

RESOLUTION NO. 2016-69

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, 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 8, 2016

WHEREAS, California Elections Code Section 13307 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 Candidates Statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

Section 1: General Provisions. Pursuant to California Elections Code Section 13307, each candidate for elective office to be voted for at an election to be held in the City of Newport Beach on November 8, 2016, 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 200 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 candidate's statement shall be filed in type written form, as well as in electronic format, with the Office of the City Clerk at the time the candidate's nomination papers are filed. The candidate's statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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, candidates' statements will be translated into all languages required by the County of Orange. The County is required to translate candidate statements into the following languages: Spanish and Chinese.

- B. The County will print and mail sample ballots and candidate statements to all voters in English. The County will mail separate sample ballots and candidate statements in Spanish and Chinese to only those voters who are in the County voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and candidate statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.
- C. The City Clerk shall:
 - 1. Have all candidates statements translated into the languages specified in (A) above.
 - 2. Have all translations 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 (A) and (B) of Section 2 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 that is not required as specified in (A) and (B) of Section 2 above pursuant to State and Federal law, but is requested as an option by the candidate.

B. Printing

- 1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter pamphlet.
- 2. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language required by (A) of Section 2 above, in the main voter pamphlet.

3. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating and mailing the candidate 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 City of Newport Beach his or her estimated pro rata share as a condition of having his or her statement included in the voters pamphlet. 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 City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidates for additional actual expenses or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidates to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days of the election.

Section 4: 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 nominating petitions are issued.

Section 6: All previous resolutions establishing City Council policy on payment for candidates statements are repealed.

Section 7: This resolution shall apply only to the General Municipal Election to be held on Tuesday, November 8, 2016, and shall then expire without further action by the City Council.

Section 8: The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

Section 9: The City Council finds the adoption of this resolution is not subject to the California Environmental Quality Act ("CEQA") pursuant to Sections 15060(c)(2) (the

activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines, California Code of Regulations, Title 14, Chapter 3, because it has no potential for resulting in physical change to the environment, directly or indirectly.

Section 10: This resolution shall take effect immediately upon adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

PASSED, APPROVED AND ADOPTED this 14th day of June, 2016.



Diane B. Dixon
Mayor

ATTEST:



Leilani I. Brown
City Clerk



STATE OF CALIFORNIA }
COUNTY OF ORANGE }
CITY OF NEWPORT BEACH } ss.

I, Leilani I. Brown, City Clerk of the City of Newport Beach, California, do hereby certify that the whole number of members of the City Council is seven; that the foregoing resolution, being Resolution No. 2016-69 was duly and regularly introduced before and adopted by the City Council of said City at a regular meeting of said Council, duly and regularly held on the 14th day of June, 2016, and that the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Peotter, Council Member Duffield, Mayor Pro Tem Muldoon,
Mayor Dixon
NAYS: Council Member Selich, Council Member Curry, Council Member Petros

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 15th day of June, 2016.



Leilani I. Brown, MMC
City Clerk
Newport Beach, California

(Seal)

