

CITY COUNCIL MEETING  
DECEMBER 2, 1987

GENERAL MUNICIPAL  
ELECTION APRIL 12,  
1988

CC-18

The 1988 General Municipal Election for two council seats will be held on Tuesday, April 12, 1988. The terms of Council Members Hinchman and Pinkerton are expiring.

By state statute a number of actions and decisions must be made by the Council prior to the opening of nominations (January 14, 1987):

- a) It is necessary that Council adopt a resolution calling for the election.
- b) 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.

The law requires the council to adopt a policy no later than seven days before the nomination period opens regarding the candidate's obligation for payment for candidates' statements. The policy may also include the City's position on three additional aspects of the Voters Pamphlet mailing:

**PAYMENT:** Elections Code Section 10012 allows the city to estimate the cost of the Candidate's Statement and require 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 code establishes no guidelines for the clerk to follow to bill the candidates for costs exceeding the estimate but does require that refund of any unused deposit must be issued within 30 days of the election. Unless a court decides otherwise cities may continue to bill as in the past. The cost of the Candidates' Statement may be borne by the city, the candidate, or the cost shared between them. (It should be noted that the city has in the past elected not to charge candidates for the cost of the Candidate's Statements).

**WORD LIMIT:** The Council may authorize an increase in the limitation on words for the statement from 200 to 400 words. (It should be noted that the city has in the past elected not to increase the word limitation to 400 words).

CONTINUED DECEMBER 2, 1987

SPANISH LANGUAGE: The city may wish to include a summary of its policy regarding the Voting Rights Act in the policy resolution. (It should be noted that Federal Law does not require Spanish translations except to voters in four counties. San Joaquin County is not one of the four mandated counties. The City of Lodi has for many years undertaken an oral assistance program, which is recommended).

By law, the City Clerk must issue a copy of the city policy relating to Candidates' Statements at the time nomination papers are issued.

c) The City Council may adopt an ordinance requiring a filing fee, not to exceed \$25.00, to be paid at the time nomination papers are filed. California courts have ruled that the City Clerk may not refuse to place a candidates name on the ballot due to an inability to pay the filing fee. If you cannot waive the fee, you must provide an alternative. Court guidelines are similar to Elections Code Section 6555 providing for the substitution of four signatures of registered voters for each one dollar of the filing fee, or 10% of the total of registered voters in the district in which he seeks nomination, whichever is less. The Council must take appropriate action to enact or repeal the filing fee ordinance sufficiently in advance of the first day of the nomination process. (It should be noted that the City has in the past determined that there will be no filing fee).

d) State Statute allows the Council to set a limit on campaign contributions. (It should be noted that the City has in the past determined that no limit would be set on campaign contributions).

## COUNCIL COMMUNICATION

TO: THE CITY COUNCIL	COUNCIL MEETING DATE	NO.
FROM: THE CITY MANAGER'S OFFICE	December 2, 1987	
SUBJECT:		

APRIL 12, 1988 GENERAL MUNICIPAL ELECTION

### RECOMMENDED ACTION:

We would recommend, based on past policy, that Council adopt the following resolutions pertaining to the April 12, 1988 General Municipal Election:

- a) Resolution No. 87-166 - Calling for the April 12, 1988 General Municipal Election
- b) Resolution No. 87-167 - Establishing regulations pertaining to the Candidate's Statement
- c) Resolution No. 87-168 - Regarding filing fee for processing nomination papers
- d) Resolution No. 87-169 - Regarding limits on campaign contributions

The 1988 General Municipal Election for two council seats will be held on Tuesday, April 12, 1988. The terms of Council Members Hinchman and Pinkerton are expiring.

By State Statute a number of actions and decisions must be made by the Council prior to the opening of nominations (January 14, 1988).

a) It will be necessary for the Council to adopt a resolution calling for the election. We have attached a sample resolution entitled "A Resolution of the City Council of the City of Lodi, California, Calling and Giving Notice of the Holding of a General Municipal Election to be Held in the City on Tuesday, April 12, 1988 for the Election of Certain Officers of the City as Required by the Provisions of the Laws of the State of California Relating to General Law Cities".

b) 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.

The law requires the council to adopt a policy no later than seven days before the nomination period opens regarding the candidate's obligation for payment for candidates' statements. The policy may also include the City's position on three additional aspects of the Voters Pamphlet mailing:

**PAYMENT:** Elections Code Section 10012 allows the City to estimate the cost of the Candidate's Statement and require 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 code establishes no guidelines for the clerk to follow to bill the candidate for costs exceeding the estimate but does require that a refund of any unused deposit must be issued within 30 days of the election. Unless a court decides otherwise, cities may continue to bill as in the past. The cost of the Candidates' Statement may be borne by the city, the candidate, or the cost shared between them. (It should be noted that the city has in the past elected not to charge candidates for the cost of the Candidate's Statements).

**WORD LIMIT:** The Council may authorize an increase in the limitation on words for the statement from 200 to 400 words. (It should be noted that the city has in the past elected not to increase the word limitation to 400 words).

**SPANISH LANGUAGE:** The city may wish to include a summary of its policy regarding the Voting Rights Act in the policy resolution. (It should be noted that Federal Law does not require Spanish translations except to voters in four counties. San Joaquin County is not one of the four mandated counties. The City of Lodi has for many years undertaken an oral assistance program, which we recommend we continue to do).

Attached please find a sample resolution regarding the Candidate's statement entitled, "A Resolution of the City Council of the City of Lodi, California, Adopting Regulations for Candidates for Elective Office, Pertaining to Materials Submitted to the Electorate and the Costs of the Candidates Statement for the General Municipal Election to be held in the City on Tuesday, April 12, 1988" for Council's consideration.

By law, the City Clerk must issue a copy of the city policy relating to Candidates' Statements at the time nomination papers are issued.

c) The City Council may adopt an ordinance requiring a filing fee, not to exceed \$25.00, to be paid at the time nomination papers are filed. California courts have ruled that the City Clerk may not refuse to place a candidates name on the ballot due to an inability to pay the filing fee. If you cannot waive the fee, you must provide an alternative. Court guidelines are similar to Elections Code Section 655 providing for the substitution of four signatures of registered voters for each one dollar of the filing fee, or 10% of the total of registered voters in the district in which he seeks nomination, whichever is less. The Council must take appropriate action to enact or repeal the filing fee ordinance sufficiently in advance of the first day of the nomination process. (It should be noted that the City has in the past determined there will be no filing fee).

We have attached a sample resolution entitled, "Resolution Determining That There will be No Filing Fee Charged For The Processing Of A Candidate's Nomination Papers For the April 12, 1988 General Municipal Election" for Council's consideration.

d) State Statute allows the Council to set a limit on campaign contributions. (It should be noted that the City has in the past determined that no limit would be set on campaign contributions).

We have attached a sample resolution entitled, "Resolution Determining that No Limit Shall be Set on Campaign Contributions for the April 12, 1988 General Municipal Election" for Council's consideration.

  
Alice M. Reimche  
City Clerk

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