

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF MOUNTAIN VIEW  
AMENDING CHAPTER 2, ARTICLE VIII OF THE MOUNTAIN VIEW CITY CODE TO ADD SECTION  
2.86.25 GOVERNING THE SELECTION OF ARGUMENTS FOR CITY BALLOT MEASURES AND TO  
MAKE OTHER CLARIFYING MODIFICATIONS

WHEREAS, California Elections Code Section 9287 establishes the order of priority for selecting arguments for or against city ballot measures that will be printed and distributed to voters; and

WHEREAS, California Elections Code Section 9287 does not provide direction on the selection of an argument for or against a city ballot measure when multiple arguments are submitted within the same category of prioritization; and

WHEREAS, the City of Mountain desires to establish a clear and consistent procedure for the selection of ballot measure arguments in such circumstances in order to facilitate the efficient administration of municipal elections by the City Clerk; now, therefore,

THE CITY COUNCIL OF THE CITY OF MOUNTAIN VIEW DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1.** Chapter 2, Article VIII of the Mountain View City Code is amended to add, delete, or modify its provisions as set forth below. Section titles are shown in **bold** font, additions are shown in **red underline** font and deletions are shown by ~~strikethrough~~ font. Provisions that are not shown in underline or strikethrough font are not changed.

**SEC. ~~2.86~~ 2.86.05. Elections on initiative ordinance measures—Time for holding.**

- a.** When a special election is to be called on an initiative petition for a proposed ordinance, it shall be held within the time as specified in the State Elections Code, and shall be held in accordance with the provisions of the Elections Code of the State of California except to the extent that such elections code provisions may be in conflict with a resolution, ordinance, or charter provision of the City ~~city~~.
- b.** To avoid the holding of more than one election within the City ~~city~~ within any six months, the date for holding the special election on such a measure may be fixed at a later date than specified within the Elections Code of the State of California, but at as early a date as practicable after the expiration of six months from the last election that was held within the City ~~city~~. When it is legally possible to hold such a special election within six months prior to a regular election date, the City Council ~~city council~~ may submit the proposed ordinance at the regular election instead of at a special election.
- c.** For purposes of this section, an election is deemed to be held within the City ~~city~~ whenever such election includes all precincts within the City ~~city~~ at the time of said

election, regardless of whether the election is held by the City ~~city~~ or by some other agency.

- d. Section 4020 of the Elections Code of the State of California or its successor shall not be applicable in the City of Mountain View.

**SEC. ~~2.86.1~~ 26.86.10. Declaration of intention to become a candidate.**

- a. Each candidate for nomination to be elected to any City ~~city~~ office shall sign and file with the City Clerk ~~city clerk~~ the complete nomination papers and declarations for that office. Nomination papers shall be on a form(s) furnished only by the City Clerk ~~city clerk~~ during regular business hours and shall include an affidavit by the candidate that the candidate possesses all necessary legal qualifications to be a candidate for the designated office.
- b. The City Clerk ~~city clerk~~ shall include with the nomination papers a verification of residency form for the candidate to sign under penalty of perjury confirming that the candidate is qualified as a resident and registered voter of the City ~~city~~ to hold the elective office. The candidate shall provide such information required by the City Clerk ~~city clerk~~ to confirm that residency affidavit. There are no specifically required items proving residency in the City of Mountain View and/or establishing that the candidate does not reside elsewhere. The candidate may offer information, including but not limited to: home ownership, rental or lease payments, mail service, driver's license, utility payments, etc., to confirm to the City Clerk ~~city clerk~~ that the candidate meets the residency requirements of the city charter.

**SEC. ~~2.86.3~~ 26.86.15. City clerk acceptance of nominating petition.**

- a. If the candidate, or authorized designee, files a nominating petition within the time frame specified in the California Elections Code, the City Clerk ~~city clerk~~ will issue, at the time of filing, a receipt that documents the date of filing and the total number of signatures that the candidate claims are affixed to the petition.
- b. At this time, the City Clerk ~~city clerk~~ may request the candidate, or authorized designee, to correct minor clerical errors in the circulated affidavits. Any such correction must be made within two (2) business days of the City Clerk's ~~city clerk~~ request. The City Clerk ~~city clerk~~ may also request further evidence of residency or voter qualification. The City Clerk ~~city clerk~~ shall not accept nomination papers unless nomination papers are complete, satisfactory to the City Clerk ~~city clerk~~ and unless the circulator affidavit for each section has been completed and fully executed.
- c. No amendments, changes, alterations or corrections of any kind, clerical or otherwise, shall be permitted to be made in any petition after it is filed with and approved by the City Clerk ~~city clerk~~ for proceeding to the signature examination phase.

**SEC. 2.86.20. Selection of arguments for City ballot measures.**

- a. The selection of arguments for or against any city measure for printing and distribution to voters shall be made by the City Clerk in accordance with California Elections Code Section 9287.
  
- b. In the event that multiple arguments for or against a city measure are submitted by persons or entities within the same preference and priority category identified in California Elections Code Section 9287, the City Clerk shall select the argument to be printed and distributed to voters by random drawing. Authors of the affected arguments shall be provided notice and an opportunity to witness the random drawing.

**SECTION 2. CEQA.** Pursuant to California Code of Regulations section 15060(c)(2), these code amendments are not subject to the California Environmental Quality Act (“CEQA”) because they will not result in a direct or a reasonably foreseeable indirect physical change in the environment.

**SECTION 3. Severability.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

**SECTION 4. Publication.** Pursuant to Mountain View City Charter section 522, at least two (2) days prior to final adoption of this ordinance, the City Clerk shall post the ordinance in three (3) prominent places in the City and publish in the City’s official newspaper notice setting forth the title of the ordinance, the date of its introduction, and a list of the places where copies of the ordinance are posted.

**SECTION 5. Effective Date.** Pursuant to Mountain View City Charter section 519, this ordinance shall become effective thirty (30) days after the date of its adoption.

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