

RESOLUTION 16-144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COMMERCE, CALIFORNIA, ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, JUNE 6, 2017

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 COMMERCE, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. Pursuant to section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted for at an Election to be held in the City of Commerce on June 6, 2016, may prepare a candidate's 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 statement shall be filed in typewritten form in the office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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, the City is required to translate candidate statements into the following languages: Spanish.

B. Pursuant to state law, the candidate's statement must be translated and printed (in the voter's pamphlet) in any language at the candidates request.

C. The City Clerk shall:

1. Translations

- (a) have all candidate statements translated into the languages specified in (A) above.
- (b) have translated those statements into the languages as requested by the candidate in (B) above.

2. Printing

- (a) print any translations of all candidate statements of candidates that request printing in the main voter pamphlet.
 - the main voter pamphlet will be an English and Spanish

- (b) have all translations made available upon request in the office of the City Clerk.

SECTION 3. PAYMENT.

A. Translations:

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

B. Printing:

1. The candidate shall be required to pay for the cost of printing the candidate statement in English in the main voter pamphlet.
2. The candidate shall be required to pay for the cost of printing the candidates statement in a foreign language required in (A) of Section 2 above, in the main voter pamphlet.
3. The candidate shall be required to 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.

C. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidate's 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's pamphlet. In the event the estimated payment is required, the estimate is just 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.

D. Each candidate is allowed to prepare a candidate statement for the purpose of electronic distribution. A statement prepared shall be posted on the City's website and may be included in a voter's pamphlet that is electronically distributed by the elections official pursuant to Section 13300.7, but shall not be included in a voter's pamphlet that is printed and mailed to voters. A statement that is prepared and electronically distributed shall be displayed in

type of uniform size and darkness, with uniform spacing. The City Clerk shall estimate the total cost of handling, formatting and require the candidate filing electronic only statement to pay in advance to the local agency his and her estimated pro rate share as a condition of having his or her statement be posted in the Internet website of the elections official.

SECTION 4. MISCELLANEOUS.

A. All translations shall be provided by professionally-certified translators.

B. 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 will be permitted to include additional materials in the sample ballot package.

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

SECTION 7. All previous resolutions establishing 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 9. 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 December 6, 2016.

Ivan Altamirano, Mayor

ATTEST:

Lena Shumway, City Clerk