

RESOLUTION NO. 2023-139

**RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF SAN BERNARDINO, CALIFORNIA,
ADOPTING REGULATIONS FOR CANDIDATES FOR
ELECTIVE OFFICE PERTAINING TO CANDIDATE
STATEMENTS SUBMITTED TO THE VOTERS AT A
PRIMARY MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, MARCH 5, 2024**

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

WHEREAS, Section 13307(b) of the California Elections Code states that the statement of each candidate shall be printed in type of uniform size and darkness, and with uniform spacing; and

WHEREAS, the City Clerk is responsible for enforcing formatting requirements that exceed those acceptable by the County and wishes to streamline the review process by imposing limits relating to the format of candidate statements to block format, and prohibit bolding, capitalized words, italics, and underlining. The City Clerk has final sign-off and approval of all candidate statements for elected city offices in accordance with state and local law.

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

SECTION 1. General Provisions. That pursuant to §13307 and §13308 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 San Bernardino on Tuesday, March 5, 2024, 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. 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. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.

The City Clerk shall require each candidate filing a statement to pay a deposit in advance, as a condition of having his or her statement included in the voter information guide.

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 San Bernardino. The County is required to translate candidate's statements into the following languages: Spanish.
- B. Pursuant to state law, the candidate's statement must be translated and printed in the voter information guide in any language at the candidate's request.
- C. The County will print and mail sample ballots and candidate statements to all voters in English and Spanish and in any translations requested by a candidate. The County will make the sample ballots and candidates statements in the required and requested languages available at all polling places/vote centers, on the County's website, and in the City Clerk's Department for the City of San Bernardino.

SECTION 3. Endorsements

It is the policy of the San Bernardino County Registrar of Voters that any named individual or specific organization listed as an endorsement in a candidate statement must be verified by the City Clerk of the City of San Bernardino as endorsing the candidate prior to printing in the voter information guide and sample ballot. Verification of the endorsement must be in the form of a copy of a letter of endorsement, or in a direct communication from the endorser to the City Clerk in the form of email or mailed correspondence. All endorsements or verification of endorsements from an individual or organization of a candidate must be submitted to the City Clerk no later than 5 PM on the last day of the filing period. The City Clerk must then forward the verified endorsements to the San Bernardino County Registrar of Voters within five days of the last day of the filing period.

SECTION 4. 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 (A) of Section 2 above pursuant to Federal 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 (A) of Section 2 above, pursuant to Federal and/or State law, but is requested as an option by the candidate as specified in (B) of Section 2 above.

B. Printing:

- 1. The candidate shall be required to pay for the cost of printing the candidate's statement in English in the main voter information guide.
- 2. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language required in (A) of Section 2 above, in the main voter information guide.

3. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language requested by the candidate per (B) of Section 2 above, in the main voter information guide.

4. The candidate shall be required to pay for the cost of printing the candidate's statement in a foreign language required by (A) of Section 2 above, in the facsimile voter information guide.

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 information guide. An estimated payment is required, and 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.

SECTION 5. Miscellaneous.

- A) All translations shall be provided by professionally certified translators.
- B) That candidate's statement shall comply with the formatting and submission guidelines provided by the City Clerk and the San Bernardino 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 6. Additional Materials. No candidate will be permitted to include additional materials in the sample ballot or voter information guide.

SECTION 7. 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 8. That all previous resolutions establishing council policy on payment for candidate statements are repealed.

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.

SECTION 10. The Mayor and City Council finds this Resolution is not subject to the California Environmental Quality Act (CEQA) in that the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty, as in this case, that there is no possibility that

the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

SECTION 11. Severability. If any provision of this Resolution or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications, and to this end the provisions of this Resolution are declared to be severable.

SECTION 12. Effective Date. This Resolution shall become effective immediately.

APPROVED and **ADOPTED** by the City Council and signed by the Mayor and attested by the City Clerk this 6th day of September 2023.

Helen Tran, Mayor
City of San Bernardino

Attest:

Genoveva Rocha, CMC, City Clerk

Approved as to form:

Sonia Carvalho, City Attorney

CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF SAN BERNARDINO)

I, Genoveva Rocha, CMC, City Clerk, hereby certify that the attached is a true copy of Resolution No. 2023-139, adopted at a regular meeting held on the 6th day of September 2023 by the following vote:

<u>Council Members:</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
SANCHEZ	_____	_____	_____	_____
IBARRA	_____	_____	_____	_____
FIGUEROA	_____	_____	_____	_____
SHORETT	_____	_____	_____	_____
REYNOSO	_____	_____	_____	_____
CALVIN	_____	_____	_____	_____
ALEXANDER	_____	_____	_____	_____

WITNESS my hand and official seal of the City of San Bernardino this ____ day of _____ 2022.

Genoveva Rocha, CMC, City Clerk