

June 5, 2007

City Council Meeting
June 12, 2007

Mayor and Members
of the City Council

**RESOLUTION ADOPTING REGULATIONS FOR CANDIDATES
FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE
STATEMENTS SUBMITTED TO THE VOTERS AT AN
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2007**

Recommendation:

It is recommended that the City Council adopt the attached resolution, which, consistent with past policy, establishes a 200-word limit and requires candidates to pay all associated costs with regard to candidate statements for the November 6, 2007 General Municipal Election.

Background:

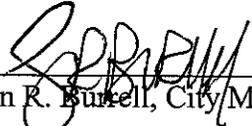
The California Elections Code allows each candidate for a nonpartisan elective office in a city to prepare a statement to be included with the sample ballot and mailed to each registered voter. No later than seven days before the opening of the nomination period, State law requires the City Council to adopt a policy regarding the candidates' obligation for payment for candidate statements. The filing period for nomination papers is July 16 through August 10 for the upcoming November election. Attached is a draft resolution outlining the candidate statement regulations.

Traditionally, it has been Council policy to require the candidates to cover all costs associated with their statements, and the attached resolution has been prepared assuming that policy will be maintained. The City Clerk is required to set the estimated cost of candidate statements prior to the nomination-filing period. The County has indicated they will provide me with a cost estimate by the first week in July.

State law permits Council to authorize an increase of the word limitation for the statement from 200 to 400 words. Past policy has restricted the statements to 200 words, and the attached resolution has been prepared assuming that policy will be maintained. The 200-word limit has seemed adequate in the past, and increasing the word limit would increase the cost.

The resolution also accommodates any required translation of statements into one or more foreign languages, pursuant to the federal Voting Rights Act. Hermosa Beach has not been required to do any translations into foreign languages in past elections and it appears that the same will hold true for this election. However, since I have nothing in writing at this time from the County, I have included a provision in the resolution, which states that translation and printing "may be required."

Noted:


Stephen R. Buntell, City Manager


Elaine Doerfling, City Clerk

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RESOLUTION NO. 07-

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2007

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidates' statements.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Hermosa Beach on Tuesday, November 6, 2007, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk 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 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

A. Pursuant to the Federal Voting Rights Act, the City may be required to translate candidates' statements into one or more of the following languages: Chinese, Japanese, Korean, Spanish, Tagalog, Vietnamese.

1 B. Pursuant to State law, a candidate's statement must be translated and printed in any
2 language at the candidate's request.

3 C. The City Clerk shall have all candidates' statements translated into languages that
4 may be specified in A above, and shall also have translated those statements into the languages
5 as requested by the candidate in B above. Unless otherwise required by State or Federal law, the
6 City Clerk shall print an English only voter pamphlet to be mailed to all voters, and shall have
7 all translations made available upon request in the office of the City Clerk.

8 **SECTION 3. PAYMENT.**

9 1. The candidate shall be required to pay for the cost of translating the candidate's
10 statement into any required foreign languages as specified in A above, as well as any non-
11 required foreign languages as may be requested as an option by the candidate as specified in B
12 above, pursuant to State and/or Federal law.

13 2. The candidate shall be required to pay for the cost of printing the candidate's
14 statement in English in the voter pamphlet, and shall also be required to pay for the cost of
15 printing the candidate's statement in any required or requested foreign language as specified in
16 A and/or B above, pursuant to State and/or Federal law.

17 The City Clerk shall estimate the total cost of printing, handling, translating, and mailing
18 the candidates' statements filed pursuant to this section, including costs incurred as a result of
19 complying with the Voting Rights Act of 1965 (as amended), and shall require each candidate
20 filing a statement to pay in advance to the City his or her estimated pro rata share as a condition
21 of having his or her statement included in the voter's pamphlet. The required estimated payment
22 is just an approximation of the actual cost that varies from one election to another election and
23 may be significantly more or less than the estimate, depending on the actual number of
24 candidates filing statements. Accordingly, the Clerk is not bound by the estimate and shall, on a
25 pro rata basis, bill the candidates for additional actual expense or refund any excess paid,
26 depending on the final actual cost. In the event of underpayment, the Clerk shall require the
27 candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall

1 prorate the excess amount among the candidates and refund the excess amount paid within 30
2 days of the election.

3 **SECTION 4.** ADDITIONAL MATERIALS. No candidate will be permitted to include
4 additional materials in the sample ballot package.

5 **SECTION 5.** The City Clerk shall provide each candidate or the candidate's
6 representative a copy of this resolution at the time the nominating petitions are issued.

7 **SECTION 6.** All previous resolutions establishing Council policy on payment for
8 candidates' statements are repealed.

9 **SECTION 7.** This resolution shall apply only to the election to be held on Tuesday,
10 November 6, 2007, and shall then be repealed.

11 **SECTION 8.** The City Clerk shall certify to the passage and adoption of this resolution
12 and enter it into the book of original resolutions.

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14 **PASSED, APPROVED AND ADOPTED ON THIS 12TH DAY OF JUNE, 2007.**

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18 **PRESIDENT** of the City Council and **MAYOR** of the City of Hermosa Beach

19
20 **ATTEST:**

APPROVED AS TO FORM:

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22 _____
23 City Clerk

City Attorney