Article 7: Elections, Campaign Finance and Lobbying

Division 4: General Provisions for Ballots
("General Provisions for Ballots" added 7-26-1999 by O-18664 N.S.)

§27.0401   Purpose and Intent

The purpose and intent of this division is to clarify and consolidate all general ballot requirements in one division, and to provide uniform procedures to better ensure a fair and impartial administration of these requirements.
("Purpose and Intent" added 7-26-1999 by O-18664 N.S.)

§27.0402   Public Examination of Ballot Materials

Ballot materials will be available for public examination in the Office of the City *Clerk* for no fewer than ten calendar days prior to being submitted for printing in the sample ballot. The City *Clerk* shall post a public notice of the specific dates of any examination period.
("Public Examination of Ballot Materials" added 7-26-1999 by O-18664 N.S.)

§27.0403   Examination Period

(a)   The examination period for ordinances calling any regularly scheduled municipal *election* and ordinances placing *measures* on the ballot commences eighty-five calendar days prior to the *election* and ends on the seventy-fifth calendar day prior to the *election*.

(b)   The examination period for ordinances calling a *special election* to fill a vacancy in an *elective office* commences the third business day following the adoption of the ordinance by the City *Council* and ends on the tenth calendar day thereafter.

(c)   The examination period for all other *ballot materials* commences on the business day following the deadline for filing those *ballot materials* in the Office of the City *Clerk* and ends on the tenth calendar day thereafter.
("Examination Period" added 7-26-1999 by O-18664 N.S.)

§27.0404   Writ of Mandate

During the ten-calendar-day examination period provided in Section 27.0402, the City or any *voter* of the City may seek a writ of mandate or an injunction requiring any or all of the *ballot materials* to be amended or deleted. A peremptory writ of mandate or an injunction shall be issued only upon clear and convincing proof that the material in question is false, misleading, or inconsistent with the requirements of this article, and that issuance of the writ or injunction will not substantially interfere with the printing or distribution of official *election* materials as provided by law. The City *Clerk* shall be named as respondent, and the *person* or official who authored the material in question shall be named as the real party in interest.
("Writ of Mandate" added 7-26-1999 by O-18664 N.S.)

§27.0405   Sample Ballots

The City *Clerk* shall have printed sample ballots in a number sufficient to furnish one copy to each *voter* in every precinct. Such ballots shall contain the words "Sample Ballot" on their face and shall be a substantial facsimile of the official ballots except in the quality and color of the paper used.
("Sample Ballots" added 7-26-1999 by O-18664 N.S.)

§27.0406   Distribution of Sample Ballots

At least ten calendar days prior to an *election*, the City *Clerk* shall cause to be mailed one copy of the sample ballot in the form to be used in each precinct to every *voter* in such precinct.
("Distribution of Sample Ballots" added 7-26-1999 by O-18664 N.S.)

§27.0407   Recount Provisions

A recount of any municipal *election* shall be conducted pursuant to the recount provisions of the California Elections Code.
("Recount Provisions" added 7-26-1999 by O-18664 N.S.)

§27.0408   Tie Votes of Ballot Measures

If it appears from a canvass of the returns of any *election* that the votes for and the votes against a *measure* are equal in number, and that *measure* requires a majority vote, the *measure* shall be deemed to have failed.
("Tie Votes of Ballot Measures" added 7-26-1999 by O-18664 N.S.)

§27.0409   Tie Votes of Candidates in a Primary Election

(a)   If the results of the canvass of the returns of any *District* or *City-Wide Primary Election* or *special election* reveal that three or more individuals seeking *election* to one office have received an equal and highest number of votes, the City *Clerk* shall, after entry of the results of such *election* by the City *Council* in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the City *Council*. Two *candidates* for the *District* or *City-wide General Election* or *special election* shall be selected by drawing lots in a manner prescribed by the City *Council*. The City *Clerk* may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.

(b)   If the results of the canvass of the returns of any *District* or *City-wide Primary Election* or *special election* reveal that two *candidates* have received an equal number of votes to place second in the *election*, the process to determine which of these *candidates* will appear on the *District* or *City-wide General Election* or *special election* ballot, shall be substantially the same as the process provided for in Section 27.0409(a).
(“Tie Votes of Candidates in a Primary Election” added 7-26-1999 by O-18664 N.S.)

§27.0410   Tie Votes of Candidates in a General or Special Election

If the results of the canvass of the returns of any *District* or *City-wide General Election* or *special election* reveal that two or more individuals have received an equal and highest number of votes, the City *Clerk* shall, after entry of the results of such *election* by the City *Council* in its records, notify those individuals receiving the tie vote in writing, and shall summon them before the City *Council*. The winner shall be selected by drawing lots in a manner prescribed by the City *Council*. The City *Clerk* may draw a lot for any individual who is absent. If a demand for a recount has been made, the drawing may not be set for a time prior to completion of the recount or dismissal of the demand.
(“Tie Votes of Candidates in a General or Special Election” added 7-26-1999 by O-18664 N.S.)

§27.0411   Canvass of Returns

Immediately after an *election*, the City *Clerk* shall cause a canvass of the *election* returns to be made, and shall certify the results of such canvass to the City *Council*, which shall have entered in its records the following:

(a)   The whole number of votes cast in the City;

(b)   The names of the *candidates* and the office each sought;

(c)   The *measure* presented; and

(d)   The number of votes cast for each *candidate* and for and against each *measure*.

("Canvass of Returns" added 7-26-1999 by O-18664 N.S.)

§27.0412   Canvass of Returns to be Made Public

The results of the canvass of *election* returns shall be made available to the public in the Office of the City *Clerk* immediately upon receipt from the *Registrar*.

("Canvass of Returns to be Made Public" added 7-26-1999 by O-18664 N.S.)