

RESOLUTION NO. 18-8560

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA
ADOPTING REGULATIONS FOR CANDIDATE STATEMENTS OF
QUALIFICATIONS SUBMITTED TO THE VOTERS FOR AN
ELECTION TO BE HELD TUESDAY, NOVEMBER 6, 2018, AND
LEVYING A SHARE OF THE COST OF THE CANDIDATES'
STATEMENTS ON THE CANDIDATES**

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, California Elections Code Section 13307 contains certain requirements regarding a candidate's ballot statement of qualifications, including that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election; and

WHEREAS, California Elections Code Section 13307(d) provides that a local agency may require candidates to bear all or part of the costs attributable to the candidate's statement and that the local agency may 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 county voter information guide or electronically distributed; and

WHEREAS, California Elections Code Section 13307(f) provides that before the nomination period opens, the local agency for that election shall determine whether a charge shall be levied against that candidate for the candidate's statement sent to each voter.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. General Provisions. Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for in the General Municipal Election held in the City of Santa Clara on November 6, 2018 may prepare a candidate's ballot statement of qualifications on the form provided by the Acting City Clerk. The statement may include the name, age and occupation of the candidate, and a brief description of no more than 200 words regarding the candidate's education and qualifications. The statement shall not include any reference to party affiliation of

the candidate, including membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the same time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, until 5:00 p.m. of the next working day after the close of the nomination period.

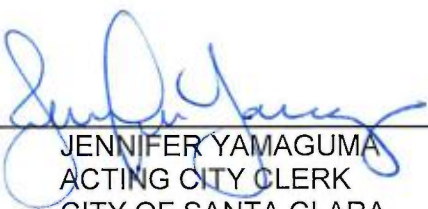
2. Foreign Language Policy. Pursuant to the Federal Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq., as amended from time to time), the County of Santa Clara Registrar of Voters is required to translate and print the candidate's statement into five languages: Chinese, English, Spanish, Tagalog and Vietnamese.

3. Payment. Pursuant to Section 13307 of the Elections Code, the City Council hereby determines to levy against each candidate availing him or herself of the service of including a candidate statement in the voter pamphlet, the actual prorated costs of printing, handling, translating, and mailing the candidate's statement incurred by the City. The County's estimated cost for the candidate statement is \$2,584. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the voter's pamphlet and translating and printing the candidate's statement into any of the languages referred to in Paragraph 2. If a candidate agrees to adhere to the City of Santa Clara Voluntary Campaign Expenditure Limit, as stated in Section 2.130.160 of the City Code of the City of Santa Clara, the candidate will be responsible for one-half of the estimated cost of the voter's pamphlet, calculated on a pro-rata shared basis per candidate. It is estimated that each such candidate is responsible for \$1,292 toward the cost of the voter's pamphlet, which shall be paid at the time of filing of nomination papers to the City of Santa Clara. If the ultimate cost to the City of the voter's pamphlet exceeds the \$1,292 estimated amount, the City will pay the additional costs. If the \$1,292 is more than the actual cost, there will be no refund to the candidate. Based on the foregoing, the City Council of the City of Santa Clara hereby determines to levy the pro-rata charge of \$2,584 (to be reduced to the \$1,292 amount if the expenditure limit is accepted) for each candidate's statement of 200 words or less.

4. Additional Materials. No candidate will be permitted to include additional materials in the sample ballot package (voter's pamphlet).
5. The Acting City Clerk shall provide a copy of this Resolution to each candidate or the candidate's representative at the time nominating petitions are issued.
6. This resolution shall take precedence over all previous and/or conflicting resolutions establishing Council policy on payment for candidate's statements.
7. The Acting City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.
8. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 26th DAY OF JUNE, 2018, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Davis, Kolstad, O'Neill, and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Mahan
ABSTAINED:	COUNCILORS:	None

ATTEST: 

 JENNIFER YAMAGUMA
 ACTING CITY CLERK
 CITY OF SANTA CLARA

Attachments incorporated by reference: None