

RESOLUTION NO. 2018-34

**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 6, 2018**

WHEREAS, California Elections Code Section 13307 provides that the governing body of any local agency may 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 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 6, 2018, 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 The candidate's statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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 language:
Spanish.
- B. The County will mail separate voter information guides and candidate statements in Spanish to only those voters who are on the County voter file as having requested a voter information guides in a particular language. The County will make the voter information guides and candidate statements in the required language available at all polling places, on the County's website, and in the Election Official's office.

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 the 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 voter 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 voter information guide.

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 6, 2018, 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 recitals provided in this resolution are true and correct and are incorporated into the operative part of this resolution.

Section 10: If any section, subsection, sentence, clause or phrase of this resolution is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this resolution. The City Council hereby declares that it would have passed this resolution, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 11: 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 12: This resolution shall take effect immediately upon adoption by the City Council, and the City Clerk shall certify the vote adopting the resolution.

ADOPTED this 12th day of June, 2018.



Marshall "Duffy" Duffield
Mayor

ATTEST:



Leilani I. Brown
City Clerk



APPROVED AS TO FORM:

 (for)

Aaron C. Harp
City Attorney

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; the foregoing resolution, being Resolution No. 2018-34 was duly introduced before and adopted by the City Council of said City at a regular meeting of said Council held on the 12th day of June, 2018; and the same was so passed and adopted by the following vote, to wit:

AYES: Council Member Herdman, Council Member Kevin Muldoon, Council Member Diane Dixon, Council Member Scott Peotter, Council Member Brad Avery, Mayor Pro Tem Will O'Neill, Mayor Duffy Duffield
NAYS: None

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of said City this 13th day of June, 2018.



Leilani I. Brown
City Clerk
Newport Beach, California

