AGENDA SHORT TITLE: Establishment of Regulations Governing Statements of Qualifications.

REQUESTED BOARD ACTION: Adopt a Resolution establishing: a) Statements of Qualifications for County and Judicial offices will be limited to 200 words; b) candidates for County and Judicial offices will bear the costs of Statements of Qualifications; and c) payment of the estimated costs of the Statements of Qualifications submitted by candidates for County and Judicial offices, State Legislative offices and the offices of U.S. Representative will be required at the time of the filing of such Statements. The Board's determinations will be in effect for the June 5, 2012, Primary Election, and for all elections for such offices thereafter, until such time as the Board rescinds or alters the determinations.

CURRENT FISCAL YEAR FINANCIAL IMPACT - None.

Explanation (if required): None.
Alternatives – Results of Non-Approval: Non-approval would result in Resolution 09-1083, passed November 17, 2009, remaining in effect. Candidates would be billed for Statements of Qualifications following the election.

Background: Prior to 2001, pursuant to state law, only candidates for local nonpartisan offices had the option of having Statements of Qualifications printed in the Voter Information Pamphlet portion of the Sample Ballot booklet. The governing body (for County and Judicial offices, the Board of Supervisors is considered the governing body) was required to determine whether such Statements would be limited to 200 or 400 words, whether the candidates or the jurisdiction would be responsible for the costs of printing the Statements, and, if the candidates were responsible for such costs, whether payment of the estimated cost was required at the time of filing the Statements, or whether candidates would be billed the actual cost following the election. Board of Supervisors Resolution 71006, adopted January 19, 1982, established that Statements for Judicial and County offices were limited to 200 words, that the candidates were responsible for the costs of the Statements and that such payment was due following the election upon billing for the costs of the election. This Resolution remained in effect until October 16, 2001, when it was superseded by Resolution 01-1263.

Beginning in 2001, pursuant to Proposition 34 and to Chapter 241, Stats. 2001 (urgency), candidates for State Legislative offices who accept voluntary expenditure limits (set forth in Section 85400 of the Government Code) were also permitted to purchase space for a Statement of Qualifications in the Voter Information Pamphlet portion of the Sample Ballot booklet. Statements of candidates for State Legislative office are statutorily limited to 250 words, and payment is required by the candidate. As a result of the legislation expanding the use of Statements of Qualifications, the Board of Supervisors adopted Resolution 01-1263, re-establishing a 200-word limit and assigning responsibility for payment of costs for Statements to candidates for County and Judicial offices, and requiring payment of such actual charges after the election for those offices, as well as for State Legislative offices. This resolution remained in effect until November 17, 2009, when it was superseded by Resolution 09-1083.

Beginning in 2009, new legislation allowed candidates for U.S. Representative to purchase space in the Voter Information Pamphlet for Statements of Qualifications. Similar to the Statements for Legislative offices, the Statements for congressional candidates are limited to 250 words, and payment of costs is assigned to the candidates statutorily; however, unlike the Statements for Legislative offices, no expenditure limit agreement is required of congressional candidates. As a result of the new legislation, Chapter 137, Section 2, Stats. 2008, the Board passed Resolution 09-1083, re-establishing the 200-word limit, assigning responsibility for payment of costs for printing Statements of Qualifications to candidates for Judicial and County offices, and requiring payment of such actual charges after the election for those offices, as well as for State Legislative and United States Representative offices.

Over the years it has become increasingly difficult to collect payment for printing Statements of Qualifications after the election has passed. This problem has been exacerbated by the additional offices for which candidates are allowed to submit Statements, as well as by the difficulty in attempting to collect from candidates who reside outside the County. In the past, requiring candidates to pay after the election allowed the Registrar of Voters Division to avoid the administrative challenges associated with requiring payment at the time of filing the Statements. However, the administrative challenges are now more than offset by the challenges of attempting to collect after the fact.

With the passage of Proposition 14 (Top Two Primary) in 2010, candidates for State Legislative offices and United States Representative offices who submit Statements of Qualifications will have their Statements sent to every voter eligible to vote on the contest, regardless of political preference. Candidates for those offices will have to pay a much higher cost for the printing, handling, translating and mailing of Statements. Payment of Statements in advance of the election guarantees that the County will recover most of the costs for printing, handling, translating and mailing Statements of Qualifications. This will also minimize referrals.
The Resolution currently before the Board sets forth the Department's recommendations that all previous determinations remain in effect, except that candidates for Judicial, County, State Legislative and U.S. Representative offices will be required to pay the estimated costs for printing, handling, translating and mailing the Statements of Qualifications at the time the Statements are filed with the Elections Official. Estimates are based on four statements of qualifications on a single page in the Voter Information Pamphlet. Actual costs may vary substantially from the estimate, depending on the number of candidates in a particular jurisdiction, and whether those candidates choose to have English only or English and Spanish statements. Run charges and set-up fees are prorated among the candidates for a particular jurisdiction. If the number of statements submitted for a jurisdiction is not evenly divisible by four, run charges and page set-up fees can be as much as four times the estimate. The Registrar of Voters Office will send supplemental bills (or refund overages) after the election, once the election billing is complete.

If the Board adopts the Resolution, the Registrar of Voters Office will include a notice regarding the requirement for prepayment for Statements of Qualifications in the 2012 Campaign Guide. Additionally, the Registrar of Voters Office will develop a procedure whereby candidates who are able to document that they are unable to pay the cost of their Statements in advance of the election will be allowed to postpone payment until after the election.

**Attachments:** Resolution.

**On File With Clerk:** None.