



CITY COUNCIL STAFF REPORT

DATE: MAY 1, 2013 LEGISLATIVE

SUBJECT: PROPOSED ORDINANCE REGARDING REGULATIONS FOR FILING OF CANDIDATE STATEMENTS (CANDIDATE PROFILES) FOR MUNICIPAL ELECTIONS.

FROM: David H. Ready, City Manager

BY: Chief of Staff/City Clerk

SUMMARY

The City Council will consider the introduction of an ordinance allowing candidate profiles for municipal elections, and adopting regulations for the preparation and filing of candidate profiles.

RECOMMENDATION:

1. Waive the reading of the ordinance text in its entirety and read by title only.
2. Introduce on first reading Ordinance No. _____, "AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 2.02.035 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO FILING CANDIDATE PROFILES AT MUNICIPAL ELECTIONS."

STAFF ANALYSIS:

Currently, the City has adopted the California Elections Code (E.C.) for the conduct of elections with respect to filing of candidate statements. Once a candidate files a statement, the candidate may not edit or amend the statement. E.C. § 13308 was added to prohibit candidates from making references to other candidates.

The County of Riverside previously allowed minor edits to a candidate statement, if an error occurred with respect to E.C. § 13308. However, the County has reversed their previous policy.

For instance at a previous Palm Springs election, a candidate filed a candidate statement with the following statement:

Other candidates may promote their untested "vision" and ungrounded promises;

Upon review, the statement did not meet the requirements of E.C. § 13308, and in consultation with the candidate and the Registrar of Voters, the City of Palm Springs allowed an edit as follows:

Modify the rejected sentence by striking the portion of the sentence prior to the semi-colon, thereby deleting the reference to other candidates; or you may re-write the sentence deleting the reference to other candidates, but the re-write must still be within the allowed 200 word count such as:

My achievements and goals are not untested "visions" and ungrounded promises;

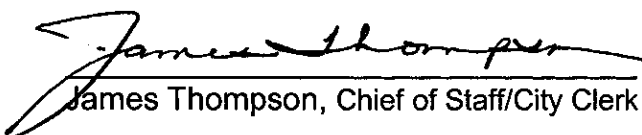
Under the amended Riverside County policy, the above would not be allowable, and the entire candidate statement would be rejected.

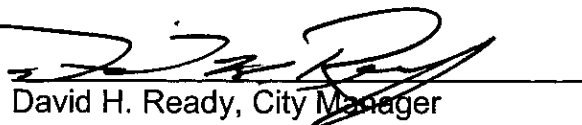
Candidate statements are an important tool for voter education; they are affordable means for almost every candidate to communicate with all registered voters in the City. Strict interpretation of the E.C. may not be in the best interest of the electorate.

The proposed ordinance adopts regulations for candidate profiles, which further implies the document is to educate voters on the candidates qualifications for office, and not an opportunity to comment on other candidates running for office; and provides the City Elections Official with the ability to redact or edit a filed candidate profile, and print and circulate the candidate profile in the sample ballot rather than rejecting it in its entirety.

FISCAL IMPACT:

No fiscal impact. Candidates are required to pay the direct cost of printing and circulation of candidate profiles in the sample ballot.


James Thompson, Chief of Staff/City Clerk


David H. Ready, City Manager

ORDINANCE APPROVED AS TO FORM:


Douglas C. Holland, City Attorney

Attachments:

Proposed Ordinance

ORDINANCE NO. ____

AN ORDINANCE OF THE CITY OF PALM SPRINGS, CALIFORNIA, ADDING SECTION 2.02.035 TO THE PALM SPRINGS MUNICIPAL CODE, RELATING TO FILING CANDIDATE PROFILES AT MUNICIPAL ELECTIONS.

City Attorney Summary

California Elections Code §§ 13307 and 13308, pertaining to the preparation and form of a candidate statement, applies to candidate profiles submitted in conjunction with municipal elections in Palm Springs. This Ordinance allows the City Elections Official to redact or modify a filed candidate profile, rather than reject the profile, to ensure compliance with election regulations, and print and circulate each candidate profile in the sample ballot as redacted or modified.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, FINDS:

A. Section 802 of Article VIII of the City of Palm Springs Charter provides the City Council may by ordinance enact procedures for the conduct of municipal elections.

B. Section 5(b) of Article XI of the California Constitution allows Charter Cities to provide for the conduct of city elections and recognizes regulations for the conduct of local elections is a matter of local concern.

C. One of the most important tools for public participation and education in the election process is providing information to the electorate, such as candidate profiles printed and circulated in the sample ballot mailed to all registered voters.

D. Allowing the Elections Official to redact or modify a candidate profile in the sample ballot to ensure compliance with election regulations would ensure the provision of reasonable information regarding candidates for office to all registered voters.

THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, ORDAINS:

SECTION 1. Section 2.02.035 is added the Palm Springs Municipal Code to read:

2.02.035 Preparation and form of candidate profile.

(a) The provisions of Cal. Elections Code §§ 13307 and 13308, relating to the preparation, form, and submission of candidate statements, shall apply to candidate profiles in mayor and city council elections.

(b) Each candidate for the office of Mayor or Member of the City Council may prepare and submit to the Elections Official for printing and circulation a candidate's

profile on an appropriate form provided by the Elections Official. The profile may include only the name, age, and occupation of the candidate and a brief description, in no more than 200 words, of the candidate's education and qualifications expressed by the candidate himself or herself. Any candidate profile submitted pursuant to this section shall be limited to a recitation of the candidate's own personal background and qualifications, candidate's qualifications, character, or activities. The profile shall not include the party affiliation of the candidate, nor membership or activity in partisan political organizations.

(c) The Elections Official shall not cause to be printed or circulated any profile which the Elections Official determines does not comply with the provisions of this Section. The Elections Official, in his or her sole discretion, after first attempting to consult with the candidate, may strike or modify the portion or portions of the candidate profile that is not in compliance with this Section and thereafter cause to be printed and circulated the candidate's statement as redacted or modified.

(d) The decisions of the City Elections Official under this Section are final, subject only to review by the Superior Court in accordance with state law.

(e) Notwithstanding the 200-word limitation set forth in subsection (b), the City Council, by resolution, may authorize and increase the limitation on words from 200 to 400 words.

SECTION 2. This Ordinance shall take effect thirty (30) days after adoption, and the Mayor shall sign and the City Clerk is hereby ordered and directed to codify the passage of the Ordinance, and to cause the same or a summary thereof to be duly prepared according to law and to be published in accordance with law.

PASSED, APPROVED AND ADOPTED BY THE PALM SPRINGS CITY COUNCIL THIS 15TH DAY OF MAY, 2013.

STEPHEN P. POUCKET, MAYOR

ATTEST:

JAMES THOMPSON, CITY CLERK

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF RIVERSIDE) ss.
CITY OF PALM SPRINGS)

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. _____ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on the 1st day of May, 2013, and adopted at a regular meeting of the City Council held on the 15th day of May, 2013, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

JAMES THOMPSON, CITY CLERK
City of Palm Springs, California