



COUNCIL REPORT

DATE: June 9, 2026

CATEGORY: Consent

DEPT.: City Clerk's Office
City Attorney's Office

TITLE: **Amendment to City Code to Govern the Selection of Arguments for City Ballot Measures**

RECOMMENDATION

Introduce 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, to be read in title only, further reading waived, and set a second reading for June 23, 2026 (Attachment 1 to the Council report).

BACKGROUND

California Elections Code Section 9287 establishes the order of preference and priority for selecting ballot arguments submitted for or against a City measure. The statute identifies categories of persons and entities whose arguments are entitled to priority consideration, including the legislative body or its members authorized by that body, bona fide associations of citizens, individual voters, and combinations thereof.

However, while Elections Code Section 9287 establishes the hierarchy of priority categories, it does not provide a procedure for resolving situations in which multiple arguments are submitted by different persons or entities within the same priority category. As a result, when competing arguments are submitted by parties possessing equal statutory priority, the Elections Code provides no express direction regarding how the City Clerk is to determine which argument shall be selected for inclusion in the ballot materials.

ANALYSIS

The absence of a clear local procedure creates ambiguity in the administration of municipal elections and may expose the City to uncertainty, inconsistency, or disputes concerning the selection process. In the interest of promoting transparency, fairness, and orderly election administration, the proposed ordinance would amend the City Code to establish a clear and objective process for resolving situations in which multiple ballot arguments are submitted within the same statutory priority category.

Specifically, the proposed ordinance would add Section 2.86.20 to the Mountain View City Code to provide that the City Clerk shall select arguments for or against any City ballot measure for printing and distribution to voters in accordance with California Elections Code Section 9287. The ordinance would further provide that, if multiple arguments are submitted by persons or entities within the same preference and priority category, the City Clerk shall determine by random drawing which argument will be printed and distributed to voters. The City Clerk would also be required to provide notice of the random drawing to the affected argument authors and provide those authors an opportunity to witness the drawing.

The proposed amendments are intended to supplement, and remain fully consistent with, California Elections Code Section 9287 by addressing a procedural circumstance not expressly covered by state law. The revisions would provide clarity to prospective argument authors, guidance to election officials, and greater certainty in the administration of future municipal elections.

FISCAL IMPACT

There is no fiscal impact with this action.

LEVINE ACT

California Government Code Section 84308 (also known as the Levine Act) prohibits city officials from participating in any proceeding involving a “license, permit, or other entitlement for use” if the official has received a campaign contribution exceeding \$500 from a party, participant, or agent of a party or participant within the last 12 months. The Levine Act is intended to prevent financial influence on decisions that affect specific, identifiable persons or participants. For more information see the Fair Political Practices Commission website: www.fppc.ca.gov/learn/pay-to-play-limits-and-prohibitions.html

Please see below for information about whether the recommended action for this agenda item is subject to or exempt from the Levine Act.

EXEMPT FROM THE LEVINE ACT

General policy and legislative actions

ALTERNATIVES

1. Do not introduce the ordinance.
2. Provide other direction.

PUBLIC NOTICING

Agenda posting.

Prepared by:

Heather Glaser
City Clerk

Approved by:

Audrey D. Seymour
Assistant City Manager

Attachment: 1. Ordinance