



2.4

**OFFICE OF THE
CITY CLERK**

VALERIE A. BURROWES, MMC
CITY CLERK

VIRGINIA K. HENRY, CMC
ASSISTANT CITY CLERK

TERESA FAHNING
CHIEF DEPUTY CITY CLERK

**CITY OF SACRAMENTO
CALIFORNIA**

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April 25, 2001

Law & Legislation Committee
Sacramento, California

Honorable Members in Session:

**SUBJECT: ORDINANCE AMENDING CHAPTER 1.16 OF TITLE 1 OF THE
SACRAMENTO CITY CODE RELATING TO MUNICIPAL ELECTIONS**

LOCATION/COUNCIL DISTRICT: All Districts

STAFF RECOMMENDATION: APPROVE ORDINANCE AND FORWARD TO FULL
COUNCIL FOR ADOPTION

CONTACT PERSON: Teresa Fahning, Chief Deputy City Clerk, 264-5799
Valerie Burrowes, City Clerk, 264-5799

FOR COUNCIL MEETING OF: May 7, 2002

SUMMARY:

This ordinance amendment will provide a general clean-up and revision of numerical references contained in Title 1 of the Sacramento City Code as they pertain and reference sections in the California Elections Code.

BACKGROUND INFORMATION:

- Title 1 of the Sacramento City Code contains the authority used for the conduct of elections for the City of Sacramento;
- Title 1 references various sections of the California Elections Code with regards to:
 - Calling for an Election
 - Nomination Process
 - Ballot Order

- Notice of Election
 - Canvass of Returns
 - Ballot Arguments
 - Initiative and Referendum Petition Filing Fee
 - Council District Maps
- The California Elections Code was updated in 2000 and 2001; the Elections Code was renumbered as part of the revision process
 - The Sacramento City Code no longer reflects the correct numerical references to the state elections code

FINANCIAL CONSIDERATIONS:

There is no fiscal impact incurred with this action.

ENVIRONMENTAL CONSIDERATIONS:

There are no environmental considerations to be applied to this report.

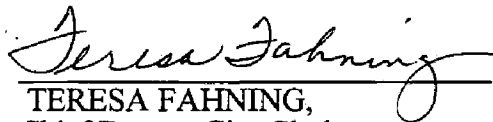
POLICY CONSIDERATIONS:

Consistent with the City Charter, Section 155.


ESBD:

Not applicable to this report.

Respectfully submitted,


TERESA FAHNING,
Chief Deputy City Clerk

RECOMMENDATION APPROVED:


BETTY MASUOKA
Assistant City Manager

APPROVED BY:


VALERIE BURROWES,
City Clerk

Chapter 1.16 ELECTIONS

1.16.010 Authority of chapter.

This chapter is adopted under the authority of the Charter of the city, particularly Sections 150 through 155 thereof, providing for the adoption of ordinances relating to municipal elections and under the authority of Section 5 of Article XI of the Constitution of the state. This chapter shall be known as the election code of the city of Sacramento.

Pursuant to Charter Section 155, all elections shall be held in accordance with the provisions of the Election Code of the state of California, as the same now exists or may be hereinafter amended, for the holding of elections in cities, insofar as the same are not in conflict with the charter or ordinances of the city of Sacramento. (Ord. 2000-017 § 4(a)(1); prior code § 62.01.001)

1.16.020 Elections.

Elections are called by resolution of the city council pursuant to Elections Code Section 23302 and/or City Charter Sections 154 and 160 through 163 relative to special elections.

A. Regular Municipal Elections. Regular city elections are those primary and general municipal elections that are held on the same date in each election year as the California statewide direct primary and general elections, and are to be held pursuant to the elections code and the City Charter section relative to municipal elections.

B. Special Municipal Elections. Elections other than the regular primary and general municipal elections as referenced above, are considered special elections, and are to be held pursuant to City Charter section relative to municipal elections. (Prior code § 62.01.002)

1.16.030 Nomination process.

A. Qualifications. To run for city elective office, the qualifications outlined in City Charter Section 27 or 41 must be met.

B. Nomination Period. The nomination period for regular elections shall be pursuant to Elections Code Section 23302.5, or Section 22836 for special elections.

C. Nomination Papers. Nomination papers are to be completed pursuant to Elections Code Division 14, Part 2, which is relative to local elections.

1. Requirements of Registered Voters Signing Nomination Papers. Registered voters signing nomination petitions for a member of the city council shall be residents of the geographic area making up the district from which the member is to be elected. Registered voters signing nomination petitions for mayor shall be residents of the city of Sacramento.

2. Filing Fee. There is no filing fee for filing nomination papers for city elective office.

D. Statement of Economic Interests. Pursuant to the political reform act, Government Code Section 87201, a statement of economic interests form 721, is required to be filed at the same time as filing nomination papers.

E. Statement of Candidate's Qualifications.

1. Application of General Law. This section permits the city to recover from the candidate all pro rata costs to the city of printing, handling, translating and mailing such statement.

2. Payment of Costs. All costs of printing, handling, translating and mailing, and all other costs associated with the statement shall be paid by the candidate.

As a condition of inclusion of the candidate's statement in the voter's pamphlet, the city clerk may

require each candidate to prepay a prorated share of the said costs, at the time that the statement is filed with the city clerk. Prepayment shall be in cash or by a cashier's check in the amount of the prorated estimated costs. In the event that the prepayment exceeds the actual costs charged, the excess shall be refunded within thirty (30) days of the election. In the event that the prepayment is insufficient to cover all costs charged, the additional charges shall be billed to and paid by the candidate after the printing and distribution of the statements.

3. Alternative Procedure in Case of Indigency. If the candidate executes under penalty of perjury, at the time of filing the statement with the city clerk, an affidavit or declaration of indigency on a form to be furnished by the city clerk, no prepayment of costs shall be required of the candidate.

Any candidate not required to prepay because of indigency shall be required to reimburse the city for all prorated costs of printing, handling, translating and mailing the statement. Payment shall be due after the printing and distribution of the statements.

4. Length of Candidate's Statement. The length of any candidate's statement as to his or her education and qualifications filed for any municipal election pursuant to Section 10012 of the California Election Code shall be limited to no more than two hundred (200) words. (Prior code § 62.01.003)

1.16.040 Ballot order.

The names of candidates for the city council, including the office of mayor, shall be placed on the ballot in the order established pursuant to State of California Elections Code Sections 10217 or 10217.5. (Prior code § 62.01.004)

1.16.050 Notice of election.

Pursuant to Elections Code Section 22830, not earlier than the eighty-ninth day nor later than the seventy-fifth day before any municipal election, the city clerk shall publish a notice of the election. (Prior code § 62.01.005)

1.16.060 Canvass of returns.

Pursuant to Elections Code Section 23306, in the case of the consolidation of any election called by the legislative body of a city, with an election held in the county or counties in which the city is situated, the governing body of the city may authorize the board of supervisors to canvass the returns of the election.

This authorization shall be pursuant to Elections Code Section 22003 and be in the form of a resolution requesting that the board of supervisors instruct the county voter registrar to render specified services to the city in the conduct of an election, which include canvass of the returns. The resolution shall be adopted at the same time as the resolution calling the election.

Elections Code Section 22003 shall also apply to elections not consolidated with any other election. After certification by the county of the canvass of a non-consolidated election, the governing body of the city, pursuant to Elections Code Section 22932, shall meet at its usual place of meeting on the first Tuesday after the election, and shall pass a resolution reciting the fact of the election. (Prior code § 62.01.006)

1.16.070 Ballot arguments.

When the city clerk has selected the arguments for and against a measure appearing on the ballot at a municipal election pursuant to Election Code Section 5014, 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 arguments not exceeding two hundred fifty (250) words. The rebuttal arguments must be filed with the city clerk not more than seven 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 it seeks to rebut. Notwithstanding the provisions of California Elections Code Section 5025 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) days before arguments are submitted for printing. For arguments, the period during which any person named in Section 5025 may seek a writ of mandate or an injunction pursuant to Section 5025 shall be during the ten (10) day examination period provided for herein. (Prior code § 62.01.007)

1.16.080 Initiative and referendum petition filing fee.

Pursuant to Elections Code Section 4002(b), any person filing a notice of intent with the city clerk shall pay a two hundred dollar (\$200.00) filing fee, to be refunded to the filer if, within one year of the date of filing the notice of intent, the clerk certifies the sufficiency of the petition. (Prior code § 62.01.008)

1.16.090 Council district map.

The boundaries of city council districts are hereby established pursuant to the provisions of Sections 22 through 25 of the Sacramento City Charter. The numbers of the city council districts shall be as shown on a city council district boundary map.

Such map shall be maintained on file in the office of the city clerk, and the map is adopted by reference as though fully set forth in this section. (Prior code § 62.01.009)

ORDINANCE NO.

ADOPTED BY THE SACRAMENTO CITY COUNCIL

ON DATE OF _____

ORDINANCE AMENDING CHAPTER 1.16 OF TITLE 1 OF THE SACRAMENTO CITY CODE RELATING TO MUNICIPAL ELECTIONS

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

Chapter 1.16 of Title 1 of the Sacramento City Code is hereby amended to read as follows:

Chapter 1.16 ELECTIONS

1.16.010 Authority of chapter.

This chapter is adopted under the authority of the Charter of the City of Sacramento, particularly Sections 150 through 155 thereof, providing for the adoption of ordinances relating to municipal elections and under the authority of Section 5 of Article XI of the Constitution of the State of California. This chapter shall be known as the Election Code of the City of Sacramento.

Pursuant to Charter Section 155, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exists or may be hereafter amended, for the holding of elections in cities, insofar as the same are not in conflict with the charter or ordinances of the City of Sacramento. (Ord. 2000-017 § 4(a)(1); prior code § 62.01.001)

1.16.020 Elections.

Elections are called by resolution of the city council pursuant to Elections Code Section 10403 and/or City Charter Sections 154 and 160 through 163 relating to special elections.

A. Regular Municipal Elections. Regular city elections are those primary and general municipal elections that are held on the same date in each election year as the California statewide direct primary and general elections, and are to be held pursuant to the Elections Code and the City Charter section relating to municipal elections.

B. Special Municipal Elections. Elections other than the regular primary and general municipal elections as referenced above, are considered special elections, and are to be held

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ORDINANCE. _____

DATE ADOPTED: _____

pursuant to City Charter sections 152 and 154 relating to municipal elections. (Prior code § 62.01.002)

1.16.030 Nomination process.

A. Qualifications. To run for city elective office, the qualifications outlined in City Charter Section 27 or 41 must be met.

B. Nomination Period. The nomination period for regular elections shall be pursuant to Elections Code Section 10407, or Section 10220 for special elections.

C. Nomination Papers. Nomination papers are to be completed pursuant to Elections Code Division 8, Part 1, Chapter 1, Article 2, relating to local elections.

1. Requirements of Registered Voters Signing Nomination Papers. Registered voters signing nomination petitions for a member of the city council shall be residents of the district from which the member is to be elected. Registered voters signing nomination petitions for mayor shall be residents of the city of Sacramento.

2. Filing Fee. There is no filing fee for filing nomination papers for city elective office.

D. Statement of Economic Interests. Pursuant to the Political Reform Act, Government Code Section 87201, a Statement of Economic Interests Form 700 is required to be filed at the same time as filing nomination papers.

E. Statement of Candidate's Qualifications.

1. Application of General Law. This section permits the city to recover from the candidate all pro rata costs to the city of printing, handling, translating and mailing such statement.

2. Payment of Costs. All costs of printing, handling, translating and mailing, and all other costs associated with the statement shall be paid by the candidate.

As a condition of inclusion of the candidate's statement in the voter's pamphlet, the city clerk may require each candidate to prepay a prorated share of the said costs, at the time that the statement is filed with the city clerk. Prepayment shall be in cash or by a cashier's check in the amount of the prorated estimated costs. In the event that the prepayment exceeds the actual costs charged, the excess shall be refunded within thirty (30) days of the election. In the event that the prepayment is insufficient to cover all costs charged, the additional charges shall be billed to and paid by the candidate after the printing and distribution of the statements.

3. Alternative Procedure in Case of Indigency. If the candidate executes under penalty of perjury, at the time of filing the statement with the city clerk, an affidavit or declaration of indigency on a form to be furnished by the city clerk, no prepayment of costs shall be required of the candidate.

Any candidate not required to prepay because of indigency shall be required to reimburse the city for all prorated costs of printing, handling, translating and mailing the statement. Payment shall be due after the printing and distribution of the statements.

4. Length of Candidate's Statement. The length of any candidate's statement as to his or her education and qualifications filed for any municipal election pursuant to Section 13307 of the California Elections Code shall be limited to no more than two hundred (200) words.

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DATE ADOPTED: _____

(Prior code § 62.01.003)

1.16.040 Ballot order.

The names of candidates for the city council, including the office of mayor, shall be placed on the ballot in the order established pursuant to State of California Elections Code Sections 13112 or 13113. (Prior code § 62.01.004)

1.16.050 Notice of election.

Pursuant to Elections Code Section 12101, not earlier than the one hundred twenty-seventh day nor later than the one hundred thirteenth day before any municipal election, the city clerk shall publish a notice of the election. (Prior code § 62.01.005)

1.16.060 Canvass of returns.

Pursuant to Elections Code Section 10411, in the case of the consolidation of any election called by the legislative body of a city, with an election held in the county or counties in which the city is situated, the governing body of the city may authorize the board of supervisors to canvass the returns of the election.

This authorization shall be pursuant to Elections Code Section 10002 and be in the form of a resolution requesting that the board of supervisors instruct the county voter registrar to render specified services to the city in the conduct of an election, which include canvass of the returns. The resolution shall be adopted at the same time as the resolution calling the election.

Elections Code Section 10002 shall also apply to elections not consolidated with any other election. After certification by the county of the canvass of a non-consolidated election, the governing body of the city, pursuant to Elections Code Section 10262, shall meet at its usual place of meeting on the first Tuesday after the election, and shall pass a resolution reciting the fact of the election. (Prior code § 62.01.006)

1.16.070 Ballot arguments.

When the city clerk has selected the arguments for and against a measure appearing on the ballot at a municipal election pursuant to Elections Code Section 9283, 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 seven 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 it seeks to rebut. Notwithstanding the provisions of California Elections Code 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) days before arguments are submitted for printing. For arguments, the period during which any person named in Section 9295 may seek a writ of mandate or an injunction pursuant to Section 9295 shall be during the ten (10) day examination period provided for herein. (Prior code § 62.01.007)

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ORDINANCE: _____

DATE ADOPTED: _____

1.16.080 Initiative and referendum petition filing fee.

Pursuant to Elections Code Section 9202(b), any person filing a notice of intent with the city clerk shall pay a two hundred dollar (\$200.00) filing fee, to be refunded to the filer if, within one year of the date of filing the notice of intent, the clerk certifies the sufficiency of the petition. (Prior code § 62.01.008)

1.16.090 Council district map.

The boundaries of city council districts are hereby established pursuant to the provisions of Sections 22 through 25 of the Sacramento City Charter. The numbers of the city council districts shall be as shown on a city council district boundary map.

Such map shall be maintained on file in the office of the city clerk, and the map is adopted by reference as though fully set forth in this section. (Prior code § 62.01.009)

MAYOR

Attest:

City Clerk

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ORDINANCE. _____

DATE ADOPTED: _____