



City of Sacramento City Council

915 I Street, Sacramento, CA, 95814
www.CityofSacramento.org

Meeting Date: 7/19/2012

Report Type: Consent

Title: November 6, 2012 General Municipal Election- Candidate Statement Regulations for Council District 2 and 4

Report ID: 2012-00587

Location: Districts 2 and 4

Recommendation: Pass a Resolution adopting regulations for candidate statements for Council Districts 2 and 4 to be submitted to the voters at the November 6, 2012, General Municipal Election.

Contact: Stephanie Mizuno, Assistant City Clerk, (916) 808-8093, Office of the City Clerk

Presenter: None

Department: City Clerk

Division: City Clerk

Dept ID: 04001011

Attachments:

- 1-Description/Analysis
- 2-Background
- 3-Resolution

City Attorney Review

Approved as to Form
Matthew Ruyak
7/12/2012 11:01:25 AM

City Treasurer Review

Prior Council Financial Policy Approval or
Outside City Treasurer Scope
City Treasurer

Approvals/Acknowledgements

Department Director or Designee: Dawn Bullwinkel - 7/11/2012 9:22:35 AM



Description/Analysis

Issue: Prior to an election, the City Council must adopt a resolution that establishes regulations for the preparation of, and payment for, processing candidate statements.

Policy Considerations: This procedure is established in accordance with California Elections Code section 13307 and is required in order for candidates in Council Districts 2 and 4 to submit candidate statements.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: Pursuant to California Elections Code Section 13307, the Council must adopt regulations pertaining to the preparation and payment of candidate statements at least seven (7) days prior to the opening of the nomination period. Although the District 2 and 4 general (run-off) elections do not include a nomination period, the statutes in the California Elections Code pertaining to the preparation, form, cost and final submission deadlines remain applicable.

Financial Considerations: The adoption of this regulation will establish the cost of including the optional candidate statement in the voter's pamphlet. The funds received will be deposited into the General Fund to be used to offset the overall costs incurred.

Emerging Small Business Development (ESBD): Not applicable.

Background:

Prior to an election, the City must adopt a resolution that establishes regulations for the preparation of, and payment for, processing candidate statements. These statements are submitted with a candidate's nomination papers, and are for inclusion in the voter's pamphlet. The candidate statement is optional. The statement may include the candidate's name, age, occupation and a brief description of no more than 200 words describing the candidate's education and qualifications.

Each candidate filing a statement is required to pay in advance an estimated pro rata share as a condition of having the statement included in the voter's pamphlet. In compliance with minority language provisions of the Federal Voting Rights Act, statements shall be printed in the sample ballot in English, Spanish, and Chinese.

The Sacramento County Registrar of Voter's Office has estimated the pro rata shares sufficient to cover the costs of translation, printing, handling, and mailing. The cost, which is based on voter registration, is as follows:

<u>Office</u>	<u>Cost</u>
Council District 2	\$300
Council District 4	\$345



RESOLUTION NO.

Adopted by the Sacramento City Council

Date Adopted

ADOPTING REGULATIONS FOR CANDIDATES FOR CITY COUNCIL DISTRICTS 2 AND 4 PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 6, 2012

BACKGROUND:

- A. On December 6, 2011, the Sacramento City Council called for a General Municipal Election to be held on Tuesday, November 6, 2012.
- B. On July 19, 2012, the Sacramento City Council accepted the June 5, 2012 primary election results and called for a general (runoff) election in Council Districts 2 and 4 among the top-two vote receivers in those districts.
- C. California Elections Code section 13307(e) requires that the City adopt regulations pertaining to the processing of, and payment for, candidate statements.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

Section 1. GENERAL PROVISIONS. Pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elected charter commissioner at an election to be held in the City of Sacramento, California, on Tuesday, November 6, 2012, 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 two hundred (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 prepared in typewritten form and be filed in the office of the City Clerk no later than Thursday, August 9, 2012. The statement may be withdrawn, but not changed, until the close of business of the next working day after the filing deadline. Statements exceeding 200 words in length will be shortened by removing words from the end of the statement until the word limit is reached. The standard word count as provided in the Elections Code shall be used.

Section 2. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

Section 3. FOREIGN LANGUAGE POLICY. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Sacramento. The County is required to translate candidate's statements into Spanish and Chinese.

The County will print and mail sample ballots and candidate's statements to all voters in English, Spanish, and Chinese. The County will make the sample ballots and candidate's statements in the required languages available at all polling places and in the County Election Official's office.

Section 4. PAYMENT. The Sacramento County Registrar of Voters has estimated the cost of printing, handling, translating, and mailing the candidate's statement filed pursuant to this section, including cost incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and the City requires each candidate filing a statement to pay in advance his or her estimated pro rata share as a condition of having his or her statement included in the voter's pamphlet. 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 expenses 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 receiving the actual costs from the County Registrar of Voters.

The cost for each candidate filing a statement is Council District 2 - \$300; Council District 4 - \$345. Payment of the deposit shall be by cash or by check payable to the City of Sacramento.

Section 5. MISCELLANEOUS.

(a) All translations will be provided by a professionally-certified translator procured by the County Elections Official. Candidates may not translate their own candidate statements.

(b) The statement of each candidate shall be printed in type that is of uniform size and darkness, and with uniform spacing. Candidates may not use underlining; ALL CAPS; *italics*; **bold print**; dashes (--); bullets (•); stars (★) or other forms of emphasis; one sentence paragraphs; multiple punctuation; "... " or "-----"; etc. Publication names and titles that are

referenced are not to be underlined.

(c) In order for the statement to fit onto a page in the official sample ballot, the maximum number of paragraphs is 6 and the maximum number of lines is 25.

- Section 6. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time nominating petitions are issued.
- Section 7. All previous resolutions establishing Council policy on payment for candidate statements are repealed.
- Section 8. This resolution shall apply only to the election in Council Districts 2 and 4 to be held on Tuesday, November 6, 2012, and shall then be repealed.
- Section 9. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.