

RESOLUTION NO. 2019-XX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATE STATEMENTS SUBMITTED TO THE VOTERS AT A SPECIAL ELECTION TUESDAY, NOVEMBER 5, 2019

WHEREAS, Section 13307 of the Elections Code of the State of California provides that the governing body of any local agency adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate statement.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FULLERTON, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at a special election to be held in the City of Fullerton on November 5, 2019 may prepare a candidate statement on an appropriate form provided by the City Clerk. The statement may include the name, age and occupation of the candidate and a brief description of no more than 200 words of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The candidate shall file the statement, in typewritten form, in the Office of the City Clerk at the time the candidate files nomination papers. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

SECTION 2. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, candidate statements will be translated into all languages required by the County of Orange. The County is required to translate candidate statements into the following languages: Spanish, Chinese, Korean and Vietnamese.
- B. The County will mail separate voter information guides and candidate statements in Spanish, Chinese, Korean, and Vietnamese to only those voters who are on the county voter file as having requested a voter information guide in a particular language. The County will make the voter information guides and candidates statements in the required languages available at all polling places, on the County's website and in the Election Official's office.

SECTION 3. PAYMENT.

A. Translations:

1. The candidate shall pay for the cost of translating the candidate statement

into any required foreign language as specified in (A) and/or (B) of Section 2 above pursuant to Federal and/or State law.

2. The candidate shall pay for the cost of translating the candidate statement into any foreign language that is not required as specified in (A) and/or (B) of Section 2 above, pursuant to Federal and/or State law, but requested by the candidate as an option.

B. Printing:

1. The candidate shall pay for the cost of printing the candidate statement in English in the main voter pamphlet.
2. The candidate shall pay for the cost of printing the candidate statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.
3. The candidate shall pay for the cost of printing the candidate statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter pamphlet.
4. The candidate shall pay for the cost of printing the candidate statement in a foreign language required by (A) of Section 2 above, in the facsimile voter pamphlet.

The City Clerk shall estimate the total cost of printing, handling, translating and mailing the candidate statements filed pursuant to this section, including costs incurred as a result of complying with the Voting Rights Act of 1965 (as amended) and require each candidate filing a statement to pay in advance to the local agency his or her estimated pro rata share as a condition of having his or her statement included in the voter pamphlet. The estimate is an approximation of the actual cost that varies from one election to another election and may be significantly more or less than the estimate, depending on the actual number of candidates filing statements. Accordingly, the City Clerk is not bound by the estimate and may, on a pro rata basis, bill the candidate for additional actual expense or refund any excess paid depending on the final actual cost. In the event of underpayment, the City Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election billing.

SECTION 4. MISCELLANEOUS.

- A) Professionally-certified translators shall provide all translations.
- B) The City Clerk shall allow bold type, underlining, capitalization, indentations, bullets and leading hyphens to the same extent and manner as by the Orange County Registrar of Voters.
- C) The City Clerk shall comply with all recommendations and standards set forth by the California Secretary of State regarding occupational designations and other matters relating to elections.

SECTION 5. ADDITIONAL MATERIALS. No candidate may include additional materials in the voter information guide.

SECTION 6. The City Clerk shall provide each candidate or the candidate's representative a copy of this Resolution at the time of issuing nominating petitions.

SECTION 7. All previous resolutions establishing City Council policy on payment for candidate statements are repealed.

SECTION 8. This resolution shall apply at the next ensuing municipal election and at each municipal election after that time.

SECTION 10. The City Clerk shall certify to the passage and adoption of this resolution and enter it into the book of original resolutions.

PASSED, APPROVED AND ADOPTED ON _____, 2_____

ATTEST:

Jesus J. Silva, Mayor

Lucinda Williams, City Clerk

Date