



Voter Information Guide and Sample Ballot

**City of Upland
Special Election
Tuesday, June 6, 2017**

Elections Office of the Registrar of Voters
777 E. Rialto Avenue, San Bernardino, CA 92415
www.SBCountyElections.com

*Guía de información para el votante
en español en el interior*

VOTE BY MAIL

It's not too late to have your ballot mailed to you.

- **Vote at Home**
- **Vote When You Want**
- **Save Time, Gas, and Taxpayer Dollars**



To apply:

- **Visit SBCountyElections.com and login to My Elections Gateway; or**
- **Complete the application on the back of this guide**

What's in this Guide?

In this *Voter Information Guide* you will find:

- Information about the City of Upland Special Election
- Three Ways to Vote
- Voting Instructions
- Your Sample Ballot
- Information about Measure E
- Information for Voters with Disabilities
- Voter Bill of Rights
- My Elections Gateway
- Mail Ballot Application (Back Cover)
- Your Assigned Polling Place (Back Cover)

Election Information

In this Special Election, voters will decide whether to pass Measure E; an ordinance repealing Chapter 9.48 of the City of Upland Municipal Code and replacing it with a new Chapter 9.48 prohibiting marijuana-related uses and activities in the city.

Important Election Dates

Monday, May 8	Early voting begins
Wednesday, May 10	Mail Ballots delivered to U.S. Post Office
Monday, May 22	Voter registration deadline
Tuesday, May 30	Deadline to apply for a Mail Ballot
Tuesday, June 6	Election Day

Voter Registration



You received this *Voter Information Guide* because you are a registered voter in the City of Upland.

You should re-register to vote when you move to a new residence, change your mailing address, change your name, or change your party preference.



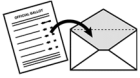
To register or re-register:

- Online - Go to **registertovote.ca.gov**.
- In Person - Pick up a Voter Registration Application at various locations throughout the County. Visit **SBCountyElections.com**.
- By Mail - Request a Voter Registration Application to be mailed to you. Call **(800) 881-VOTE** or email **voterregistrations@sbcountyelections.com**.



NEW: If you miss the May 22 voter registration deadline, you can go to the Elections Office to register and vote a provisional ballot. Call **(800) 881-VOTE** for more information.

Three Ways to Vote



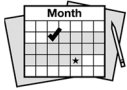
Vote by Mail:

To vote by mail, you must be a permanent Mail Ballot voter, or request a Mail Ballot by May 30.

- Apply ONLINE to receive a Mail Ballot by visiting SBCountyElections.com or by completing the application on the back of this guide.

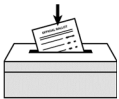
Return your voted Mail Ballot:

- Mail via the U.S. Postal Service
- Drop off at:
 - San Bernardino County Elections Office
 - 777 E. Rialto Avenue, San Bernardino
 - Monday through Friday, 8 a.m. to 5 p.m.
 - Upland City Hall
 - 460 N. Euclid Avenue, Upland
 - Monday through Thursday, 8 a.m. to 6 p.m.
 - Any polling place on Election Day
 - Visit SBCountyElections.com for locations



Vote Early at:

- San Bernardino County Elections Office
 - 777 E. Rialto Avenue, San Bernardino
 - May 8 through June 5
 - Monday through Friday, 8 a.m. to 5 p.m.
 - Election Day, June 6, from 7 a.m. to 8 p.m.




Vote on Election Day at:

- Your assigned polling place from 7 a.m. to 8 p.m. For your assigned polling place, refer to the back of this guide, visit SBCountyElections.com or call (800) 881-VOTE.

Voting Instructions

Marking your official ballot

1. Use a BLACK or BLUE pen or a #2 pencil.
2. To vote, connect the arrow ← ■ pointing to either **YES** or **NO** with a single line like this:

3. If you make a mistake or damage your ballot, request a replacement ballot.

Marking your sample ballot

1. On the following pages, you will find your sample ballot.
2. For your convenience, you may pre-mark your sample ballot and take it with you to your polling place to assist you in marking your official ballot.

SAMPLE BALLOT
City of Upland
Special Election
June 6, 2017

Measures Submitted to the Voters

City of Upland - Measure E

An ordinance repealing Chapter 9.48 of the City of Upland Municipal Code and replacing it with a new Chapter 9.48 prohibiting marijuana-related uses and activities in the city. Shall the voters of the City of Upland adopt an ordinance prohibiting marijuana-related uses and activities in the city?

YES ←

NO ←

Information about Measure E

The following pages include:

- Impartial analysis of the measure
- Argument in favor of the measure
- Full text for the measure

MEASURE E

IMPARTIAL ANALYSIS OF MEASURE E

This Impartial Analysis of Measure E has been prepared by the City Attorney pursuant to Section 9280 of the California Elections Code.

Measure E requests that Upland voters consider whether to adopt Ordinance No. 1910, a legislative act which prohibits the development and operation of marijuana (cannabis) related uses within the City of Upland which are not allowed due to specific preemptive provisions of state law. Such a local prohibition against the conduct of marijuana uses is provided by state law which preserves the City of Upland's local land use controls concerning the activities in question. Ordinance No. 1910 replaces less specific Upland Municipal Code provisions dealing with marijuana uses with a new Upland Municipal Code Chapter 9.48. The ordinance is premised on a basic finding that the prohibition of delineated marijuana-related uses and activities will promote the health, safety and general welfare of the residents and businesses of Upland and visitors to Upland. Ordinance 1910 was passed by the Upland City Council on September 26, 2016 and now is presented to the electorate for its decision based on a qualified referendum petition.

The marijuana-related uses and activities which would be prohibited by Ordinance 1910 from occurring anywhere in the City of Upland include dispensing, cultivating, manufacturing, processing, storing, labeling, relabeling, packaging, repackaging, delivering, distributing or selling marijuana or marijuana-related products such as edibles in Upland. Particularly, Ordinance No. 1910 specifies that the following activities are prohibited in the City of Upland:

1. There is a prohibition against the cultivation of marijuana which includes a prohibition against germinating, planting, growing, harvesting, drying, curing, grading or trimming marijuana (cannabis). There is one exception to this cultivation prohibition specified in a preemptive provision of state law. That exception allows six (6) plants to be cultivated in a residence located in Upland.
2. There is a prohibition against the delivery of purchased marijuana or marijuana-related products to any location within the City of Upland.
3. There is a prohibition against the sale or dispensing of marijuana or marijuana-related products anywhere in the City of Upland except as specifically allowed under state law pursuant to the Compassionate Care Act. This will prohibit any marijuana retail outlet open to the general public from operating at any location in the City of Upland.

Any marijuana activity made illegal and prohibited if this measure is approved by the electorate of the City of Upland will constitute a violation of the Upland Municipal Code subject to appropriate criminal sanctions. In addition, any such illegal and prohibited activity is declared by Ordinance No. 1910 to be a public nuisance which may be abated in a civil proceeding through the issuance by the Court of a Temporary Restraining Order or a Preliminary or Permanent Injunction.

s/ James L. Markman
City Attorney
City of Upland

ARGUMENT IN FAVOR OF MEASURE E

This Argument in Favor of Measure E was submitted pursuant to Section 9282 of the California Elections Code. It is the opinion of the author(s), and has been printed exactly as submitted.

The purpose of City of Upland Ordinance No. 1910 is to clarify the language in Upland's municipal code to expressly prohibit all illegal commercial marijuana-related uses and activities in the City.

Prior to the passage of Ordinance No. 1910, the Upland Municipal Code contained language that was less precise and less inclusive than the language in Ordinance No. 1910. The prior municipal code ordinance also does not include all possible commercial marijuana-related uses and activities, leaving the law unclear.

Ordinance No. 1910 is needed to clarify and maintain legal control over marijuana-related uses and activities in Upland. It closes legal loopholes and gives the City the ability to enforce local laws that provide residents and businesses with comprehensive protection from prohibited marijuana-related activities.

With this ordinance, the City will be able to enforce and prosecute all persons unlawfully establishing commercial businesses that involve marijuana or any of its products. It is a balanced and common sense approach to banning illegal marijuana businesses and sales in Upland.

Ordinance No. 1910 protects Upland by prohibiting the cultivation, possession, manufacturing, processing, storing, warehousing, testing, packaging, transporting, distribution and sale of marijuana beyond what is allowed under California state law.

It further provides significant flexibility for law enforcement to control current and future marijuana activities, and to further evaluate the impacts and consequences of California's new Adult Use of Marijuana Act.

This ordinance does not prevent the personal recreational use, indoor cultivation or use of marijuana by qualified medical patients pursuant to current California state law.

Upland has spent millions of dollars to enforce its vague ordinances against marijuana businesses and activities. This ordinance will make these enforcement actions less costly.

Please vote **"yes" on Measure E** to prohibit illegal marijuana-related businesses in Upland and to reduce our City's overwhelming legal expenses.

s/ Janice Elliott, Council Member, City of Upland
s/ Sid Robinson, Council Member, City of Upland

ARGUMENT AGAINST MEASURE E

No Argument Against Measure E was filed.

FULL TEXT FOR MEASURE E

ORDINANCE NO. 1910

AN ORDINANCE OF THE PEOPLE OF THE CITY OF UPLAND, CALIFORNIA, REPEALING CHAPTER 9.48 OF TITLE 9 OF THE CITY OF UPLAND MUNICIPAL CODE AND REPLACING IT WITH A NEW CHAPTER 9.48 PROHIBITING MARIJUANA-RELATED USES AND ACTIVITIES, AND AMENDING RELATED PROVISIONS OF TITLE 17 (THE ZONING CODE) PROHIBITING THE DEVELOPMENT OF MARIJUANA RELATED USES

THE PEOPLE OF THE CITY OF UPLAND DO ORDAIN AS FOLLOWS:

SECTION 1: Title 9 of the Upland Municipal Code is hereby amended with the repeal of Chapter 9.48 (Mobile Marijuana Dispensaries) in its entirety and adding a new Chapter 9.48 to read as follows:

Chapter 9.48 Marijuana-Related Uses and Activities Prohibited

9.48.010. Purpose.

The People of the City of Upland hereby find and determine that it is the purpose and intent of this Chapter to prohibit certain marijuana-related uses and activities, in order to promote the health, safety, and general welfare of the residents, businesses, and visitors to the City. Except when preempted by state law, this prohibition includes marijuana related uses and activities, including marijuana dispensing, cultivation, transporting, distributing, processing, delivering, manufacturing, labeling, and/or testing, whether for recreational, medical, or any other use, except that this prohibition does not apply to prohibit qualified patients and persons with identification cards to cultivate indoors, possess, and use marijuana for their own personal medical purposes only, as permitted by state law. Nothing herein shall be construed to authorize qualified patients to engage in the collective cultivation of marijuana as described by Health and Safety Code section 11362.775, nor are they permitted to cultivate marijuana above limits established by state law and guidelines for their own personal use. Nor shall anything herein be construed as permitting primary caregivers to cultivate marijuana indoors or outdoors anywhere in the City.

9.48.020. Applicability

- A. Nothing in this Chapter is intended, nor shall it be construed, to burden any defense to criminal prosecution under the State law.
- B. All the provisions of this Chapter shall apply to all property, public, and private, within the City.
- C. All the provisions of this Chapter shall apply indoors and outdoors.
- D. Nothing in this Chapter shall authorize criminal prosecution or abatement for violations of this Chapter or any other provision of the Upland Municipal Code inconsistent with the holding of Kirby v. County of Fresno 242 Cal.App.4th 940 (2015).

9.48.030. Definitions

The following definitions apply to this Chapter:

- A. "Marijuana" shall have the same definition as that set forth in California Health & Safety Code Section 11018. "Marijuana" shall include: "cannabis" as defined in

California Business & Professions Code section 19300.5(f); "cannabis concentrate" as defined in California Business & Professions Code section 19300.5(g); "edible cannabis product" as defined in California Business & Professions Code section 19300.5(s); "manufactured cannabis" as defined in California Business & Professions Code section 19300.5(ae); "medical cannabis," "medical cannabis product," or "cannabis product" as defined in California Business & Professions Code section 19300.5(ag); and "topical cannabis" as defined in California Business & Professions Code section 19300.5(al).

- B. "Caregiver" or "primary caregiver" shall have the same definition as that set forth in California Health and Safety Code section 11362.7 (d) and (e).
- C. "Person" shall mean any person, firm, corporation, association, club, society, or other organization. The term person shall include any owner, manager, proprietor, employee, volunteer and/or salesperson.
- D. "Marijuana related use and activity" includes dispensing, cultivation, manufacture, processing, storing, testing, labeling, relabeling, packaging, repackaging, transporting, delivery, distribution, provision, or sale, or any combination thereof, of marijuana, except as set forth in California Business and Professions Code section 19319, related to qualifying patients. "Marijuana-related use and activity" also has the same meaning as "commercial cannabis activity" set forth in California Business and Professions section 19300.5 (j.).
- E. "Cultivation" shall mean any activity involving the germinating, planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.
- F. "Delivery" shall have the same definition as set forth in California Business and Professions Code 19300.5 (m). "Delivery" shall also have the same definition as set forth in California Health and Safety Code section 26001(h), if enacted. "Delivery" shall not include transportation of marijuana or marijuana products by a licensed transporter traveling through the City on public roads to and from locations outside of the City where marijuana-related activities or uses are permitted.
- G. "Dispensary" shall mean any location where marijuana or devices for the use of marijuana are offered, either individually, or in combination, and includes retail sales. "Dispensary" includes delivery services, mobile dispensing and distribution.
- H. "Dispensing" shall mean any activity involving the provision of marijuana for any purpose.
- I. "Distribution" shall mean the provision and transport of marijuana between persons.
- J. "Manufacturer" shall mean a person that conducts the production, preparation, propagation, or compounding of marijuana, either directly or indirectly or by extraction methods, or independently by means of chemical synthesis or by any combination thereof, and includes packaging, repackaging, labeling, and/or relabeling.
- K. "Qualified Patient" or "Qualifying Patient" shall mean qualified patient and persons with identification cards as those terms are defined by the Health and Safety Code section 11362.7.
- L. "Testing Site" shall mean any facility, entity, or site in the City that offers or performs tests of marijuana.

9.48.040. All Marijuana-Related Use and/or Activity Prohibited

To the extent not preempted by State law, all marijuana related use and activity is prohibited in the City of Upland. This prohibition includes those marijuana related uses and activities set forth herein.

9.48.050. Declaration of public nuisance

Any use, structure, or property that is altered, enlarged, erected, established, maintained, moved, or operated contrary to the provisions of this Chapter, is hereby declared to be unlawful and a public nuisance and may be abated by the city through civil and/or administrative proceedings by means of a restraining order, preliminary or permanent injunction, or in any other manner provided by law for the abatement of such nuisances.

9.48.060. Violations

- A. Violations of this Chapter shall be punishable as provided in this Code.
- B. This Chapter is not the exclusive means for the abatement of marijuana-related uses or activities within the City of Upland. The remedies set forth pursuant to this Section shall be in addition to any other existing remedies for violations of the Zoning Code, including but not limited to, any action at law or equity.
- C. Violations of this Chapter are hereby declared a public nuisance.

ZONING REGULATIONS AND LAND USE

SECTION 2: The land use matrices located in the amended Zoning Code for Residential (17.04), Mixed-Use (17.05), Commercial (17.06), Industrial (17.07), and Special Purpose Zones (17.08), and any other land use matrices in the Zoning Code which use the term "Medical Marijuana Dispensary or Clinic," shall replace "Medical Marijuana Dispensary or Clinic" with "Marijuana Related Use and Activity."

SECTION 3: Section 17.10.020(J) (1) of the Zoning Code shall be amended as follows:

- 1. Marijuana-related use and activity shall be prohibited in all zoning districts and areas that are regulated by Specific Plans or planned unit developments.

SECTION 4: The term "Medical Marijuana Dispensary or Clinic" and the definition thereof set forth in the Definitions of the Zoning Code shall be amended and replaced by the term "Marijuana-Related Use and Activity," which shall be defined as follows:

"Marijuana-Related Use and Activity" means dispensing, cultivation, possession, manufacture, processing, storing, testing, labeling, relabeling, packaging, repackaging, transporting, delivery, distribution, provision, or sale, or any combination thereof, of marijuana, and as defined in Title 9.48 of the Upland Municipal Code.

SECTION 5: Any provision of the City of Upland Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 6: Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable. The City Council of

the City of Upland declare that it would have adopted all the provisions of this ordinance that remain valid if any provisions of this ordinance are declared invalid.

SECTION 7: This ordinance shall take effect immediately upon adoption by the voters of the City of Upland.

Assistance for Voters with Disabilities

The Elections Office provides a number of services to increase access and encourage participation by voters with disabilities.



At the polling place

San Bernardino County polling places have an accessible path of travel and accessible parking. Polling places also include the following resources:

- Assistance by poll workers
- Curbside voting
- Page magnifiers
- Wheelchair accessible voting booths



Electronic touch screen voting machine

Each polling place has an electronic touch screen voting machine offering:

- English and Spanish audio ballots
- A large text option



Website accessibility

We work diligently to provide screen reader accessible information on the Elections Office website, including the San Bernardino County Voter Information Guide.



Additional voting information

Registration and voting information are available by calling the Elections Office's TTY/TDD at (909) 387-2788 or the California Secretary of State's TTY/TDD at (800) 833-VOTE (8683).



Voter Bill of Rights

You have the following rights:

1. **The right to vote if you are a registered voter.** You are eligible to vote if you are:
 - a U.S. citizen living in California
 - at least 18 years old
 - registered where you currently live
 - not in prison or on parole for a felony
2. **The right to vote if you are a registered voter even if your name is not on the list.** You will vote using a provisional ballot. Your vote will be counted if elections officials determine that you are eligible to vote.
3. **The right to vote if you are still in line when the polls close.**
4. **The right to cast a secret ballot** without anyone bothering you or telling you how to vote.
5. **The right to get a new ballot if you have made a mistake,** if you have not already cast your ballot. You can:
 - **Ask an elections official at a polling place** for a new ballot; or
 - **Exchange your vote-by-mail ballot** for a new one at an elections office, or at your polling place; or
 - **Vote using a provisional ballot,** if you do not have your original vote-by-mail ballot.
6. **The right to get help casting your ballot** from anyone you choose, except from your employer or union representative.
7. **The right to drop off your completed vote-by-mail ballot at any polling place** in the county where you are registered to vote.
8. **The right to get election materials in a language other than English** if enough people in your voting precinct speak that language.
9. **The right to ask questions to elections officials about election procedures** and watch the election process. If the person you ask cannot answer your questions, they must send you to the right person for an answer. If you are disruptive, they can stop answering you.
10. **The right to report any illegal or fraudulent election activity** to an elections official or the Secretary of State's office.
 - On the web at **www.sos.ca.gov**
 - By phone at **(800) 345-VOTE (8683)**
 - By email at **elections@sos.ca.gov**

If you believe you have been denied any of these rights, call the San Bernardino County Elections Office at **(800) 881-VOTE (8683)** or the Secretary of State's office at **(800) 345-VOTE (8683)**.

Want More Information?

Access personalized election information from a mobile device or computer using:



Use M.E. Gateway, the Elections Office's award-winning gateway to:

- ◆ *MY REGISTRATION STATUS*
- ◆ *MY POLLING PLACE*
- ◆ *MY MAIL BALLOT DROP-OFF MAP*
- ◆ *MY ELECTION RESULTS*
- ◆ *MY ELECTED OFFICIALS*
- ◆ *AND MUCH MORE...*



To access your personalized election information, go to:

SBCountyElections.com

Click on the M.E. Gateway link

FROM: / REMITENTE:

**DID YOU SIGN YOUR APPLICATION?
¿FIRMÓ SU SOLICITUD?**



FIRST
CLASS
POSTAGE

PLACE STAMP HERE
PEGUE LA ESTAMPILLA
AQUÍ

REGISTRAR OF VOTERS

777 E. RIALTO AVENUE

SAN BERNARDINO CA 92415-1005





Elections Office of the Registrar of Voters
777 E. Rialto Avenue
San Bernardino, CA 92415



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To vote by mail - Fill out and return this application by May 30, 2017
Do not return this application if you are already a permanent Mail Ballot voter - Your Mail Ballot will arrive soon
Para votar por correo - complete y devuelva esta solicitud antes del 30 de mayo de 2017
No devuelva esta solicitud si usted ya es votante de boleta por correo permanente - su boleta por correo llegará pronto

STEP 1

I want to be a permanent Mail Ballot voter and receive a Mail Ballot for all elections.
Quiero ser votante de boleta por correo permanente y recibir una boleta por correo para todas las elecciones.

I want a Mail Ballot for this election only.
Quiero una boleta por correo sólo para estas elecciones.

STEP 2

Last Name / Apellido _____ **First Name / Nombre** _____ **Middle Name / Segundo nombre** _____

Residence Address / Domicilio residencial _____ **City / Ciudad** _____ **State / Estado** _____ **Zip / Código postal** _____

Mailing Address (if different) / Envíe mi boleta a (si es diferente) _____ **City / Ciudad** _____ **State / Estado** _____ **Zip / Código postal** _____

X

Applicant's Signature / Firma del solicitante _____

Date / Fecha _____

To vote in person or drop off your Mail Ballot on Election Day - Go to your assigned polling place listed below
Para votar personalmente o entregar su boleta por correo el Día de las Elecciones - acuda a su casilla electoral asignada, que se indica a continuación