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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF ORANGE

James V. Lacy, United States Justice
Foundation, California Public Policy
Foundation, and Pasquale Talarico,

Plaintiffs and Petitioners,

vs.

Jennifer L. Hall, in her official capacity as
Santa Ana City Clerk,
Bob Page, in his official capacity as Orange
County Registrar of Voters, and
DOES 1 through 10, inclusive,

Defendants and Respondents;

Santa Ana City Council and
ROES 1 through 10, inclusive,

Real Parties in Interest.

STATUTORY PRIORITY

Election Law Matter:

Priority Over All Civil Matters

CCP § 35; Elec. Code § 13314(a)(3)

Case No.:

**Verified Petition for Alternative and/or
Peremptory Writ of Mandate; Complaint
for Injunctive and Declaratory Relief**

[Elec. Code § 13314;

Code Civ. Proc. §§ 526a, 1060, 1085]

1 **TO THE HONORABLE JUDGES OF THE SUPERIOR COURT:**

2 Plaintiffs and Petitioners James V. Lacy, United States Justice Foundation, California
3 Public Policy Foundation, and Pasquale Talarico (collectively, Petitioners), by this Verified
4 Petition and Complaint, allege as follows:

5 1. This action is brought in the public interest to enforce Elections Code provisions
6 requiring an impartial ballot question with respect to a ballot measure that the Santa Ana City
7 Council has proposed for the November 5, 2024 ballot.

8 **PARTIES**

9 2. Plaintiff and Petitioner **JAMES V. LACY** is an individual who resides in the City of Dana
10 Point. Within the past 12 months, Lacy has paid sales taxes in the City of Santa Ana.

11 3. Plaintiff and Petitioner **UNITED STATES JUSTICE FOUNDATION (USJF)** is a
12 nonprofit public benefit corporation organized under the laws of the State of California.
13 Enforcing state law as it relates to the claims in the case is within the scope of USJF's purpose.
14 USJF has members who have paid sales, property, and income taxes in and for the benefit of the
15 City of Santa Ana.

16 4. Plaintiff and Petitioner **CALIFORNIA PUBLIC POLICY FOUNDATION (CPPF)** is a
17 nonprofit public benefit corporation organized under the laws of the State of California.
18 Enforcing state law as it relates to the claims in the case is within the scope of CPPF's purpose.
19 CPPF has members who have paid sales, property, and income taxes in and for the benefit of the
20 City of Santa Ana.

21 5. Petitioner James V. Lacy is President of USJF and Chairman of CPPF. They frequently
22 litigate matters of public interest and recently demonstrated their interest in matters related to
23 noncitizen voting in *Lacy v. City and County of San Francisco* (Super. Ct. S.F. County, 2022, No.
24 CPF-22-517714) where they persuaded the trial court that San Francisco's noncitizen voting
25 program violated the California Constitution. That decision was reversed on appeal. (*Lacy v. City*
26 *and County of San Francisco* (2023) 94 Cal.App.5th 238.)

27 6. Lacy and USJF's successful public interest litigations also include *Lacy v. U.S. Dep't of*
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1 *State*, No. SA CV 22-1065-DOC, 2023 WL 4317659 (C.D. Cal. May 3, 2023) where they enforced
2 their right to receive government records—communications between Hunter Biden and now-
3 Secretary of State Antony Blinken—under the Freedom of Information Act.

4 7. Plaintiff and Petitioner **PASQUALE TALARICO** is an individual who resides and is
5 registered to vote in the City of Santa Ana. Within the past 12 months, Talarico has paid income,
6 property, and sales taxes in and for the benefit of the City of Santa Ana.

7 8. Defendant and Respondent **JENNIFER L. HALL** (“CITY CLERK”) is, and at all
8 relevant times mentioned in this Petition, was the City Clerk for the City of Santa Ana. In this
9 role, she is the City’s elections official with respect to City elections, and as such, she is charged
10 by law with administering City elections and is responsible for the printing of ballots, ballot
11 pamphlets, sample ballots, and other election materials in the city. This is a duty she generally
12 delegates to Respondent Bob Page, the Orange County Registrar of Voters. The City Clerk is
13 named in her official capacity in accordance with the Elections Code.

14 9. Defendant and Respondent **BOB PAGE** (“REGISTRAR OF VOTERS”) is, and at all
15 relevant times mentioned in this Petition, was the Registrar of Voters for Orange County. In this
16 role, he is the County’s elections official and is charged with administering elections within the
17 County. In addition to administering county elections, the Registrar administers municipal
18 elections on behalf of city election officials, such as the City Clerk, and is named in his official
19 capacity in accordance with the Elections Code.

20 10. The true names of Defendant and Respondent DOES 1 through 10, inclusive, are
21 unknown to Petitioner, who therefore brings this action against DOES 1 through 10, inclusive, by
22 such fictitious names and will seek leave of this Petition to show their true names, identities, and
23 capacities when they
24

25 11. Real Party in Interest **SANTA ANA CITY COUNCIL** is, and at all relevant times
26 mentioned in this Petition, was the legislative body for the City of Santa Ana, a municipal
27 corporation and charter city incorporated under the laws of the State of California. The Santa
28 Ana City Council voted to adopt the ballot question that is the subject of this action.

1 12. The true names of Real Parties in Interest ROES 1 through 10, inclusive, are unknown to
2 Petitioner, who therefore brings this action against ROES 1 through 10, inclusive, by such
3 fictitious names and will seek leave of this Petition to show their true names, identities, and
4 capacities when they have been ascertained.

5 **JURISDICTION AND VENUE**

6 The relief sought is within the jurisdiction of this Court for the following reasons:

7 13. This action relates to an election in the City of Santa Ana, which is a municipal
8 corporation and incorporated city located entirely within the County of Orange. The actions
9 Petitioner complains of, which give rise to this action, have all occurred in the County of Orange.

10 14. All Respondents are located in and/or do business in the County of Orange.

11 15. All Respondents are either a governmental entity or represent governmental entities
12 located wholly within the County of Orange.

13 **FACTS COMMON TO ALL CAUSES OF ACTION**

14 16. On November 7, 2023, the Santa Ana City Council adopted a resolution to submit a
15 charter amendment to the City's voters. If approved by voters on November 5, 2024, the
16 measure will amend the City's charter to allow noncitizens to vote in the City's municipal
17 elections starting in November 2028.

18 17. Attached as **Exhibit A** is a true and correct copy of the City Council resolution to place
19 the not-yet-labeled measure on the November 2024 ballot.

20 18. The proposal arose out of the Council's September 19, 2023 vote directing staff to
21 prepare a resolution on the subject of noncitizen voting for its future consideration. Staff
22 presented that resolution on October 17, 2023, where the Council provided feedback on its
23 language. From that feedback, staff proposed the following ballot question on November 7, 2023:

24 Shall the City of Santa Ana City Charter be amended to allow City residents who
25 are not citizens of the United States to vote in all City of Santa Ana municipal
26 elections at which municipal offers are elected, ballot measures are considered,
27 and initiatives and referenda are proposed, in accordance with ordinances,
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1 policies, and regulations to be adopted by the City Council in order to implement
2 the charter amendment prior to the November 2026 general municipal election.

3 19. The Council was not satisfied with this question and engaged in wordsmithing to
4 “improve” it. With bolding added, the ballot question that the Council approved is:

5 Shall the City of Santa Ana City Charter be amended to allow, by the November
6 2028 general municipal election, noncitizen City residents, **including those who**
7 **are taxpayers and parents**, to vote in all City of Santa Ana municipal elections.

8 20. Unless this Court intervenes, this is the ballot question that will appear on Santa Ana’s
9 November 5, 2024 ballot.

10 21. Elections Code section 13119 regulates ballot questions. Subdivision (a) of this section
11 provides:

12 The ballots used when voting upon a measure proposed by a local governing body
13 ... shall have printed on them the words “Shall the measure (stating the nature
14 thereof) be adopted?” To the right or below the statement of the measure to be
15 voted on, the words “Yes” and “No” shall be printed on separate lines, with
16 voting targets.

17 22. Subdivision (c) of section 13119 further provides:

18 The statement of the measure shall be a true and impartial synopsis of the purpose
19 of the proposed measure, and shall be in language that is neither argumentative
20 nor likely to create prejudice for or against the measure.

21 23. Subdivision (c) represents a fundamental principle that the government may not “take
22 sides” in political contests by taking action that may tend to influence the outcome of an election.
23 (*Citizens for Responsible Govt. v. City of Albany* (1997) 56 Cal.App.4th 1199, 1227.) In practice, this
24 means that the wording on the ballot cannot favor one position over another. (*McDonough v.*
25 *Superior Court* (2012) 204 Cal.App.4th 1169, 1174.)

26 24. The bolded portion of the ballot question, above, which describes the noncitizen voting
27 provision as extending voting privileges to taxpayers and citizens, is unlawfully partisan and may
28 tend to influence the outcome of the election by casting the measure in a more favorable light by
highlighting sympathetic groups of voters who will receive voting rights under the proposal even
if less sympathetic groups will receive the same right.

1 25. For example, Santa Ana’s measure will extend voting rights to all noncitizens, not just
2 those who are taxpayers or parents. As such, noncitizens who are homeless or criminals will also
3 be granted the right to vote. To this end, the following ballot question would be accurate but
4 impermissibly negative: “Shall the City of Santa Ana City Charter be amended to allow ...
5 noncitizen City residents, **including those who are homeless and criminals**, to vote in all City
6 of Santa Ana municipal elections.”

7 26. Identification of positive (or negative) groups of people who will impacted by the change
8 is argumentative and should be reserved for the ballot arguments supporting and opposing parties
9 will be able to submit in accordance with Elections Code sections 9281 and 9282.

10 27. The City Council’s language contrasts with the staff proposal, which is sufficiently
11 neutral and would not tilt scales in favor of the measure’s passage.

12 28. The only issue with the staff-proposed language is that it was a little misleading—it
13 implied that noncitizens will have the right to vote on *all* ballot measures even though it will be
14 limited to *City* measures. The City Council version—without the argumentative language—
15 solved that problem. For this reason, Petitioners propose that the Court delete the argumentative
16 language from the adopted ballot question so it reads as follows (with deletions in ~~striketrough~~):

17
18 Shall the City of Santa Ana City Charter be amended to allow, by the November
19 2028 general municipal election, noncitizen City residents, ~~including those who
are taxpayers and parents~~, to vote in all City of Santa Ana municipal elections.

20 **A. First Cause of Action — Writ of Mandate (Elec. Code § 13314) by Petitioner Pasquale**
21 **Talarico**

22 29. Petitioner Pasquale Talarico realleges and incorporates by reference paragraphs 1 through
23 28, inclusive, as if fully set forth herein.

24 30. Elections Code section 13314 provides for a statutory writ of mandate that is specific to
25 elections.

26 31. “An elector may seek a writ of mandate alleging that an error or omission has occurred, or
27 is about to occur, in the placing of a name on, or in the printing of, a ballot, county voter
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1 information guide, state voter information guide, or other official matter, or that any neglect of
2 duty has occurred, or is about to occur.” (Elec. Code § 13314(a)(1).)

3 32. “A peremptory writ of mandate shall issue only upon proof of both of the following: [¶]
4 (A) That the error, omission, or neglect is in violation of this code or the Constitution. [¶] (B)
5 That issuance of the writ will not substantially interfere with the conduct of the election.” (Elec.
6 Code § 13314(a)(2).)

7 33. Petitioner Pasquale Talarico is an elector in the City of Santa Ana.
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9 34. Without intervention from this Court, an error will occur in the printing of ballots in the
10 City of Santa. Specifically, that error is the violation of Elections Code section 13119 described
11 above where the ballot question for the City’s noncitizen voting measure is unlawfully partisan in
12 favor of the measure’s passage. This is an error that is about to occur.

13 35. Ballots for the November 5, 2024 general election will go to print around Labor Day.
14 There is plenty of time for this Court to consider the question before there is the slightest risk of
15 interference with the conduct of the election, especially because this matter has priority over all
16 other civil matters (see Elec. Code § 13314(a)(3)).

17 **B. Second Cause of Action — Writ of Mandate (CCP § 1085) by USJF, CPPF, and**
18 **Pasquale Talarico**

19 36. Petitioners USJF, CPPF, and Pasquale Talarico reallege and incorporate by reference
20 paragraphs 1 through 28, inclusive, as if fully set forth herein.

21 37. Traditional mandate under section 1085 of the Code of Civil Procedure is also appropriate
22 an alternative to a statutory writ under Elections Code section 13314.

23 38. Under section 1085, “[a] writ of mandate may be issued by any court to any inferior
24 tribunal, corporation, board, or person, to compel the performance of an act which the law
25 specially enjoins, as a duty resulting from an office, trust, or station, or to compel the admission
26 of a party to the use and enjoyment of a right or office to which the party is entitled, and from
27 which the party is unlawfully precluded by that inferior tribunal, corporation, board, or person.”

28 39. As between this Court and Respondents, Respondents are inferior board.

1 40. Respondents have a ministerial duty to comply with the Elections Code in the conduct of
2 City elections. This means they have a duty to provide ballot questions that are impartial rather
3 than argumentative.

4 41. By approving and preparing to print an argumentative ballot question for the City’s
5 noncitizen voting measure, Respondents breached that duty.

6 42. “The writ must be issued in all cases where there is not a plain, speedy, and adequate
7 remedy, in the ordinary course of law. It must be issued upon the verified petition of the party
8 beneficially interested.” (Code Civ. Proc. § 1086.)
9

10 43. Petitioner Pasquale Talarico is beneficially interested because he is an elector in the City
11 of Santa Ana. The ballot question at issue in this case is a question that will be on Talarico’s
12 November 5, 2024 ballot, and the proposal in question will amend (or not amend) the charter in
13 the City he lives in.

14 44. Petitioners USJF and CPPF claim public interest standing as their beneficial interest. (See
15 *Rialto Citizens for Responsible Growth v. City of Rialto* (2012) 208 Cal.App.4th 899, 912.)

16 45. Petitioners do not have a plain, speedy, or adequate remedy in the ordinary course of law
17 because, *inter alia*, there is no amount of damages that can compensate them for the harm that
18 will result from the use of public funds to advocate for Santa Ana’s noncitizen voting measure on
19 the ballot itself. This is a societal harm that is appropriate for writ relief.

20 **C. Third Cause of Action — Injunctive Relief (CCP § 526a) by all Petitioners**

21 46. Petitioners reallege and incorporate by reference paragraphs 1 through 28, inclusive, as if
22 fully set forth herein.

23 47. Under section 526a of the Code of Civil Procedure, certain taxpayers may obtain an
24 injunction to prevent the “any illegal expenditure of, waste of, or injury to, the estate, funds, or
25 other property of a local agency.”
26

27 48. Printing an unlawfully partisan ballot question that may tend to persuade voters to vote
28 “yes” on the measure is a waste of or injury to public funds in the City of Santa Ana.

1 49. Petitioners are taxpayers in the City of Santa Ana in the manner required to obtain relief
2 under section 526a.

3 **D. Fourth Cause of Action — Declaratory Relief (CCP § 1060) by all Petitioners**

4 Petitioners reallege and incorporate by reference paragraphs 1 through 28, inclusive, as if
5 fully set forth herein.

6 50. Petitioners contend that the ballot question for Santa Ana’s noncitizen voting measure is
7 unlawfully partisan and may not be printed on the ballot.

8 51. Petitioners are informed and believe that Respondents and/or the Real Parties in Interest
9 contend otherwise.

10 52. The ballot question at issue in this case has been approved for printing. As such, there is
11 an actual controversy between the parties, which is ripe for adjudication.

12 53. Petitioners request a declaratory judgment from this Court that the ballot question at
13 issue in this case is unlawfully partisan and may not be included on the ballot.

14 //

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PRAYER FOR RELIEF

Wherefore, Plaintiffs and Petitioners pray that the Court:

1. Enter a declaratory judgment that the ballot question at issue in this case is unlawfully partisan and may not be included on the ballot;
2. Issue an Alternative and/or Peremptory Writ of Mandate commanding Respondents to modify the ballot question for Santa Ana’s noncitizen voting measure as set forth in this case;
3. Issue a temporary, preliminary, and/or permanent injunction enjoining Respondents from printing the ballot question the Santa Ana City Council approved;
4. Award Petitioners their attorneys’ fees and costs reasonably incurred herein; and
5. For such other and further relief as the Court deems proper.

DATE: May 24, 2024

Respectfully Submitted,
LAW OFFICE OF CHAD MORGAN, APC

By: 
Chad D. Morgan,
Attorney for Plaintiffs and Petitioners


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VERIFICATION

I, James V. Lacy, declare that I am the Petitioner in the above-entitled action. I have read the foregoing **Verified Petition for Alternative and/or Peremptory Writ of Mandate; Complaint for Injunctive and Declaratory Relief** and know the contents thereof to be true to my own knowledge, except as to those statements made upon information and belief, and as to them, I believe them to be true. I make this verification on behalf of myself and on behalf of United States Justice Foundation and California Public Policy Foundation.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: May 24, 2024

By: 
James V. Lacy (May 24, 2024 10:51 PDT)
James V. Lacy

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VERIFICATION

I, Pasquale Talarico, declare that I am the Petitioner in the above-entitled action. I have read the foregoing **Verified Petition for Alternative and/or Peremptory Writ of Mandate; Complaint for Injunctive and Declaratory Relief** and know the contents thereof to be true to my own knowledge, except as to those statements made upon information and belief, and as to them, I believe them to be true.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on: May 24, 2024

By: 
Pasquale Talarico (May 24, 2024 10:54 PDT)
Pasquale Talarico

**EXHIBIT
A**

RESOLUTION NO. 2023-075

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 and 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 for the 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 residents and mixed status families pay taxes yet are disenfranchised, and do not believe they have representation in key decisions that impact their lives; and

WHEREAS, local governments across the United States allow non-citizen residents to vote in local elections; and

WHEREAS, 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, 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 Election 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, including the mayor and city council members 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:

MEASURE # <u>PROPOSED AMENDMENT TO SECTION 1203</u> <u>OF THE SANTA ANA CITY CHARTER</u>	Yes
Shall the City of Santa Ana City Charter be amended to allow, by the November 2028 general municipal election, noncitizen City residents, including those who are taxpayers and parents, to vote in all City of Santa Ana municipal elections?	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 council members, 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.

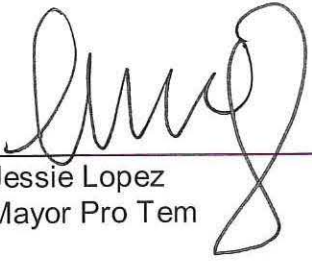
Section 18. The City Council finds and determines that this Resolution is not subject to the California Environmental Quality Act (CEQA) pursuant to sections 15060(c)(2) and 15060(c)(3) of the State CEQA Guidelines because it will not result in a direct or reasonably foreseeable indirect physical change 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. 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 20. This Resolution shall take effect immediately upon its adoption by a majority of the City Council.

Section 21. 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 7th day of November, 2023.



Jessie Lopez
Mayor Pro Tem

APPROVED AS TO FORM:
Sonia R. Carvalho, City Attorney

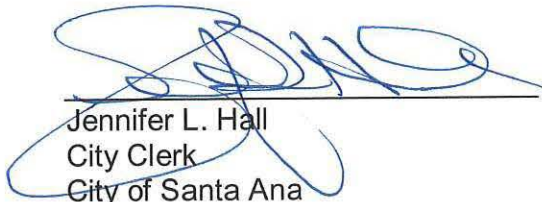
By: Laura A. Rossini
Laura A. Rossini
Chief Assistant City Attorney

AYES:	Councilmembers	<u>Hernandez, Lopez, Phan, Vazquez (4)</u>
NOES:	Councilmembers	<u>Amezcuca, Bacerra, Penaloza (3)</u>
ABSTAIN:	Councilmembers	<u>None (0)</u>
NOT PRESENT:	Councilmembers	<u>None (0)</u>

CERTIFICATE OF ATTESTATION AND ORIGINALITY

I, JENNIFER L. HALL, City Clerk, do hereby attest to and certify the attached Resolution No. 2023-075 to be the original resolution adopted by the City Council of the City of Santa Ana on November 7, 2023.

Date: 11/20/2023



Jennifer L. Hall
City Clerk
City of Santa Ana