

RESOLUTION NO. 4306

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF WESTMINSTER, 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 2, 2010

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 costs of the candidate's statement:

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF WESTMINSTER, 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 an Election to be held in the City of Westminster on November 2, 2010, may prepare a candidate's statement on an appropriate form provided by the City Clerk. The statement may include the name and a brief description of no more than two hundred (200) words of the candidate's occupation, 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 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 The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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 is required to translate candidate statements into the following languages: Spanish, Vietnamese, Chinese and Korean.
- B. Pursuant to state law, the candidate statement must be translated and printed in the voter's pamphlet in Spanish at the candidate's request.
- C The City Clerk shall:
  - 1. Have all candidates statements translated into the languages specified in (A) above.
  - 2. Print all translations of all candidates' statements in the voter's pamphlet; these translations shall be made available upon request in the office of the City Clerk.

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 (B) above pursuant to state and federal law.

B. Printing

1. The candidate shall be required to pay the cost of printing the candidate's statement in the voter's pamphlet in all required languages pursuant to state and federal law.

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 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 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 all previous resolutions establishing council policy on payment for candidate's statements are repealed.

SECTION 7: That this Resolution shall apply only to the election to be held on November 2, 2010, 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 THIS 9th day of June, 2010, by the following vote:

AYES: COUNCIL MEMBERS: RICE, FRY, QUACH, TA, DIEP  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE

  
MARGIE L. RICE, MAYOR

ATTEST:

  
ROBIN ROBERTS, MMC, CITY CLERK

STATE OF CALIFORNIA )  
COUNTY OF ORANGE ) ss.  
CITY OF WESTMINSTER )

I, Robin Roberts, hereby certify that I am duly appointed City Clerk of the City of Westminster, California; and that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Westminister held on the 9<sup>th</sup> day of June, 2010.

  
ROBIN ROBERTS, MMC  
CITY CLERK