

2.28.030. In lieu petitions for cost of candidate's statement.

Each candidate filing a statement must pay in advance his or her estimated pro rata share of the total cost of printing, handling, translating, and mailing the candidate's statement as a condition of having his or her statement included in the voter's pamphlet. A candidate for the office of the city council may submit a petition containing signatures of registered voters in lieu of paying all or a portion of the costs of the candidate's statement assessed pursuant to Section 13307 of the [Elections Code](#) of the state of California as follows:

(a) In the event a candidate submits a petition containing not less than two hundred fifty valid signatures, then the city shall assume the entire cost of that candidate's statement and the candidate shall not be liable for payment of any of the costs thereof assessed pursuant to Section 13307 of the [Elections Code](#). In the event a candidate submits a petition containing less than two hundred fifty valid signatures, that candidate shall be given a credit toward the cost of the candidate's statement assessed pursuant to Section 13307 of the [Elections Code](#) of a pro rata amount for each valid signature contained in the petition. The pro rata amount shall be approximately 1/250th of the cost of the candidate's statement, rounded to the nearest whole dollar amount. In the event the total credit allowed to a candidate is less than the cost of the candidate's statement assessed pursuant to Section 13307 of the [Elections Code](#), then the candidate shall be responsible for the remainder of the cost. In the event the total credit allowed equals or exceeds the actual cost of the statement, whether or not two hundred fifty valid signatures have been obtained, the candidate shall be relieved of any obligation for the cost of the statement. In no event shall the city make any payment to a candidate or in any way become obligated to a candidate by reason of the fact that the credit calculated may exceed the actual cost of the statement.

(b) Except as otherwise provided in this section, any registered voter may sign an in lieu petition for any candidate for whom he or she is eligible to vote.

(c) A registered voter may not sign in lieu petitions for more than one candidate for any city council seat. A registered voter may sign in lieu petitions for more than one city council candidate; provided that they are not candidates for the same city council seat. If a registered voter signs in lieu petitions for more than one candidate for any city council seat, the voter's signature shall be valid only on the petition which is filed first in time with the city clerk.

(d) A registered voter may, but is not obligated, to sign both a candidate's nomination papers and an in lieu petition for that candidate. Any voter desiring to sign both a candidate's nomination papers and in lieu petition shall be obligated to sign each separately. The signing of one by a voter shall not be deemed automatically to constitute the signing of the other.

(e) A candidate may only obtain nomination papers for one council seat at a time. If papers are obtained for one council seat and they decide to run for a different council seat, the papers obtained for the initial seat must be returned before the other papers are obtained. The city clerk shall furnish to each candidate, upon request, and without charge therefor, forms for securing signatures. The city clerk shall fill in the name of the candidate, the election date, and the office being filed for on all pertinent election forms. The forms may be issued at the time a candidate is issued nomination papers for the office of city council, or at any time after such issuance and before such nomination papers are filed with the city clerk. The in lieu petition shall be filed by the candidate with the city clerk at the time the nomination papers for that candidate are filed. The entire in lieu petition, and all pages thereof, shall be filed at one time with the nomination papers. A candidate shall not be entitled to file additional signatures either prior to or subsequent to the time of filing of the nomination papers.

(f) The petition shall be in such form as may be prescribed by the city clerk. Candidates shall utilize the forms provided by the city clerk. No forms prepared by the city clerk shall be altered. If a form is altered, it shall not be accepted for filing. Collection of signatures is not considered to be an alteration of a form.

(g) As soon as is practicable following filing of in lieu petitions, the city clerk shall examine such petitions, or cause such petitions to be examined, for the purpose of determining the number of valid signatures thereon. Upon completing examination of all petitions for the various candidates, the city clerk shall give written notice to each candidate of the number of valid signatures contained in the petition submitted by that candidate and the total credit which the candidate

will be allowed toward the cost of the statement. Each candidate may submit more than two hundred fifty signatures to allow for subsequent losses due to invalidity of some signatures. The clerk shall not be required to determine the validity of more than two hundred fifty signatures. Candidates shall not be allowed additional time in which to collect supplemental signatures in the event the number of valid signatures is less than two hundred fifty.

(h) For the purposes of this section, the requisite number of signatures shall be computed from the latest registration figures forwarded to the Secretary of State pursuant to Section 2187 of the [Elections Code](#) prior to the first day on which petitions are available.

(i) If the number of signatures affixed to an in lieu petition filed pursuant to this section is one hundred or more, the city clerk may use a random sampling technique for the verification of signatures as set out in Section 8084 of the [Elections Code](#). (Ord. 3152-19 § 1; Ord. 2691-02 § 1; Ord. 2065-83 § 1).

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