

April 1, 1996

REPORT TO THE HONORABLE
MAYOR AND CITY COUNCIL

THE RIGHT TO VOTE COMMITTEE AND RICHARD RIDER
V. THE CITY OF SAN DIEGO

This case involves the Convention Center Financing Ordinance, O-18270, which was adopted by this Council on March 5, 1996. The Plaintiffs filed this lawsuit asking the Court to rule that in circulating a petition for referendum of the Ordinance, they would not be required to attach the financing documents which were attached to and incorporated by reference into the Ordinance itself. The documents and Ordinance together comprise 284 pages, and the Plaintiffs argued that having to duplicate and attach the full documentation to each petition would be cost-prohibitive and effectively deny them their constitutional right to referend the Ordinance.

The Honorable Robert O'Neill denied the Plaintiffs' request this morning, ruling that the petition to referend the Ordinance must have attached to it the Ordinance as well as all of the financing documentation incorporated by reference. Based on recent precedential California case law from our Fourth District Court of Appeal, and on a

public policy favoring an informed electorate, the Court found that having to attach the documents would not impair any of the Plaintiffs' constitutional rights. The Court further found that the interests in fully and accurately informing the electorate on this issue outweighed the burden of the costs of duplication.

The last day for Plaintiffs to submit a petition to referend this financing Ordinance is Friday, April 5. The Plaintiffs did not indicate to us whether they would attempt to appeal the Court's ruling. Any such appeal will not affect the expiration of the referendum period, however, unless Plaintiffs obtain a stay from the Fourth District Court of Appeal.

If you have any questions regarding the status of this matter, please do not hesitate to contact our office.

Respectfully submitted,

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City Attorney

TCM:cdk
RC-96-14