



### NEWS RELEASE

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### Judge Dismisses Initiative Petition Challenge to Santa Maria Election System

Today, Superior Court Judge James Rigali dismissed petition for writ of mandate filed by Hazel Putney and the Central Coast Alliance United for a Sustainable Economy (CAUSE) to force the City to place an initiative on the upcoming November ballot to change the Santa Maria's City Council election procedure. Chief Deputy City Clerk Rhonda Garietz had rejected the petition for the initiative for failing to comply with the requirements of the State of California's Elections Code.

The case was *Putney v. Garietz*. Lead proponent Hazel Putney, a.k.a. Hazel Davalos, was represented by the Mexican American Legal Defense and Educational Fund (MALDEF).

"It is unfortunate that the petitioners did not receive the appropriate guidance about the Elections Code requirements before it submitted the petition for the initiative," City Attorney Gilbert Trujillo said. "By law, the City does not have the authority to accept a defective affidavit of petition circulators. If they would have complied with the Election Code, the City would have accepted their petition and processed them accordingly."

The ruling effectively voids the effort to place an initiative measure on the November 2014 General Election ballot, asking voters if they want to amend the City Charter so that voters would elect City Councilmembers to each represent a district, instead of the current system of voting for all four Councilmembers "at-large" so that they each represent the entire City. However, the court left open a small window by refusing to address the issue whether or not the court could order the City to accept supplemental affidavits on the grounds that this issue was not a part of the administrative record before the court. "This means that, hypothetically, the proponents of the initiative could file a new petition with the court and ask the court for such an order; however, this lawsuit would be highly unlikely to succeed," City Attorney Trujillo said. "There is an appellate decision that ruled that a city clerk does not have statutory authority to accept supplemental affidavits from petitions circulators to correct a defect in the original affidavits," Trujillo added.

The City rejected the petition because it did not follow the correct formatting as indicated in the Elections Code, and the header of the petition did not have the words "Initiative Measure to be Submitted Directly to the Voters," although the court ruled against the City on these grounds. However, the court found that the affidavits of the



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petition circulators failed to include the required reference to the circulators being 18 years of age or older, and that this was a fatal defect. This was a new requirement enacted by the Legislature that took effect on January 1, 2014.

Questions may be directed to the City Attorney's Office 925-0951 ext. 310 or the City Manager's Office, 925-0951 ext. 372.

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