## Robert E. Shannon City Attorney of Long Beach 333 West Ocean Boulevard Long Beach, California 90802-4664 Telephone (562) 570-2200

## RESOLUTION NO. RES-05-0130

A RESOLUTION ORDERING, PROCLAIMING,
CALLING AND GIVING NOTICE OF A PRIMARY
NOMINATING ELECTION IN THE CITY OF LONG BEACH,
CALIFORNIA, ON TUESDAY, THE 11<sup>TH</sup> DAY OF APRIL,
2006, FOR THE NOMINATION AND/OR ELECTION OF
CANDIDATES FOR FIVE (5) OFFICES ON THE CITY
COUNCIL, AND FOUR (4) CITY OFFICIALS, EACH FOR A
FULL TERM OF FOUR (4) YEARS, COMMENCING WITH
THE THIRD TUESDAY OF JULY, 2006, AND ADOPTING
PROVISIONS RELATING TO THE TRANSLATIONS OF
AND THE CHARGES FOR COSTS OF CANDIDATE
STATEMENTS

WHEREAS, the Long Beach City Charter requires that the City Council shall, by resolution, order the holding of all municipal elections; and

WHEREAS, the City Charter mandates that the City's primary elections shall be held on the second Tuesday in April in even-numbered years; and

WHEREAS, City Charter Section 1910 states that unless otherwise provided in the Charter or by ordinance adopted by the City Council, all municipal elections shall be held in accordance with the provisions of California Elections Code governing municipal elections; and

WHEREAS, Elections Code Section 13307 provides that before a local election nominating period opens, the local agency for that election shall make a determination concerning the levy of the costs for candidate statements;

NOW, THEREFORE, the City Council of the City of Long Beach resolves as follows:

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Section 1. Pursuant to the provisions of the laws of the State of California and pursuant to the provisions of the Charter of the City of Long Beach governing the holding of Primary Nominating Elections in the City, a Primary Nominating Election is hereby ordered, proclaimed, declared, and called to be held in the City of Long Beach between the hours of 7:00 a.m. and 8:00 p.m. on April 11, 2006, for the purpose of nominating candidates for and/or electing persons for five (5) offices on the City Council, namely, for the First, Third, Fifth, Seventh and Ninth Districts, respectively, and for four (4) City Officials, namely, the Mayor, City Attorney, City Auditor and City Prosecutor, each for a full term of four (4) years commencing with the third Tuesday of July, 2006; and notice is given of the holding of this election and of the time and place of holding the same.

Sec. 2. California Elections Code Section 13307 requires that a candidate's statement must be translated in Spanish at the candidate's request. Further, in accordance with the requirements of the federal Voting Rights Act of 1965 (PL 94-73) all candidates' statements shall be translated into the languages thereby. Accordingly, candidates' statements for the offices of Mayor, City Attorney, City Auditor and City Prosecutor shall be translated into Spanish, Tagalog, Khmer and Vietnamese. Candidates' statements for Council District 1 shall be translated into Spanish, Tagalog and Khmer. Candidates' statements for Council Districts 7 and 9 shall be translated into Spanish, Tagalog, Khmer and Vietnamese. No translation is required by the Voting Rights Act in Council District 3 and Council District 5. Any translations into the required languages shall be available in the City Clerk's Department upon request. A candidate shall not be required to pay for the cost of translating his or her candidate's statement into any foreign language required pursuant to federal and/or state law. However, a candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language.

Sec. 3. Pursuant to Section 13307 of the California Elections Code, a charge shall be levied against each candidate for the costs of the candidate's

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resolution.

statement sent to each voter. The City Clerk is directed and authorized to establish and implement the charge for the costs of printing, handling, and mailing any candidate statements as provided in Elections Code Section 13307. Any allegation of indigency or inability to pay the requisite fee in advance shall be handled by the City Clerk in accordance with the provisions of Elections Code Section 13309, and in such instances the candidate's statement shall only be published in the English language. No candidate will be permitted to include any additional Sec. 4. materials in any sample ballot package. Sec. 5. The City Clerk shall provide each candidate or the candidate's representative with a copy of this resolution at the time nominating papers are issued. Sec. 6. This resolution shall take effect immediately upon its adoption by the City Council, and the City Clerk shall certify the vote adopting this

I hereby certify that the foregoing resolution was adopted by the City Council of the City of Long Beach at its meeting of <a href="November 15">November 15</a>, 2005, by the following vote:

Ayes: Councilmembers: Lowenthal, Baker, Colonna,

O'Donnell, Richardson, Reyes Uranga,

Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: Kell.

City Clerk

HAM:fl; 10/17/05

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