

**Meeting Date:** 8/7/2014

**Report Type:** Consent

**Report ID:** 2014-00605

**Title:** Ordinance Amending Section 1.16.070 of the City Election Code related to Ballot Arguments for Immediate Adoption Pursuant to Sacramento City Charter Section 32

**Location:** Citywide

**Recommendation:** Pass an Ordinance amending section 1.16.070 of the City Election Code related to Ballot Arguments.

**Contact:** Shirley Concolino, City Clerk (916) 808-5442, Office of the City Clerk; James Sanchez, City Attorney, (916) 808-5346, Office of the City Attorney

**Presenter:** None

**Department:** City Clerk

**Division:** City Clerk

**Dept ID:**

**Attachments:**

1-Description/Analysis

2-Ordinance (Redline)

3-Ordinance (Clean)

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### **City Attorney Review**

Approved as to Form

Sandra Talbott

7/30/2014 12:04:23 PM

### **Approvals/Acknowledgements**

Department Director or Designee: Sandra Talbott - 7/29/2014 4:39:19 PM

## Description/Analysis

**Background:** On May 20, 2014 the council adopted the Grand Jury ad hoc committee's recommendation to amend the city code (Section 1.16.070) to (1) require only one signature from an authorized member to sign the written argument in favor or against and (2) add a section to the city code to allow charter officers and department directors to author argument, thus clarifying the current practice of the Police and Fire Chief signing ballot arguments.

Pursuant to Sacramento City Charter section 32, this ordinance relates to an election and takes effect immediately upon adoption.

**Policy Considerations:** Responses to the Grand Jury findings are required by law. In response to the Grand Jury findings and recommendations the city council reported that the Election Code would be amended and directed the City Attorney to prepare the amendment.

**Economic Impacts:** Not applicable.

### Environmental Considerations:

**California Environmental Quality Act (CEQA):** This action is not a "project" pursuant to CEQA and is therefore exempt from review.

**Sustainability:** There are no sustainability considerations associated with this report.

**Commission/Committee Action:** None.

**Rationale for Recommendation:** The City Council directed the City Attorney to amend the Election Code to reflect the changes to ballot arguments recommended by the Grand Jury ad hoc committee.

**Financial Considerations:** There are no financial considerations associated with this report.

**Emerging Small Business Development (ESBD):** No goods or services are being purchased.

**ORDINANCE NO. 2014-xxx**

Adopted by the Sacramento City Council

August-\_\_, 2014

**AN ORDINANCE AMENDING SECTION 1.16.070 OF THE SACRAMENTO CITY CODE RELATED TO BALLOT ARGUMENTS**

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

**SECTION 1**

Section 1.16.070 of the Sacramento City Code is amended to read as follows:

**1.16.070 Ballot arguments.**

A. When the city clerk has selected the arguments for and against a measure appearing on the ballot at a municipal election pursuant to [California](#) Elections Code ~~Section-section~~ 9287, the clerk shall send copies of the argument in favor of the measure to the authors of the argument against, and copies of the arguments against to the authors of the argument in favor. The authors may prepare and submit rebuttal argument not exceeding ~~two hundred fifty (250)~~ words. The rebuttal arguments must be filed with the city clerk not more than ten ~~(10)-calendar~~ days after the final date for filing direct arguments. Rebuttal arguments shall be printed in the same manner as direct arguments. Each rebuttal argument shall immediately follow the direct argument ~~which that~~ it seeks to rebut. Notwithstanding the provisions of California Elections Code ~~Section-section~~ 9295 to the contrary, the city clerk shall make available for public examination in the clerk's office all arguments filed pursuant to this section not less than ten ~~(10)-calendar~~ days before arguments are submitted for printing. For arguments, the period during which any person named in ~~Section-section~~ 9295 may seek a writ of mandate or an injunction pursuant to ~~Section-section~~ 9295 shall be during the ten ~~(10)-day~~ examination period ~~provided for herein~~.

B. For initiative measures placed on the ballot, the person(s) filing the initiative petition, along with any ~~one 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 in favor of the measure, ~~and~~ The city council, or any council member(s) authorized by the city council, or charter officer, or department director, 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 submit an argument against the measure. If more than one argument is submitted against the measure, the city elections

official shall select one of the arguments and give preference and~~The priority for initiative measure to the arguments will be as in the same order established under California Elections Code section 9287 and this code. If the city council, or any council member(s) authorized by the city council, submits a written argument against an initiative measure, only one authorized member's signature is necessary to afford the legislative body priority in argument selection.~~

C. For city council measures placed on the ballot, the city council, or any council member(s) authorized by the city council, or any ~~one individual voter who is~~ eligible to vote on the measure, or charter officer, or department director, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against the measure. If the city council, or any council member(s) authorized by the city council, submits a written argument in favor of or against a measure, only one authorized member's signature is necessary to afford the legislative body priority in argument selection pursuant to California Elections Code section 9287.

D. Charter officers and department directors who submit ballot arguments pursuant to subsections B and C of this section do not have priority over the legislative body, or members of the legislative body authorized by~~the that~~ body, but have priority in argument selection before the individual voter, or bona fide associations of citizens, or combinations of voters and associations, who are the bona fide sponsors or proponents of the measure.

~~D-E.~~ Except as provided otherwise in this section, the procedures set forth in Elections Code ~~Section section~~ 9282, ~~as amended~~, shall apply. (~~Ord. 2010-004 § 1; Ord. 2002-016; prior code § 62.01.007~~)

## **SECTION 2**

Pursuant to Sacramento City Charter section 32, this ordinance relates to an election and shall take effect immediately upon adoption.

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Adopted by the City of Sacramento City Council on \_\_\_\_\_ by the following vote:

Ayes:

Noes:

Abstain:

Absent:

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MAYOR

Attest:

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City Clerk

Passed for Publication:

Published:

Effective:

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B. For initiative measures placed on the ballot, the person(s) filing the initiative petition, along with anyone eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument in favor of the measure. The city council, or any council member(s) authorized by the city council, or charter officer, or department director, or any individual eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may submit an argument against the measure. If more than one argument is submitted against the measure, the city elections official shall select one of the arguments and give preference and priority to the arguments in the same order established under California Elections Code section 9287 and this code. If the city council, or any council

member(s) authorized by the city council, submits a written argument against an initiative measure, only one authorized member's signature is necessary to afford the legislative body priority in argument selection.

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