

ORDINANCE NO. 11119 SEP 6 1973  
(New Series)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7,  
OF THE SAN DIEGO MUNICIPAL CODE BY ADDING  
DIVISION 30, SECTIONS 27.3001 THROUGH 27.3004  
ESTABLISHING A CAMPAIGN FAIRNESS ORDINANCE.

BE IT ORDAINED, by the Council of The City of San Diego,  
as follows:

Section 1. That Chapter II, Article 7, of the San Diego  
Municipal Code be and it is hereby amended by adding Division 30,  
Sections 27.3001 through 27.3004 to read as follows:

DIVISION 30

CAMPAIGN FAIRNESS ORDINANCE

SEC. 27.3001 PURPOSE AND INTENT

It is the purpose and intent of this division to  
deter the scurrilous hit-and-run smear attacks which are  
all too common in the course of political campaigns by  
requiring identification of campaign materials so that  
(1) the electorate may be better able to evaluate campaign  
material by examination of the competence and credibility  
of its source, (2) irresponsible attacks will be deterred,  
and (3) candidates may be better able to refute or rebut  
charges, all to the end that municipal elections will be  
the expression of the will of an undeceived, well-informed  
public. It is not the intent of the City Council in  
adopting this ordinance to hinder the communication of

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MAY 1 1978

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ideas nor to inhibit freedom of expression as guaranteed by the United States Constitution.

SEC. 27.3002 DEFINITIONS

Whenever in this division the following words or phrases are used, they shall mean:

(a) "Campaign material" shall mean any circular, pamphlet, letter, poster, billboard, placard, handbill, card, bumper sticker, decal or other printed or written matter designed for the purpose of either (1) persuading persons to vote for any candidate or measure, or (2) injuring or defeating any candidate or measure, or for both such purposes.

(b) "Candidate" shall mean any individual listed on the ballot for nomination for or election to any City office or who otherwise has taken affirmative action to seek nomination or election to City office.

(c) "Committee" shall mean any person or combination of two or more persons acting jointly in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(d) "Measure" shall mean any City Charter amendment or other proposition submitted to a popular vote at an election, whether by initiative, referendum

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or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

**SEC. 27.3003 IDENTIFICATION OF CAMPAIGN MATERIAL**

No person shall write or cause to be written, printed, posted or distributed any campaign material unless there appears on the campaign material, in a conspicuous place, the name and address of the printer and either:

(a) The name and address of the chairman and secretary or the names and addresses of at least two officers of the political or other organization issuing it; or

(b) The name and residence address, with the street and number, if any, of some person who is responsible for it.

**SEC. 27.3004 REGISTRATION OF CAMPAIGN MATERIAL**

(a) No person shall distribute or publish or cause to be distributed or published any campaign material unless he has, prior to twenty-four (24) hours before its distribution or publication, registered the campaign material by filing one (1) copy of the text of the material with the City Clerk during regular business hours.

**MICROFILMED**

-3-

**MAY 1 1978**

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(b) In the event that the campaign material to be registered is one of a kind or is too large for convenient transportation to and filing with the City Clerk, a reproduction of convenient size may be registered in lieu of the campaign material, provided that the reproduction is accurate and correctly depicts the information required by Section 27.3003.

(c) Nothing contained in this division authorizes the City Clerk to exercise any authority over the content of the campaign material registered with him.

(d) Any campaign material registered with the City Clerk under the terms of this section is a public record and shall be available for public inspection during regular business hours at the office of the City Clerk.

Section 2. Any person who knowingly or wilfully violates the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished as set forth in Section 19 of the Penal Code of the State of California. Any person convicted of violating this ordinance shall be disqualified as a candidate or, if elected, shall forfeit office.

Section 3. If any provision of this ordinance or the application of any provision of this ordinance to any person or circumstance is judicially determined to be invalid, such

MICROFILMED

-4-

MAY 1 1978

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decision shall not affect the validity of the remainder of this ordinance or its application to other persons or circumstances.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By

  
\_\_\_\_\_  
John W. Witt, City Attorney

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JWW:as  
8-28-73

MAY 1 1978

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Passed and adopted by the Council of The City of San Diego on SEP 6 1973,  
 by the following vote:

RECEIVED  
 CITY CLERK'S OFFICE  
 1973 SEP -4 AM 9:06  
 SAN DIEGO, CALIF.

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Henry L. Landt	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Martinet	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Allen Hitch	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Jim Bates	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON  
 Mayor of The City of San Diego, California.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Mease, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

AUG 23 1973

SEP 6 1973

, and on \_\_\_\_\_

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN  
 City Clerk of The City of San Diego, California.

(Seal)

By Mary Anne Mease, Deputy.

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MAY 1 1978

CC-1255-A (REV. 12-71)

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Office of the City Clerk, San Diego, California	
Ordinance Number	<u>1119</u> Adopted <u>SEP 6 1973</u>

RECEIVED  
CITY CLERK'S OFFICE  
1973 OCT 11 AM 9:46  
SAN DIEGO, CALIF.

ATTORNEY (S)

- CITY OF SAN DIEGO  
202 C Street, 12th floor  
San Diego, California 92101

**CERTIFICATE OF PUBLICATION**

No.

IN THE MATTER OF

ESTABLISHING A CAMPAIGN FAIRNESS ORDINANCE

I, *Patricia M. Applestill* hereby certify that San Diego Daily Transcript is a daily newspaper of general circulation within the provisions of the Government Code of the State of California, printed and published in the City of San Diego, County of San Diego, State of California; that I am the principal clerk of said newspaper; that the

ORDINANCE NO. 11119 (NEW SERIES)

is a true and correct copy of which this certificate is annexed and was published in said newspaper on

*September 13, 1973*

I certify under penalty of perjury that the foregoing is true and correct, at San Diego, California, on *October 4, 1973*

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*Patricia M. Applestill*  
(Signature)

17 1/4" @ 4.42 = \$ 76.25

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**ORDINANCE NO. 1116**

(New Series)

ORDINANCE AMENDING CHAPTER II, ARTICLE 7, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING DIVISION 30, SECTIONS 27.3001 THROUGH 27.3004 ESTABLISHING A CAMPAIGN FAIRNESS ORDINANCE.

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter II, Article 7, of the San Diego Municipal Code be and it is hereby amended by adding Division 30, Sections 27.3001 through 27.3004 to read as follows:

**DIVISION 30**

**CAMPAIGN FAIRNESS ORDINANCE**

**SEC. 27.3001 PURPOSE AND INTENT**

It is the purpose and intent of this division to deter the scurrilous hit-and-run smear attacks which are all too common in the course of political campaigns by requiring identification of campaign materials so that (1) the electorate may be better able to evaluate campaign material by examination of the competence and credibility of its source, (2) irresponsible attacks will be deterred, and (3) candidates may be better able to refute or rebut charges, all to the end that municipal elections will be the expression of the will of an undecieved, well-informed public. It is not the intent of the City Council in adopting this ordinance to hinder the communication of ideas nor to inhibit freedom of expression as guaranteed by the United States Constitution.

**SEC. 27.3002 DEFINITIONS**

Whenever in this division the following words or phrases are used, they shall mean:

(a) "Campaign material" shall mean any circular, pamphlet, letter, poster, billboard, placard, handbill, card, bumper sticker, decal or other printed or written matter designed for the purpose of either (1) persuading persons to vote for any candidate or measure, or (2) injuring or defeating any candidate or measure, or for both such purposes.

(b) "Candidate" shall mean any individual listed on the ballot for nomination for or election to any City office or who otherwise has taken affirmative action to seek nomination or election to City office.

(c) "Committee" shall mean any person or combination of two or more persons acting jointly in behalf of or in opposition to a candidate or to the qualification for the ballot or adoption of one or more measures.

(d) "Measure" shall mean any City Charter amendment or other proposition submitted to a popular vote at an election, whether by initiative, referendum or recall procedure or otherwise, or circulated for purposes of submission to a popular vote at any election, whether or not the proposition qualifies for the ballot.

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(a) The name and address of the chairman and secretary or the names and addresses of at least two officers of the political or other organization issuing it; or

(b) The name and residence address, with the street and number, if any, of some person who is responsible for it.

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(b) In the event that the campaign material to be registered is one of a kind or is too large for convenient transportation to and filing with the City Clerk, a reproduction of convenient size may be registered in lieu of the campaign material, provided that the reproduction is accurate and correctly depicts the information required by Section 27.3003.

(c) Nothing contained in this division authorizes the City Clerk to exercise any authority over the content of the campaign material registered with him.

(d) Any campaign material registered with the City Clerk under the terms of this section is a public record and shall be available for public inspection during regular business hours at the office of the City Clerk.

Section 2. Any person who knowingly or willfully violates the provisions of this ordinance shall be guilty of a misdemeanor and shall be punished as set forth in Section 19 of the Penal Code of the State of California. Any person convicted of violating this ordinance shall be disqualified as a candidate or, if elected, shall forfeit office.

Section 3. If any provision of this ordinance or the application of any provision of this ordinance to any person or circumstance is judicially determined to be invalid, such decision shall not affect the validity of the remainder of this ordinance or its application to other persons or circumstances.

Section 4. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on August 23, 1973.

Passed and adopted by the Council of The City of San Diego on September 6, 1973.

AUTHENTICATED BY:

PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.

(SEAL)

Published September 12, 1973.

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