

IMPARTIAL ANALYSIS BY SANTA ANA CITY ATTORNEY  
MEASURE \_\_

On November 7, 2023, Measure \_\_ was placed on the ballot by the Santa Ana City Council. The Measure proposes to amend section 1203 of the Santa Ana City Charter to permit noncitizen voting in all Santa Ana municipal elections.

Currently, City Charter Section 1203 provides that all elections shall be held in accordance with the provisions of the Elections Code of the State of California unless otherwise provided by ordinance. The proposed Charter amendment would mandate that the City Council 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. The proposed Charter amendment will define “municipal elections” to 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 proposed Charter amendment requires the City Council to adopt policies, regulations and ordinances implementing the Charter amendment to Section 1203 regarding noncitizen voting so that noncitizens may participate on or prior to the general election in November 2028. If the proposed amendment is approved, the City Clerk would be required to run City municipal elections independent of the County Registrar of Voters. While a similar noncitizen proposal authorizing noncitizens to elect school board members has been upheld, a noncitizen voting proposal to elect municipal officers and participate in municipal elections has not been tested.

Measure \_\_ requires simple majority approval of Santa Ana voters to pass. If Measure \_\_ does not pass, noncitizen voting will not be permitted in Santa Ana municipal elections.

A “YES” vote on the Measure is a vote in favor of the Charter amendment described above.

A “NO” vote on the Measure is a vote against the Charter amendment described above.

Santa Ana City Attorney