

Meeting Date: 1/12/2016

Report Type: Consent

Report ID: 2016-00033

Title: Candidate Statement Regulations for the June 7, 2016 Primary Municipal Election

Location: Citywide

Recommendation: Pass a Resolution adopting regulations for candidate statements to be submitted to the voters at the June 7, 2016, Primary Municipal Election.

Contact: Shirley Concolino, MMC, City Clerk, (916) 808-5442, 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

12/21/2015 3:32:43 PM

Approvals/Acknowledgements

Department Director or Designee: Wendy Klock-Johnson - 12/11/2015 12:03:57 PM

Description/Analysis

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

Policy Considerations: This procedure is established in accordance with California Elections Code section 13307(e).

Economic Impacts: None.

Environmental Considerations: None.

Sustainability: None.

Commission/Committee Action: None.

Rationale for Recommendation: Pursuant to California Elections Code Section 13307, the City Council must adopt regulations pertaining to the processing of, and payment for, candidate statements prior to the opening of the nomination period.

Financial Considerations: The adoption of this regulation will establish the cost of including the optional candidate statement in the official sample ballot. The funds received will be deposited into the General Fund and be used to offset the overall costs incurred.

Local Business Enterprise (LBE): 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 official sample ballot. 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 official sample ballot. 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 following pro rata shares sufficient to cover the costs of translation, printing, handling, and mailing. These amounts are based on current registration figures. The estimate is an approximation of the actual cost that varies from one election to another 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 actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City 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.

Mayoral - \$2,150.00

District 2 - \$350.00

District 4 - \$450.00

District 6 - \$400.00

District 8 - \$350.00

RESOLUTION NO.

Adopted by the Sacramento City Council

Date Adopted

ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, JUNE 7, 2016

BACKGROUND:

- A. The Sacramento City Council has called a Primary Municipal Election to be held on Tuesday, June 7, 2016, to fill offices for Mayoral and Council Districts 2, 4, 6 and 8.
- B. 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 California Elections Code, each candidate for elective office to be voted for at an election to be held in the City of Sacramento, California, on Tuesday, June 7, 2016, 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 prepared in typewritten form and be filed 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 the close of business of the next working day after the close of the nomination period. Statements exceeding 200 words in length shall 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 shall 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 shall 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 shall print and mail official sample ballots containing candidate's statements to all voters in English, Spanish, and Chinese. The County shall make the official sample ballots 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 costs 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 official sample ballot. The estimate is an approximation of the actual cost that varies from one election to another 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 actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City 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 as follows: Mayor - \$2,150.00; District 2 - \$350.00; District 4 - \$450.00; District 6 - \$400.00; and District 8 - \$350.00. Payment of the deposit shall be by cash, money order, or check payable to the City of Sacramento.

Section 5. MISCELLANEOUS.

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

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 line paragraphs; multiple punctuation; "... " or "-----"; etc. Publication names and titles that are referenced are not to be underlined.

In order for the statement to fit onto one 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 City Council policy on payment for candidate statements are repealed.
- Section 8. This resolution shall apply only to the election to be held on Tuesday, June 7, 2016, 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.