



ELECTION BULLETIN #1

NOVEMBER 13, 2023

Office of the City Clerk

CONFIRMATION OF QUALIFICATION REQUIREMENTS :

The City Clerk was asked for the clarification on the following areas and after researching the Elections Code and getting input from the City Attorney, the following information is being provided in response:

Residency requirement:

Government Code section 34882

A person is not eligible to hold office as a member of a municipal legislative body unless he or she is otherwise qualified, resides in the district and both resided in the geographical area making up the district from which he or she is elected and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 10227 of the Elections Code.

Fees:

The City of San Dimas does not collect a filing fee. Every election Council adopts a resolution to require a Candidate Statement fee. This covers the cost to have the statement in the sample ballot and is optional. The request to waive this fee is raised at every election. The following code allows for postpone to a certain date for the payment to be made. The candidate must provide a statement of financial worth and sign a release form of the candidate's most recent federal income tax report for a determination to be made by the Elections Official. Here is the full code:

ELECTIONS CODE - ELEC

DIVISION 13. BALLOTS, SAMPLE BALLOTS, AND VOTER PAMPHLETS [13000 - 13502] (Division 13 enacted by Stats. 1994, Ch. 920, Sec. 2.)

CHAPTER 4. State and County Voter Information Guides [13300 - 13317] (Heading of Chapter 4 amended by Stats. 2016, Ch. 422, Sec. 63.)

13309. (a) Notwithstanding Section 13307, if a candidate alleges to be indigent and unable to pay in advance the requisite fee for submitting a candidate statement, the candidate shall submit to the local agency a statement of financial worth to be used in determining whether or not he or she is eligible to submit a candidate statement without payment of the fee in advance.

(b) The statement of financial worth required by this section shall be submitted by the candidate together with his or her candidate statement in accordance with the deadline specified in Section 13307. The statement of financial worth form shall be furnished by the local agency, and may include questions relating to the candidate's employer, income, real estate holdings, tangible personal property, and financial obligations. The candidate shall certify the content of the statement as to its truth and

correctness under penalty of perjury. The candidate shall also sign a release form of the candidate's most recent federal income tax report.

(c) Upon receipt of a statement of financial worth, a determination shall be made by the local agency of whether or not the candidate is indigent. The local agency shall notify the candidate of its findings.

(d) If it is determined that the candidate is not indigent, the candidate shall, within three days of the notification, excluding Saturdays, Sundays, and state holidays, withdraw the statement or pay the requisite fee. If the candidate fails to respond within the time prescribed, the local agency shall not be obligated to print and mail the statement.

(e) If the local agency determines that the candidate is indigent, the local agency shall print and mail the statement.

(f) Nothing in this section shall prohibit the local agency from billing the candidate his or her actual pro rata share of the cost after the election.

(Amended by Stats. 2013, Ch. 560, Sec. 11. (AB 1417) Effective January 1, 2014.)

Incumbents

If there is at least one sitting councilmember that resides in the district, and all sitting councilmembers who reside in the district do not file papers for that district's election by the 88th day before the election, then the filing period is extended to the 83rd day. If any sitting councilmember who resides in the district does file papers for that district's election by the 88th day, then the filing period is not extended. If there are no sitting councilmembers that reside in the district, then the filing period is not extended.

ELECTIONS CODE - ELEC

DIVISION 10. LOCAL, SPECIAL, VACANCY, AND CONSOLIDATED ELECTIONS [10000 - 10735] (Division 10 enacted by Stats. 1994, Ch. 920, Sec. 2.)

PART 3. CONSOLIDATION OF ELECTIONS [10400 - 10418] (Part 3 enacted by Stats. 1994, Ch. 920, Sec. 2.)

10407. (a) Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than the close of business on the 88th day prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours.

(b) Notwithstanding subdivision (a), if nomination documents for an incumbent officer of a political subdivision are not filed by the close of business on the 88th day before the election, any person other than the person who was the incumbent on the 88th day shall have until the close of business on the 83rd day before the election to file nomination documents for the elective office. This section is not applicable where there is no incumbent eligible to be elected.

(Amended by Stats. 2011, Ch. 248, Sec. 4. (SB 327) Effective January 1, 2012.)