



## CITY OF BEVERLY HILLS STAFF REPORT

**Meeting Date:** March 2, 2010  
**To:** Honorable Mayor & City Council  
**From:** James R. Latta, L.C.S.W., Human Services Administrator;  
Julie Kahn, M.S.W., Human Services Outreach Manager  
**Subject:** Human Relations Commission Election Civility Statement for the Community  
**Attachment:** 1. Code of Fair Campaign Practices (Division 20, Chapter 5, Elections Code.)

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### **INTRODUCTION**

Chair Yousem, Vice Chair Nazarian and Commissioner Ginsburg met with the Human Relations Commission (HRC) liaisons Mayor Krasne and Vice Mayor Delshad on November 30, 2009 to consider an *Election Civility Statement* drafted for the Beverly Hills community.

### **DISCUSSION**

The HRC's current civility initiative started in December, 2007, when the HRC appointed an ad hoc committee to explore ways to foster civility in our community. Working with the City Attorney, it became apparent that *promoting* civility would be challenging due to First Amendment rights. In addition, the municipal election candidates were already required to sign a similar statement, the Code of Fair Campaign Practices, included in the Candidate Information Handbook (see attachment I) prepared by the Office of the City Clerk. The Commission set the issue aside and focused their work on reorganizing priorities and developing a work plan.

More recently, the Commission revisited this concept and approved a civility statement to be sent to the community asking for their support in creating a model of positive civic behavior and teaching our children by example:

*The Human Relations Commission of the City of Beverly Hills strives to promote positive human relations in all aspects of community life. We believe that the examination of diverse candidates and challenging issues can be conducted with great civility. While our schools may provide civics education in the classroom, we citizens are obligated to provide our young people with a real life model of positive civic behavior that we teach*

*by example. We hope that every member of this community will join us as we take a stand in support of an environment where respect and responsible actions prevail in all elections and in every aspect of our community life.*

Next, the Commission presented recommendations for dissemination of the Election Civility Statement:

- recommend the statement before City Council for endorsement
- provide copy of statement for all municipal election candidates and their campaign managers to sign in addition to the statement currently in the City Clerk packet that requires their signatures.
- include statement in candidate's packet and/or include in candidate's orientation presentation.
- use of pictures, posters, email and other vehicles to underscore the message of promoting an environment where respect and responsible actions prevail in all aspects of community life
- disseminate statement through a press release to local media and prior to future elections

### **FISCAL IMPACT**

The advertising option for both the Beverly Hills Courier and the Beverly Hills Weekly, depending on the size of the advertisement, is estimated between \$858.00 for a quarter page, \$1,666.50 for a half page, and \$2,966.70 for a full page advertisement. These are costs per election for running just one advertisement in each local newspaper. Running the add two weeks before the election and again just prior to the election would be twice the cost. The City Clerk's Office can add this expense to the election budget for FY 10/11 if it is the Council's desire.

### **RECOMMENDATION**

It is the recommendation of the Human Relations Commission that City Council approve the *Election Civility Statement* and the elements of distribution.

Steve Miller   
Approved By

# CODE OF FAIR CAMPAIGN PRACTICES

(Division 20, Chapter 5, Elections Code.)

## Chapter 5. Fair Campaign Practices

### Article 1. General Intent

20400. The Legislature hereby declares that the purpose of this chapter is to encourage every candidate for public office in this state to subscribe to the Code of Fair Campaign Practices.

It is the ultimate intent of the Legislature that every candidate for public office in this state who subscribes to the Code of Fair Campaign Practices will follow the basic principles of decency, honesty, and fair play in order that, after vigorously contested, but fairly conducted campaigns, the citizens of this state may exercise their constitutional right to vote, free from dishonest and unethical practices which tend to prevent the full and free expression of the will of the voters.

The purpose in creating the Code of Fair Campaign Practices is to give voters guidelines in determining fair play and to encourage candidates to discuss issues instead of untruths or distortions.

### Article 2. Definitions

20420. As used in this Chapter, "Code" means the Code of Fair Campaign Practices.

### Article 3. Code of Fair Campaign Practices

20440. At the time an individual is issued his or her declaration of candidacy, nomination papers, or any other paper evidencing an intention to be a candidate for public office, the Elections Official, shall give the individual a blank form of the Code of Fair Campaign Practices and a copy of this chapter. The Elections Official shall inform each candidate for public office that subscription to the code is voluntary.

In the case of a committee making an independent expenditure within the meaning of Section 82031 of the Government Code, the Secretary of State shall provide a blank form and a copy of this chapter to the individual filing, in accordance with Title 9 (commencing with § 81000) of the Government Code, an initial campaign statement on behalf of the committee.

The text of the Code shall read, as follows: (See **"CODE OF FAIR CAMPAIGN PRACTICES" on reverse side**).

20442. The Elections Official shall accept, at all times prior to the election, all completed forms which are properly subscribed to by a candidate for public office and shall retain them for public inspection until 30 days after the election.

20443. Every code subscribed to by a candidate for public office pursuant to this chapter is a public record open for public inspection.

20444. In no event shall a candidate for public office be required to subscribe to or endorse the code.

# CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty, and fair play which every candidate for public office in the State of California has a moral obligation to observe and uphold, in order that, after vigorously contested, but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammled choice and the will of the people may be fully and clearly expressed on the issues.

## THEREFORE:

(1) **I SHALL CONDUCT** my campaign openly and publicly, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponents or political parties which merit such criticism.

(2) **I SHALL NOT USE OR PERMIT** the use of character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his or her personal or family life.

(3) **I SHALL NOT USE OR PERMIT** any appeal to negative prejudice based on race, sex, religion, national origin, physical health status, or age.

(4) **I SHALL NOT USE OR PERMIT** any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections, or which hampers or prevents the full and free expression of the will of the voters including acts intended to hinder or prevent any eligible person from registering to vote, enrolling to vote, or voting.

(5) **I SHALL NOT** coerce election help or campaign contributions for myself or for any other candidate from my employees.

(6) **I SHALL IMMEDIATELY AND PUBLICLY REPUDIATE** support deriving from any individual or group which resorts, on behalf of my candidacy or in opposition to that of my opponent, to the methods and tactics which I condemn. I shall accept responsibility to take firm action against any subordinate who violates any provision of this code or the laws governing elections.

(7) **I SHALL DEFEND AND UPHOLD** the right of every qualified American voter to full and equal participation in the electoral process.

I, the undersigned, candidate for election to public office in the State of California or treasurer or chairperson of a committee making any independent expenditures, hereby voluntarily endorse, subscribe to, and solemnly pledge myself to conduct my campaign in accordance with the above principles and practices.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Date of Election