

# City of Los Angeles

CALIFORNIA



ANTONIO R. VILLARAIGOSA  
MAYOR

OFFICE OF THE  
CITY CLERK

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JUNE LAGMAY  
CITY CLERK  
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HOLLY L. WOLCOTT  
EXECUTIVE OFFICER

January 3, 2012

Honorable Members of the Los Angeles City Council  
c/o Room 395, City Hall  
200 N. Spring Street  
Los Angeles, CA 90012

## **CERTIFICATION OF SUFFICIENCY OF AN ORDINANCE INITIATIVE PETITION TO REQUIRE CONDOM USAGE IN THE ADULT FILM INDUSTRY AND RELATED PERMITTING REQUIREMENTS**

Honorable Members:

On December 5, 2011, in accordance with Charter Section 451, an Initiative Petition entitled Adult Film Industry; Use of Condoms; Film Permits; Initiative Ordinance containing 70,889 signatures was filed with the Office of the City Clerk. As provided in City of Los Angeles Election Code Section 711 (b), a random sampling of five percent (5%) or 3,544 signatures were verified to determine the sufficiency or insufficiency of the entire Initiative Petition.

Of the random sample of 3,544 signatures, 2,262 or more were required to be valid in order for the Initiative Petition to qualify as sufficient. Based on the examination of the signatures compared with the voter registration records maintained by the Los Angeles County Registrar-Recorder, a total of 2,306 valid signatures were identified. Thus I have determined that the Initiative Petition is SUFFICIENT and I hereby present the attached Certification of Sufficiency to the City Council.

Charter Section 452 provides that the Council must take one of the following three actions within 20 days of the transmittal of the attached Certificate of Sufficiency to the City Council:

1. Adopt the proposed ordinance, without alteration; or
2. Call a special election to be held not earlier than 110 days nor more than 140 days after Council action on the petition to submit the proposed ordinance, without alteration, to a vote of the electors of the City; or
3. Determine to submit the proposed ordinance, without alteration, to a vote of the electors of the City at the earlier of the following two elections that occurs more than 110 days from the date of Council action on the petition:
  - a. The next regular City election; or
  - b. A special election consolidated with the next election conducted by the County of Los Angeles occurring wholly or partially within the same area, provided that the voters eligible to vote in the County-conducted election comprise 100% of all the voters eligible to vote on the measure.

The second option of Charter Section 452, ordering a stand-alone special election, is not recommended since it is by far the most expensive option (approximately \$5.5 million). The regularly-scheduled State Primary Election which will be conducted by the County on June 5, 2012 can accommodate the 110 day minimum time frame dictated by the Charter at a lower cost (approximately \$4.4 million).

It should be noted that as provided by Charter Section 452, any ordinance proposed by initiative petition, adopted by the Council and approved by the Mayor, or adopted over the Mayor's veto, shall be subject to a referendary vote in the same manner as other ordinances adopted by the Council.

**RECOMMENDATION:**

That the City Council take one of the following two actions:

1. Adopt the ordinance presented by the Initiative Petition proponents, without alteration; or
2. Determine to submit the proposed ordinance, without alteration, to a vote of the electors of the City at the regularly-scheduled State Primary Election scheduled for June 5, 2012 which will be conducted by the County of Los Angeles.

**ELECTION COSTS**

Option 1: Adopt the proposed Ordinance, without alteration.

There would be no additional financial impact relative to Election costs.

Option 2: Call a stand-alone special election (Citywide) to be held not earlier than 110 days nor more than 140 days after the Council's action to submit the ordinance to a vote.

This option would require a City-administered, Citywide Special Election to be held no earlier than April 30, 2012 and no later than May 30, 2012, just ahead of the June 5, 2012 State Primary. An allocation of approximately \$5, 500,000 would be required. Costs for a citywide special election would include establishing polling sites for 1,600 voting precincts; recruiting, training and deploying 6,400 poll workers; preparing, translating and distributing 1.6 million Sample Ballots/Voter Information Pamphlets, and other election support functions.

This Option would also entail possible voter fatigue due to City of Los Angeles voters being asked to vote in two elections within a two-month period.

Option 3: Determine to submit the proposed ordinance, without alteration to a Special Election to be consolidated with the State Primary Election to be held June 5, 2012.

If the City Council determines to submit the proposed ordinance to the electorate at the June 5, 2012 State Primary Election, a Special Election must be called and consolidated onto this County-run Election at a cost of approximately \$4.4 million (for the first City measure on that ballot). As of the writing of this report, no other City of Los Angeles ballot measure has been submitted for consideration for this election.

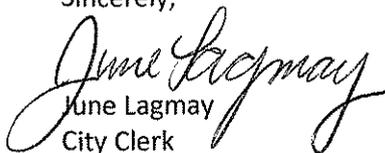
The cost expended by the City Clerk to process the initiative petition and verify the signatures was originally estimated to be \$372,000 but is now revised to be approximately \$110,000. Inasmuch as no funds were budgeted for this purpose, an allocation may be required by year end. Currently, savings generated from funds already allocated for the Council District 15 Special Election are being utilized to absorb costs to the extent possible. The City Clerk will work with the Office of the City Administrative Officer to provide full accounting for this effort in a future financial status report.

Costs associated with implementing and enforcing this ordinance would require analysis by the department or departments charged to implement and enforce it, and/or the City Administrative Officer, and are not addressed in this report.

**FISCAL IMPACT**

The Election cost to place this measure before the voters on the June 5, 2012 State Election is estimated at \$4.4 million, if it is the only City measure to be placed on that election, and could be higher depending on initiative processing costs. The total impact to the General Fund could be higher depending on other Departments' costs associated with implementing and enforcing the ordinance if it is adopted.

Sincerely,

  
June Lagmay  
City Clerk

Attachments

JL:HW:amm  
EXE-001-12

**INITIATIVE PETITION RANDOM SAMPLING COMPUTATIONS**

**ASSUMPTIONS:** (A) 41,138 valid signatures are required\*  
(B) 70,889 total signatures submitted

Step #1 – Compute percentage of necessary valid signatures to signatures submitted:

$$\frac{41,138}{70,889} = 58.0\%$$

Step #2 – Draw at least a 5% random sample of signatures submitted:

$$5\% \text{ of } 70,889 = 3,544$$

Step #3 – Apply valid signature percentage (Step #1) to random sample (Step #2):

$$58.0\% \times 3,544 = 2,056$$

Step #4 – Compute 90 to 110% range of random sample valid signature amount (Step #3):

$$\begin{aligned} .9 \times 2,056 &= 1,850 \\ 1.1 \times 2,056 &= 2,262 \end{aligned}$$

\*15% of the total number of votes cast for all candidates for the Office of Mayor at the last General Municipal Election or Primary Nominating Election at which the mayor was elected.

STATE OF CALIFORNIA        )  
COUNTY OF LOS ANGELES    ) SS  
CITY OF LOS ANGELES        )

**CERTIFICATION OF SUFFICIENCY**

**ORDINANCE INITIATIVE PETITION: ADULT FLIM INDUSTRY;  
USE OF CONDOMS; FILM PERMITS**

I, JUNE LAGMAY, City Clerk of the City of Los Angeles, hereby certify to the Los Angeles City Council that I have verified the signatures submitted with the Initiative Petition for the above referenced initiative ordinance, utilizing the random sampling method provided for in Election Code Section 711 (b); and further certify that the Initiative Petition is **SUFFICIENT** and that the attached summary represents a true, correct, and complete summary validation of the Initiative Petition.

IN WITNESS WHEREOF, I hereunto set my hand and affix the seal of the City of Los Angeles this 23rd day of December, 2011.

  
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JUNE LAGMAY  
CITY CLERK



**LOS ANGELES COUNTY REGISTRAR-RECORDER/COUNTY CLERK  
 PETITION STATISTICS REPORT**

PETITION ID: 10515 REPORT RUN DATE: 12/23/11 8:00 am  
 PETITION DESCRIPTION: INIT. FOR ADULT FILM INDUSTRY PERMIT  
 CITY OF LOS ANGELES

Total Signatures Submitted	70,889
Total Sample Size	3,544 ( 5% )

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Total Valid Signatures	2,306
Total Invalid Signatures	1,198
Total Processed	3,504
Total Not Processed	67,385

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TOTAL	70,889
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**BREAKDOWN OF INVALID SIGNATURES**

<u>CHALLENGE DESCRIPTION</u>	<u>QTY</u>
DIFFERENT ADDRESS	399
CANCELED	22
FATAL PENDING	58
PO BOX/MAILING ADDRESS	3
MAX NUMBER OF TIMES SIGNED	6
MISCELLANEOUS	35
NO ADDRESS	1
NOT REGISTERED	473
MISMATCH SIGNATURE	29
WRONG DISTRICT	172
TOTAL	1,198

# Petition Statistics

12/23/2011 8:01:02AM

INIT. FOR ADULT FILM INDUSTRY PERMIT  
CITY OF LOS ANGELES

Petition ID:10515

Total Sigs Required	0
Total Sigs Submitted	70,889
Total Sample Size	3,544
Total Sigs Verified	3,504

		TOTAL CHALLENGED
ADD	DIFFERENT ADDRESS	
	Total	399
CAN	CANCELED	
	Total	22
FP	FATAL PENDING	
	Total	58
MADD	PO BOX/MAILING ADDRESS	
	Total	3
MAX	MAX NUMBER OF TIMES SIGNED	
	Total	6
MS	MISCELLANEOUS	
	Total	35
NADD	NO ADDRESS	
	Total	1
NR	NOT REGISTERED	
	Total	473
SIG	MISMATCH SIGNATURE	
	Total	29
WDIST	WRONG DISTRICT	
	Total	172
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TOTAL		1,198

TOTAL VALID : 2,306