RESOLUTION NO. 10162

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF EL MONTE, CALIFORNIA ESTABLISHING CANDIDATE ELIGIBILITY PROTOCOLS IN CONNECTION WITH THE ISSUANCE AND FILING OF NOMINATION PAPERS FOR ELECTED CITY OFFICES

WHEREAS, the integrity of municipal elections is critical to the preservation of representative democracy; and

WHEREAS, it is critical that those running for elected offices of the City of El Monte ("City") meet all legally eligibility requirements, including being domiciled in the City; and

WHEREAS, the development of clearly defined protocols for verifying voter registration status and residency will help preserve the integrity of elections and reduce the likelihood for unnecessary conflict over the legitimacy of those elected to office.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL MONTE DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:

SECTION 1. FINDINGS.

A. The City Council of the City of El Monte ("City Council") finds that there is a compelling governmental interest in ensuring that those running for elected office in the City are legally eligible to run for elected office.

B. The integrity of City elections is jeopardized if candidates who are not domiciled in the City are able to participate in City elections as such persons have little to no personal stake in the community and are violating State law.

C. El Monte voters risk of being disenfranchised when candidates not domiciled in the City qualify for the ballot through deception.

D. Even if persons not domiciled in the City are not elected to office, their presence on the ballot has the potential to skew election results further undermining the principles of representative government.

E. Requesting that candidates for office to produce basic, readily available forms of identification to corroborate their domicile status and share such information with the voting public is a very narrowly tailored means of safeguarding against the concerns raised above and does not unduly prejudice any resident of the City who is otherwise eligible to run for office.

SECTION 2. VERIFICATION PROTOCOL .

A. Application: The protocols set forth in this Resolution shall be applied to those seeking to hold the office of Mayor, City Council member, City Clerk and City Treasurer.

B. Issuance of Nomination Papers: Elections Code Section 10227 states the following:

> *"All forms required for nomination and election to all municipal offices shall be furnished only by the city elections official during regular business hours. At the time of issuance of those forms the city elections official shall type in the forms the name of the candidate and the office for which he is a candidate, shall imprint a stamp which reads "Official Filing Form," and shall affix his or her signature. At the time*

nomination papers are issued to a candidate, the city elections official shall imprint the date. The forms shall be distributed without charge to all candidates applying for them."

In accordance with the foregoing, the Chief Deputy City Clerk shall insert the relevant information called for under Elections Code Section 10227 prior to issuing said document(s) to a candidate. As provided under Elections Code Section 10227 the relevant information to be inserted by the Chief Deputy City Clerk shall be as follows:

(i) The name of the candidate;
(ii) The office he or she is a candidate for;
(iii) The words "Official Filing Form", unless already pre-printed on the form;
(iv) The Chief Deputy City Clerk's signature and date below the words "Official Filing Form."

C. Verification of Voter Registration Status:

(i) *At or immediately following* the time of issuance of those forms for nomination and election to municipal office referenced under Elections Code Section 10227 *but before* the submission of nomination papers and related affidavits by a candidate for office as contemplated under Elections Code Section 10224, the Chief Deputy City Clerk shall use his or her best efforts to verify that each candidate issued nomination papers was in fact a registered voter of the City at the time nomination papers were issued to the candidate as required by Government Code Sections 34904 and 36502.

(ii) If it is determined that a candidate was not a registered voter of the City at the time nomination papers were issued to the candidate, the City Clerk shall, in writing, immediately notify the candidate of this determination and the requirement under Government Code Section 34904 and 36502 that the candidate be a registered voter at the time nomination papers are issued in order to be eligible to assume office. In order to expedite notification to the candidate, each candidate shall provide the Chief Deputy City Clerk with a telephone number and, if available, electronic mail address. Notification of ineligibility by electronic mail shall satisfy the requirement that such notice be in writing, however, the City Clerk shall also deliver notice via regular mail return receipt requested. The failure of a candidate to receive or promptly review any notice issued by the Chief Deputy City Clerk shall not operate to make the candidate eligible for candidacy. If an otherwise ineligible candidate attempts to submit nomination papers, the Chief Deputy City Clerk shall also provide a copy of the notice of ineligibility to the candidate at the time of submission.

(iii) The Chief Deputy City Clerk shall be under no obligation to accept nomination papers for a candidate who was not registered to vote in the City at the time nomination papers were issued.

D. Verification of Residency (domicile) Status: Before accepting nomination papers submitted by a candidate, the Chief Deputy City Clerk shall request that the candidate present the Chief Deputy City Clerk with the following:

(i) A valid and unexpired California Driver's License or State issued identification card in the candidate's name and with the candidate's domicile address; and

(ii) One additional piece of identification and/or documentation which establishes in an objectively verifiable manner that the candidate's

place of domicile is located within the City as required under Government Code Sections 34904 and 36502 for a candidate to assume office.

For purposes of this Resolution the term "Domicile Documents" shall be a collective reference to the two pieces of identification referenced in this paragraph above. For purposes of this Resolution the term "domicile" shall have the same meaning as set forth under Elections Code Section 349(b) which reads as follows:

> *"The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile."*

The Chief Deputy City Clerk shall make photo copies of the Domicile Documents presented to him or her and maintain the same in the Chief Deputy City Clerk's candidate files.

E. Public Inspection and Copying of Domicile Documents:

(i) Except as otherwise, provided below, the Chief Deputy City Clerk shall make copies of the Domicile Documents available for inspection and copying during the City's regular business hours. Requests to inspect a photo copy of the Domicile Documents be made by appointment and such inspection shall be conducted in the presence of the Chief Deputy City Clerk or her designee. Inspectors may not take photographs of the Residency Document copies. If any member of the public should request a photo copy of the Domicile Documents, such copies shall be made available, provided however, the street number and/or unit number of the candidate's place of domicile shall be redacted, leaving only the street name, city name and zip code visible. All other personal information shall be redacted from copies of the Domicile Documents made available for inspection or photo copying, including but not limited to references to account numbers, social security numbers, credit card numbers, financial information, medical information, and the names of persons other than the candidate.

(ii) The requirement that the Chief Deputy City Clerk make Domicile Documents available for public inspection and copying shall not apply to candidates enrolled in the Safe at Home program administered by the California Secretary of State. (Information regarding the program may be found on the California Secretary of State internet homepage at https://www.sos.ca.gov/registries/safe-home/). The Chief Deputy City Clerk may still ask candidates enrolled in the Safe at Home program to present the Domicile Documents referenced under paragraph D of this Section. Candidates who present the Chief Deputy City Clerk with proof of enrollment in the Safe at Home program may present the Domicile Documents to the Chief Deputy City Clerk but Chief Deputy City Clerk shall not make photo copies of such documents for inspection or copying by members of the public. Instead the Chief Deputy City Clerk shall prepare the following written statement which shall be a public record available for public inspection and copying:

> ***"Statement of Residency Verification Compliance.***
>
> *At the time of filing nomination papers with the City Clerk's Office on _____20___, candidate, _____ who seeks election*
> *(Print Candidate's Name)*

to the office of _____ at the
(Office Sought)
election of _____, 20_____ presented the Chief Deputy City Clerk with proof of enrollment in the Safe at Home program administered by the California Secretary of State along with ***[both of the two] or alternatively [one of the two]*** *Domicile Documents referenced under paragraph D of Section 2 of Resolution No. _____. Copies of the Domicile Documents are exempt from inspection and copying by virtue of the candidate's enrollment in the Safe at Home program.*

Initials of Chief
Deputy City Clerk: _____. *Date:_____.*

F. Form of Domicile Documents: The second Domicile Document used to verify domicile in the City shall be one of the following documents each of which must bear the candidate's printed name and a corresponding address that matches the candidate's El Monte voter registration address:

1. A true and correct copy of a grant deed; deed of trust; or mortgage payment billing statement identifying the candidate as the grantee, the trustee or mortgagee, respectively and indicating an address or assessor parcel number that matches or corresponds the candidate's El Monte voter registration address;

2. Evidence of a homeowner's property tax exemption filed with the Los Angeles County Assessor identifying the candidate as the property owner and the subject property as the candidate's place of domicile with an address that matches the candidate's El Monte voter registration address;

3. A signed copy of an unexpired residential lease or residential rental agreement showing the candidate as the lessee or tenant and indicating a property address that matches the candidate's El Monte voter registration address;

4. A home utility bill (including telephone bill) in the candidate's name showing a service address that matches the candidate's El Monte voter registration address;

5. A statement or like record in the candidate's name that shows an account address that matches the candidate's El Monte voter registration address that has been issued by any of the following: any state or national bank, state or federal savings association, trust companies, industrial loan companies, state or federal credit unions or any institution or entity that has issued a credit card, candidate's name no older than three months from the date of presentation;

6. A California property tax bill or statement in the candidate's name and a property address that matches the candidate's El Monte voter registration address;

7. An acceptable No Fee identification Card Eligibility Verification form DL 933 in the candidate's name and with an address that matches the candidate's El Monte voter registration address;

8. Proof of payment of resident tuition to a California public institution of higher education in the candidate's name and with a corresponding address that matches the candidate's El Monte voter registration address;

9. An employer's pay stub no older than two months identifying candidate as the employee and stating an address that matches the candidate's El Monte voter registration address;

10. Any document issued by an entity, office or authority governing over a state, county, city, municipality, district, agency, department, or any other political subdivision of the a state, or county that is typed and contains the agency name, department name, state seal or is on official letterhead that has been specifically addressed to the candidate to an address that matches the candidate's El Monte voter registration address.

G. Declining Submission of Residency Document: If a candidate declines to present the Chief Deputy City Clerk with Domicile Documents (or only presents one Domicile Document), such decision shall not operate to prevent the Chief Deputy City Clerk from accepting otherwise acceptable nomination papers from a candidate who was a registered voter of the City at the time nomination papers were issued to the candidate as required by Government Code Sections 34904 and 36502. Instead, the Chief Deputy City Clerk shall initial and date a document that states the following:

> ***"Statement Regarding Verification of Residency Status in the City of El Monte at the Time Nomination Papers Are Submitted.***
>
> *At the time of filing nomination papers with the City Clerk's Office on _____20___, candidate,*
>
> *_____ who seeks election to the office*
> *(Print Candidate's Name)*
> *of _____ at the election of November ___*
> *(Office Sought)*
> *2020* ***[did not present Domicile Documents to corroborate domicile in the City] or alternatively [did not present a complete set of Domicile Documents to corroborate domicile in the City]*** *as described under paragraphs C and D of Section 2 of City Council Resolution No. _____.*
>
> *Initials of Chief*
> *Deputy City Clerk: _____. Date:_____.*

This statement shall be a public record of the City available for inspection and/or copying upon request.

H. Inspection During Candidate Statement Inspection Period. Copies of Domicile Documents submitted by candidates who agree to present such documents to the Chief Deputy City Clerk as well as any statements described under paragraph G of this Section for those candidates who do present Domicile Documents (or submit an incomplete set of Domicile Documents) shall also be available for inspection during the 10-day period in which candidate statements are made available for inspection as contemplated under Elections Code Section 13313.

SECTION 3. If it is suspected that any documents provided to the Chief Deputy City Clerk are forged or otherwise fraudulent, the Chief Deputy City Clerk shall confer with the City Manager and the City Attorney to determine whether the matter should be referred to the Los Angeles County District Attorney's Office, the California Attorney General's Office or other appropriate enforcement authority. **These protocols are adopted by action of the City Council and any person who attempts to threaten,**

coerce or intimidate the Chief Deputy City Clerk in his or her application of these protocols, as commanded by the City Council, may be referred to the Los Angeles County District Attorney's Office or other appropriate enforcement authority.

SECTION 4. Copies of this Resolution shall be placed on the publicly-accessible front counter of the City Clerk's Office. A copy of this Resolution shall be provided to each person seeking nomination and election to municipal office. If reasonably feasible, a scanned copy of this Resolution shall also be posted on the City Clerk's internet homepage.

SECTION 5. This Resolution shall take effect upon its adoption. The City Clerk shall certify to the adoption of this Resolution.

PASSED, APPROVED AND ADOPTED by the City Council of the City of El Monte at the regular meeting of this 7th day of July, 2020.

Andre Quintero, Mayor
City of El Monte

ATTEST:

for

Catherine A. Eredia, City Clerk
City of El Monte

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) SS:
CITY OF EL MONTE)

I, Catherine A. Eredia, City Clerk of the City of El Monte, hereby certify that the foregoing Resolution No. 10162 was passed and adopted by the City Council of the City of El Monte, signed by the Mayor and attested by the City Clerk at a regular meeting of said Council held on the 7th day of July, 2020 and that said Resolution was adopted by the following vote, to-wit:

AYES: Mayor Quintero, Mayor Pro Tem Morales and Councilmember Velasco

NOES: Councilmembers Ancona and Martinez Muela

ABSTAIN: None

ABSENT: None

for

Catherine A. Eredia, City Clerk
City of El Monte