

RESOLUTION NO. 2020-028

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN BUENAVENTURA , 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 3, 2020, AND ALL SUBSEQUENT ELECTIONS

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, include costs of the candidate statement.

NOW, THEREFORE, the City Council of the City of San Buenaventura does hereby resolve, determine, find, and order as follows:

SECTION 1. GENERAL PROVISIONS. Pursuant to Elections Code Section 13307, each candidate for elective office to be voted for at an Election to be held in the City of San Buenaventura (Ventura) on November 3, 2020, 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, as well as an electronic version, in the City Clerk's Office at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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, candidates' statements will be translated into all languages required by the County of Ventura. The County is required to translate candidates' statements into Spanish for the City of San Buenaventura (Ventura). Some precincts in Ventura County will have sample ballots and candidate statements in Chinese, Tagalog, and Vietnamese.

- B. The County will print and mail voter information guides and candidates' statements to those voters who are on the county voter file having requested a voter information guide in a particular language. The County will make the voter information guides and candidate 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.

A. 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.

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 as required in Section 2 above, in the main voter pamphlet.

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 Voting Rights Act of 1965 (as amended), and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voters' pamphlet. In the event the estimated payment is required, 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 candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate 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 30 days of the election.

SECTION 4. MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators.
- B. The City Clerk shall allow an Arial 12 point font size. Text will be typeset in block paragraph form. The number of words/acronyms can be in all capital letter and shall not exceed 10 words. The statement is limited to 30 lines. Word count is determined by Elections Code Section 9.
- C. 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 sample ballot package.

SECTION 6. CANDIDATES TO RECEIVE COPY. 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. PREVIOUS RESOLUTIONS REPEALED. All previous resolutions establishing City Council policy on payment for candidate's statements are repealed.

SECTION 8. APPLICATION OF RESOLUTION. This Resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 9. That the City Council recognizes that at the time this Resolution is adopted that the City is still in a state of local emergency relating to the COVID-19 pandemic and that as such it may be necessary to adjust the procedures, rules, and policies for filing of candidate's statements in order to ensure social distancing and safe practices to prevent the further spread of COVID-19. As such, the City Council hereby authorizes the City Clerk to modify the form, method, and manner of submittal of candidate's statements set forth herein should the same be necessary to prevent the further spread of COVID-19. Such modifications can include accepting electronic submittals. The authorization to the City Clerk shall not include the authority to adjust, amend, or modify the date or time by which such candidate's statements are due or the length of such candidate's statements.

SECTION 10. COPY TO COUNTY. That the City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and the County Election Department of the County of Ventura.

SECTION 11. CITY CLERK'S CERTIFICATION. 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 on this 15th day of June, 2020



Matt LaVere, Mayor

ATTEST:



Antoinette M. Mann, MMC, CRM
City Clerk

APPROVED AS TO FORM
GREGORY G. DIAZ, City Attorney



6/4/2020

Gregory G. Diaz
City Attorney

Date

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF VENTURA) SS.
CITY OF SAN BUENAVENTURA)

I, ANTOINETTE M. MANN, City Clerk of the City of San Buenaventura, DO HEREBY CERTIFY that the foregoing is a full, true, and correct copy of Resolution No. 2020-028 which was duly and regularly passed and adopted by said City Council at a regular meeting held June 15, 2020, by the following vote:

AYES: Councilmembers Nasarenko, Brown, Friedman, Weir, Heitmann, Deputy Mayor Rubalcava and Mayor LaVere

NOES: None

ABSENT: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of San Buenaventura, California.



Antoinette M. Mann, City Clerk
City of San Buenaventura, California



Date Attested

