

RESOLUTION NO. 22-05-17-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN CAPISTRANO, 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 8, 2022

WHEREAS, Section 13307 of the California Elections Code 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 SAN JUAN CAPISTRANO, CALIFORNIA, DOES HEREBY RESOLVE, DECLARE, DETERMINE AND ORDER AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. That pursuant to Sections 13307 and 13308 of the California Elections Code, each candidate for elective office to be voted for at the General Municipal Election to be held in the City of San Juan Capistrano on November 8, 2022, 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 themselves. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. In addition, the statement shall be limited to a recitation of the candidate's own personal background and qualifications and shall not in any way make reference to other candidates for that office or to another candidate's qualifications, character, or activities. 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. Except as provided in Section 13309 of the California Election Code, the candidate's statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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. That the County of Orange must translate all candidate's statements into Chinese, Korean, Spanish, and Vietnamese pursuant to Section 203 of the federal Voting Rights Act of 1965 (as amended) (42 U.S.C. § 1973 *et seq.*), as enforced by the United States Department of Justice, and state law.
- B. That the County of Orange will print and mail separate voter information guides and candidate's statements in Chinese, Korean, Spanish, 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 of Orange will make the voter information guides and candidates statements in the required languages available at all polling places, vote centers, on the County of Orange's website, in the Office of the Orange County Registrar-Recorder/County Clerk, and in the Office of the City Clerk of the City of San Juan Capistrano.

SECTION 3. PAYMENT.

A. Translations

1. That each candidate shall be required to pay for the cost of translating the candidate's statement into the required foreign languages as specified in Subsection A of Section 2 above, pursuant to the federal Voting Rights Act of 1965 (as amended) and/or state law.
2. That each candidate shall be required to pay for the cost of translating the candidate's statement into any foreign language requested by the candidate that is not required as specified in Subsection A of Section 2 above pursuant to the federal Voting Rights Act of 1965 (as amended) and/or state law.

B. Printing

1. That each candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter information guide.
2. That each candidate shall be required to pay for the cost of printing the candidate's statement in the required foreign languages as specified in Subsection A of Section 2 above, pursuant to the federal Voting Rights Act of 1965 (as amended) and/or state law, in the main voter pamphlet.
3. That each candidate shall be required to pay for the cost of printing the candidate's statement in any foreign language requested by the candidate that is not required as specified in Subsection A of Section 2 above pursuant to the federal Voting Rights Act of 1965 (as amended) and/or state law, in the main voter pamphlet.

- C. That the Orange County Registrar-Recorder/County Clerk shall provide the City Clerk with estimate the total cost of printing, handling, translating, and mailing the candidate's statements filed pursuant to the Elections Code, including costs incurred as a result of complying with the federal Voting Rights Act of 1965 (as amended), and the City Clerk shall require each candidate filing a candidate's statement to pay in advance to the City of San Juan Capistrano an amount equaling their estimated pro rata share as a condition of having their statement included in the main voter pamphlet. In the event an advance payment is required, the estimation of the advance payment will be an approximation of the actual cost, which approximation 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 each candidate for additional actual expense or refund any excess amount 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 within thirty (30) calendar days of the date of the invoice. In the event of overpayment, the City Clerk shall prorate the excess amount among the candidates and refund the excess amount paid within thirty (30) calendar days of the General Municipal Election to be held on November 8, 2022.

SECTION 4. MISCELLANEOUS

- A. That all translations shall be provided by professionally-certified translators as set forth in Elections Code 13307(b).
- B. That candidate's statement shall comply with the formatting and submission guidelines provided by the City Clerk and the Orange County Registrar-Recorder/County Clerk.
- C. That 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 shall 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 with a copy of this Resolution at the time nominating petitions are issued.

SECTION 7. That all previous Resolutions establishing Council policy on payment for candidate's statements are hereby repealed.

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

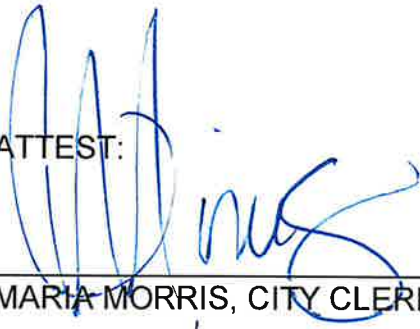
SECTION 9. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.

PASSED, APPROVED AND ADOPTED this 17th day of May 2022.



DEREK REEVE, MAYOR

ATTEST:



MARIA MORRIS, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF SAN JUAN CAPISTRANO)

I, Maria Morris, appointed City Clerk of the City of San Juan Capistrano, do hereby certify that the foregoing Resolution No. 22-05-17-03 was duly adopted by the City Council of the City of San Juan Capistrano at a Regular meeting thereof, held the 17th day of May 2022, by the following vote:

AYES: COUNCIL MEMBERS: Bourne, Taylor, Farias, Hart, and Mayor Reeve
NOES: COUNCIL MEMBERS: None
ABSENT: COUNCIL MEMBERS: None


MARIA MORRIS, CITY CLERK