

## CHARTER AMENDMENT (Chapter 3. Municipal Elections)

### ARTICLE 3. City or City and County Charters

#### **9255. City or City and County Charter proposals submitted to voters.**

(a) A charter or charter amendment proposed by a charter commission, whether elected or appointed by a governing body, for a city or city and county shall be submitted to the voters at an established statewide general election pursuant to Section 1200, provided there are at least 95 days before the election. A charter commission may also submit a charter pursuant to Section 34455 of the Government Code.

(b) Except as provided in paragraph (2) of subdivision (a) of Section 1415, the following city or city and county charter proposals shall be submitted to the voters at an established statewide general election pursuant to Section 1200, provided there are at least 88 days before the election:

(1) A proposal to adopt a charter, or an amendment or repeal of a charter, proposed by the governing body of a city or a city and county on its own motion.

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

(c) The following city or city and county charter proposals shall be submitted to the voters at an established statewide general, statewide primary, or regularly scheduled municipal election pursuant to Section 1200, 1201, or 1301 occurring not less than 88 days after the date of the order of election:

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

(2) An amendment or repeal of a city and county charter proposed by a petition signed by 10 percent of the registered voters of the city and county.

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

(e) The total number of registered voters of the city or city and county shall be determined according to the county elections official's last official report of registration to the Secretary of State that was effective at the time the notice required pursuant to Section 9256 was given.

*(Amended by Stats. 2013, Ch. 184, Sec. 2. (SB 311) Effective January 1, 2014.)*

#### **9256. Notice of intent to circulate petition; affidavit of publication.**

The proponents of a measure proposing to amend a charter shall publish or post, or both, a notice of intent to circulate the petition in the same form and manner as prescribed in Sections 9202, 9203, 9204, and 9205. The proponents shall also file an affidavit prescribed in Section 9206 with the clerk of the legislative body of the city, and, with respect to the petition, shall be subject to Section 9207.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*



**9257. Petition to contain full text; type size.**

The petition signed by registered voters of the city or city and county proposing an amendment to a charter shall set forth in full the text of the proposed amendment, in no less than 10-point type.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9258. Each section to contain correct copy of text.**

The petition may be circulated in sections, but each section shall contain a correct copy of the text of the proposed amendment.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9259. Requirements of signing.**

Each signer of the petition shall sign it in the manner prescribed by Section 9020.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9260. Form of petition.**

The petition shall be in substantially the following form:

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

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

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

The proposed charter amendment reads as follows:

First. (setting forth the text of the amendment) \_\_\_\_\_ (etc.)

Signature		Printed Name		Residence		Date

*(Amended by Stats. 2013, Ch. 184, Sec. 3. (SB 311) Effective January 1, 2014.)*



**9261. Affidavit of circulator.**

Each section shall have attached thereto the affidavit of the person soliciting the signatures. This affidavit shall be substantially in the same form as set forth in Section 9022 and shall comply with Sections 104 and 9209.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9262. Petition sheet size and color.**

Each petition section shall consist of sheets of white paper, uniform in size, with dimensions no smaller than 8<sup>1</sup>/<sub>2</sub> by 11 inches or greater than 8<sup>1</sup>/<sub>2</sub> by 14 inches.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9263. Petition section sheets fastened together.**

The sheets comprising each petition section shall be fastened together securely and remain so during circulation and filing.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9264. Voter may withdraw name from petition**

A voter may withdraw his or her signature from a petition in the manner prescribed in Section 9602.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9265. Time and method of filing petition.**

The petition shall be filed with the elections official by the proponents, or by any person or persons authorized in writing by the proponents. All sections of the petition shall be filed at one time, and a petition section submitted subsequently may not be accepted by the elections official. The petition shall be filed (1) within 180 days from the date of receipt of the title and summary, or (2) after termination of any action for a writ of mandate pursuant to Section 9204, and, if applicable, receipt of an amended title or summary, or both, whichever comes later.

*(Amended by Stats. 2002, Ch. 53, Sec. 2. Effective January 1, 2003.)*

**9266. Examination of signatures.**

After the petition has been filed, the elections official shall examine the petition in the same manner as are county petitions in accordance with Sections 9114 and 9115, except that, for the purposes of this section, references in those sections to the board of supervisors shall be treated as references to the legislative body of the city or city and county. The expenses of signature verification shall be provided by the governing body receiving the petition from the elections official.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9266.5. Time to withdraw charter amendment.**

The proponent of a measure proposing to amend a charter may withdraw the charter amendment at any time before the 88th day before the election, whether or not the petition has already been found sufficient by the elections official.



*(Added by Stats. 2019, Ch. 569, Sec. 3. (SB 681) Effective October 8, 2019.)*

**9267. Petitions not accepted.**

Petitions that do not substantially conform to the form requirements of this article shall not be accepted for filing by the elections official.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9268. Conduct of election and publication requirements.**

The conduct of election and publication requirements shall substantially conform with Part 1 (commencing with Section 10000) and Part 2 (commencing with Section 10100) of Division 10.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

**9269. Resolution upon completion of canvass.**

Upon the completion of the canvass of votes, the governing body of a city or city and county shall pass a resolution reciting the fact of the election and such other matters as are enumerated in Section 10264. The elections official of the city or city and county shall then cause the adopted measures to be submitted to the Secretary of State pursuant to Sections 34459 and 34460 of the Government Code.

*(Enacted by Stats. 1994, Ch. 920, Sec. 2.)*

