

Background: Prior to 2001, pursuant to state law, only candidates for County and Judicial office had the option of having Statements of Qualifications printed and included in the Voter Information Pamphlet portion of the Sample Ballot booklet. The governing body (for these purposes, the Board of Supervisors is considered the governing body for Judicial as well as County offices) was required to determine whether such Statements would be limited to 200 words or 400 words, whether the candidates or the jurisdiction would be responsible for the cost of printing the Statements of Qualifications, and, if the candidates were to be responsible for such cost, whether payment of the estimated cost was required at the time of filing the Statements, or whether the candidates would be billed the actual cost following the election. Board of Supervisors Resolution No. 71006, adopted January 19, 1982, established that Statements of Qualifications of candidates for nonpartisan County offices were limited to 200 words, that the candidates were responsible for the printing and handling costs of the Statements and that such payment was due after 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 This Resolution remained in effect until October 16, 2001, when it was superseded by Resolution 01-1263.

In 2001, pursuant to Proposition 34 and to Chapter 241, Stats. 2001 (urgency), candidates for State Legislative offices who accepted 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. Other than the difference in the word limitation, the timeframes and procedures set forth for Statements of candidates for local nonpartisan offices apply. As a result of the legislation expanding the use of Statements of Qualifications, the Board of Supervisors adopted Resolution 01-1263 on October 16, 2001, superseding the previous Resolution establishing the Board's determinations governing Statements of Qualifications. Resolution 01-1263 established a 200-word limit for Statements for County and Judicial offices, assigned responsibility for payment of costs for printing Statements of Qualifications to candidates for nonpartisan County offices as well as State Legislative offices and required payment of such actual charges after the election. This Resolution is currently in effect.

Chapter 137, Stats. 2008, added Section 13307.5 to the Elections Code, allowing candidates for the offices of United States Representative to purchase space for Statements of Qualifications, not to exceed 250 words, in the Voter Information Pamphlet portion of the Sample Ballot booklet. Again, other than the 250-word limitation, the timeframes and procedures set forth for Statements of candidates for local nonpartisan offices apply. It is therefore incumbent upon the Board of Supervisors to determine whether the estimated costs of such Statements shall be required at the time of filing the Statements or if the actual costs are to be paid following the billing of the election. The Resolution before the Board sets forth the Department's recommendations that all previous determinations remain in effect, and that the actual costs of Statements of Qualifications for candidates for the offices of U.S. Representative be paid after the election.

Requiring candidates to pay the actual costs of the Statements of Qualifications following the election has allowed the Registrar of Voters Division to avoid the administrative challenges associated with requiring payment at the time of filing the Statements. These challenges include the necessity of providing a procedure whereby candidates who are able to document that they are unable to pay the cost of the Statement in advance of the election (indigent) are allowed to postpone payment until after the election (when, presumably, they will have raised sufficient funds). Another challenge is the statutory requirement that, when candidates are required to pay for Statements in advance, any over- or underpayment on the part of the candidates be refunded or billed within 30 days of the election. Because the actual cost of the Statements is not finalized until the election billing is completed, well beyond the 30-day deadline, complying with this requirement would not be possible. Requiring payment after the election has been successful in Sonoma County. The relatively few candidates who have not paid promptly following the election have negotiated agreeable payment schedules - and requiring payment in advance would not necessarily improve the situation, as any candidate who is unable to pay in advance would be able to submit an application to prove that he/she is indigent, and therefore postpone payment until after the election.

The attached Resolution implements the recommendations of the Registrar of Voters Division of the Clerk-Recorder-Assessor's Department. Upon action by the Board in adopting the Resolution, the Registrar of Voters Office will include notice regarding the payment rules for Statements of Qualifications in the 2010 Campaign Guide, and candidates who submit Statements will be billed for the actual cost of the Statements following the election.

Attachments: Resolution.

On File With Clerk: None.

CLERK OF THE BOARD USE ONLY

Board Action (If other than "Requested")

Vote: