

RESOLUTION NUMBER 6436-2022

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SEBASTOPOL ESTABLISHING ESTIMATED COSTS FOR PRINTING, HANDLING, TRANSLATING AND MAILING THE CANDIDATES' STATEMENTS FILED FOR THE CONSOLIDATED GENERAL ELECTION TO BE HELD IN THE CITY OF SEBASTOPOL ON NOVEMBER 8, 2022 AND ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENT OF QUALIFICATIONS AND REQUIRING EACH CANDIDATE FILING A CANDIDATE STATEMENT OF QUALIFICATIONS PAY IN ADVANCE TO THE LOCAL AGENCY AN ESTIMATED PRORATED SHARE AS A CONDITION OF HAVING CANDIDATE STATEMENT INCLUDED IN THE VOTERS' PAMPHLET FOR THE MUNICIPAL ELECTION TO BE HELD
NOVEMBER 8, 2022

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 material prepared by any candidate for a municipal election, including the costs of the candidates' statement; and

WHEREAS, Section 13307(c) of the California Elections Code provides that the City may estimate the total cost of printing, handling, translating and mailing Candidates' Statements for nonpartisan elective office, and may require each candidate filing a statement to pay in advance to the City his or her estimated pro-rated share as a condition of having his or her statement included in the voter's pamphlet; and

WHEREAS, the City of Sebastopol and the Sonoma County Board of Supervisors have authorized the County of Sonoma to conduct the Consolidated General Election in the City of Sebastopol on November 8, 2022 and the City of Sebastopol has agreed to pay its pro-rated share of the costs of such election; and

WHEREAS, Sonoma County was officially designated as a "bilingual county" by the U.S. Department of Justice after the 2020 Census, and all statements are required to be printed in both languages; and

WHEREAS, the County of Sonoma has provided an estimate of costs for the printing, handling, translating and mailing of candidates' statements on the November 8, 2022 ballot for English and Spanish; and

WHEREAS, Elections Code 13307(c) states the local agency may require each candidate filing a statement to pay in advance to the local agency his or her estimated pro-rated share as a condition of having his or her statement included in the voter's pamphlet.

NOW, THEREFORE, BE IT RESOLVED:

1. 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 Sebastopol on November 8, 2022 may prepare a candidate's statement on an appropriate form provided by the City Clerk.

2. That 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.
3. That the statement shall not include any party affiliation of the candidate, nor membership or activity in partisan political organizations.
4. That the statement shall be filed in typewritten form and block style in the Office of the City Clerk at the time the candidate's nomination papers are filed and will be printed exactly as submitted by the candidate.
5. That the statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 pm of the next working day after the close of the nomination period and that Statements shall remain confidential until the expiration of the filing deadline.
6. That the Sonoma County Register of Voters has estimated for 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). The candidate shall be required to pay the cost of translating the candidate's statement into any foreign language if translation is required by state or federal law. At the time of filing the Candidate's Statement, the candidate shall submit a fee in the amount of **\$800.00** to cover Candidate pro-rated share of the cost of having Candidate Statement included in the voter's pamphlet and will pay the cost of translating the Statement into Spanish and the City Clerk shall require each candidate filing a statement to pay in advance to the City his or her estimated pro-rated share as a condition of having his or her statement included in the voter's pamphlet.
7. That Pursuant to State law, the Candidate's Statement must be translated and printed in English and Spanish as Sonoma County was officially designated as a "bilingual county" by the U.S. Department of Justice after the 2020 Census, and all statements are required to be printed in both languages.
8. 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.
9. That the City Clerk is not bound by the estimate and may, on a pro-rated 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 within 30 days of receiving the invoice for payment from the Sonoma County Registrar of Voters. 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 receiving Election invoice for payment from the Sonoma County Registrar of Voters.

10. That the taxpayers of the City of Sebastopol should not be responsible for costs of individual candidate statements.
11. That if a candidate alleges to be indigent, the candidate shall pay the actual pro-rated share of the cost after the election, plus interest and administration fees if applicable.
12. That the City Council of the City of Sebastopol has determined that the candidate shall bear the costs of the statement as allowed in California Elections Code Section 13307.
13. That no candidate will be permitted to include additional materials in the sample ballot package.

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.

That all previous resolutions establishing council policy on payment for candidates' statements are repealed.

That this Resolution shall apply only to the Consolidated General Municipal Election to be held within the City of Sebastopol on Tuesday, November 8, 2022.

That the City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

This resolution shall take effect immediately upon adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

IN COUNCIL DULY PASSED, APPROVED AND ADOPTED this 7th day of June 2022.

I HEREBY CERTIFY that the foregoing is a true and correct copy of a Resolution passed and adopted by the City Council of the City of Sebastopol by the following roll call vote:

VOTE:

Ayes: Councilmembers Glass, Gurney, Rich, Vice Mayor Hinton and Mayor Slayter

Noes: None

Absent: None

Abstain: None

APPROVED:



Mayor Patrick Slayter

ATTEST:



Mary Gourley, Assistant City Manager/City Clerk, MMC

APPROVED AS TO FORM:



Larry McLaughlin, City Attorney