

Attachment C

District Voting Initiative

INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The People of the City of Newport Beach do hereby ordain as follows:

Section 1. Title

This initiative measure shall be known as the “**Home District Voting Initiative**” (the “**Initiative**”).

Section 2. Purpose and Findings.

A. Purpose. This Initiative seeks to enhance the leadership and governance of Newport Beach by ensuring City Council Members are directly accountable to the residents living within their Districts. Currently, the Charter of the City of Newport Beach (“**Charter**”) provides for “at large” voting, where voters across the entire City of Newport Beach elect each City Council Member, regardless of where voters live. This Initiative amends the Charter to enact “district voting,” which ensures all City Council members are elected directly by the residents that live inside their District.

B. Findings. The residents of the City of Newport Beach find that this Initiative promotes the public interest in light of its purpose and the following facts and circumstances:

1. The District Voting Initiative provides a more democratic election structure, granting the opportunity for each District to pick their specific Council Member.

2. Many cities and counties throughout California use district voting to great success. District voting tends to make local voters feel more invested in local elections.

3. Under the current election system, smaller Districts have less effective and less direct representation on the City Council. Direct voting and representation allows elected representatives to be more responsive to the specific issues and unique concerns facing their District.

4. This Initiative would simplify the voting process for all Newport Beach voters as voters would be able to focus only on the candidates that represent their District, not candidates that prioritize or represent other Districts.

5. This Initiative recognizes the value of having City Councilmembers that are aware of and can promptly respond to the concerns of all Districts across Newport Beach. Through direct and localized elections, this Initiative makes City Council Members directly accountable to the District that they are intended to represent.

6. District campaigns, instead of Citywide campaigns, can cost less, creating opportunities for new candidates and leadership. District campaigns would also make it easier for candidates to engage directly with electors in their District, improving civic engagement.

7. This Initiative is in the best interest of the people of Newport Beach.

Section 3. Amendment and Addition to the *Charter of the City of Newport Beach*.

The voters hereby amend and Section 400 (titled, "Elective Officers") of the City Charter as follows (new language is shown in underlined text and deleted text shown in ~~strickethrough text~~):

The elective officers of the City shall consist of a City Council of seven members. Candidates for City Council shall be nominated from and by the electors of each of the seven districts referred to in Article X of this Charter and one shall be elected from each of such districts by the voters of ~~the City at large~~ that district at the times and in the manner provided in this Charter. Ties in voting among candidates for office shall be settled by the casting of lots.

Alternatively, and successively, four four-year terms shall be filled at one general municipal election and three four-year terms at the next such election, consistent with the sequence of terms of Council members existing on the effective date of this amendment.

The term of office shall be four years. The term of each City Council member shall commence on the date of the City Council meeting, following his or her election, at which the council receives the certification of election results from the City Clerk.

Section 4. Implementation of this Initiative.

A. This Initiative is considered adopted and effective upon the earliest date legally possible after the elections official certifies the vote on the Initiative by the voters of the City (the "**Effective Date**"). Upon the Effective Date of this Initiative, the City is directed to promptly take all appropriate actions needed to implement this Initiative, including but not limited to taking any administrative steps necessary to update any and all City ordinances, codes, maps, figures, and any other documents maintained by the City so they conform to the legislative policies set forth in this Initiative.

B. Upon the Effective Date of this Initiative, the City Charter provisions of Section 3 of this Initiative are hereby inserted into the City Charter as set forth above. The City may reorganize, renumber, and/or reformat the City Charter to incorporate Section 3 of this Initiative, provided that the full text of each provision is inserted into the City Charter without alteration.

C. The City Charter in effect on the date of filing of the Notice of Intention to Circulate Petition ("**Filing Date**"), and the City Charter as amended by this Initiative, comprise an integrated, internally consistent and compatible statement of policies for the City. To ensure that the City Charter and other City policies and plans remain an integrated, internally consistent, and compatible statement of policies for the City, any provision of the City Charter that is adopted between the Filing Date and the Effective Date of the City Charter amendment adopted by this Initiative shall, to the extent that such interim-enacted provision is inconsistent with or would diminish, render invalid, defeat, or impair the City Charter amendment adopted by this Initiative,

be amended as soon as possible and in the manner and time required by applicable law to ensure consistency with this Initiative.

Section 5. Effect of Other Measures on the Same Ballot.

If this Initiative and another measure on the same subject matter appear on the same ballot, and a majority of the voters vote in favor of both measures but this Initiative receives more votes than the other measure, this Initiative alone shall become valid, binding and adopted in its entirety, and the other measure shall be null and void in its entirety. If a majority of the voters vote in favor of both measures but this Initiative receives less votes than the other measure, only those provisions of the other measure that are in direct and irreconcilable conflict with the provisions of this Initiative shall control, and all other provisions of this Initiative shall become valid, binding and adopted. The voters expressly declare this to be their intent, regardless of any contrary language in any other ballot measure.

Section 6. Interpretation, Severability, and Legal Defense.

A. This Initiative must be interpreted so as to be consistent with all federal and State laws, rules, and regulations. If any section, sub-section, sentence, clause, phrase, part, or portion of this Initiative is held to be invalid or unconstitutional by a final judgment of a court of competent jurisdiction, such decision does not affect the validity of the remaining portions of this Initiative. The voters declare that this Initiative, and each section, sub-section, sentence, clause, phrase, part, or portion thereof, would have been adopted or passed irrespective of the fact that any one or more sections, sub-sections, sentences, clauses, phrases, parts, or portions are found to be invalid. If any provision of this Initiative is held invalid as applied to any person or circumstance, such invalidity does not affect any application of this Initiative that can be given effect without the invalid application.

B. If any portion of this Initiative is held by a court of competent jurisdiction to be invalid, we the People of the City of Newport Beach indicate our strong desire that: (i) the Newport Beach City Council use its best efforts to sustain and re-enact that portion, and (ii) the Newport Beach City Council implement this Initiative by taking all steps possible to cure any inadequacies or deficiencies identified by the court in a manner consistent with the express and implied intent of this Initiative, including by presenting voters with an opportunity to adopt or reenact any such portion in a manner consistent with this Initiative.

C. This Initiative must be broadly construed in order to achieve the purposes stated above. It is the intent of the voters that the provisions of this Initiative be interpreted or implemented by the City and others in a manner that facilitates the purpose set forth in this Initiative.

D. The People of the City of Newport Beach desire that this amendment to the City Charter, if approved by the voters and thereafter challenged in court, be defended by the City. The

People, by approving this City Charter amendment, hereby declare that the proponent(s) of this City Charter amendment have a direct and personal stake in defending it from constitutional or statutory challenges to its validity or implementation. In the event the City fails to defend this City Charter amendment, or the City fails to appeal an adverse judgment against its constitutionality, statutory permissibility or implementation, in whole or in part, in any court of law, the proponents shall be entitled to assert their direct personal stake by defending its validity and implementation in any court of law, shall be empowered by the People through this measure to act as agents of the People, and shall be entitled to recover their reasonable attorney's fees from the City of Newport Beach.

Section 7. Amendment or Repeal.

The City Charter as amended and adopted by Section 3 of this Initiative can be amended or repealed only by a majority of the voters of the City voting in an election held in accordance with applicable State and City law. For the avoidance of doubt, this Section only limits the power to amend the City Charter provisions as amended and adopted by Section 3 and does not limit the power of the City to amend or repeal other portions of the City Charter or Newport Beach Municipal Code in a manner that is consistent with this Initiative and other applicable law.

Section 8. Judicial Enforcement.

Any aggrieved person shall have the right to bring an action to enjoin any violation of this Initiative or to enforce the duties imposed on the City by this Initiative. The proponents of this Initiative may defend the provisions of this Initiative in any litigation brought to challenge the Initiative consistent with Section 6 of this Initiative.