



City of Carson Report to Mayor and City Council

October 21, 2014
New Business Consent

SUBJECT: CONSIDERATION OF RESOLUTION NO. 14-107, ADOPTING REGULATIONS FOR CANDIDATES STATEMENTS FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION

Submitted by Donesia L. Gause, CMC
City Clerk

Approved by Nelson Hernandez
City Manager

I. SUMMARY

The City Clerk has prepared Resolution No. 14-107 (Exhibit No. 1) for the City's regulations to conform to the recommendation of Martin & Chapman Co., Election Consultants.

II. RECOMMENDATION

TAKE the following action:

1. WAIVE further reading and ADOPT Resolution No. 14-107, "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES STATEMENTS FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION."

III. ALTERNATIVES

TAKE another action the City Council deems appropriate.

IV. BACKGROUND

On October 16, 2012, the City Council adopted Resolution No. 12-105, which adopted regulations for candidates statements who would apply at the next ensuing election and at each municipal election thereafter.

V. FISCAL IMPACT

Funds for the election and purchase order are included in the FY 2014/15 budget in account number 01-30-000-003-6018.

VI. EXHIBITS

1. Resolution No. 14-107, Adopting Regulations for Candidates Statements.
(pgs. 3-5)

TO: Rev05-13-2014

Reviewed by:

City Clerk	City Treasurer
Administrative Services	Public Works
Community Development	Community Services

Action taken by City Council

Date _____ Action _____

RESOLUTION NO. 14-107

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2015

WHEREAS, §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 statement;

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

Section 1. GENERAL PROVISIONS. That pursuant to §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 Carson on March 3, 2015, 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 6:00 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 is required to translate candidates statements into the following languages: Spanish and Tagalog.

B. The Elections Official shall

1. Translations:

(a) Have all candidates statements translated into the languages specified in (A) above.

2. Printing:

(a) Print all translations of all candidates statements pursuant to (A). above, in facsimile voter pamphlets

- facsimile voter pamphlets will be in Spanish and Tagalog.

(b) Print all translations of all candidates statements in the main voter pamphlet.

- the main voter pamphlet will be in English, Spanish and Tagalog.

(c) Have all translations made available upon request in the Office of the City Clerk.

Section 3. PAYMENT.

A. Translations:

1. The candidate shall not be required to pay for the cost of translating the candidates statement into any required foreign language as specified in (A) and/or (B) of Section 2 above pursuant to Federal and/or State law.

B. Printing:

1. The candidate shall be required to pay for the cost of printing the candidates statement in English in the main voter pamphlet.
2. The candidate shall not be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.
3. The candidate shall not be required to pay for the cost of printing the candidates statement in a foreign language required by (A) of Section 2 above, in the facsimile voter pamphlet.

The Elections Official shall estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. In the event the estimated payment is required, the estimate is just an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

Section 4. MISCELLANEOUS.

- A) All translations shall be provided by professionally-certified translators.
- B) The Elections Official shall allow bold type, underlining, capitalization, indentations, bullets, and leading hyphens to the same extent and manner as allowed in previous City elections.
- C) The Elections Official shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

Section 5. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

Section 6. That the Elections Official shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.

Section 7. That all previous resolutions establishing council policy on payment for candidates statements are repealed.

Section 8. That this resolution shall apply only to the election to be held on March 3, 2015 and shall then be repealed.

Section 9. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.



PASSED, APPROVED and ADOPTED this 21th day of October, 2014.

Mayor Jim Dear

ATTEST:

City Clerk Donesia L. Gause

APPROVED AS TO FORM:

City Attorney William Wynder

