

RESOLUTION NO. 20-06-16-05

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

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's statement;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DANA POINT, 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 Dana Point 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 and a brief description of no more than 200 words of the candidate's occupation, 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 The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:30 p.m. of the next working day after the close of the nomination period.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's statements will be translated into all languages required by the County of Orange: Spanish, Chinese, Korean, and Vietnamese. The County of Orange is required to translate candidate's statements into the following languages: Spanish, Chinese, Korean, and Vietnamese.
- B. The County will print and mail sample ballots and candidate's statements to all voters in Spanish, Chinese, Korean, or Vietnamese to only those voters who are on the County voter file as having required a sample ballot in a particular language. The County of Orange will make the sample ballots and all candidate's statements in the required languages available at all vote centers, on the County's website, and in the City Clerk's Office.

SECTION 3. PAYMENT.

A. Translations

1. The candidate shall be required to pay for the cost of translating the candidate's statement into any required foreign language as specified in 2.A and Section 2.B above pursuant to Federal and/or State law.
2. The candidate shall be required to pay for the cost of translating the candidate's statement into any foreign language that is not required as specified in 2.A or 2.B 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's statement in the voter's pamphlet in all required languages pursuant to state and federal and/or state law.

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 voters' 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 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 Clerk may require the candidate to pay the balance of the cost incurred. In the event of overpayment, the Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) days of the election.

SECTION 4. Additional Materials. No candidate will be permitted to include additional materials in the sample ballot package.


SECTION 5. The City Clerk shall provide each candidate or the candidate representative a copy of this Resolution at the time nomination petitions are issued.

SECTION 6. All previous Resolutions establishing Council Policy on payment for candidate's statements are repealed.

SECTION 7. That this Resolution shall apply only to the election to be held on Tuesday, November 3, 2020, and shall then be deemed repealed.

SECTION 8. 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 this 16th day of June, 2020.



RICHARD A. VICZOREK
MAYOR

ATTEST:



KATHY M. WARD
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Kathy M. Ward, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Resolution No. 20-06-16-05 adopted by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 16th day of June, 2020, by the following vote:

AYES: Council Member Debra Lewis, Council Member Joseph L. Muller, Council Member Paul N Wyatt, Mayor Pro Tem Jamey M. Federico, and Mayor Richard A. Viczorek

NOES: None

ABSENT: None

ABSTAIN: None



KATHY M. WARD
CITY CLERK