

RWG Attorneys Win Appeal Upholding Constitutional Authority of Charter Cities to Schedule Their Own Elections

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The California Court of Appeal has reinforced the constitutional authority of charter cities to decide when to hold their municipal elections. In a case brought by the City of Redondo Beach, represented by RWG attorneys Lisa Bond, Peter Pierce, and Marvin Bonilla, the Court of Appeal's published decision prohibits the California Secretary of State from forcing charter cities to reschedule their municipal elections to the same date as statewide general elections.

The California Constitution expressly authorizes charter cities to select dates for their local elections. However, since January 1, 2018, the California Voter Participation Rights Act (Act) has required cities to schedule their local elections on the same date as statewide general elections if voter turnout in a previous local election failed to reach a specified threshold. There has been uncertainty whether the Legislature intended the Act to apply to charter cities, but the California Attorney General opined that the statute applies to all cities.

Redondo Beach sued the Secretary of State to block enforcement of the Act against charter cities. The trial court ruled in Redondo Beach's favor, prohibiting enforcement of the Act against charter cities. In a published decision filed March 23, 2020, the Court of Appeal affirmed the judgment, ensuring for now that charter cities may continue to choose the dates on which to hold their local elections. It remains to be seen whether the Legislature will attempt to clarify that the Act applies, or does not apply, to charter cities.