

ORDINANCE NO. 1118

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LANCASTER ADDING SECTION 2.04.055 TO THE LANCASTER MUNICIPAL CODE CONCERNING STATEMENTS PURSUANT TO SECTION 13307 OF THE ELECTIONS CODE SUBMITTED BY CANDIDATES FOR ELECTIVE OFFICES

WHEREAS, the City of Lancaster (“City”) is a charter city as authorized by and described in article XIII of the California Constitution; and

WHEREAS, section 5 of article XIII of the California Constitution provides, in pertinent part, that “[i]t shall be competent in any city charter to provide that the city governed thereunder may make and enforce all ordinances and regulations in respect to municipal affairs, subject only to restrictions and limitations provided in their several charters and in respect to other matters they shall be subject to general laws[.]” and that “[i]t shall be competent in all city charters to provide, in addition to those provisions allowable by this Constitution, and by the laws of the State for [... the] conduct of city elections [...];” and

WHEREAS, section 102 of the City’s Charter provides that “[t]he City of Lancaster shall have the power to adopt ordinances establishing procedures, rules or regulations concerning City of Lancaster elections and public officials, including but not limited to, the qualifications and compensation of elected officials, the method, time and requirements to hold elections, to fill vacant offices and for voting by mail. Unless in conflict with ordinances adopted by the City, state law regarding elections shall apply[.]”; and

WHEREAS, section 13307 of the California Elections Code generally provides that candidates for nonpartisan elective office may submit a statement for inclusion in the voter information guide that is to be sent to each voter; and

WHEREAS, the City Council of the City has determined that certain restrictions, in addition to those specified in section 13307 of the Elections Code, should be imposed on a candidate’s statement to prevent the intentional or inadvertent deception of voters.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LANCASTER DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. The above recitals are true, correct, and constitute a substantive part of this Ordinance.

Section 2. Section 2.04.055 is hereby added to the Lancaster Municipal Code to read as follows:

2.04.055 Statement by Candidate for Elective Office.

A statement authorized by section 13307 of the Elections Code that is submitted by a candidate for nonpartisan elective office shall be subject to the following:

- A. A candidate shall not include a photograph of himself or herself wearing any uniform.
- B. A candidate may include reference to an occupation from which he or she has “retired” only if it is designated as his or her primary occupation.
- C. A candidate may designate his or her primary occupation to that of “business owner” only if his or her statement is accompanied by a certification, the form of which shall be provided by the city clerk, that is signed under penalty of perjury and states that the candidate owns a business.

The requirements of this section shall supplement section 13307 of the Elections Code; provided, however, that in the event of a conflict, this section shall control. This section shall not be interpreted or applied in a manner that violates the First Amendment to the United States Constitution, any other provision of the United States Constitution, or any provision of the California Constitution.

Section 3. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held for any reason to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Section 4. The Mayor shall sign and the City Clerk shall certify to the passage of this Ordinance and will see that it is published and posted in the manner required by law.

I, Andrea Alexander, City Clerk of the City of Lancaster, do hereby certify that the foregoing ordinance was regularly introduced and placed upon its first reading on the 13th day of August, 2024, and placed upon its second reading and adoption at a regular meeting of the City Council on the 27th day of August, 2024, by the following vote:

AYES: Council Members Malhi, Mann, Vice Mayor Crist, Mayor Parris

NOES: None

ABSTAIN: None

ABSENT: Council Member Hughes-Leslie

ATTEST:

APPROVED:

DocuSigned by:

Andrea Alexander

ANDREA ALEXANDER
City Clerk
City of Lancaster

Signed by:

R. Rex Parris

R. REX PARRIS
Mayor
City of Lancaster