

RESOLUTION NO. 2016-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN MARCOS, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON NOVEMBER 8, 2016

WHEREAS, Section 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 the cost associated with the filing of a candidate statement.

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

SECTION 1. GENERAL PROVISIONS

That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at a General Municipal Election to be held in the City of San Marcos on November 8, 2016, may prepare a candidate statement on an appropriate form provided by the 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 the party affiliation of the candidate, nor membership or activity in partisan political organizations. In addition to these restrictions, pursuant to Section 13308, any candidate statement shall be limited to a recitation of the candidate's own personal background and qualifications, and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. The City Clerk shall not cause to be printed or circulated any statement that he determines is not so limited or that includes any reference prohibited by this section. 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 The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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 is required through consolidation, to cause all candidate statements to be translated into all languages required by the County of San Diego Registrar of Voters. The Registrar of Voters is

required to translate all candidate statements into the following languages in addition to English: Chinese, Filipino, Spanish and Vietnamese.

- b) The Registrar of Voters will print and mail sample ballots and candidate statements to all registered voters. The Registrar of Voters will mail sample ballots and candidate statements to voters on the County voter file as having requested a sample ballot in a particular foreign language.
- c) The Registrar of Voters will make the sample ballots and candidate statements in the required languages available at all polling places, on the County's website and in the Election Official's office.
- d) The City Clerk shall make sample ballots and candidate statements in the required languages available upon request in the Office of the City Clerk.

SECTION 3. PAYMENT

The Registrar of Voters shall provide the City Clerk with an estimate of the total cost of printing, handling, translating and mailing the candidate statements filed pursuant to the Elections Code, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended). The City Clerk shall 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. As 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, the receipt for the payment shall include a written notice that 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 City 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 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 the election.

SECTION 4. ADDITIONAL MATERIALS

No candidate will be permitted to include additional materials in the sample ballot pamphlet.

SECTION 5. That the City Clerk shall provide each candidate or the candidate's representative a copy of this resolution at the time nominating papers are issued.

SECTION 6. That all previous resolutions establishing City Council policy on payment for candidate statements are repealed.

SECTION 7. That this resolution shall apply only to the election to be held on November 8, 2016, and shall then be repealed.

SECTION 8. 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 by the City Council of the City of San Marcos, California, this 28th day of June, 2016, by the following roll call vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

James M. Desmond, Mayor
City of San Marcos

ATTEST:

Phillip Scollick, City Clerk
City of San Marcos