

## RESOLUTION NO. 3175-2008

### RESOLUTION OF THE FORT BRAGG CITY COUNCIL ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION

**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 candidate's statement.

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Fort Bragg does hereby resolve, declare, determine and order as follows:

**SECTION 1. GENERAL PROVISIONS.** 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 Fort Bragg 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 400 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 typewritten form<sup>1</sup> in the office of the City Clerk at the time the candidate's nomination papers are filed. Except as provided in Elections Code §13309, the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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 may be required to translate candidates statements into the following language: Spanish.
- b. Pursuant to Elections Code § 13307(b), the candidate's statement must be translated and printed in Spanish at the candidate's request.
- c. The City Clerk shall
  1. Translations:
    - (a) Have all candidates statements translated into Spanish.
  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 candidate's 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, other than Spanish, that is requested as an option by the candidate.

---

<sup>1</sup> If a typewritten form creates an undue burden on the candidate, please contact the City Clerk to arrange submittal in a different form.

- b. Printing:
  - 1. The candidate shall be required to pay of 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 Spanish in the voters' pamphlet.

The City Clerk shall estimate the total 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 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 voter's 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 expenses or refund any excess paid depending on the final actual cost. In the event of an underpayment, the clerk may require the candidate to pay the balance of the cost incurred. In the event of an 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. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time the nomination petitions are issued.

SECTION 6. All candidate statements filed with the City Clerk pursuant to this Resolution and Elections Code § 13307 shall remain confidential until the expiration of the filing deadline. After the expiration of the filing deadline, the City Clerk shall make a copies of candidate statements available for public examination at the City Clerk's office for a period of 10 calendar days immediately following the filing deadline.

SECTION 7. All previous resolutions establishing council policy on payment for candidate's statements are repealed.

SECTION 8. This resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 9. The City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.

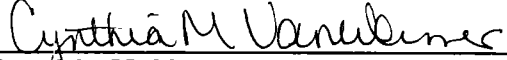
**The above and foregoing Resolution was introduced by Councilmember Gjerde, seconded by Councilmember Melo, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 9<sup>th</sup> day of June, 2008, by the following vote:**

**AYES: Councilmembers Turner, Courtney, Gjerde, Melo, and Mayor Hammerstrom.**  
**NOES: None.**  
**ABSENT: None.**

**ABSTAIN: None.**

  
**DOUG HAMMERSTROM,**  
**Mayor**

**ATTEST:**

  
**Cynthia M. VanWormer, CMC**  
**City Clerk**