



AGENDA REPORT

Department: City Clerk's Office
Prepared by: Shelley Chapel, MMC, City Clerk
Meeting Date: Tuesday, May 21, 2024
Approved by: Benjamin A. Martinez, City Manager

SUBJECT:

Adoption of a Resolution Adopting Regulations for Candidates for Elective Office Pertaining to Candidates' Statements for the Tuesday, November 5, 2024, Election.

RECOMMENDATION:

Adopt a Resolution Entitled, "Resolution of the City Council of the City of National City, California, Adopting Regulations for Candidates for Elective Office Pertaining to Candidate Statements of Qualifications to be Submitted to the Voters at a Statewide General Municipal Election to be held on Tuesday, November 5, 2024."

BOARD/COMMISSION/COMMITTEE PRIOR ACTION:

Not Applicable.

EXPLANATION:

Section 13307 of the Elections Code of the State of California 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. Cities in San Diego County are required to translate candidates' statements into Spanish, Filipino, Chinese, and Vietnamese and have the translation available upon request. The 18 Cities share the cost of the elections, including translations, by consolidating with the County of San Diego Registrar of Voters.

The San Diego County Registrar of Voters has estimated the Tuesday, November 5, 2024, costs for candidate's statements to be \$1600 for Mayoral Candidates and \$1500 for City Councilmember Candidates for a 200-word statement. All candidates would be subject to the estimated fee, or would need to opt out by submitting a Candidate Statement for Qualification to the Office of the City Clerk. The Nomination Period for the Tuesday, November 5, 2024, Statewide General Municipal Election opens Monday, July 15, 2024, and closes Friday, August 9, 2024. Once set, this fee cannot be revoked or modified after the seventh day prior to the opening of the Nomination Period or Monday, July 8, 2024.

FINANCIAL STATEMENT:

This action does not include fiscal impact as the Candidates will pay the exact costs billed to the City, and will reimburse the City if the cost is greater than the estimate. If the final cost is lower than the estimate, the City will refund the difference to the Candidate.

RELATED CITY COUNCIL 2020-2025 STRATEGIC PLAN GOAL:

Communication and Outreach

ENVIRONMENTAL REVIEW:

This is not a project under CEQA and is therefore not subject to environmental review.CCR15378;
PRC 21065.

PUBLIC NOTIFICATION:

The Agenda Report was posted within 72 hours of the meeting date and time in accordance with
the Ralph M. Brown Act.

ORDINANCE:

Not Applicable

EXHIBIT:

Exhibit A - Resolution

RESOLUTION NO. 2024 -

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NATIONAL CITY, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE'S STATEMENTS TO BE SUBMITTED TO THE VOTERS AT A STATEWIDE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024.

WHEREAS, Section 13307 of the Elections Code of the State of California 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 NATIONAL CITY, CALIFORNIA, DOES RESOLVE, DECLARE, DETERMINE, AND ORDER AS FOLLOWS:

Section 1: GENERAL PROVISIONS.

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 National City, California on Tuesday, November 5, 2024, 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 statement shall be filed in typewritten form in the Office of the City Clerk at the time the candidate's nomination papers are returned for filing. The 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 1965 (as amended), and in accordance with a Memorandum of Agreement between the County of San Diego and the United States Department of Justice, cities in San Diego County are required to translate candidate's statements into the following languages: Spanish, Vietnamese, Filipino and Chinese, and to have translations available upon request.
- B. Pursuant to State Law, the candidate's statements must be translated and printed in any language at the candidate's request.
- C. The City Clerk shall have translated those statements into the languages as requested by the candidate and those listed in subsection (A) above.
- D. The San Diego County Registrar of Voters will print and mail voter information guides and translate into Spanish, Vietnamese, Filipino and Chinese to only those voters who are on the County voter file as having requested a sample ballot in a particular language. The Registrar of Voters will make the voter information guides and candidate's statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

Section 3: PAYMENT.

Translations: The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in Section 2 above pursuant to Federal and/or State law.

Printing: The candidate shall be required to pay for the cost of printing the candidate's statement in English and the required languages, as specified in Section 2, in the sample ballot pamphlets and any language the candidate requests as an option by the candidate.

The City Clerk shall estimate the total cost of printing, handling, translating and mailing the candidate's statements filed pursuant to this section, including costs incurred as a result of complying with the Federal Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency the estimated pro rata share costs to be \$1600 for Mayoral Candidates and \$1500 for City Councilmember Candidates as a condition of having their statement included in the voter's pamphlet. The estimated amount 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 Clerk is not bound by the estimate and may, on a pro rata 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. 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 the election.

Section 4: MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators.
- B. The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

Section 5: ADDITIONAL MATERIALS.

No candidate will be permitted to include additional materials in the voter information guide.

Section 6: COPY OF RESOLUTION.

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.

Section 7: REPEAL OF PREVIOUS RESOLUTIONS.

That all previous resolutions establishing City Council policy on payment for candidate's statements are repealed.

Section 8: APPLICABILITY.

That this Resolution shall apply only to the election to be held on November 5, 2024, and shall then be repealed.

Section 9: CERTIFICATION BY CITY CLERK.

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

PASSED and ADOPTED this 21st day of May, 2024.

Ron Morrison, Mayor

ATTEST:

Shelley Chapel, MMC, City Clerk

APPROVED AS TO FORM:

Barry J. Schultz, City Attorney