

RESOLUTION NO. 21-7269

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HERMOSA BEACH, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS TO BE SUBMITTED TO THE VOTERS AT AN ALL MAIL BALLOT SPECIAL ELECTION TO BE HELD ON TUESDAY, MAY 11, 2021

WHEREAS, § 13307 of the Elections Code of the State of California 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' statements.

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

SECTION 1. GENERAL PROVISIONS. That pursuant to § 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at a Special Election to be held in the City of Hermosa Beach on Tuesday, May 11, 2021, 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 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 The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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, the City may be required to translate candidate statements into one or more of the following languages: Spanish, Chinese, Japanese, Korean, Tagalog, Vietnamese and/or others.

1 B. Pursuant to State law, the candidate statement must be translated and printed in the
2 voter's pamphlet in any language at the candidate's request.

3 C. The City Clerk shall:

4 1. Translations

5 (a) Have all candidate statements translated into any of the languages required
6 pursuant to paragraph A above; and

7 (b) Have translated those statements into the languages requested by the
8 candidates pursuant to paragraph B above.

9 2. Printing

10 (a) Print an English-only voter pamphlet to be mailed to all voters;

11 (b) Print any translations of candidates who so request printing in the main voter
12 pamphlet; and

13 (c) Print all translations of all candidate statements, required pursuant to
14 paragraph A above, in facsimile voter pamphlets.

15 **SECTION 3.** PAYMENT.

16 A. Translations.

17 1. The candidate shall be required to pay for the cost of translating the candidate's
18 statement into any required foreign languages as specified in (A) and/or (B) of Section 2 above,
19 pursuant to Federal and/or State law.

20 2. The candidate shall be required to pay for the cost of translating the candidate's
21 statement into any foreign language that is not required as specified in (A) and (B) of Section 2
22 above, pursuant to Federal and/or State law, but is requested as an option by the candidate.

23 B. Printing.

24 1. The candidate shall be required to pay for the cost of printing the candidate's
25 statement in English in the main voter pamphlet.

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

4 3. The candidate shall be required to pay for the cost of printing the candidate’s
5 statement in a foreign language, required by paragraph A of Section 2 above, in the facsimile
6 voter pamphlet.

7 The City Clerk shall estimate the total cost of printing, handling, translating, and mailing
8 the candidates' statements filed pursuant to this section, including costs incurred as a result of
9 complying with the Voting Rights Act of 1965 (as amended), and shall require each candidate
10 filing a statement to pay in advance to the City his or her estimated pro rata share as a condition
11 of having his or her statement included in the voter’s pamphlet. The estimate is just an
12 approximation of the actual cost that varies from one election to another election and may be
13 significantly more or less than the estimate, depending on the actual number of candidates filing
14 statements. Accordingly, the City Clerk is not bound by the estimate and shall, on a pro rata
15 basis, bill the candidates for additional actual expense or refund any excess paid, depending on
16 the final actual cost. In the event of underpayment, the City Clerk shall require the candidate to
17 pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate
18 the excess amount among the candidates and refund the excess amount paid within 30 days of
19 the election.

20 **SECTION 4.** MISCELLANEOUS.

21 A. All translations shall be provided by professionally-certified translators.

22 B. The City Clerk shall allow boldface type, underlining, capitalization, and leading
23 dashes/hyphens in the statement, to the same extent and manner as allowed in previous City
24 elections. Words/acronyms to be printed in **boldface type**, underscored and/or CAPITALIZED
25 must be clearly indicated and shall not exceed 25 words.

1 C. The City Clerk shall comply with all recommendations and standards set forth by the
2 California Secretary of State regarding occupational designations and other matters relating to
3 elections.

4 **SECTION 5.** ADDITIONAL MATERIALS. No candidate will be permitted to include
5 additional materials in the sample ballot package.

6 **SECTION 6.** The City Clerk shall provide to each candidate or the candidate's
7 representative a copy of this Resolution at the time the nominating petitions are issued.

8 **SECTION 7.** All previous Resolutions establishing Council policy on payment for
9 candidates' statements are repealed.

10 **SECTION 8.** This Resolution shall apply only to the election to be held on Tuesday,
11 May 11, 2021, and shall then be repealed.

12 **SECTION 9.** The City Clerk shall certify to the passage and adoption of this Resolution
13 and enter it into the book of original Resolutions, and shall make minutes of the passage and
14 adoption thereof in the records of the proceedings of the City Council at which the same is
15 passed and adopted.

16
17 **PASSED, APPROVED, AND ADOPTED** on this **12th** day of **January, 2021.**

18
19 *Justin Massey, Mayor*

20 _____
PRESIDENT of the City Council and **MAYOR** of the City of Hermosa Beach

21
22 **ATTEST:**

APPROVED AS TO FORM:

23
24 *Eduardo Sarmiento*

25 _____
Eduardo Sarmiento, City Clerk

Michael Jenkins

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Michael Jenkins, City Attorney