

ORDINANCE NO. 11966
(New Series)

DEC 21 1976

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISIONS 20, 21 AND 31 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 27.2023 AND AMENDING SECTIONS 27.2103 AND 27.3104 RELATING TO THE RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS.

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

Section 1. That Chapter II, Article 7, Division 20 of the San Diego Municipal Code be and it is hereby amended by adding Section 27.2023 to read as follows:

SEC. 27.2023 RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS

The residency requirements for elective officers set forth in Section 7 of the Charter of The City of San Diego having been impliedly rendered invalid by Johnson v. Hamilton, 15 Cal.3d 461 (1975), the following shall apply:

a. No person shall be eligible to or hold the office of Mayor or City Attorney of the City, either by election or appointment, unless that person shall have been a resident and elector thereof at least 30 days prior to the date of filing a nominating petition pursuant to Section 27.2101 of this article or at least 30 days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104 of this article.

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b. No person shall be eligible to or hold the office of a Councilmember, other than the Mayor, either by election or appointment, unless that person shall have been a resident and elector of the district from which nomination or appointment is sought at least 30 days prior to the date of filing a nominating petition pursuant to Section 27.2101 of this article or at least 30 days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104 of this article.

Section 2. That Section 27.2103 of the San Diego Municipal Code be and it is hereby amended to read as follows:

SEC. 27.2103 STATEMENT AND AFFIDAVIT OF NOMINEE

Nominating petitions shall state the name of the candidate, his current residence, his past residences for a period of four years, date and place of birth, the office for which he seeks nomination, the term for which he is running, his occupation, previous public positions held in the City, a written acceptance of the nomination and the manner in which he wishes his name to appear, including any permitted designation of office. The petition shall contain an affidavit of the nominee and shall be in the following form:

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C0418

I have been a resident of the (City of San Diego) (San Diego Unified School District) for the past _____ years. My place or places of residence for the past four years have been:

(For Councilmanic and Board of Education Candidates.) I shall have been an actual resident of the above-named district for _____ years immediately preceding my election.

(Resident)

(Signature)

Subscribed and sworn to before me on _____

(Signature of Clerk or Deputy)

(Official Title)

NOMINATING PETITION

We, the undersigned voters of the _____
_____ hereby nominate _____
_____ for the office of _____

Section 3. That Section 27.3104 of the San Diego Municipal Code be and it is hereby amended to read as follows:

SEC. 27.3104 APPLICATION FORMS AND REQUIREMENTS

a. Applicants for appointment to elective office shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27.3103, the following:

1. Background information certified by the applicant that it is true and correct under penalty of perjury pursuant to Section 2015.5 of the Code of Civil Procedure disclosing the following:

(a) Name.

(b) Address.

(c) Length of residence at above address and address for past five (5) years other than above.

(d) Date of birth.

(e) Marital status.

(f) Business or occupation engaged in during the past five (5) years together with address of and dates of service with each such business or occupation.

(g) Branch, dates and rank at discharge of military service.

(h) Education from high school to highest level attained together with the name of each educational institution attended and degree or diploma received.

2. A statement under penalty of perjury from a medical doctor licensed to practice medicine in the State of California describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of performing the duties of the office applicant is seeking.

3. A statement of qualifications not longer than one hundred (100) words expressing in the applicant's own words the reasons why the applicant believes he is qualified for the office.

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4. A petition with the signatures of fifty (50) registered voters in form and content similar to that required by Section 27.2104 of this Code.

5. A statement under penalty of perjury that the applicant complies with the requirements of Section 27.2023 and has been a resident and elector of the City in the case of the Mayor or City Attorney, or of the district in the case of councilmembers other than the Mayor, for at least thirty (30) days prior to the date of making application for appointment.

b. The City Clerk shall furnish each applicant with a copy of this ordinance and shall advise each applicant of the dates set by the Council for public hearings on the applications.

c. The City Clerk shall further furnish all applicants with financial disclosure forms and each applicant who shall subsequently be invited to answer questions of the Council at the second public hearing shall complete and file such forms with the City Clerk at the close of business (5:00 o'clock p.m.) on the day following adjournment of the first public hearing. Each such applicant shall be informed by the City Clerk that a police and credit check shall be made on the applicant and the Council informed on the results thereof.

Section 4. This ordinance shall take effect and be in

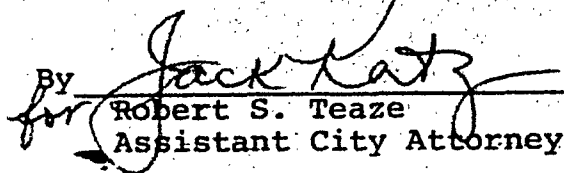
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MAY 12 1978

11966
CO422

force immediately on the day of its introduction and adoption pursuant to Section 16 of the City Charter.

APPROVED: JOHN W. WITT, City Attorney

By 
for Robert S. Teaze
Assistant City Attorney

RST:rb 930
12-14-76
Orig.Dept.: City Atty.

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MAY 12 1978

11966

C0423

Passed and adopted by the Council of The City of San Diego on DEC 21 1976,
 by the following vote:

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"/>
Lee Hubbard	<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"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ems	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<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.

(Seal)

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

By Kathleen Martiny Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
DEC 21 1976, said ordinance being of the kind and character
 authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was in full.~~

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.

(Seal)

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

By Kathleen Martiny Deputy.

MICROFILMED MAY 12 1978

Office of the City Clerk, San Diego, California	
Ordinance Number <u>11966</u>	Adopted <u>DEC 21 1976</u>
<u>C0424</u>	

ATTORNEY(S)

San Diego, City of
202 C St., 12th Floor
San Diego, CA 92101
Attn: Kathleen Martinez

CERTIFICATE OF PUBLICATION

No.

IN THE MATTER OF

RESIDENCY REQUIREMENTS

PATRICIA M. DUTRA

I, ^{1,} 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; and the

ORDINANCE NO. 11966

is a true and correct copy of which this certificate is annexed and was published in said newspaper on January 5, 1977

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

January 5, 1977



(Signature)

ORDINANCE NO. 11966

(New Section)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISIONS 20, 21 AND 31 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 27.2023 AND AMENDING SECTIONS 27.2103 AND 27.3104 RELATING TO THE RESIDENCY REQUIREMENTS OF ELECTIVE OFFICERS.

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a. No person shall be eligible to or hold the office of Mayor or City Attorney of the City, either by election or appointment, unless that person shall have been a resident and elector thereof at least 30 days prior to the date of filing a nominating petition pursuant to Section 27.2101 of this article or at least 30 days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104 of this article.

b. No person shall be eligible to or hold the office of a Councilmember, other than the Mayor, either by election or appointment, unless that person shall have been a resident and elector of the district from which nomination or appointment is sought at least 30 days prior to the date of filing a nominating petition pursuant to Section 27.2101 of this article or at least 30 days prior to the date of filing an application for appointment to an elective office pursuant to Section 27.3104 of this article.

Section 2. That Section 27.2103 of the San Diego Municipal Code be and it is hereby amended to read as follows:

SEC. 27.2103 STATEMENT AND AFFIDAVIT OF NOMINEE

Nominating petitions shall state the name of the candidate, his current residence, his past residences for a period of four years, date and place of birth, the office for which he seeks nomination, the term for which he is running, his occupation, previous public positions held in the City, a written acceptance of the nomination and the manner in which he wishes his name to appear, including any partial designation of office. The petition shall contain an affidavit of the nominator and shall be in the following form:

28" @ 5.08 = 142.24 00425 ✓

COUNTY OF SAN DIEGO

Being duly sworn, say that I am a resident of the City of San Diego, California, and that I am an elector and resident therein and shall have been such for at least thirty (30) days prior to the filing of this statement, and that I am a candidate for the office of _____ in District No. _____ to be voted upon at the _____ primary election to be held SEPTEMBER 19, 19____ days immediately preceding the filing of this statement, and that my name has been printed upon the official ballot for nomination at such primary election for such office, that I will accept such nomination, and that I will serve in such office if elected. I desire to have my name printed on the ballot as follows:

(Print)
Date of Birth _____ Place of Birth _____
I am a candidate for the full/unexpired term. My occupation is _____
Previous public positions held by me in San Diego: _____

I have been a resident of the (City of San Diego/San Diego Unified School District) for the past _____ years. My place or places of residence for the past four years have been: _____

For Councilmanic and Board of Education Candidates: I shall have been an actual resident of the above-named district for _____ years immediately preceding my election.

(Resident) _____ (Signature) _____
Subscribed and sworn to before me on _____
Signature of Clerk or Deputy _____

(Official Title) _____
NOMINATING PETITION
We, the undersigned voters of the _____ for the office of _____ hereby nominate _____

Section 2. That Section 27,3104 of the San Diego Municipal Code is hereby amended to read as follows:

27,3104 APPLICATION FORMS AND REQUIREMENTS
A. Applicants for appointment to elective office shall file with the City Clerk on or before the date for return of applications as published by the City Clerk under Section 27,3103, the following:

1. Background information certified by the applicant that it is true and correct under penalty of perjury pursuant to Section 2015.4 of the Code of Civil Procedure disclosing the following:
 - (a) Name.
 - (b) Address.
 - (c) Length of residence at above address and address for past five (5) years other than above.
 - (d) Date of birth.
 - (e) Marital status.
 - (f) Business or occupation engaged in during the past five (5) years together with address of and dates of service with each such business or occupation.
 - (g) Branch, dates and rank at discharge of military service.
 - (h) Education from high school to highest level attained together with the name of each educational institution attended and degree or diploma received.
2. A statement, under penalty of perjury from a medical professional, licensed to practice medicine in the State of California, describing in general terms the physical and mental health of the applicant and certifying that the applicant is physically and mentally capable of performing the duties of the office applicant is seeking.
3. A statement of qualifications, not longer than one hundred (100) words, expressing in the applicant's own words the reasons why the applicant is qualified for the office.

...the Mayor for at least thirty (30) days prior to the date
making application for appointment.
The City Clerk shall furnish each applicant with a copy of the
ordinance and shall advise each applicant of the dates set by the Council
for public hearings on the applications.
The City Clerk shall further furnish all applicants with the
necessary forms and each applicant who shall subsequently be invited
to answer questions of the Council at the second public hearing
complete and file such forms with the City Clerk at the second
public hearing (5:00 o'clock p.m.) on the day following adjournment of
the first public hearing. Each such applicant shall be informed by the
City Clerk that a police and credit check shall be made on the applicant
and the Council informed of the results thereof.
This ordinance shall take effect and be in force immediately
upon its introduction and adoption pursuant to Section 16 of the
City Charter.
Passed and adopted by the Council of The City of San Diego
December 21, 1976, by the following vote:
YEAS: Johnson, G. L., Hubbard, Williams, Morrow, Gade, H.
NAYES: None.
ABSENT: None.
VACANT: District 7.
AUTHENTICATED BY:
PETE WILSON,
Mayor of The City of San Diego, California.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By KATHLEEN MARTINEZ, Deputy.
I HEREBY CERTIFY that the foregoing ordinance was passed on
the day of its introduction, to wit, on December 21, 1976, said ordinance being
of the kind and character authorized for passage on its introduction to the
City Council.
I FURTHER CERTIFY that the reading of said ordinance at the
second public hearing was by a vote of not less than a majority of the members of
the Council, and that there was available for the consideration of the
members of the Council and the public prior to the day of its passage a
true and correct copy of said ordinance.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By KATHLEEN MARTINEZ, Deputy.
I HEREBY CERTIFY that the foregoing ordinance was passed on
the day of its introduction, to wit, on December 21, 1976, said ordinance being
of the kind and character authorized for passage on its introduction to the
City Council.
I FURTHER CERTIFY that the reading of said ordinance at the
second public hearing was by a vote of not less than a majority of the members of
the Council, and that there was available for the consideration of the
members of the Council and the public prior to the day of its passage a
true and correct copy of said ordinance.
EDWARD NIELSEN,
City Clerk of The City of San Diego, California.
By KATHLEEN MARTINEZ, Deputy.