



CITY OF LODI COUNCIL COMMUNICATION

AGENDA TITLE: Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates Statements Submitted to the Voters at an Election to be Held on Tuesday, November 7, 2006

MEETING DATE: May 17, 2006

PREPARED BY: City Clerk

RECOMMENDED ACTION: That the City Council adopt a resolution adopting regulations for candidates for elective office pertaining to candidates statements submitted to the voters at an election to be held on Tuesday, November 7, 2006.

BACKGROUND INFORMATION: The 2006 General Municipal Election for three Council seats will be held Tuesday, November 7, 2006. The terms of Council Members Beckman, Hansen, and Hitchcock are expiring. By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations.

The California Elections Code allows each candidate, for a non-partisan elective office in a city, to prepare a statement to be included with the sample ballot and mailed to each registered voter. Candidates' statements are designed to acquaint voters with a candidate's qualifications for the office they are seeking. The law requires the Council to adopt a policy no later than seven days before the nomination period opens regarding the candidates' statements and obligation for payment.

Payment

Elections Code §13307 allows the City to estimate the total cost of printing, handling, translating, and mailing the candidates statements and requires each candidate filing a statement to pay in advance to the City his or her pro rata share as a condition of having his or her statement included in the voters' pamphlet. The cost of the candidate's statement may be borne by the City, the candidate, or the cost shared between them. As was approved by Council for the 2004 Municipal Election, it is again recommended that the City Council approve charging the candidates for the actual costs associated with candidate's statements.

Word Limit

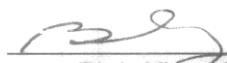
The Council may authorize an increase in the limitation on words for the candidate's statement from 200 to 400 words. It is recommended that the City Council not increase the word limitation, which has historically been set at 200 words.

FISCAL IMPACT: None, if approved as recommended.

FUNDING AVAILABLE: N/A


Susan J. Blackston
City Clerk 

Attachment

APPROVED: 
Blair King, City Manager

RESOLUTION NO. 2006-99

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LODI, 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 7, 2006

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 LODI, 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 Lodi on November 7, 2006, 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 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 Clerk shall have all candidates statements translated into Spanish.
- B Pursuant to State law, the candidate's statement must be translated and printed (in the voters pamphlet) in any language at the candidates request.
- C. The City Clerk shall:
 1. Translations:
 - (a) have all candidates statements translated into the language specified in (a) above.
 - (b) have translated those statements into the languages as requested by the candidate in (b) above.
 2. Printing:
 - (a) print any translations of candidates who so request printing in the voters pamphlet.

SECTION 3. PAYMENT.

- A. Translations:
 1. The candidate shall be required to pay for the cost of translating the candidates statement into any required foreign language as specified in (a) and/or (b) above pursuant to Federal and/or State law.
 2. The candidate shall be required to pay for the cost of translating the candidate's statement into any foreign language that is not required as specified in (a) and/or (b) of Section 2 above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

B. Printing:

1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the voters' pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language in the voters' pamphlet.

The City Clerk 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 voters' 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. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot package.

SECTION 5. That 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 6. That this resolution shall apply only to the election to be held on November 7, 2006, and shall then be repealed.

SECTION 7. That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Dated: May 17, 2006

I hereby certify that Resolution No. 2006-99 was passed and adopted by the City Council of the City of Lodi in a regular meeting held May 17, 2006, by the following vote:

AYES: COUNCIL MEMBERS – Beckman, Hansen, Johnson,
Mounce, and Mayor Hitchcock

NOES: COUNCIL MEMBERS – None

ABSENT: COUNCIL MEMBERS – None

ABSTAIN: COUNCIL MEMBERS – None


Susan J. Blackston
City Clerk