

## MEMORANDUM

June 6, 2003

To: Members of the City Ethics Commission

From: Nora Pollock, Senior Analyst for Policy and Legislation

Re: **Overview of How a Charter Amendment is Placed on the Ballot**

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Per your request at the Commission's May meeting, the following is an overview of procedures in City and State law for amending the City's Charter. As you will recall, the question of how to amend the Charter arose as a result of your discussion of whether the Commission has the authority to hire independent legal counsel.

The procedures for adopting, revising, and amending a city charter are governed by the California Constitution and California Government and Election Codes, the pertinent parts of which are attached for your review. Additional guidance on how proposed amendments may be presented to voters is provided in the City's Election Code.

### **State Constitutional Authority for Amending a City Charter**

The California Constitution states that a city charter may be adopted, revised, amended or repealed by majority vote of its electors (California Constitution Article XI, Section 3 (a)). An amendment to a city charter may be proposed by an initiative petition, a charter commission, or by a city's governing body (i.e., the City Council) (California Constitution Article XI, Section 3 (b); Elections Code Sec. 9225 (a) (1), (2), and (3)). According to the Office of the City Clerk, since the Commission's inception in 1990, there have been 41 amendments to the City Charter on the ballot, 33 of which have passed. Also since 1990, there have been two Charter Commissions – one elected and one appointed – both of which were involved in the 1999 revisions of the City Charter.

## *Procedures to Amend a City Charter*

There are three means by which a charter amendment may be put before the voters and adopted: via initiative petition, Council motion, and through the efforts of a charter commission (either elected or appointed).

### *1. Charter Amendment By Initiative Petition*

A proposed amendment to a city charter may be placed on the ballot if an initiative petition reflecting the proposed amendment is signed by at least 15 percent of the registered voters of that city. Before circulating an initiative petition, the proponents of the initiative are required to file a notice with the City Clerk of their intent to circulate a petition, along with the written text of the initiative, which may be accompanied by a brief statement indicating the reasons for the proposed petition. Unlike candidates running for City office, no filing fee is required to be paid by a person submitting an initiative petition to amend the City's Charter.

At the same time a proponent files a notice of intent to circulate an initiative petition and the text of the initiative, that person must also request that a ballot title and summary be prepared. That request is transmitted to the Office of the City Attorney, who is required to draft and provide to the City Clerk a ballot title and a summary of the proposed initiative within 15 days. A notice of intention to circulate the proposed initiative, including the title and summary as drafted by the City Attorney, must be published, posted, or both at least once in a newspaper of general circulation. Within 10 days of the date of the posting, the proponents are required to file with the City Clerk a copy of the notice, title, and summary, along with an affidavit signed by a representative of the newspaper, certifying the publication or posting.

After this filing, proponents may then circulate petitions for signatures by registered City voters, and must file with the City Clerk any signatures obtained within 180 days of receipt of the title and summary as presented by the City Attorney. The City Clerk then determines whether a sufficient number of voters (15 percent of the City's registered voters) have signed the initiative petition and verifies the validity of the signatures. Any expenses incurred by signature verification are provided by the City Council. If an initiative is signed by at least 15 percent of the voters, the Council is required to "immediately" call a special election to put the initiative to popular vote. The State Elections Code contains provisions for when a special municipal election may be held if an election is called to put a ballot initiative before the voters. The ballot used in the special election contains the title and summary as prepared by the City Attorney, as well as an impartial summary prepared by the Chief Legislative Analyst.

During circulation of the initiative petition or before calling a special election, the City Council may refer the proposed initiative to City agencies for a report on matters that include the initiative's fiscal impact, implications for City planning and land use, infrastructure, business development, or any other matter requested by the City Council.

If a majority of City voters vote to adopt an initiative, and those votes are verified by the City Clerk, the City Council is required to pass a resolution indicating the outcome of the

election. The City Clerk is then required to submit the approved initiative to the Secretary of State. An initiative, and therefore any change to a city charter caused by the passage of an initiative, is effective when filed with the Secretary of State.

2. *Charter Amendment By Council Motion*

A charter amendment may be placed on the ballot by a motion containing the proposed amendments that is approved by a majority vote of the City Council. Unlike a voter initiative, if a proposed charter amendment is approved by the City Council, it does not have to be approved by 15 percent of the City's registered voters to determine whether it can be placed on the ballot. Instead, a proposed Charter amendment approved by the City Council may be submitted to the voters at a regular or special election. As with a ballot measure introduced by initiative petition, no laws mandate *when* an election putting the measure to voters shall be held, and if a special election is held, an ordinance calling that election must be passed. Once a proposed amendment appears on the ballot, it is required to be approved by a majority vote of the electorate. The title and summary of a proposed amendment would be drafted by the City Attorney and impartial summary drafted by the Chief Legislative Analyst as described above with regard to a ballot initiative. A charter amendment proposed by Council would also be required to undergo the same verification and filing procedures as outlined above for the amendment to become effective.

3. *Charter Amendment By Charter Commission Proposal*

According to the Office of the City Clerk, while amendments to a city charter may be proposed by initiative, the City Council, or a charter commission, the complexity and extent of the proposed change to the City's Charter may contribute to which of these methods would be utilized. For example, you will recall that the proposed amendment to change the City's primary and general election dates from April and June, respectively, to March and May, respectively – a relatively simple proposition – was proposed by the City Council, and was not put forth by initiative or a charter commission.

**Formation of a Charter Commission**

When a proposed charter amendment, or an idea to propose a charter amendment is complex or controversial, a charter commission may be formed, although there is no general City policy that would determine whether the Council would call a special election to create a charter commission. There are two types of charter commissions: a Council-appointed commission and a voter-approved commission. The City Council has the authority to appoint the members and determine the size of a Council-created charter commission. A Council-appointed commission has no independent power to place a proposed Charter amendment on the ballot; recommendations from a Council-appointed charter commission would be required to be adopted without amendment by the Council and submitted to the voters as outlined above.

In contrast, a charter commission elected by the voters holds more authority in that its creation and membership must first be approved by the voters; therefore, its recommendations are not subject to approval by the Council.

An election to create a charter commission may be called either by a majority vote of the City Council or by presentation and verification of a petition signed by at least 15 percent of the City's registered voters. If a charter commission is approved by either of the methods set forth above, the question of whether a charter commission should be created, and a slate of candidates for the charter commission are presented to the voters at an election. A special election may be called to create and elect a charter commission. If the creation of a charter commission is approved by the majority of the voters in an election, the 15 candidates receiving highest number of votes shall organize as a charter commission. Candidates for charter commissioner are subject to the same rules regarding nomination and qualification for the ballot as the candidates for elective City office (Mayor, City Attorney, Controller, and City Council member) as described in the City's Election Code. However, candidates for a charter commission are not subject to the campaign finance provisions of Charter Sec. 470 and the Campaign Finance Ordinance, which apply only to candidates for Mayor, City Attorney, Controller, and City Council member.

### **Amendments to a Charter Proposed by a Charter Commission**

Proposed amendments to a charter must be approved by a majority of the members of a charter commission and filed with the City Clerk. After this approval, the proposed charter, with the amendments approved by the charter commission clearly indicated, is posted and circulated via the same procedure as required for an initiative petition outlined above. Also as with an initiative petition and Council-proposed charter amendment, the City Attorney is required to draft and present the ballot title and summary, and the Chief Legislative Analyst is required to prepare the impartial summary. Within 14 days of being filed, the amended charter is required to be submitted to the voters at a special election held at least 95 days after the date the special election is called, or at the next regularly established election date, provided that the time between the filing of the proposed charter and the next regular election is at least 95 days. A charter commission may complete and submit an amended charter to the voters of a city within two years of its members' election to the commission. A charter commission is abolished after two years of its members' election.

Amendments to a charter proposed by an elected charter commission that are approved by a majority of the voters, or amendments proposed by an appointed charter commission that are approved by the City Council, are subject to the same verification and filing procedures as outlined above for adopted initiative petitions and Council-proposed charter amendments before the approved amendments become effective.

### **Uniform Charter Amendment Procedures**

While there are three methods in which a proposed charter amendment may appear on a ballot, some elements of these processes are uniform irrespective of which method is used.

- *Ballot Language*

Under both City and State law, the Office of the City Attorney is required to draft the title and summary of a charter amendment that appears on a ballot. The summary is required to include an impartial statement of not more than 500 words of the proposed initiative that shows the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the Office of the City Attorney, the City Council may direct the Office of the City Clerk to prepare the analysis. The Chief Legislative Analyst is required to prepare an impartial summary – separate from the official title and summary containing an impartial *statement* prepared by the City Attorney – to be included on both the official ballot and in the voter information pamphlet. The Chief Legislative Analyst’s summary appears before any arguments for and against the measure included on a ballot and voter information pamphlet.

- *Arguments and Rebuttal Arguments*

When an amendment to a charter is proposed via initiative petition, City law provides that the proponents (defined, in pertinent part, as the person or persons who publish a notice or their intention to circulate an initiative petition) of the initiative are required to draft arguments and rebuttal arguments for the measure that will appear on the ballot. When a charter amendment is proposed by the City Council or an elected charter commission, the President of the City Council may designate a person or persons to draft arguments and rebuttal arguments to the proposed amendment. The Election Code specifies an order of preference that the President of the City Council is required to employ when making this selection.

- *Approving a Resolution and Calling a Special Election*

The City Council is required to approve a resolution submitting a proposed amendment to the charter to the voters regardless of the means by which the proposed amendment is authorized to appear on a ballot. While a proposed charter amendment introduced by a charter commission may be scheduled to appear on a ballot at a regular election, because a proposed charter amendment is not a measure that would, as a rule, appear on a ballot (such as the regular election for elective City offices), a special election would be required. This election may be held on the same date as the regular election. City law requires that an ordinance calling for a special election be passed by the Council, be approved as to form and legality by the City Attorney, and be approved by the Mayor before the special election may take place.

### **City Laws and Regulations on Language of Ballot Measures Presented to Voters**

While State law governs how amendments to a city's charter may be proposed and put forth to the voters, the City's Election Code provides additional guidance on how proposed charter amendments may be presented to the voters.

When a proposed charter amendment is submitted to the voters, the City Clerk is required to prepare and mail a voter information pamphlet to the electorate. In addition to the title and summary of a proposed amendment prepared by the City Attorney and the impartial summary prepared by the Chief Legislative Analyst, the City Administrative Officer is required to submit a separate summary including the fiscal impact of the measure for inclusion in the voter information pamphlet.

The City's Election Code also mandates the implementation of a Ballot Simplification Committee when a charter amendment is submitted to the voters. The Committee is comprised of the City Attorney or a designated deputy, the Chief Legislative Analyst or staff member, and three other members of the electorate who are not officials or employees of the City. One of the three members is appointed by the Mayor, while the other two members are appointed by the President of the City Council. The Ballot Simplification Committee is required to summarize and simplify the language of all ballot measures appearing on a sample ballot and in a voter information pamphlet; its summary may be reflected in the impartial summary prepared by the Chief Legislative Analyst. The summary submitted by the Ballot Simplification Committee is required to include six subsections titled: "Title, The Issue, The Situation, The Proposal, A Yes Vote Means, A No Vote Means". The *official ballot* containing the proposed charter amendment does *not* contain the summary prepared by the Ballot Simplification Committee, but would instead contain the title and summary prepared by the City Attorney, and brief arguments for and against the measure.

## ATTACHMENT

**The California Constitution, Article XI, Section 3** in pertinent part, states:

(a) For its own government, a county or city may adopt a charter by majority vote of its electors voting on the question. The charter is effective when filed with the Secretary of State. A charter may be amended, revised, or repealed in the same manner. A charter, amendment, revision, or repeal thereof shall be published in the official state statutes. County charters adopted pursuant to this section shall supersede any existing charter and all laws inconsistent therewith. The provisions of a charter are the law of the State and have the force and effect of legislative enactments.

(b) The governing body or charter commission of a county or city may propose a charter or revision. Amendment or repeal may be proposed by initiative or by the governing body.

(c) An election to determine whether to draft or revise a charter and elect a charter commission may be required by initiative or by the governing body.

(d) If provisions of 2 or more measures approved at the same election conflict, those of the measure receiving the highest affirmative vote shall prevail.

**California Government Code**, in pertinent part, states:

34450. Any city or city and county may enact, amend, or repeal a charter for its own government according to this article or Article 3 (commencing with Section 9255) of Chapter 3 of Division 9 of the Elections Code.

34451. The charter may be proposed by a charter commission chosen by the voters of the city or city and county, at any general or special election, but no person shall be eligible as a candidate for the commission unless he or she is a registered voter of the city or city and county.

34452. (a) An election for choosing charter commissioners may be called by a majority vote of the governing body of a city or city and county, or on presentation of a petition signed by not less than 15 percent of the registered voters of the city or city and county. The petition shall be verified by the authority having charge of the registration records of the city or city and county and the expenses of the verification shall be provided by the governing body thereof. The governing body shall call an election pursuant to Sections 1000 and 10403 of the Elections Code.

(b) If any vacancy arises in a charter commission established for a city or city and county pursuant to this chapter, the vacancy shall be filled by an appointment by the mayor of the city or city and county.

34453. At an election the voters shall vote first on the question "Shall a charter commission be elected to propose a new charter?" and, secondly, for the candidates of the office of charter commissioner. If the first question receives a majority of the votes of the qualified voters voting

thereon at the election, the 15 candidates for the office of charter commissioner receiving the highest number of votes shall forthwith organize as a charter commission. However, if the first question receives less than a majority of the votes of the qualified voters voting thereon at the election no charter commission shall be deemed to have been elected.

34454. Candidates for the office of charter commissioner shall be nominated either in the same manner provided for the nomination of officers of the municipal or city and county government, or by petition substantially in the same manner provided by general laws for the nomination by petition of candidates for public offices to be voted for at general elections.

34455. The charter commissioners shall propose a charter and may propose amendments to a charter, for the government of the city or city and county. The charter so prepared shall be signed by a majority of the charter commissioners and shall be filed in the office of the clerk of the governing body of the city or city and county.

34456. In any city or city and county, the governing body shall cause copies of the charter to be printed in type of not less than 10-point. If the governing body causes copies of the proposed charter to be mailed to the voters, the text of the proposed charter may show the difference from existing provisions of law by the use of distinguishing type styles.

34457. After the charter prepared by the charter commission has been filed in the office of the clerk of the governing body of the city or city and county pursuant to Section 34455, the proposed charter shall be submitted to the voters of the city or city and county at either a special election called within 14 days by the governing body for that purpose to be conducted at least 95 days after the date the special election is called, or at the next established municipal election date or at the next established election date pursuant to Section 1000 of the Elections Code, provided there are at least 95 days before the election.

34458. As an alternative to the procedure provided for in Sections 34450 to 34457, inclusive, the governing body of any city or city and county, on its own motion may propose or cause to be proposed, amend or cause to be amended, or repeal or cause to be repealed, a charter and may submit the proposal for the adoption, or the amendments or repeal thereof, to the voters at either a special election called for that purpose or at any established municipal election date or at any established election date pursuant to Section 1000 of the Elections Code, provided there are at least 88 days before the election.

34459. If the voters vote in favor of the charter proposal, amendment, or repeal, it shall be deemed to be ratified, but shall not take effect until accepted and filed by the Secretary of State pursuant to Section 34460.

34460. Three copies of the complete text of a charter proposal or of any amended or repealed section ratified by the voters of a city or city and county shall be certified and authenticated by the chairperson and the clerk of the governing body and attested by the city clerk, setting forth the submission of the charter to the voters of the city, and its ratification by them. One copy shall be filed with the recorder of the county in which the city is located, and one in the archives of the city. In the case of a city and county, one copy shall be filed with the recorder thereof, and

one in the archives of the city and county. The third copy shall be filed with the Secretary of State. Each copy filed with the recorder of the county or city and county and in the archives of the city or city and county shall be filed with the following:

(a) Certified copies of all publications and notices required of the city by this chapter or by the laws of this state in connection with the calling of an election to propose, amend, or repeal a city charter.

(b) Certified copies of any arguments for or against the charter proposal, amendment, or repeal which were mailed to voters pursuant to Sections 9281 and 13303 of the Elections Code.

(c) A certified abstract of the vote at the election at which the charter proposal, amendment, or repeal was approved by the voters.

34461. A charter proposal, amendment, or repeal by the voters of a city or city and county and submitted to the Secretary of State in compliance with this chapter shall be accepted and filed by the Secretary of State. The charter proposal, amendment, or repeal shall be published in the statutes in a charter chapter series under the designation "Statutes of \_\_\_\_ (year), Charter Chapter \_\_\_\_." Under the chapter number, the date of the ratification election and the date of filing with the Secretary of State shall be indicated. After a charter proposal, amendment, or repeal is accepted and filed by the Secretary of State, the courts shall take judicial notice thereof.

34462. (a) A charter commission established for a city and county pursuant to this chapter shall complete a proposed or amended charter and submit the charter to the voters of the city and county within two years of the date of the election of the charter commissioners, and at the expiration of that period is abolished.

(b) A charter commission may submit portions of the proposed or amended charter to the voters periodically.

**California Elections Code**, in pertinent part, states:

342. "Proponent or proponents of an initiative or referendum measure" means, for statewide initiative and referendum measures, the person or persons who submit a draft of a petition proposing the measure to the Attorney General with a request that he or she prepare a title and summary of the chief purpose and points of the proposed measure; or for other initiative and referendum measures, the person or persons who publish a notice or intention to circulate petitions, or, where publication is not required, who file petitions with the elections official or legislative body.

9202. (a) Before circulating an initiative petition in any city, the proponents of the matter shall file with the elections official a notice of intention to do so, which shall be accompanied by the written text of the initiative and may be accompanied by a written statement not in excess of 500 words, setting forth the reasons for the proposed petition. The notice shall be signed by at least one, but not more than three, proponents and shall be in substantially the following form:

Notice of Intent to Circulate Petition

Notice is hereby given by the persons whose names appear hereon of their intention to circulate the petition within the City of \_\_\_\_ for the purpose of \_\_\_\_\_. A statement of the reasons of the proposed action as contemplated in the petition is as follows:

...

9203. (a) Any person who is interested in any proposed measure shall file a copy of the proposed measure with the elections official with a request that a ballot title and summary be prepared. This request shall be accompanied by the address of the person proposing the measure. The elections official shall immediately transmit a copy of the proposed measure to the city attorney. Within 15 days after the proposed measure is filed, the city attorney shall provide and return to the city elections official a ballot title for and summary of the proposed measure. The ballot title may differ from any other title of the proposed measure and shall express in 500 words or less the purpose of the proposed measure. In providing the ballot title, the city attorney shall give a true and impartial statement of the purpose of the proposed measure in such language that the ballot title shall neither be an argument, nor be likely to create prejudice, for or against the proposed measure.

(b) The elections official shall furnish a copy of the ballot title and summary to the person filing the proposed measure. The person proposing the measure shall, prior to its circulation, place upon each section of the petition, above the text of the proposed measure and across the top of each page of the petition on which signatures are to appear, in roman boldface type not smaller than 12 point, the ballot title prepared by the city attorney. The text of the measure shall be printed in type not smaller than 8 point. The heading of the proposed measure shall be in substantially the following form:

Initiative Measure to be Submitted Directly to the Voters

The city attorney has prepared the following title and summary of the chief purpose and points of the proposed measure:

(Here set forth the title and summary prepared by the city attorney. This title and summary must also be printed across the top of each page of the petition whereon signatures are to appear.)

9204. Any elector of the city may seek a writ of mandate requiring the ballot title or summary prepared by the city attorney to be amended. The court shall expedite hearing on the writ. A peremptory writ of mandate shall be issued only upon clear and convincing proof that the ballot title or summary is false, misleading, or inconsistent with the requirements of Section 9203.

9205. A notice of intention and the title and summary of the proposed measure shall be published or posted or both as follows:

(a) If there is a newspaper of general circulation, as described in Chapter 1 (commencing with Section 6000) of Division 7 of Title 1 of the Government Code, adjudicated as such, the notice, title, and summary shall be published therein at least once.

(b) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, the notice, title, and summary shall be published at least once, in a newspaper circulated within the city and adjudicated as being of general circulation within the county in which the city is located and the notice, title, and summary shall be posted in three (3) public places within the city, which public places shall be those utilized for the purpose of posting ordinances as required in Section 36933 of the Government Code.

(c) If the petition is to be circulated in a city in which there is no adjudicated newspaper of general circulation, and there is no newspaper of general circulation adjudicated as such within the county, circulated within the city, then the notice, title, and summary shall be posted in the manner described in subdivision (b).

9206. Within 10 days after the date of publication or posting, or both, of the notice of intention and title and summary, the proponents shall file a copy of the notice and title and summary as published or posted together with an affidavit made by a representative of the newspaper in which the notice was published or, if the notice was posted, by a voter of the city, certifying to the fact of publication or posting. If the notice and title and summary are both published and posted pursuant to subdivision (b) of Section 9205, the proponents shall file affidavits as required by this section made by a representative of the newspaper in which the notice was published certifying to the fact that the notice was published and by a voter of the city certifying to the fact that the notice was posted. These affidavits, together with a copy of the notice of intention and title and summary, shall be filed with the elections official of the legislative body of the city in his or her office during normal office hours as posted.

9207. The proponents may commence to circulate the petitions among the voters of the city for signatures by any registered voter of the city after publication or posting, or both, as required by Section 9205, of the title and summary prepared by the city attorney. Each section of the petition shall bear a copy of the notice of intention and the title and summary prepared by the city attorney.

9208. Signatures upon petitions and sections of petitions shall be secured, and the petition, together with all sections of the petition, shall be filed within 180 days from the date of receipt of the title and summary, or after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, after receipt of an amended title or summary or both, whichever occurs later. Petitions and sections thereof shall be filed in the office of the elections official during normal office hours as posted. If the petitions are not filed within the time permitted by this section, the petitions shall be void for all purposes.

9209. Each section shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022, except that the declaration shall declare that the circulator is a voter or is qualified to register as a voter of the city, and shall state his or her residence address at the time of the execution of the declaration.

9210. The petition shall be filed by the proponents or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time. Once filed, no petition section shall be amended except by order of a court of competent jurisdiction. When the petition is presented for filing, the elections official shall do all of the following:

(a) Ascertain the number of registered voters of the city last reported by the county elections official to the Secretary of State pursuant to Section 2187 effective at the time the notice specified in Section 9202 was published.

(b) Determine the total number of signatures affixed to the petition. If, from this examination, the elections official determines that the number of signatures, prima facie, equals or is in excess of the minimum number of signatures required, he or she shall accept the petition for filing. The petition shall be deemed as filed on that date. Any petition not accepted for filing shall be returned to the proponents.

9211. After the petition has been filed, as herein provided, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that for the purposes of this section, references to the board of supervisors shall be treated as references to the legislative body of the city.

9212. (a) During the circulation of the petition, or before taking either action described in subdivisions (a) and (b) of Section 9214, or Section 9215, the legislative body may refer the proposed initiative measure to any city agency or agencies for a report on any or all of the following:

(1) Its fiscal impact.

(2) Its effect on the internal consistency of the city's general and specific plans, including the housing element, the consistency between planning and zoning, and the limitations on city actions under Section 65008 of the Government Code and Chapters 4.2 (commencing with Section 65913) and 4.3 (commencing with Section 65915) of Division 1 of Title 7 of the Government Code.

(3) Its effect on the use of land, the impact on the availability and location of housing, and the ability of the city to meet its regional housing needs.

(4) Its impact on funding for infrastructure of all types, including, but not limited to, transportation, schools, parks, and open space. The report may also discuss whether the measure would be likely to result in increased infrastructure costs or savings, including the costs of infrastructure maintenance, to current residents and businesses.

(5) Its impact on the community's ability to attract and retain business and employment.

(6) Its impact on the uses of vacant parcels of land.

(7) Its impact on agricultural lands, open space, traffic congestion, existing business districts, and developed areas designated for revitalization.

(8) Any other matters the legislative body requests to be in the report.

(b) The report shall be presented to the legislative body within the time prescribed by the legislative body, but no later than 30 days after the elections official certifies to the legislative body the sufficiency of the petition.

9214. If the initiative petition is signed by not less than 15 percent of the voters of the city according to the last report of registration by the county elections official to the Secretary of State pursuant to Section 2187, effective at the time the notice specified in Section 9202 was published, or, in a city with 1,000 or less registered voters, by 25 percent of the voters or 100 voters of the city, whichever is the lesser number, and contains a request that the ordinance be submitted immediately to a vote of the people at a special election, the legislative body shall do one of the following:

(a) Adopt the ordinance, without alteration, at the regular meeting at which the certification of the petition is presented, or within 10 days after it is presented.

(b) Immediately order a special election, to be held pursuant to subdivision (a) of Section 1405, at which the ordinance, without alteration, shall be submitted to a vote of the voters of the city.

(c) Order a report pursuant to Section 9212 at the regular meeting at which the certification of the petition is presented. When the report is presented to the legislative body, the legislative body shall either adopt the ordinance within 10 days or order an election pursuant to subdivision (b).

...

9255. (a) The following city or city and county charter proposals shall be submitted to the voters at either a special election called for that purpose, at any established municipal election date, or at any established election date pursuant to Section 1000, provided that there are at least 88 days before the election:

(1) A charter proposed by a charter commission, whether elected or appointed by a governing body. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.

(2) An amendment or repeal of a charter proposed by the governing body of a city or a city and county on its own motion.

(3) An amendment or repeal of a city charter proposed by a petition signed by 15 percent of the registered voters of the city.

(4) An amendment or repeal of a city and county charter proposed by a petition signed by 10 percent of the registered voters of the city and county.

(5) A recodification of the charter proposed by the governing body on its own motion, provided that the recodification does not, in any manner, substantially change the provisions of the charter.

(b) Charter proposals by the governing body and charter proposals by petition of the voters may be submitted at the same election.

(c) The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

9256. The proponents of a measure proposing to amend a charter shall publish or post, or both, a notice of intent to circulate the petition in the same form and manner as prescribed in Sections 9202, 9203, 9204, and 9205. The proponents shall also file an affidavit prescribed in Section 9206 with the clerk of the legislative body of the city, and, with respect to the petition, shall be subject to Section 9207.

9265. The petition shall be filed with the elections official by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time, and a petition section submitted subsequently may not be accepted by the elections official. The petition shall be filed (1) within 180 days from the date of receipt of the title and summary, or (2) after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, receipt of an amended title or summary, or both, whichever comes later.

9266. After the petition has been filed, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that, for the purposes of this section, references in those sections to the board of supervisors shall be treated as references to the legislative body of the city or city and county. The expenses of signature verification shall be provided by the governing body receiving the petition from the elections official.

9267. Petitions that do not substantially conform to the form requirements of this article shall not be accepted for filing by the elections official.

...

9269. Upon the completion of the canvass of votes, the governing body of a city or city and county shall pass a resolution reciting the fact of the election and such other matters as are

enumerated in Section 10264. The elections official of the city or city and county shall then cause the adopted measures to be submitted to the Secretary of State pursuant to Sections 34459 and 34460 of the Government Code.

9280. Whenever any city measure qualifies for a place on the ballot, the governing body may direct the city elections official to transmit a copy of the measure to the city attorney, unless the organization or salaries of the office of the city attorney are affected. The city attorney shall prepare an impartial analysis of the measure showing the effect of the measure on the existing law and the operation of the measure. If the measure affects the organization or salaries of the office of the city attorney, the governing board may direct the city elections official to prepare the impartial analysis. The analysis shall be printed preceding the arguments for and against the measure. The analysis shall not exceed 500 words in length. In the event the entire text of the measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

"The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the elections official's office at (insert telephone number) and a copy will be mailed at no cost to you."

9281. If no other method is provided by general law, or, in the case of a chartered city, by the charter or by city ordinance, arguments for and against any city measure may be submitted to the qualified voters of the city pursuant to this article. If a method is otherwise provided by general law, or, in the case of a chartered city, by charter or city ordinance, for submitting arguments as to a particular kind of city measure, that method shall control.

9282. The legislative body, or any member or members of the legislative body authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any city measure. No argument shall exceed 300 words in length. The city elections official shall cause an argument for and an argument against the measure to be printed along with the following statement on the front cover, or if none, on the heading of the first page, of the printed arguments: "Arguments in support or opposition of the proposed laws are the opinions of the authors." The city elections official shall enclose a printed copy of both arguments with each sample ballot; provided, that only those arguments filed pursuant to this section shall be printed and enclosed with the sample ballot. The printed arguments are "official matter" within the meaning of Section 13303. Printed arguments submitted to voters in accordance with this section shall be titled either "Argument In Favor Of Measure \_\_\_\_" or "Argument Against Measure \_\_\_\_\_," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. At the discretion of the elections official, the word "Proposition" may be substituted for the word "Measure" in such titles. Words used in the title shall not be counted when determining the length of any argument.

**Los Angeles Election Code** , in pertinent part, states:

**Sec. 5. Ordinance Calling an Election.**

(a) The Council shall by ordinance order the holding of all elections. Except for an election held pursuant to Charter Sections 452 and 462, the ordinance ordering the holding of an election shall be adopted by the Council no later than 60 days before the date of the election.

...

**Sec. 96.** (a) Ballot titles for measures to be submitted to the voters of the City shall be prepared by the City Attorney and submitted to the City Council within ten (10) days from the date the Council approves the resolution submitting a measure to the voters. Final approval of the ballot titles by the City Council shall be made not less than sixty (60) days prior to the date of the election. A ballot title shall consist of an impartial statement of the purpose of the measure not to exceed one hundred and seventy-five (175) words (except as to bond propositions or as otherwise limited by state law in consolidated elections), and shall be in such language as not to be intentionally an argument or designed to create prejudice either for or against the measure. Each ballot title shall be preceded by a short statement in capital letters indicating generally the stated purpose of the measure.

(b) Subsection (a) of this Section shall only apply to ballot titles to be prepared after the City Council has voted to place a measure on a ballot; it does not apply to the prior-in-time preparation of an official title for an initiative petition that requests adoption of a City ordinance proposed by the petition. Preparation of that official title and summary are as provided in Section 335.2 of this Code. Each ballot measure that sets forth such an ordinance shall designate on the ballot, and in the ballot pamphlet, the official title prepared by the City Attorney as set forth in Section 335.2.

**Sec. 109. Form of Ballot - Initiative and Referendum Elections.**

(a) The following question shall be printed on ballots used in connection with an initiative or referendum election: "Shall (the ordinance, order or resolution, stating the nature of the measure) be adopted?"

(b) The words "Yes" and "No" shall be printed on separate lines to the right of the question to be voted on, with voting squares provided for each. If a voter stamps a cross (X) in the voting square after the printed word "Yes," his or her vote shall be counted in favor of the measure, and if a voter stamps a cross (X) in the voting square after the word "No," his or her vote shall be counted against the measure.

**Sec. 113. Contents of Voter Information Pamphlet.** Whenever any ordinance, order, resolution, charter amendment, recall measure or other proposition is to be submitted to the voters, the City Clerk shall cause a voter information pamphlet to be prepared and mailed to the voters in accordance with the requirements of this Code. To the extent that the requirements of the California Elections Code or the California Government Code relating to charter amendments differ from the requirements of this Code with respect to ballot pamphlets, those state law

provisions shall govern the portions of the ballot pamphlet relating to charter amendments. Measures shall appear in the ballot pamphlet in the same order as they will appear on the official ballot. All information printed in the Voter Information Pamphlet shall be printed in no less than six point type size. The portion of the ballot pamphlet relating to each measure shall be printed in the following order:

- (a) The ballot title for each measure.
- (b) The question submitted to the voters (e.g., Shall the City Charter be amended to . . .?) for each measure.
- (c) Summaries of a measure prepared by the Chief Legislative Analyst and the Director of the Office of Administrative and Research Services, as required by Section 114 of this Code.
- (d) Arguments and rebuttal arguments for and against the measure.
- (e) The "official title and summary" prepared by the City Attorney pursuant to Section 335.2 of this Code for an initiative measure shall appear separately in the ballot pamphlet immediately preceding the text of the initiative that has been circulated.
- (f) The text of the measure. If a Charter proposal is amendatory of any existing Charter provision, or repeals any Charter provision that is less than the entire Charter section, the text of the existing Charter provision shall be printed, together with the text of the proposed Charter amendment, in such manner that the effect of the Charter amendment upon existing Charter provisions can be determined, using strikeout type to indicate eliminated provisions, or similar devices

**Sec. 114.** Whenever any measure is to be submitted to the voters, the Chief Legislative Analyst shall prepare an impartial summary of the measure in not more than 600 words for inclusion in the ballot pamphlet, provided however that more than 600 words may be used in the event the measure is extraordinarily long, complicated or detailed. Such summary shall be submitted to the City Clerk at least seventy (70) days prior to the date of the election. The Director of the Office of Administrative and Research Services shall prepare and file with the City Clerk, within the same time limitation for inclusion in the ballot pamphlet, a separate statement, in not more than 150 words, of the financial impact of the ballot measure, provided, however, that more than 150 words may be used in the event the measure is extraordinarily long, complicated or detailed. The fiscal analysis of financial impact shall be written in clear, concise terms which will be easily understood by the average voter and wherever possible shall avoid the use of technical terms. The statement of financial impact shall include an estimate of the amount of any increase or decrease in revenues or costs to City government, or an opinion as to whether or not a substantial net change in City finances would result if the measure is adopted by the voters. Any estimate of increased cost to the City government shall be set forth in boldface print in the ballot pamphlet. Requirements of this Section shall not apply to ballot measures of the Los Angeles Unified School District or to other governmental agencies who may have measures consolidated with a City of Los Angeles election ballot.

**Sec. 115.** There is hereby created a committee known as the Ballot Simplification Committee hereinafter in this section referred to as "Committee."

**A. Committee Membership.**

1. The Committee shall be composed of the City Attorney, or a designated deputy, the Chief Legislative Analyst, or a designated member of his staff, and three other members who are electors in but not otherwise officers or employees of the City of Los Angeles. The Mayor shall appoint one of the elector members of the Committee and an alternate elector. The alternate elector shall act as a replacement in the event the first elector is not available due to death, absence from the city, incapacity, refusal or otherwise. Each such elector and alternate shall be a professional reading expert qualified to determine and predict readability of simplified versions of ballot measures according to standards hereinafter provided. The President of the City Council shall appoint two of the elector members of the Committee and also appoint two additional electors who shall also be designated by the President of the City Council as the first and the second alternate. The alternates shall serve in whatever order is designated in their appointments. In the event that one or both of the original elector appointees of said President may not be available due to death, absence from the city, incapacity, refusal or otherwise, the designated alternate or alternates shall serve as a replacement. Each such elector and each such alternate elector shall primarily possess an understanding of ballot issues and possess writing skills and training which provide for a high capability in written communication to the general public. If, in the discretion of the City Clerk, the number, length, detail or complexity of ballot measures to be considered at a particular election warrants the use of any one or more of the appointed alternate electors to serve in a supplemental rather than in a replacement capacity to the Committee for any one or more ballot measures, he may request assistance from one or more of the appointed alternate electors, according to the reading or writing expertise and assistance needed at said time, subject only to prior approval of the appointing authority of the elector involved in each instance. The Committee shall be enlarged accordingly and each said supplemental alternate shall thereupon serve as a regular but nonvoting member of the Committee for the particular ballot measure or measures for which called.

2. The terms of the appointed members of the Committee shall be for a duration of no longer than two years each and shall terminate at a time coincidental with the end of the term of the President of the City Council unless earlier removed by their respective appointing authority. In the event of such removal, the appointing authority then in office shall make a new appointment for the balance of the term then remaining.

3. The electors who serve as members of the Committee shall be paid, upon verification and proof of service to the City Clerk, at the rate of One Hundred Dollars (\$100) per meeting for each member attending. No elector member of the Committee shall be paid more than a total of Two Hundred Dollars (\$200) for participating in the simplification of any one ballot measure nor more than One Hundred Dollars (\$100) for any meeting or number of meetings on a single calendar day.

4. The City Attorney, or his designated deputy, shall serve as legal advisor to the Committee and shall also be a voting member thereof.

5. The Chief Legislative Analyst, or his designated staff member, shall act as a legislative assistant to the Committee and shall also be a voting member thereof. 6. No appointed elector shall serve as a member of said Committee to participate in any of its activities if, for said election, said appointed elector has any conflict of interest in any ballot measure under consideration by the Committee. An appointed elector shall neither vote nor act upon any simplified version of any ballot measure in which he has any interest prohibited under the charter or the applicable general laws of the State of California. Before serving as a member of the Committee for any election measure, he shall certify to the City Clerk in writing under penalty of perjury that to his knowledge he has no interests in or pertaining to said proposed measure on the ballot which are or would be violative of the applicable general laws of the State of California pertaining to conflicts of interest and has no prohibited interest which would warrant any request for opinion of the City Attorney under Charter Section 222. The refusal or inability to so certify to the City Clerk upon request shall effect an immediate and automatic termination of said elector as a member of the Committee, and the appropriate appointing authority shall thereupon designate another elector with similar expertise as his successor, and subject to the same requirements.

## **B. Ballot Summary.**

1. For each election in the City of Los Angeles where a measure is to be submitted to a vote at an election, the Committee shall summarize and simplify the language of all City of Los Angeles ballot measures that are to appear in the Sample Ballot and Voter Information Pamphlet, hereinafter referred to as the "Ballot Pamphlet." The simplified summaries for each measure shall be submitted by the Committee to the City Clerk in the form of a "Ballot Summary" for incorporation into the Ballot Pamphlet within the time limits provided for in Section 346.2 of this code.

2. The Ballot Summary shall include only simplified versions of the ballot measures, which versions have been approved by a majority of the members of the Committee after deliberation.

...

4. (a) The Summary of each ballot measure shall include six identifying subsections. These shall be entitled, and shall appear in the following sequence in the Ballot Pamphlet in boldface: **Title, The Issue, The Situation, The Proposal, A Yes Vote Means, A No Vote Means.**

(b) Each said Summary shall be limited to a maximum of 300 words, exclusive of the title for each subsection referred to in 4(a) above; provided, however, that in situations of ballot measures involving extraordinary length, detail or complexity, the City Clerk, with concurrence of the President of the City Council, may designate a different maximum number of words therefore.

**Sec. 320. Requirements for Signing and Examining Petitions.**

(a) Wherever any initiative, referendum, recall or nominating petition or other paper is required to be signed by an elector, only an elector who is a registered voter shall be entitled to sign the petition or paper.

(b) The City Clerk shall review each initiative, referendum, recall or nominating petition submitted to determine whether it contains at least the minimum number of signatures required, is properly verified and is otherwise in the proper form. The Clerk shall not accept any petition that does not meet the requirements of the Charter and this Code. If a petition meets those requirements, it shall be filed by the Clerk.

(c) The City Clerk shall examine each initiative, referendum, recall or nominating petition filed to determine whether it is signed by the requisite number of qualified registered voters. Each petition shall be examined to determine whether:

(i) the circulator of each section is a resident of the City, or of the School District in the case of Board of Education elections;

(ii) each signer is a resident of the applicable jurisdiction;

(iii) each signer is registered to vote at the address stated on the petition; and

(iv) each signature is the genuine signature of a registered voter of the applicable jurisdiction. The examination shall be conducted solely by a review of the registration records of the Los Angeles County Registrar-Recorder/County Clerk, except that for circulators who are not registered voters, the Clerk may use any other reliable means of verification.

**Sec. 346. Arguments for and Against Measures**

(a) Whenever the City Council, on its own motion, proposes an ordinance, order, resolution, charter amendment, or a proposition for incurring bonded indebtedness, to the voters for their approval or disapproval, the procedure set forth in Sections 346.1 to 347 inclusive, shall be employed to inform the voters concerning the measure.

(b) Whenever an ordinance is proposed by initiative or referendum, the procedure set forth in Sections 346.1 to 347, inclusive, shall be employed to inform the voters concerning the measure, except that

(i) the arguments and rebuttal arguments for initiative measures shall be written by the proponents;

(ii) the length of arguments for and against initiative and referendum measures shall be no more than 1,000 words;

(iii) the length of rebuttal arguments for and against initiative and referendum measures shall be no more than 500 words;

(iv) the arguments for and against initiative and referendum petition measures shall be filed within 15 days after the City Clerk issues a certificate of sufficiency of the petition; and

(v) the rebuttal arguments for and against initiative and referendum petition measures shall be filed within 25 days after the Clerk issues a certificate of sufficiency.

(c) All ballot arguments relating to a recall shall comply with the provisions of Sections 346.1 to 347, inclusive, except that the argument and rebuttal argument in favor of the recall shall be presented by the person filing the recall petition or a person or organization on whose behalf the recall is filed, and the argument and rebuttal argument against the recall shall be submitted by the officer whose recall is sought.

**Sec. 346.1.** The President of the City Council, with the approval of the Rules and Elections Committee of said Council, may designate a person or association of persons to write arguments and rebuttal arguments for and against the adoption of any measure to be placed on the ballot. If such a designation is made, it shall be in writing, and shall be filed with the City Clerk on the form which shall be provided. In making such a designation, the President of the Council shall give preference in the order named as follows:

- (a) the Mayor and another elected officer of the City who has supported the issue,
- (b) other elected officers of the City,
- (c) the appointive officers of the City,
- (d) bona fide associations of citizens,
- (e) individual voters.

In making ballot argument author designations within each of the above preference categories, the Council President shall give priority to those persons or groups generally recognized as the major public advocates or opponents of the proposals to be submitted to the voters.

**Sec. 346.2.** Arguments for or against any such measure shall not exceed 300 words each, and rebuttal arguments for or against any such measure shall not exceed 150 words each, provided, however, that in situations of ballot measures involving extraordinary length, detail or complexity, the City Clerk, with concurrence of the President of the City Council, may designate a different maximum number of words therefore. All such arguments shall be submitted to the City Clerk at least 85 days prior to the date of the election, and all such rebuttal arguments shall be submitted to the City Clerk at least 75 days prior to the date of the election. At said times, the City Clerk shall furnish copies thereof to the Ballot Simplification Committee along with copies of the measures to be placed on the ballot. Thereafter, the Committee shall present to the City

Clerk the Ballot Summary of each measure on or before 64 days prior to the election. The City Council shall thereupon review each Ballot Summary and may act to approve or to disapprove the language thereof, provided, that such action must be taken on or before 60 days prior to the election and further provided that in the event the City Council fails to take any such action within said time, that the language of the Ballot Summary as presented shall be deemed approved.

**Sec. 346.3.** In the event that more than one person or association shall request that they be designated to write an argument and rebuttal argument for or against any measure or proposition, and they cannot agree as to the wording thereof, the President of the Council may designate two persons or associations to write such argument and rebuttal argument. In such case, two arguments and two rebuttal arguments may be submitted to the electors, neither of which arguments shall exceed 150 words, and neither of which rebuttal arguments shall exceed 75 words.

**Sec. 346.4.** All arguments and rebuttal arguments shall be signed by the person, persons, or association preparing such arguments and rebuttal arguments. In cases where arguments and rebuttal arguments are prepared by an association, the names of two of the officers of such association shall be signed thereto following the name of the association. The name or names of the person or person signing such arguments and rebuttal arguments shall be shown on the copies of the arguments and rebuttal arguments submitted to the voters, as hereinafter provided. The signatures on said arguments and rebuttal arguments shall be limited to no more than ten.

**Sec. 346.5.** When an argument or rebuttal argument for or against the adoption of any measure or proposition shall have been prepared as herein provided and submitted within the required time, it shall be printed and submitted to each voter and may be mailed together with the sample ballot for the election concerned.

**Sec. 346.6.** The fact that only an argument for or only an argument against a measure was submitted shall not prevent such argument from being submitted to each voter, and the fact that only a rebuttal argument for or only a rebuttal argument against a measure was submitted shall not prevent such rebuttal argument from being submitted to each voter.

...

**Sec. 346.9.** The failure to appoint persons to draft such arguments and rebuttal arguments or the failure of such arguments and rebuttal arguments to be prepared or submitted to the voters as contemplated by these sections shall not affect the validity of any election held pursuant to the provisions of this Code. No election or proceeding, or proposition, measure or amendment, otherwise valid, shall be deemed invalid for any failure to conform to the time limits specified herein, provided the voters of this City voting thereon have voted in favor of such proposition, measure, or amendment.

**Sec. 346.10.** No argument or rebuttal argument for or against any measure shall be accepted by the City Clerk for mailing to the voters or for printing in any ballot pamphlet to be distributed by the City to the voters unless, at the time the argument or rebuttal argument is filed with the City Clerk, it is accompanied by a certificate. Such certificate shall be on a form prepared by the City

Clerk and shall contain a statement, signed by at least one person who has signed the argument or rebuttal argument that the facts stated in the argument or rebuttal argument are true. No certificate shall be considered to meet the requirements of this section unless such certificate is sworn to before a notary public, a Deputy City Clerk, or some other person authorized to administer oaths, or is verified under penalty of perjury.