

RESOLUTION NO. _____

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BURLINGAME
ESTABLISHING A SELECTION PROCEDURE WHEN MULTIPLE BALLOT
MEASURE ARGUMENTS ARE FILED**

WHEREAS, Elections Code Section 9287 establishes a hierarchy for the submission of arguments to determine priority:

“If more than one argument for or more than one argument against any city measure is submitted to the city elections official within the time prescribed, he or she shall select one of the arguments in favor and one of the arguments against the measure for printing and distribution to the voters. In selecting the argument the city elections official shall give preference and priority, in the order named, to the arguments of the following:

- (a) The legislative body, or members of the legislative body authorized by that body.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.”

WHEREAS, the Elections Code does not define “bona fide association of citizens” nor does it state who may be a member, or if any, or all of the members must live in the jurisdiction that is voting on the measure. Similarly, the code does not require that the signors of the argument, when filed by a bona fide association of citizens, must reside or be registered to vote in the jurisdiction that is voting on the measure; and

WHEREAS, if the argument is being filed by a bona fide association, Elections Code Section 9283 requires that “the name of the organization and the printed name and signature of at least one of its principal officers who is the author of the argument” must accompany the argument; and

WHEREAS, the Elections Code does not contain any provision for selecting an argument based on which argument was filed first, or earliest in relation to the argument deadline. All arguments filed before the deadline are considered equal in priority; and

WHEREAS, pursuant to Elections Code Section 9287 only one argument for and one argument against may be printed and if two or more parties filing an argument for or against a measure fall under the same classification, then the elections official shall select one argument to print; and

WHEREAS, it is not stipulated in the Elections Code or the Municipal Code what would be the most appropriate procedure to select the argument to be printed.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF BURLINGAME DOES RESOLVE AS FOLLOWS:

1. For purposes of measure argument submission, in order to be considered a “bona fide association” for filing an argument for a city measure, the organization or association must submit one of the following: articles of incorporation, letterhead with the name of the organization and its principal officers, or some other written document indicating the same.
2. If the city elections official receives two or more arguments of equal standing, he or she will determine the argument to be printed by drawing lots:
 - a. The city elections official will notify all argument authors of a date and time to draw lots.
 - b. The names of the authors of the arguments shall be written on pieces of paper, folded, and placed in a container. The container will be agitated to mix the papers, and then one paper shall be drawn at-a-time. As each piece of paper is removed, it will be opened and the name recorded in the order it was removed.
 - c. The order in which the names are removed from the container shall be the order of priority for printing the argument, i.e., the first name chosen shall be the author whose argument shall be printed.
 - d. Arguments for a measure and arguments against a measure will each have their own drawing process.
 - e. The results will then be posted in the City Clerk’s office.

Mayor

I, MEAGHAN HASSEL-SHEARER, City Clerk of the City of Burlingame, do hereby certify that the foregoing Resolution was introduced at a regular meeting of the City Council held on the 7th day of March, 2016, and was adopted thereafter by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

City Clerk