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**GOVERNMENT CODE - GOV**

**TITLE 4. GOVERNMENT OF CITIES [34000 - 45345]** ( Title 4 added by Stats. 1949, Ch. 79. )

**DIVISION 2. ORGANIZATION AND BOUNDARIES [34400 - 34906]** ( Division 2 added by Stats. 1949, Ch. 79. )

**PART 1. ORGANIZATION [34400 - 34906]** ( Part 1 added by Stats. 1949, Ch. 79. )

**CHAPTER 4. Alternative Forms of Government [34851 - 34906]** ( Heading of Chapter 4 renumbered from Chapter 7 by Stats. 1977, Ch. 1253. )

**ARTICLE 3. Elective Mayor [34900 - 34906]** ( Heading of Article 3 renumbered from Article 5 by Stats. 1979, Ch. 546. )

**34900.** At any general municipal election, or at a special election held for that purpose, the city council may submit to the electors the question of whether electors shall thereafter elect a mayor and four city council members, and whether the mayor shall serve a two-year or four-year term. In cities presently having elected mayors, the city council may also submit to the electors the question of whether the mayor shall thereafter serve a two-year or a four-year term.

(Amended by Stats. 2010, Ch. 699, Sec. 9. (SB 894) Effective January 1, 2011.)

**34901.** The questions shall be printed on the ballots used at the election in substantially the following form:

"Shall the electors elect a mayor and four city council members?"

"Shall the term of office of mayor be two years?"

"Shall the term of office of mayor be four years?"

The words "Yes" and "No" and "two years" and "four years" shall be so printed on the ballots that the voters may express their choice. The term of office of mayor shall be that preferred by a majority of those voting on the proposition.

(Amended by Stats. 2010, Ch. 699, Sec. 10. (SB 894) Effective January 1, 2011.)

**34902.** (a) If a majority of the votes cast on the proposition is for it, the office of mayor shall thereafter be an elective office, except as provided in subdivision (b). At the next succeeding general municipal election held in the city, one of the offices of city councilperson, to be filled at the election, shall be designated as the office of mayor, to be filled at the election. The person elected at the election as mayor shall hold office from the Tuesday succeeding his or her election, and until his or her successor is elected and qualifies.

In the case of a vacancy in the office of the mayor for any reason, the council shall fill the vacancy by appointment. If the council fails to fill it within 60 days, it shall call an election to fill the vacancy to be held on the next established election date to be held not less than 114 days thereafter. A person appointed or elected to fill a vacancy shall hold office for the unexpired term of the former incumbent.

(b) After an office of elective mayor has been established, the city council may subsequently submit to the electors the question of whether or not to eliminate the elective office of mayor, pursuant to the procedures enumerated in this article, and thereby reestablish the procedure of selection of the mayor by the city council. If a majority of the votes cast on the proposition are in favor of the elimination of the office of elective mayor, the office shall be eliminated on the expiration date of the incumbent's term, and on the date the procedure of selection of the mayor by the city council shall be reestablished.

(Amended by Stats. 2010, Ch. 38, Sec. 7. (AB 1668) Effective January 1, 2011.)

**34903.** The mayor is a member of the city council and has all of the powers and duties of a member of the city council.

(Added by Stats. 1959, Ch. 1571.)

**34904.** A person is not eligible to hold office as mayor unless he or she is at the time of assuming that office an elector of the city, and was a registered voter of the city at the time nomination papers are issued to the candidate as provided for in Section 10227 of

the Elections Code.

*(Amended by Stats. 1994, Ch. 923, Sec. 70. Effective January 1, 1995.)*

**34905.** A mayor pro tempore shall be chosen in the manner provided by Section 36801.

*(Added by Stats. 1959, Ch. 1571.)*

**34906.** Notwithstanding Section 36503, if a city has an elected mayor and the election of the remaining members of the city council for four-year terms is not evenly staggered, the city council may, on a one-time basis only and prior to the first day for circulating nomination papers for the general municipal election, designate one of the city council offices appearing on the general municipal ballot, other than the office of the mayor, to serve a two-year term, or may provide that of the city council offices appearing on the general municipal ballot, other than the office of the mayor, the one which receives the least votes of those elected (or if there is a tie for such a position, as decided by lot) shall serve a two-year term. At all subsequent general municipal elections, each member of the city council elected at such election, other than the mayor if the mayor has a two-year term, shall be elected to serve a four-year term.

*(Amended by Stats. 1980, Ch. 732.)*