

ORDINANCE NO. _____

ORDINANCE OF THE CITY OF CHULA VISTA ADDING
MUNICIPAL CODE SECTION 2.50.150 REGARDING
SIGNERS OF WRITTEN ARGUMENTS FOR OR AGAINST
BALLOT MEASURES

WHEREAS, the City Charter section 902 provides that City elections shall be held in accordance with the state Elections Code; and

WHEREAS, California Elections Code Division 9, Chapter 3, Article 4 (sections 9280 through 9287) governs arguments concerning city measures, and section 9281 of that Article permits charter cities to adopt ordinances governing the method for submitting arguments about city measures; and

WHEREAS, Elections Code section 9282(a) provides that, for measures placed on the ballot by petition, the persons filing the initiative petition may file a written argument in favor of the ordinance, and the legislative body may submit an argument against the ordinance; and

WHEREAS, Elections Code section 9282(b) provides that, for measures placed on the ballot by the legislative body, the legislative body, or a member or members of the legislative body authorized by that body, or an individual voter who is eligible to vote on the measure, or a bona fide association of citizens, or a combination of voters and associations, may file written arguments for or against any city measure; and

WHEREAS, the City desires to permit the author(s) of an argument to allow other supporters to sign the argument, even if those supporters do not meet the qualifications specified in Elections Code section 9282.

NOW THEREFORE the City Council of the City of Chula Vista does ordain as follows:

Section I. Section 2.50.150 is added to the Chula Vista Municipal Code to read as follows:

2.50.150 Ballot Measures

A. Authors of written arguments.

1. Measures placed on the ballot by petition.

a. The City Council may authorize one or more of its members to prepare and file an argument against the measure. The member(s) designated shall be deemed the “author(s)” of the argument.

b. The person(s) who filed the initiative petition may file a written argument in favor of the measure. Such person(s) shall be deemed the “author(s)” of the argument.

2. Measures placed on the ballot by the City Council.

a. The City Council may authorize one or more of its members to prepare and file an argument in favor of, or against, the measure. The member(s) designated shall be deemed the “author(s)” of the argument.

b. An individual who is eligible to vote on the measure, and/or an organization or association meeting the requirements of Elections Code 9287(e), may file a written argument for or against the measure. The individual voter or, in the case of an organization or association, the principal officer(s) whose name(s) and signature(s) appears on the written argument, shall be the “author(s)” of the argument.

B. Signers of written arguments.

The author(s) of an argument for or against a ballot measure may allow additional persons to sign the argument. Additional signers of the argument are permitted at the discretion of the author(s), unless otherwise specified in a City Council resolution. The additional signers are not required to meet the qualifications specified in California Elections Code section 9282.

Section II. City Clerk Authority

The City Clerk is authorized to adopt and implement all forms and procedures necessary to carry-out the purpose and intent of this ordinance.

Section III. Severability

If any portion of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid, unenforceable or unconstitutional, by a court of competent jurisdiction, that portion shall be deemed severable, and such invalidity, unenforceability or unconstitutionality shall not affect the validity or enforceability of the remaining portions of the Ordinance, or its application to any other person or circumstance. The City Council of the City of Chula Vista hereby declares that it would have adopted each section, sentence, clause or phrase of this Ordinance, irrespective of the fact that any one or more other sections, sentences, clauses or phrases of the Ordinance be declared invalid, unenforceable or unconstitutional.

Section IV. Construction

The City Council of the City of Chula Vista intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

Section V. Effective Date

This Ordinance shall take effect and be in force on the thirtieth day after its final passage.

Section VI. Publication

The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

Presented by

Approved as to form by

Kerry K. Bigelow, MMC
City Clerk

Glen R. Googins
City Attorney