 and City Treasurer Contests

Recommendation

1. Receive and file the Certification that there are not more candidates than offices to be elected for the positions of City Council Member for Districts 4 and 5 and City Treasurer for the November 5, 2024 General Municipal Election; and
2. Adopt A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LAKE ELSINORE, CALIFORNIA, PROVIDING FOR THE APPOINTMENT OF THE QUALIFIED CANDIDATES FOR CITY TREASURER AND CITY COUNCIL MEMBERS FOR DISTRICTS 4 AND 5 TO THE OFFICES THAT WERE TO BE ELECTED ON TUESDAY, NOVEMBER 5, 2024; or
3. Continue to hold the Election for Council Member Districts 4 and 5 and City Treasurer with one qualified candidate for each contest for the November 5, 2024, General Municipal Election.

Background

The City of Lake Elsinore was incorporated in 1888 as a General Law City and, therefore, must adhere to all laws pertaining to the conduct and holding of elections, as found in the California Elections Code.

On February 1, 2018, the City Council adopted the By-District election process, subdividing the City into five districts. Each district is represented by one seat on the City Council. City Council Members for Districts two, four, and five and the City Treasurer are currently scheduled be on the ballot.

Election Cancellations

Pursuant to the Lake Elsinore Municipal Code and in accordance with Resolution No. 2024-11 calling for the holding of a General Municipal Election on Tuesday, November 5, 2024, the City is conducting an Election to elect City Council Members for Districts 2, 4, and 5 and the City Treasurer and placing a Measure on the ballot to consider whether to change the City Treasurer position from elective to appointive. The City Council subsequently withdrew the Measure from the November 5, 2024 election by City Council Resolution No. 2024-39 adopted on August 13, 2024.

At the close of the nomination period on Friday, August 9, 2024 at 4:00 p.m., there was only one qualified candidate for each City Council contest and for the City Treasurer contest. The qualified candidates are Steve Manos for District 2, Marvin Andrade for District 2, Natasha Johnson for District 4, Bob Magee for District 5, and Edwin Castro for City Treasurer, all incumbents with the exception of Marvin Andrade.

California Election Code §10229 contains regulations relating to canceling an election if there are no candidates or if fewer candidates qualify than there are open seats by the close of the nomination period. Therefore, the City Council may do one of the following:

- (1) Appoint to the office the person who has been nominated;
- (2) Appoint to the office an eligible elector if no one has been nominated; or
- (3) Hold the election, if either no one or only one person has been nominated.

Pursuant to §10229(a), on August 9, 2024, the City Clerk executed a Certification that there are not more candidates than offices to be elected for Council Members for Districts 4 and 5 and the City Treasurer (Attachment 1).

On August 13, 2024 the City Council adopted a Resolution withdrawing the Measure from the ballot.

On August 14, 2024, a notice was published in the Press Enterprise (in English and Spanish) advising that there are not more candidates than offices to be filled for Council Members for Districts 4 and 5 and the City Treasurer (Attachment 2).

State law provides that, after the fifth day following the above publication, since there isn't a Citywide Measure on the ballot and the Citywide contest for City Treasurer only has one qualified candidate, the City Council may appoint the qualified candidates as the City Council Members for Districts 4 and 5 and the City Treasurer as elected or direct the election to continue to be held. If the appointments are made, the appointees shall qualify and take office and serve exactly as if elected to the office.

Discussion

During the voter-driven nomination process, voters nominated and qualified only one candidate for the City Council seats for Districts 4 and 5 and City Treasurer. Pursuant to State law and City regulations, the City Council may determine to have the Election for City Council Member Districts 2, 4, and 5 and the City Treasurer, or cancel the City's Election for City Council Members for Districts 4 and 5 and the City Treasurer and appoint the qualified candidates. Should the election for these seats be canceled, there is an estimated savings of approximately \$138,500 to the City. The next opportunity for voters to nominate and elect a candidate for Districts 4 and 5 and the City Treasurer at the polls will be in 2028. Under State law, cancellation would eliminate the write-in candidate process for these offices because it would no longer be an open position.

If the City Council decides to cancel the election and appoint the qualified candidates, the attached Resolution (Attachment 3) must be adopted by August 22, 2024 (the 75th day before the election). If the City Council takes no action on this matter by August 22, 2024 or only takes action to receive and file the Certification, the election will proceed in accordance with the California Elections Code.

Fiscal Impact

Sufficient funds are available for the conduct of the General Municipal Election Budget (100-1100-5201, Other Outside Services). A savings of approximately \$138,500 would be realized if the City Council cancels the election.

Attachments

Attachment 1 - Certification of Number of Qualified Candidates
Attachment 2 - Published Notice
Attachment 3 - Resolution

City Clerk's Office