

AMENDED IN SENATE APRIL 23, 2013

**SENATE BILL**

**No. 311**

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**Introduced by Senator Padilla**

February 15, 2013

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An act to amend Sections 1415, 9255, and 9260 of the Elections Code, and to amend Sections 34457 and 34458 of the Government Code, relating to elections.

LEGISLATIVE COUNSEL'S DIGEST

SB 311, as amended, Padilla. Local elections: charters and charter proposals.

Existing law requires a charter or charter amendment proposed by a charter commission for a city or city and county to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election date, provided there are at least 95 days before the election. Existing law requires specified city or city and county charter proposals to be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election. Existing law also authorizes the governing body of any city or city and county to propose a charter and submit the proposal *to the voters* for the adoption to the voters at the next established statewide general, statewide primary, or regularly scheduled municipal election, provided there are at least 88 days before the election.

This bill would eliminate the option of submitting a city or city and county charter, charter amendment, or charter proposal to the voters at a statewide primary or regularly scheduled municipal election, ~~and would~~ *except for city or city and county charter proposals to amend a charter or call for the election of a charter commission that are*

*proposed by voter petitions, as specified, which the bill would require to be submitted to the voters at the next regular general municipal election or on any established statewide general or statewide primary election date occurring not less than 95 days after the date of the order of election. The bill would require that proposals to elect a charter commission that are proposed by a voter petition, as specified, be submitted to the voters at the next regular general municipal election or on any established statewide general or statewide primary election date occurring not less than 95 days after the date of the order of election. The bill would require ~~the~~ a charter, charter amendment, or charter proposal not excepted to be submitted to the voters at a statewide general election, ~~provide~~ provided there are at least 95 or 88 days, as applicable, before the election. The bill also would make conforming changes.*

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 1415 of the Elections Code is amended  
2 to read:

3 1415. (a) City or city and county charter proposals *proposed*  
4 *by the governing body of a city or city and county on its own motion*  
5 that qualify pursuant to Section 9255 shall be submitted to the  
6 voters at the next established statewide general election date  
7 occurring not less than 88 days after the date of the order of  
8 election.

9 (b) *City or city and county charter proposals that propose to*  
10 *amend a charter or call for the establishment of a charter*  
11 *commission, and are proposed by a petition signed by 15 percent*  
12 *of the registered voters of a city, or 10 percent of the registered*  
13 *voters of a city and county, pursuant to Section 9255, shall be*  
14 *submitted to the voters at the next regular general municipal*  
15 *election, or on any established statewide general or statewide*  
16 *primary election date pursuant to Section 1200, 1201, or 1301*  
17 *occurring not less than 95 days after the date of the order of*  
18 *election.*

19 SEC. 2. Section 9255 of the Elections Code is amended to read:

20 9255. (a) A charter or charter amendment proposed by a charter  
21 commission, whether elected or appointed by a governing body,

1 for a city or city and county shall be submitted to the voters at an  
2 established statewide general election date pursuant to Section  
3 1200, provided there are at least 95 days before the election. A  
4 charter commission may also submit a charter pursuant to Section  
5 34455 of the Government Code.

6 (b) The following city or city and county charter proposals shall  
7 be submitted to the voters at an established statewide general  
8 election pursuant to Section 1200, provided there are at least 88  
9 days before the election:

10 (1) ~~An~~ *A proposal to adopt a charter or an amendment or repeal*  
11 *of a charter proposed by the governing body of a city or a city and*  
12 *county on its own motion.*

13 (2) ~~An amendment or repeal of a city charter proposed by a~~  
14 ~~petition signed by 15 percent of the registered voters of the city.~~

15 (3) ~~An amendment or repeal of a city and county charter~~  
16 ~~proposed by a petition signed by 10 percent of the registered voters~~  
17 ~~of the city and county.~~

18 (4)

19 (2) A recodification of the charter proposed by the governing  
20 body on its own motion, provided that the recodification does not,  
21 in any manner, substantially change the provisions of the charter.

22 (c) *The following city or city and county charter proposals shall*  
23 *be submitted to the voters at an established general municipal*  
24 *election, or on any established statewide general or statewide*  
25 *primary election date pursuant to Section 1200, 1201, or 1301*  
26 *occurring not less than 95 days after the date of the order of*  
27 *election:*

28 (1) *A charter amendment proposed by a petition signed by 15*  
29 *percent of the registered voters of the city.*

30 (2) *A charter amendment proposed by a petition signed by 10*  
31 *percent of the registered voters of the city and county.*

32 (e)

33 (d) Charter proposals by the governing body and charter  
34 proposals by petition of the voters may be submitted at the same  
35 election.

36 (d)

37 (e) The total number of registered voters of the city or city and  
38 county shall be determined according to the county elections  
39 official's last official report of registration to the Secretary of State

1 that was effective at the time the notice required pursuant to Section  
2 9256 was given.

3 SEC. 3. Section 9260 of the Elections Code is amended to read:  
4 9260. The petition shall be in substantially the following form:

5  
6 Petition for Submission to Voters of Proposed Amendment to  
7 the Charter of the City (or City and County) of \_\_\_\_\_

8  
9 To the city council (or other legislative body) of the City (or  
10 City and County) of \_\_\_\_\_:

11 We, the undersigned, registered and qualified voters of the State  
12 of California, residents of the City (or City and County) of \_\_\_\_\_,  
13 pursuant to Section 3 of Article XI of the California Constitution  
14 and Chapter 2 (commencing with Section 34450) of Part 1 of  
15 Division 2 of Title 4 of the Government Code, present to the city  
16 council (or other legislative body) of the city (or city and county)  
17 this petition and request that the following proposed amendment  
18 to the charter of the city (or city and county) be submitted to the  
19 registered and qualified voters of the city (or city and county) for  
20 their adoption or rejection at the next statewide general, *statewide*  
21 *primary, or regularly scheduled municipal* election date pursuant  
22 to Section 1200, 1201, or 1301.

23 The proposed charter amendment reads as follows:

24  
25 First. (setting forth the text of the amendment) \_\_\_\_\_ (etc.)  
26  
27 Signature Printed Name Residence Date  
28 \_\_\_\_\_  
29 \_\_\_\_\_  
30 \_\_\_\_\_

31  
32 SEC. 4. Section 34457 of the Government Code is amended  
33 to read:  
34 34457. After the charter prepared by the charter commission  
35 has been filed in the office of the clerk of the governing body of  
36 the city or city and county pursuant to Section 34455, the proposed  
37 charter shall be submitted to the voters of the city or city and  
38 county at the next established statewide general election date  
39 pursuant to Section 1200 of the Elections Code, provided there  
40 are at least 95 days before the election.

1 SEC. 5. Section 34458 of the Government Code is amended  
2 to read:

3 34458. (a) As an alternative to the procedure provided for in  
4 Sections 34450 to 34457, inclusive, the governing body of ~~any~~ a  
5 city or city and county, on its own motion may propose or cause  
6 to be proposed, amend or cause to be amended, or repeal or cause  
7 to be repealed, a charter, and may submit the proposal for the  
8 adoption, amendment, or repeal thereof, to the voters at the next  
9 established statewide general election date pursuant to Section  
10 1200 of the Elections Code, provided there are at least 88 days  
11 before the election.

12 (b) Prior to approving the submission to the voters of a proposal  
13 to adopt a charter, the governing body shall hold at least two public  
14 hearings on the matter of the proposal of a charter and the content  
15 of the proposed charter. Notice of the public hearings shall be  
16 given by publication pursuant to Section 6066, in a newspaper  
17 designated by the governing body and circulated throughout the  
18 city, and by posting the notice in three public places within the  
19 jurisdiction at least 21 calendar days prior to the date of each public  
20 hearing. The second public hearing shall be held at least 30 days  
21 after the first public hearing. At least one of the public hearings  
22 shall be held outside of normal business hours to facilitate public  
23 participation. The governing body shall not conduct a vote on  
24 whether to approve the submission to the voters of the proposal  
25 to adopt a charter until 21 days after the second public hearing.

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