

RESOLUTION NO. 2024-XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA ANA CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SANTA ANA ON NOVEMBER 5, 2024 FOR THE SUBMISSION OF A BALLOT MEASURE TO THE QUALIFIED VOTERS ASKING IF THE CITY OF SANTA ANA SHOULD PERMIT NONCITIZEN VOTING IN ALL CITY MUNICIPAL ELECTIONS

WHEREAS, noncitizen residents make up 24 percent of Santa Ana's total population and about 30 percent of its voting-age population; and

WHEREAS, the City Council acknowledges the importance of the immigrant community to the city of Santa Ana and recognizes their right to have their voices heard in local decision-making that directly affects their lives; and

WHEREAS, the City Council believes that giving immigrants a voice in local elections will encourage greater interest and investment in local issues, ultimately benefiting the entire community; and

WHEREAS, the City Council previously enacted an ordinance making Santa Ana, a sanctuary city, to recognize the contributions of its diverse, immigrant population to ensure they feel safe interacting with local government officials; and

WHEREAS, the City Council has implemented initiatives such as the Immigrant Legal Defense Fund which allocates funding to legal defense of Santa Ana immigrant residents who face detention and deportation; and

WHEREAS, a growing multiracial and multigenerational coalition of Santa Ana residents and community-based organizations have come together with the shared belief that all residents, regardless of citizenship status should have an equal say in the City's municipal elections; and

WHEREAS, the City Council previously enacted an ordinance amending, it's municipal code to permit qualified immigrant residents to serve on City Boards, Commissions and Committees; and

WHEREAS, currently tens of thousands of noncitizen residence and mixed status families pay taxes yet feel disenfranchised, and do not believe they have representation in key decisions that impact their lives; and

WHEREAS, local governments in other states have allowed non-citizen residents to vote in local elections; and

WHEREAS, arguments can be made that the California constitution gives charter cities the power to allow non-citizen residents to vote in local elections; and

WHEREAS, on September 19, 2023, Councilmembers Hernandez and Vazquez brought forth a councilmember request for consideration of proposing a ballot measure to the voters regarding noncitizen voting in municipal elections;

WHEREAS, on October 17, 2023, the City Council voted to direct staff to prepare the ballot measure items to place the ballot measure before the voters at the November 5, 2024 election;

WHEREAS, on November 7, 2023, the City Council approved Resolution No. 2023-075 giving notice of a general municipal election to be held in the City of Santa Ana on November 5, 2024 for the submission of a ballot measure to the qualified voters asking if the City of Santa Ana should permit noncitizen voting in all City municipal elections;

WHEREAS, the City Council desires to make changes to the ballot question set forth in Resolution No. 2023-075;

WHEREAS, pursuant to California Elections Code section 9255, the City Council is authorized to submit this question to the voters at the November 5, 2024 General Municipal Election; and

WHEREAS, the City Council desires to consolidate the General Municipal Election for the measure described herein with the Statewide General Election to be held on November 5, 2024.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SANTA ANA AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and are hereby incorporated by reference.

Section 2 Pursuant to the California Elections Code, and any other applicable requirements of the laws of the State of California relating to charter cities, the City Council, by majority vote, hereby calls and orders to be held in the City of Santa Ana on Tuesday, November 5, 2024, a General Municipal Elections for the purpose of submitting the ballot measure question to the qualified voters of the City of Santa Ana.

Section 3. The California Elections Code directs that the City Council approve the form of the ballot question to be submitted to the voters and the City of Santa Ana desires, on its own motion, to submit to the voters a question of whether to permit noncitizens to vote in all municipal elections at which municipal officers are elected, ballot measures are considered, and initiatives and referenda are proposed, at the General Municipal Election to be held on Tuesday, November 5, 2024.

Section 4. The ballot question and full text for the proposed ballot measure shall be as follows, with identification as determined in accordance with the California Elections Code:

<p><b><u>MEASURE #</u></b>  <b><u>PROPOSED AMENDMENT TO SECTION 1203</u></b>  <b><u>OF THE SANTA ANA CITY CHARTER</u></b></p>	Yes
<p>Shall the City of Santa Ana City Charter be amended to allow, by the November 2028 general municipal election, noncitizen City residents to vote in all City of Santa Ana municipal elections?</p>	No

Full Text of the City Charter Amendment (text to be added, if approved, is underlined):

Sec. 1203. – Manner of Elections and Voting.

Unless otherwise provided by ordinance, all elections shall be held in accordance with the provisions of the Elections Code of the State of California, as the same now exist or may hereafter be amended, for the holding of elections in general law cities, insofar as the same are not in conflict with this charter or any ordinance adopted in accordance with this charter.

The City Council shall adopt an ordinance and additional policies and regulations, as needed, authorizing any person who has established residency in the City and who is not otherwise disqualified from voting under Sections 2 and 4 of Article II of the California Constitution or any implementing State statute or City ordinance or resolution, to vote in all municipal elections regardless of whether the person is a United States citizen. “Municipal elections” include all local elections at which: the mayor, city councilmembers, or any other municipal officers are elected; ballot measures are considered; and initiatives and referenda are proposed. The City Council shall adopt such policies, regulations, and ordinances implementing this Section 1203 so that noncitizens may participate in elections on or prior to the general municipal election to be held in November of 2028.

Section 5. The question to be submitted to the voters is set forth above and other implementing actions may need to be taken by the voters and the City Council should the voters approve the measure.

Section 6. If the ballot measure receives a majority of the votes cast on it at the election, the question shall be approved.

Section 7. The City Clerk, in coordination with the Orange County Registrar of Voters, is authorized, instructed and directed to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election. The ballots to be used at the election shall be in form and content as required by law.

Section 8. The City Council consents to the consolidation of the election on this Measure with all other elections being held in the same territory on November 5, 2024, and to hold and conduct the consolidated election in the manner prescribed in Election Code Section 10418. In accordance with Section 10403 of the Elections Code, the Board of Supervisors of Orange County is hereby requested to consent to consolidation of the election on this Measure with the Statewide General Election and all other elections being held in the same territory on November 5, 2024, and to having the Registrar of Voters render such election services to the City of Santa Ana as may be requested by the City Clerk of said City, the County of Orange to be reimbursed in full for such services as are performed.

Section 9. The election services requested by the City of the County Registrar of Voters, or such other official as may be appropriate and which officer is hereby authorized and directed to perform, if said Board of Supervisors consents, include: the preparation, printing, and mailing of sample ballots and voter information guides; the establishment or appointment of precincts, voting centers, and election officers; opening and closing of voting centers, and making such publications as are required by law in connection therewith; the furnishing of ballots, voting booths, and other necessary supplies or materials for voting centers; the canvassing of the returns of the election and the furnishing of the results of such canvassing to the City Clerk; and the performance of such other election services as may be requested by the City Clerk.

Section 10. The precincts, ballot drop box locations and hours of operations, vote center locations and hours of operations, vote-by-mail procedures and timing, and election officers, and all other persons and procedures for the General Municipal Election shall be the same as those utilized by the County of Orange.

Section 11. All ballots shall be tallied at a central counting place and not at the precincts. Said central counting place shall be at a County center as designated by the Registrar of Voters.

Section 12. The City Clerk is hereby directed to transmit a copy of the Measure set forth in Section 4 above to the City Attorney, who shall prepare an impartial analysis of the Measure in accordance with Section 9280 of the Elections Code not to exceed 500 words in length. The impartial analysis shall show the effect of the Measure on existing law and the operation of the Measure. It shall also include a statement indicating whether the Measure was placed on the ballot by a petition signed by the requisite number of voters or by the City Council. In the event the entire text of the Measure is not printed on the ballot, or in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-font bold type, the following:

**“The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the election official’s office at (714) 647-6520 and a copy will be mailed at no cost to you.”** The impartial analysis shall be filed no later than the deadline for direct arguments.

Section 13. All persons qualified to vote at municipal elections in the City on the day of election herein provided shall be qualified to vote on the Measure hereby submitted at the General Municipal Election.

Section 14. In all particulars not recited in the Resolution, the election shall be held and conducted as provided by law for holding general municipal elections in the City.

Section 15. Notice of the time and place of holding the election is hereby given, and the City Clerk is authorized, instructed, and directed to give further or additional notice of the election in the time, form, and manner as required by law.

Section 16. The City Clerk shall receive the canvass as it pertains to the election and shall certify the results to the City Council, as required by law.

Section 17. Pursuant to California Elections Code Section 9295, this Resolution and the included Measure will be available for public examination for no fewer than ten (10) calendar days prior to being submitted for printing in the voter information guide.

Section 18. The City Council finds and determines that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change in the environment, as there is no possibility it will have a significant effect on the environment and it is not a “project,” as defined in section 15378 of the State CEQA Guidelines. Furthermore, the Resolution falls within the “common sense” CEQA exemption set forth in CEQA Guidelines section 15061(b)(3), excluding projects where “it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.”

Section 19. The Santa Ana City Council hereby repeals Resolution No. 2023-075.

Section 20. If any section, subsection, sentence, clause, phrase or provision of this Resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity of any other provision or applications, and to this end the provisions of this Resolution are declared to be severable. The City Council hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, phrase or provision thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or provisions thereof be declared invalid or unconstitutional.

Section 21. This Resolution shall take effect immediately upon its adoption by a majority of the City Council.

Section 22. The City Clerk is hereby directed to certify to the passage and adoption of this Resolution and to file a certified copy of this Resolution with the Orange County Board of Supervisors and the Registrar of Voters of Orange County at least eighty-eight (88) days before the date of the election.

ADOPTED this \_\_\_\_ day of June, 2024.

\_\_\_\_\_  
Valerie Amezcua  
Mayor

APPROVED AS TO FORM:  
Sonia R. Carvalho  
City Attorney

By: Laura A. Rossini  
Laura A. Rossini  
Chief Assistant City Attorney

AYES: Councilmembers \_\_\_\_\_  
NOES: Councilmembers \_\_\_\_\_  
ABSTAIN: Councilmembers \_\_\_\_\_  
NOT PRESENT: Councilmembers \_\_\_\_\_

### CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, Jennifer L. Hall, City Clerk, do hereby attest to and certify the attached Resolution No. 2024 -XXX to be the original resolution adopted by the City Council of the City of Santa Ana on \_\_\_\_\_, 2024.

Date: \_\_\_\_\_

\_\_\_\_\_  
Jennifer L. Hall  
City Clerk  
City of Santa Ana