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SB-359 Elections: referendum. (2019-2020)

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Senate Bill No. 359

CHAPTER 567

An act to amend Section 9238 of the Elections Code, relating to elections.

[Approved by Governor October 08, 2019. Filed with Secretary of State October 08, 2019.]

LEGISLATIVE COUNSEL'S DIGEST

SB 359, Moorlach. Elections: referendum.

Existing law provides procedures for the circulation of referendum petitions in municipal elections and requires, among other things, that each section of the referendum petition contain the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

This bill would permit each section of the referendum petition to contain an impartial summary of the referendum instead of the text of the ordinance or the portion of the ordinance that is the subject of the referendum. The summary would be drafted by the proponents of the referendum, filed with the local elections official, and approved by the city attorney, as specified.

By creating new duties for local elections officials and city attorneys, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: yes

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 9238 of the Elections Code is amended to read:

9238. (a) Across the top of each page of the referendum petition there shall be printed the following:

“Referendum Against an Ordinance Passed by the City Council”

(b) Each section of the referendum petition shall contain all of the following:

(1) The identifying number or title of the ordinance.

(2) Either of the following:

(A) The text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(B) An impartial summary of the referendum not to exceed 5,000 words prepared pursuant to the following procedure:

(i) Within three business days of the final passage of the ordinance, the referendum's proponents shall file a copy of the proposed summary with the local elections official, who shall immediately transmit a copy of the proposed summary to the city attorney.

(ii) Within 10 business days the city attorney shall issue an approved summary to the local elections official and the referendum's proponents for circulation. The city attorney may edit the summary prior to approval. All edits made to the summary shall be true and impartial and shall not contain argument or any matter likely to cause prejudice for or against the referendum. The city attorney may add the full text of the ordinance, or the portion of the ordinance that is the subject of the referendum, to the summary if doing so would not exceed the 5,000-word limit.

(iii) The summary shall include a link to a public website containing the text of the ordinance or the portion of the ordinance that is the subject of the referendum.

(iv) The 5,000 word limit imposed by this subparagraph shall include all attachments, exhibits, and other supplements to the summary.

(v) If the city attorney fails to issue an approved summary within 10 business days, the proposed summary submitted by the proponents shall be considered approved.

(vi) Notwithstanding Section 9235, proponents who circulate a referendum petition pursuant to this subparagraph shall have 30 days from the date the summary is approved to submit a petition with the required number of signatures to the local elections official. The ordinance subject to the referendum petition shall not become effective until this period has expired.

(C) After the proponents begin circulating a referendum petition prepared pursuant to subparagraph (A) or (B), the proponents shall not circulate another version of the referendum petition prepared using the other method.

(c) The petition sections shall be designed in the same form as specified in Section 9020.

(d) Each section of the referendum petition shall have attached thereto the declaration of the person soliciting the signatures. This declaration shall be substantially in the same form as set forth in Section 9022.

SEC. 2. If the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code.