

(O-85-76)

ORDINANCE NUMBER O-16345 (NEW SERIES)

ADOPTED ON JAN 7 1985

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISIONS 21 AND 22, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2101, 27.2102, 27.2103, 27.2110, 27.2111, 27.2118, 27.2219 AND 27.2204; BY ADDING SECTIONS 27.2120 THROUGH 27.2127; AND BY REPEALING SECTIONS 27.2104, 27.2106, 27.2107, 27.2108, 27.2109, 27.2112, 27.2113, 27.2114 AND 27.2117, ALL RELATING TO NOMINATIONS AND BALLOTS.

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 the same is hereby amended by amending Sections 27.2101, 27.2102, 27.2103, 27.2110, 27.2111, 27.2118, 27.2119 and 27.2204 to read as follows:

SEC. 27.2101 NOMINATING PAPERS

Nominations of Candidates for all elective offices shall be made by filing nominating papers in the office of the Clerk on forms provided by him.

SEC. 27.2102 PERSONAL APPEARANCE OF CANDIDATES

Candidates seeking nomination either by election or appointment shall appear personally before the Clerk to sign the nominating papers unless service with the United States Armed Forces or a physical disability prevents such an appearance.

SEC. 27.2103 STATEMENT AND AFFIDAVIT OF NOMINEE

Statement and Affidavit of Nominee forms 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. The affidavit of the nominee shall be substantially in the following form: Statement and Affidavit of Nominee

STATE OF CALIFORNIA)  
COUNTY OF SAN DIEGO) ss.

I, \_\_\_\_\_, being duly sworn, say that I reside at \_\_\_\_\_

\_\_\_\_\_ in the (City of San Diego) (San Diego Unified School District), County of San Diego, State of California, and that I am a resident and registered voter of the political district for which I seek nomination and shall have been such for at least thirty days immediately preceding the filing of my nomination petition, and that I am a candidate for the office of \_\_\_\_\_

\_\_\_\_\_ (include District designation, if appropriate) to be voted upon at the municipal primary election to be held \_\_\_\_\_ (insert date)

and that I request my name be printed upon the official ballot for nomination by 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: \_\_\_\_\_

\_\_\_\_\_  
My places of residence for the past four years have been: \_\_\_\_\_



filed in the office of the Clerk not earlier than the eighty-first day prior to the primary election nor later than the close of business on the sixtieth day prior to the primary election.

Nominating papers for candidacy in municipal primary elections that are consolidated with statewide primary elections held in the even-numbered years shall be filed in the Office of the Clerk not earlier than twenty-two (22) days nor later than the day prior to the date after which the Registrar of Voters shall not accept nomination documents for the direct primary election.

In the case of a special election called to fill a vacated elective office, nominating papers shall be filed in the Office of the Clerk no earlier than the sixtieth day prior to the primary election nor later than the close of business on the fifty-third day prior to the primary election; except that for special elections that would be consolidated with other statewide elections, Council shall adopt a filing schedule consistent with the filing of nomination documents for statewide elections.

All nominating papers, including any petition in-lieu-of nominating fee, shall be filed at the same time; no supplemental filings are allowed.

#### SEC. 27.2118 WITHDRAWAL OF NOMINATION

Not later than five days after the expiration of the time for filing nominating papers, any person for whom nominating papers have been filed may file a written withdrawal from nomination in the office of the Clerk.

SEC. 27.2119 NOMINATING FEE

The election nominating fee shall be two hundred dollars (\$200) for the office of Council member or member of the Board of Education and five hundred dollars (\$500) for all other offices. The nominating fee shall be paid when nomination papers are issued.

SEC. 27.2204 STATEMENT OF CANDIDATES' QUALIFICATIONS

Candidates for elective office may prepare a statement of qualifications on a form provided by the Clerk. Such statement may include the name, age, occupation and education of the candidate and a brief description of the candidate's qualifications expressed by the candidate and limited to matter concerning only the candidate without reference to opponents or anyone else by name. Such statement shall not include the party affiliation of the candidate nor membership or activity in partisan political organizations. Such statement, which shall not exceed two hundred words, shall be filed in the office of the Clerk at the following times:

(a) When nominating petitions are returned for filing.

(b) Within three (3) days following the municipal primary election for candidates who will be on the general municipal election ballot in Council elections.

(c) No later than the day prior to the date after which the Registrar of Voters shall not accept nomination documents for statewide primary or general elections. The statement may be withdrawn but not changed during the period

for filing the nominating petitions and until 5 p.m. of the next working day after the close of the nomination period or during other prescribed filing periods and until 5 p.m. of the next working day after the close of such period. Statements received by the Clerk shall be kept confidential until the expiration of the filing period.

If the candidate desires to have his picture appear on his statement of qualifications, he shall submit a black and white, glossy photographic print, preferably 8 by 10 inches in size, but no smaller than 5 by 7 inches in size. Only the head and shoulders portion of the candidate's photograph shall be reproduced on the statement; other images appearing on the photograph submitted shall be excluded by cropping. All pictures in the leaflet containing candidate's statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by the candidate's format for printed materials.

Printed material on the statements shall be of uniform type size. Boldface type or underscoring may be used for emphasis.

The Clerk shall send to each voter, together with the sample ballot, a voter's pamphlet which contains the written statements of each candidate's qualifications and photograph that is prepared pursuant to this section.

The Clerk shall reject any statement which contains: (1) any language or matter the circulation of which through the mails is prohibited by Congress, (2) any mention of party

affiliation of the candidate or membership or activity in partisan political organizations, (3) any matter not relating to the candidate, or (4) any mention of opponents or other persons by name. The statement shall not contain any obscene, vulgar, profane, scandalous, libelous or defamatory matter or any language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward, or which tends to cast ridicule or shame upon any person or group of persons by reason of race, color, religion or manner of worship. Nothing contained in this section shall be deemed to make any such statement or the authors thereof free or exempt from any civil or criminal action or penalty because of any false, slanderous or libelous statements offered for printing or contained in the voter's pamphlet.

These services shall be provided by the City at no cost to candidates for City elective offices for the municipal primary election and the municipal general election.

Section 2. That Chapter II, Article 7, Division 21, of the San Diego Municipal Code be and it is hereby amended by adding Sections 27.2120 through 27.2127 to read as follows:

SEC. 27.2120 PETITION IN-LIEU-OF NOMINATING FEE

(a) Notwithstanding any other provision of this division, a candidate may submit a petition containing signatures of registered voters in-lieu-of the nominating fee.

(b) During the nomination periods set forth in Sec. 27.2110 and 27.2111, the City Clerk shall furnish to each candidate, upon request, petition forms for securing signatures.

(c) Each valid signature on an authorized petition in-lieu-of-nomination-fee form that is obtained and filed within the prescribed nomination period shall be valued at \$0.25 toward reduction of the nominating fee.

(d) A candidate who submits an in-lieu-of nominating fee petition shall file all signatures at the same time. No supplemental petition shall be filed. Petitions in-lieu-of the nominating fee shall not be accepted for filing after the close of the nomination period.

(e) A candidate who has decided to submit a petition in-lieu-of the nominating fee may insure that his or her name will appear on the ballot by depositing with the Clerk a sum equal to the nominating fee at the time of filing the petition. The candidate shall be reimbursed at the rate prescribed in subsection (c) up to the deposited amount of the nominating fee.

(f) A candidate who has paid the nominating fee at the time of taking out nomination papers may also obtain and submit an in-lieu-of nomination petition to offset, in part or in whole, the nominating fee by reimbursement at the rate prescribed in subsection (c).



SEC. 27.2121 PETITION IN-LIEU-OF SIGNATURES AND  
AFFIDAVIT OF AUTHENTICITY

Signatures shall be executed by voters in their own handwriting. Voters must also print their names and indicate place of residence, including street and house number, or other designation from which the location can be readily ascertained. The date of execution must also be indicated by voters.

The petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8 1/2 by 11 inches or greater than 8 1/2 by 14 inches. The petition may consist of any number of sections. Each section shall contain the following:

a. First, a sheet containing the statement and affidavit of the nominee.

b. Second, voter signature sheets which shall be arranged and lined to provide space for the voter's signature, printed name and place of residence and date. A space at least one inch wide shall be left blank, on the right hand side of the sheet, for the use of the clerk in verifying the petition. Signature sheets shall be substantially in the following form:

NAME	RESIDENCE	DATE	(Clerk's Use Only)
SIGN -----			
PRINT			
SIGN -----			
PRINT			
SIGN -----			
PRINT			

Any number of voter signature sheets may be incorporated in a petition section. The following note shall appear on each signature sheet:

(Note: Petitions for Candidacy for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of at least 2000 qualified voters to fully offset the nominating fee. Petitions for Candidacy for Members of the Council and Board of Education may be signed only by voters within the home district of the Candidate and must contain the signatures of at least 800 qualified voters to fully offset the nominating fee.

(c) The last sheet shall contain the affidavit of authenticity which shall be in the following form:

AFFIDAVIT OF AUTHENTICITY

State of California)  
County of San Diego) ss.

\_\_\_\_\_, under penalty of perjury says:  
(Printed name of circulator)  
That I am a

\_\_\_\_\_  
(Candidate for the foregoing office)

\_\_\_\_\_  
(Registered voter of the City of San Diego)

\_\_\_\_\_  
(Registered voter of the San Diego Unified School District)

and that all the signatures on each sheet were made in my presence and were observed by me, and that all of the sheets constituting this petition section were fastened together at the time such signatures were appended thereto; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons whose names they purport to be.

\_\_\_\_\_  
(Residential Address)

\_\_\_\_\_  
(Signature of Circulator)

The sheets comprising each petition section shall be fastened together securely and remain so during circulation for signatures and filing.

SEC. 27.2122 REQUIRED NUMBER OF PETITIONS

Petitions in-lieu-of nominating fee for the office of Councilmember or member of the Board of Education shall be signed by at least eight-hundred persons residing in the district and at the time of signing shall have been registered voters for a period of at least thirty (30) days in the district from which the candidate seeks nomination.

Petitions in-lieu-of nominating fee for other candidates shall be signed by at least two thousand persons.

All persons signing petitions must be registered voters for a period of at least thirty (30) days at the time they sign such petitions.

SEC. 27.2123 CIRCULATION OF PETITIONS

Except for candidates, no person shall circulate a petition unless he is a voter.

SEC. 27.2124 PETITIONS TO CONTAIN ADDRESS AND DATE

Petitions must be signed by persons in their own handwriting and each person signing shall also print his name and designate his complete residence address and the date on which he signed.

SEC. 27.2125 PETITIONS TO BE CHECKED BY CLERK

The Clerk shall be allowed a period of ten days after the filing of a petition in-lieu-of nominating fee to examine and verify the signatures of the petitioners. He shall indicate on each petition the date on which it was filed.

SEC. 27.2126 NOTICE OF SUFFICIENCY

If the Clerk finds a petition to be sufficient and in proper form, he shall so certify and shall send a notice of sufficiency to the candidate nominated.

SEC. 27.2127 NOTICE OF INSUFFICIENCY

If the Clerk finds a petition to be insufficient or in improper form, he shall so certify and shall send a notice of insufficiency to the candidate seeking nomination.

Section 3. That Chapter II, Article 7, Division 21, of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

SEC. 27.2104 PETITION SIGNATURES AND AFFIDAVIT OF AUTHENTICITY

SEC. 27.2106 REQUIRED NUMBER OF PETITIONS

SEC. 27.2107 CIRCULATION OF PETITIONS

- SEC. 27.2108 SIGNING OF PETITIONS
- SEC. 27.2109 PETITIONS TO CONTAIN ADDRESS AND DATE
- SEC. 27.2112 PETITIONS TO BE CHECKED BY CLERK
- SEC. 27.2113 NOTICE OF SUFFICIENCY
- SEC. 27.2114 NOTICE OF INSUFFICIENCY
- SEC. 21.2117 VALIDITY OF PETITIONS

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 Stuart H. Swett  
Stuart H. Swett  
Chief Deputy City Attorney

SHS:js:930  
11/21/84  
Or.Dept:Mayor/Rules  
0-85-76  
Form=o.none

Passed and adopted by the Council of The City of San Diego on JAN 7 1985,  
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Bill Mitchell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bill Cleator	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gloria McColl	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
William Jones	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Dick Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Uvaldo Martinez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Roger Hedgecock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

ROGER HEDGECOCK  
Mayor of The City of San Diego, California.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, 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

DEC 10 1984

JAN 7 1985

, 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.

CHARLES G. ABDELNOUR  
City Clerk of The City of San Diego, California.

(Seal)

By Ellen Board, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number <u>0-16345</u>	Adopted <u>JAN 7 1985</u>

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CITY CLERK'S OFFICE  
1984 DEC -5 AM 11:42  
SAN DIEGO, CALIF.

DEC 10 1984

NOV 3 1982

NOV 3 1982

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CITY CLERK'S OFFICE

1985 JAN 23 AM 10:19  
SAN DIEGO, CALIF.

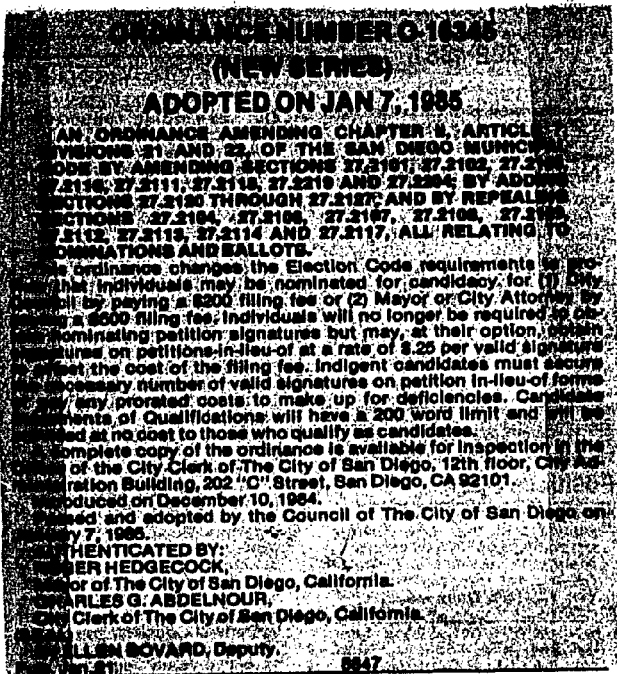
CERTIFICATE OF PUBLICATION

THE CITY OF SAN DIEGO  
202 C St., 12th Floor  
San Diego, CA 92101

IN THE MATTER OF

NO.

ORDINANCE NUMBER O-16345



I, Michael L. Ungashick, am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

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(NEW SERIES)  
ADOPTED ON JAN 7, 1985

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

January 21, 1985

I certify under penalty of perjury that the foregoing is true and correct.

Dated at San Diego, California this 21st day of Jan., 19 85.

Michael L. Ungashick  
(Signature)

00016

$3\frac{1}{2} \times 2 \times 9.76 = 68.32$