

City Council Meeting February 13, 2024

Santa Monica, California

ORDINANCE NUMBER 2774 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA AMENDING SECTIONS 11.04.120, 11.04.150, 11.04.171, 11.04.185,
AND 11.04.190 OF THE SANTA MONICA MUNICIPAL CODE RELATED TO
ELECTIONS

WHEREAS, elections in the State of California are conducted in accordance with the California Elections Code; and

WHEREAS, Santa Monica is a Charter City with authority to establish procedures for municipal elections such as the distribution of information for candidates and committees; and

WHEREAS, California Elections Code section 13307 allows candidates to submit statement of qualifications in the County's Official Sample Ballot; requires the City Clerk to distribute and provide Spanish translations of candidate statements to voters; and authorizes local agencies to charge candidates for all or part of printing, handling, translation, mailing, and electronically distributing candidate statements; and

WHEREAS, the City previously paid for the cost of candidate statements and now desires to require that candidates bear the cost of candidate statements; and

WHEREAS, California Elections Code section 9202 authorizes local agencies to establish a fee, not exceeding two hundred dollars, to any person filing a Notice of Intent with the Elections Official, and to refund the fee if the petition is certified sufficient within one year of filing the Notice; and

WHEREAS, some California Elections Code sections have been repealed, and it is therefore necessary to remove reference to those sections from the City's code.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Santa Monica Municipal Code Section 11.04.120(d) is hereby amended to read as follows:

11.04.120 Candidate's statement of qualifications

(d) If a candidate files a statement, then the estimated costs of printing, handling, translating, mailing and electronic distribution of any statement submitted pursuant to this section shall be paid by the candidate at the time of filing nomination papers for elections occurring in or after November 2024. In the event of overpayment and pending the final actual cost, the City shall prorate the excess amount among the candidates and refund the excess amount paid within 30 days of the election. In the event of underpayment, the City shall pay the balance of the cost incurred.

Santa Monica Municipal Code Section 11.04.150 is hereby amended to read as follows:

11.04.150 Distribution of information for candidates and committees

In order to insure that each candidate and proponent or opponent of a measure has full opportunity to understand and fulfill the requirements of the Political Reform Act and Municipal Code, the City Clerk shall make available to each candidate, to each proponent or opponent of a measure and to each committee supporting or opposing a measure the latest revision of the State of California Information Manual on Campaign Disclosure Provisions of the Political Reform Act and a schedule outlining required filing dates for campaign statements. In

addition, candidates are to receive a Candidate Information Guide outlining basic municipal candidacy requirements.

Santa Monica Municipal Code Section 11.04.171 is hereby amended to read as follows:

11.04.171 Fees for petitions

There shall be a \$200 fee for filing a Notice of Intent for a petition for recall, initiative, referendum or amendment of the City Charter, which will be refunded if the measure qualifies for the ballot within one year of the date of filing the Notice of Intent.

Santa Monica Municipal Code Section 11.04.185(b) is hereby amended to read as follows:

11.04.185 Mail in ballots for special elections

(b) Elections Code Sections 3001 through 3005, 3013, 3015 through 3018, and 3020 through 3021 shall not be applicable to City elections conducted pursuant to this Section. Chapter 1 of Division 4 of the Elections Code (commencing with Section 4000) and Elections Code Sections 4104 through 4108 shall not be applicable to the City elections conducted pursuant to this Section.

Santa Monica Municipal Code Section 11.04.190 is hereby amended to read as follows:

11.04.190 Public examination of ballot information


In lieu of making available the official election materials referred to in Elections Code Section 9295 and the official voters pamphlet referred to in Elections Code Section 13313, the City Clerk shall make available for public inspection a copy of the material referred to in Elections Code Sections 9223, 9280, 9281, 9282, 13307 and Section 11.04.125 of this Code.

SECTION 2. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.


SECTION 4. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:

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Douglas Sloan, City Attorney

Approved and adopted this 13th day of February, 2024.

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Phil Brock, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)


I, Nikima S. Newsome, Interim City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2774 (CCS) had its introduction on January 23, 2024 and was adopted at the Santa Monica City Council meeting held on February 13, 2024, by the following vote:

AYES: Councilmembers de la Torre, Torosis, Davis, Parra, Zwick
 Mayor Pro Tem Negrete, Mayor Brock

NOES: None

ABSENT: None

ATTEST:

DocuSigned by:

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Nikima S. Newsome, Interim City Clerk

2/14/2024
Date

A summary of Ordinance No. 2774 (CCS) was duly published pursuant to California Government Code Section 40806.