

RESOLUTION NO. 6544

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF UPLAND, CALIFORNIA ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES STATEMENTS SUBMITTED TO THE VOTERS AT AN ELECTION TO BE HELD ON TUESDAY, NOVEMBER 3, 2020

Intent of the Parties and Findings

(i) §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 candidates statement.

NOW, THEREFORE, the Upland City Council hereby finds, determines and resolves as follows:

Section 1. General Provisions. That pursuant to §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 Upland on November 3, 2020, 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. 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 The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of nomination period.

Section 2. Foreign Language Policy.

- a. Pursuant to the Federal Voting Rights Act, as amended, and state law, candidate's statements will be translated into all languages required by the County of San Bernardino. The County is required to translate candidate statement into Spanish.
- b. The County will print and mail voter information guides and candidates' statements to all voters in English and Spanish. 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. The candidate shall be required to pay for the cost of printing the candidate statement in English.
- b. The candidate shall be required to pay for the cost of translating the candidate statement into any foreign language as specific in Section 2 above pursuant to State and/or Federal law.
- c. The candidate shall be required to pay for the cost of printing the candidate statement in a foreign language.
- d. The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidates statement filed, 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 City his or her estimated pro rata share as a condition of having his or her statement included in the county voter information guide or electronically distributed. In the event the estimated payment is required, the receipt for the payment shall include a written notice

that 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 clerk is not bound by the estimate specified above 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 clerk may require the candidate to pay the balance of the cost incurred. In the event of any overpayment, the clerk shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election.

Section 4. Additional Materials. No candidate will be permitted to include additional materials in the voter information guide.

Section 5. 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 6. All previous Resolutions establishing Council policy on payment for candidates' statements are repealed.

Section 7. This resolution shall apply only to the election to be held on Tuesday, November 3, 2020, and shall then be repealed.

Section 8. Certification. The City Clerk shall certify the adoption of this Resolution and enter it into the book of original resolutions.

PASSED, APPROVED and ADOPTED this 1st day of June, 2020.

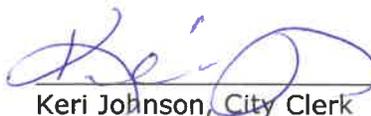


Debbie Stone, Mayor

I, Keri Johnson, City Clerk of the City of Upland, do hereby certify that the foregoing Resolution was adopted at a special meeting of the City Council held on the 1st day of June, 2020, by the following vote:

AYES: Mayor Stone, Councilmembers Elliott, Velto, Zuniga
NOES: None
ABSENT: None
ABSTAINED: None

ATTEST:


Keri Johnson, City Clerk