

RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASADENA SETTING FORTH REGULATIONS RELATING TO CANDIDATE STATEMENTS FOR THE MARCH 7, 2017 PRIMARY NOMINATING ELECTION AND APRIL 18, 2017 GENERAL MUNICIPAL ELECTION

WHEREAS, Section 13307 of the California Elections Code ("Elections Code") provides that each candidate for nonpartisan elective office in any local agency may prepare a candidate's statement on an appropriate form provided by the City Clerk. Such statement may include the name, age, and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself, except that the statement shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement of each candidate shall be printed in type of uniform size and darkness in upper and lower case letters only, and with uniform spacing. There shall be no bolding, and no special emphasis of any kind. Such statement shall be filed in the office of the City Clerk at the same time the candidate's nomination papers are filed. As provided in Section 13307(a)(3), except as provided in Elections Code Section 13309, such statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period; and

WHEREAS, Elections Code Section 13307 also permits the City to adopt regulations to ensure recovery of the pro-rata costs from each candidate; and

WHEREAS, Elections Code Section 13311 mandates that candidate statements shall remain confidential until the expiration of the filing deadline.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Pasadena as follows:

SECTION 1. The City Clerk shall advise all persons to whom nominating papers are issued of the provisions of the Elections Code pertaining to said candidate's statement and the City's requirements thereunder.

SECTION 2. A statement must be filed by the candidate at the same time the candidate's nominating papers are filed.

SECTION 3. No candidate will be permitted to include additional statements or materials in the sample ballot pamphlet.

SECTION 4. A deposit of not less than \$650.00 shall be required of each district candidate for City Council and \$750.00 for each district candidate for Pasadena Unified School District Board of Education requesting publication of a candidate's statement pursuant to the Elections Code, which shall be deposited by the City Clerk into the City treasury. The deposit is due at the time the nominating papers and candidate's statement are filed.

Candidates who wish to included translations of their candidate's statement for any language not required to be translated and printed by the Federal Voting Rights Act, shall pay estimated translation and printing costs at the time the nomination papers and candidate's statements are filed.

SECTION 5. A candidate in the General Election on April 18, 2017, who desires to have a candidate's statement printed, shall be required to make an additional deposit, in the same amounts as set forth above, with the City Clerk. In order to meet the deadline for mailing the sample ballot pamphlet, and to meet the locally determined requirements of the Federal Voting Rights Act of 1965, and in light of the longer time period required in certifying the canvass results occasioned by the rise in vote by mail and provisional ballots, the candidate's

statement for the General Election shall be filed and said required deposit shall be made with the City Clerk no later than 5:30 p.m. on Friday, March 10, 2017. A candidate may elect either to file the same candidate statement printed for the Primary Nominating Election or to file a different statement. The filing requirement may be met either by filing a written request from the candidate to use the same candidate statement, or by filing the text of a new statement, along with the required deposit with the City Clerk prior to the March 10, 2017 deadline.

SECTION 6. Each candidate filing such statement shall be liable for a pro-rata share of the actual cost of printing the candidate's statement in English, or any additional languages requested by the candidate but not required under the Federal Voting Rights Act. No candidate will be charged their pro-rata share of costs incurred as a result of complying with the Federal Voting Rights Act of 1965. The Director of Finance shall bill each candidate for the actual pro-rated costs of printing the candidate's statement, if required, and such bill shall be due and payable immediately upon receipt thereof. If the actual cost is less than the deposit, the Director of Finance shall refund any excess deposit to the candidate within 30 days of the election.

SECTION 7. In light of past practice and demand in complying with the minority language requirements of the Federal Voting Rights Act of 1965, and consistent with an agreement among the Los Angeles County Registrar of Voters, the Asian Pacific American Legal Center, and the Mexican American Legal Defense and Education Fund, minority language translations will be provided where at least 3% of a single language minority is identified by recent census data as being limited-English proficient. Utilizing this 3% targeting method, Spanish, Chinese, and Korean qualify for translations and assistance, based on the most recent detailed census data and Los Angeles County

Registrar of Voters assistance data available for the City of Pasadena and the Pasadena Unified School District area.

Due to the large Spanish-speaking population in the City of Pasadena and School District area, the sample ballot pamphlet, which is mailed to all registered voters in the City and in the Pasadena Unified School District, will be printed in English and Spanish. As to the Chinese and Korean language translations, on the first inside page of the bilingual sample ballot pamphlet for those voters residing within a ballot type with precincts having met the 3% criteria, there will be instructions in Chinese and Korean for voters who wish to obtain a sample ballot pamphlet in the Chinese or Korean language, at no cost to the voter. Sample ballot pamphlets will automatically be mailed to voters in the Registrar's database who reside within precincts eligible for language assistance that have already requested translations in Chinese and Korean.

Adopted at the regular meeting of the City Council on the _____ day of _____, 2016, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mark Jomsky
City Clerk, CMC

APPROVED AS TO FORM:


Theresa Fuentes
Assistant City Attorney

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