

RESOLUTION NO. 24-8252

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF DOWNEY ADOPTING REGULATIONS FOR CANDIDATES FOR ELECTIVE OFFICE PERTAINING TO CANDIDATES' STATEMENTS SUBMITTED TO THE VOTERS AT A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024

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

WHEREAS, the City of Downey seeks to adopt the regulations below as applicable to the November 5, 2024 general municipal election.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DOWNEY DOES HEREBY RESOLVE AS FOLLOWS:

SECTION 1. GENERAL PROVISIONS. Pursuant to Sections 13307 and 13308 of the Elections Code of the State of California, each candidate for elective office to be voted for at the General Municipal Election to be held in the City of Downey on Tuesday, November 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 two hundred (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 format, 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 The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 p.m. of the next working day after the close of the nomination period.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. CITY OF DOWNEY CHARTER PROVISION. In addition to Section 1, pursuant to Section 1307 of the City of Downey City Charter, any candidate for an elective City office may prepare a statement of qualifications in accordance with the restrictions set forth by State law and subject to the following additional restriction: A statement of qualifications 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 or to other candidate's qualifications, character or activities. The City Clerk shall not cause to be printed or circulated any candidate's statement of qualifications which the City Clerk determines is not so limited or which includes any such references.

SECTION 3. ELECTRONIC STATEMENTS. Pursuant to Section 13307(c) of the California Elections Code, the governing body of the City of Downey authorizes the preparation of candidate statements for nonpartisan elective office for the purpose of electronic distribution. Candidates will prepare statements for electronic distribution pursuant to Section 13307(a) of the Elections Code. A statement prepared pursuant to this subdivision shall be posted on the internet website of the County Elections Official. Pursuant to Section 13307.7(a) of the Elections Code, candidates shall provide payment of the requisite fee to cover the duties and procedures set forth in Sections 13307(b) and (d) of the Elections Code.

SECTION 4. FOREIGN LANGUAGE POLICY.

- A. Pursuant to the Federal Voting Rights Act, candidates' statements will be translated into all languages required by the County of Los Angeles. The County is required to translate candidates' statements into the following languages:

Spanish, Chinese and Korean.

- B. The County will print and mail voter information guides and candidates' statements in Spanish, Chinese and Korean, to only those voters who are on the county voter file as having requested a voter information guide in a particular language. The County will make the voter information guides and candidates' statements in the required languages available at all polling places (vote centers), on the County's website, and in the Election Official's office.

SECTION 5. 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 Section 4 above pursuant to Federal and 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 Section 4 above, pursuant to Federal and 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 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 4 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 4 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 4 above, in the facsimile voter information guide.

The City Clerk shall estimate the total cost of printing, handling, translating, and mailing the candidates' 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 thirty (30) days of the election.

SECTION 6. MISCELLANEOUS.

- A. All translations shall be provided by professionally-certified translators as set forth in Elections Code 13307(b).
- B. The City Clerk shall comply with formatting and submission guidelines provided by the City Clerk and the Los Angeles County Registrar-Recorder/County Clerk.
- 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 7. ADDITIONAL MATERIALS. No candidate will be permitted to include additional materials in the sample ballot or voter information guide package.

SECTION 8. 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 9. All previous resolutions establishing City Council policy on payment for candidate's statements are hereby repealed.

SECTION 10. This Resolution shall apply only to the General Municipal Election to be held on Tuesday, November 5, 2024.

SECTION 11. The City Clerk shall certify to the passage and adoption of this Resolution.

APPROVED AND ADOPTED this 25th day of June, 2024.



HECTOR SOSA, Mayor Pro Tem

ATTEST:



MARIA ALICIA DUARTE, CMC
City Clerk

APPROVED AS TO FORM:



JOHN M. FUNK
City Attorney

I HEREBY CERTIFY that the foregoing Resolution was adopted by the City Council of the City of Downey at a Regular meeting held on the 25th day of June, 2024 by the following vote, to wit:

AYES:	Council Members:	Frometa, Ortiz, Sosa
NOES:	Council Member:	None.
ABSENT:	Council Member:	Pemberton, Mayor Trujillo
ABSTAIN:	Council Member:	None.



MARIA ALICIA DUARTE, CMC

City Clerk