

(O-85-210)

ORDINANCE NUMBER O- 16447 (NEW SERIES)

ADOPTED ON JUN 17 1985

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 20, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.2023; AMENDING SECTION 27.2205 AND ADDING SECTION 27.2205.1 OF DIVISION 22, AND BY ADDING DIVISION 32, SECTIONS 27.3201 THROUGH 27.3211, ALL RELATING TO BALLOTS AND WRITE-IN CANDIDATES.

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 the same is hereby amended by amending 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 is, at the time of assuming such office, a resident and elector thereof and was a registered voter of the City at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section 27.2111 or 27.3209 of this Article or at least thirty (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 is, at the time of assuming such office, a resident and elector of the district from which nomination or appointment is sought and was a registered voter of the district at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section 27.2111 or 27.3209 of this Article or at least thirty (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 Chapter II, Article 7, Division 22, of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.2205 and by adding Section 27.2205.1 to read as follows:

SEC. 27.2205 COUNTING OF WRITE-IN VOTES

Write-in candidates are permitted in the municipal primary elections and special primary elections. General municipal, special general or recall election ballots containing the name of any person not printed on the official ballot shall be counted as if the name added did not appear. Any name written upon a municipal primary election or special primary election ballot, including a reasonable facsimile of the spelling of such name, shall be counted unless prohibited

by this Section or Section 27.2205.1 of this Article, for the office for which it was written, if it is written in the blank space provided therefor.

SEC. 27.2205.1 DECLARATION OF WRITE-IN CANDIDACY  
REQUIRED

No name written upon a ballot in any election shall be counted for an office or nomination unless, pursuant to Sections 27.3202, 27.3205, 27.3206 and 27.3207, there has been filed in the office of the City Clerk, a declaration of write-in candidacy, nominating papers and a filing fee or petition in-lieu of nominating and filing fee.

Section 3. That Chapter II, Article 7 of the San Diego Municipal Code be and it is hereby amended by adding a new Division 32, Sections 27.3201 through 27.3211, to read as follows:

DIVISION 32

WRITE-IN CANDIDATES

SEC. 27.3201 GENERAL PROVISIONS

Write-in candidates are permitted in municipal primary elections including special primary elections called by the City Council, pursuant to Section 27.2402 of this Article, to fill a vacant elective office. No write-in candidates shall be permitted in general municipal, special general or recall elections.

SEC. 27.3202 NOMINATING PAPERS

Nominations of write-in candidates for elective offices shall be made by filing nominating papers including a declaration and affidavit of write-in candidacy in the office of the City Clerk on forms provided by the City Clerk. The form of the papers shall be substantially in the same form as set forth in Section 27.2103 of this Article except for a designation as a write-in candidate where appropriate and removal of the reference to a request that the candidate's name be printed upon the official ballot.

Nominating papers for municipal primary elections may be obtained from the City Clerk no earlier than the first business day after the close of regular nominations for the election.

SEC. 27.3203 APPEARANCE IN PERSON OF CANDIDATE

Candidates seeking nomination and election by write-in ballots shall appear personally before the City Clerk to sign the statement of write-in candidacy unless service with the United States Armed Forces or a physical disability prevents such an appearance.

SEC. 27.3204 RESIDENCY REQUIREMENTS

A person seeking nomination and election as a write-in candidate must comply with the residency requirements of Section 27.2023 of this Article.

SEC. 27.3205 FILING REQUIREMENTS

Every person who desires to be a write-in candidate and have his or her name written on the ballot of an election counted for a particular office shall:

(a) File, on a form provided by the City Clerk a declaration and affidavit of write-in candidacy containing:

- (1) the name of the candidate
- (2) his or her current residence address
- (3) a declaration stating that he or she is a write-in candidate
- (4) the date of the election
- (5) the office for which he or she is running
- (6) his or her past residences for a period of four years
- (7) date and place of birth
- (8) his or her occupation, and
- (9) a list of any previous public positions held in the City.

(b) File a nomination paper, provided by the City Clerk, containing not less than 20 valid voters signatures. No voter may sign more than one nomination paper for the same office, and in the event a voter does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature. Nomination papers subsequently filed which contain that voter's signature shall be considered as though the voter's signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election may circulate a nomination paper.

(c) The signatures to each nomination paper shall be appended on the same sheet of paper, and each signer shall add the signer's place of residence, giving the street and number, if any, otherwise such designation of the signer's place of residence as will enable its location to be readily ascertained.

(d) Every nomination paper shall have annexed an affidavit of the person who circulated it to the effect that the circulator saw written all the signatures appended thereto and knows that they are the signatures of the persons whose names they purport to be. The affidavit of authenticity shall be substantially the same as that contained in Municipal Code Section 27.2127.

SEC. 27.3206 FILING FEE

Write-in candidates shall pay a \$25.00 nominating fee to the City at the time the nominating papers are filed with the City Clerk. This fee must be paid for each election in which the person desires to be a write-in candidate.

SEC. 27.3207 PETITION IN-LIEU-OF NOMINATING  
AND FILING FEE

(a) Notwithstanding any other provision of this Division, a write-in 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. 27.3209, the City Clerk shall furnish to each write-in

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 write-in 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 write-in 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). The write-in candidate shall be reimbursed at the rate prescribed in subsection (c) up to the deposited amount of the nominating fee.

SEC. 27.3208 PETITION IN-LIEU-OF NOMINATING AND  
FILING FEE PROCEDURES

The procedures, except for the required number of petitions, contained in Sections 27.2121 through 27.2127 of this Article shall be followed, including the affidavit of authenticity. In regards to the number of petitions required for a write-in candidate for any elective office to totally offset the filing fee, petitions in-lieu-of nominating fee shall be signed by at least 100 persons meeting the residency

and registration requirements contained in Municipal Code Section 27.2122.

SEC. 27.3209 TIME OF FILING NOMINATING PAPERS AND  
DECLARATION OF WRITE-IN CANDIDACY

The nominating papers and declaration of write-in candidacy shall be delivered to the City Clerk no later than fourteen (14) days prior to the date of the election and no earlier than the first business day after the close of nominations for the election.

SEC. 27.3210 INCLUSION OF WRITE-IN CANDIDATE'S NAME  
ON THE BALLOT AND IN SAMPLE BALLOTS FOR  
THE GENERAL ELECTION

In the event a write-in candidate in the municipal primary election is chosen by the electors as one of the two candidates to have their name appear on the general election ballot, the procedures contained in Section 27.2201 through 27.2204 regarding designation of the candidate's title, inclusion of the candidate's name on the ballot and sample ballot and statement of candidate's qualifications will be followed.

SEC. 27.3211 ADDITIONAL PROVISIONS

Other requirements of this Article not in conflict with the provisions of this Division shall apply to write-in candidates.



Section 4. Pursuant to Section 17 of the Charter of The City of San Diego, this ordinance shall take effect on the date of its adoption.

APPROVED: John W. Witt, City Attorney

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

SHS:LR:js:930  
6/6/85  
Or.Dept:Mayor/Rules  
O-85-210  
Form=o.none

OLD LANGUAGE: Crossed Out  
NEW LANGUAGE: Underlined

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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 is, at the time of assuming such office, a resident and elector of the district from which nomination or appointment is sought and was a registered voter of the district at least thirty (30) days prior to the date nominating papers were filed by the candidate pursuant to Section

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Every person who desires to be a write-in candidate and have his or her name written on the ballot of an election counted for a particular office shall:

(a) File, on a form provided by the City Clerk a declaration and affidavit of write-in candidacy containing:

- (1) the name of the candidate
- (2) his or her current residence address

(3) a declaration stating that he or she is a write-in candidate

(4) the date of the election

(5) the office for which he or she is running

(6) his or her past residences for a period of four years

(7) date and place of birth

(8) his or her occupation, and

(9) a list of any previous public positions held in the City.

(b) File a nomination paper, provided by the City Clerk, containing not less than 20 valid voters signatures. No voter may sign more than one nomination paper for the same office, and in the event a voter does so, that voter's signature shall count only on the first nomination paper filed which contains the voter's signature. Nomination papers subsequently filed which contain that voter's signature shall be considered as though the voter's signature does not appear thereon. Each seat on the governing body is a separate office. Any person registered to vote at the election may circulate a nomination paper.

(c) The signatures to each nomination paper shall be appended on the same sheet of paper, and each signer shall add the signer's place of residence, giving the street and number, if any, otherwise such designation of the signer's place of residence as will enable its location to be readily ascertained.

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SEC. 27.3211 ADDITIONAL PROVISIONS

Other requirements of this Article not in conflict with the provisions of this Division shall apply to write-in candidates.

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.

(Seal)

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

By *Barbara Bayter*, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUN 17 1985, 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)

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

By *Barbara Bayter*, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16447 Adopted JUN 17 1985

...Council of The City of San Diego on JUN 17 1985  
...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.

(Seal)

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

By Barbara Bayter, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on JUN 17 1985, 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)

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

By Barbara Bayter, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16447 Adopted JUN 17 1985

CERTIFICATE OF PUBLICATION

RECEIVED  
CITY CLERK'S OFFICE

1985 JUL 11 PM 1:19

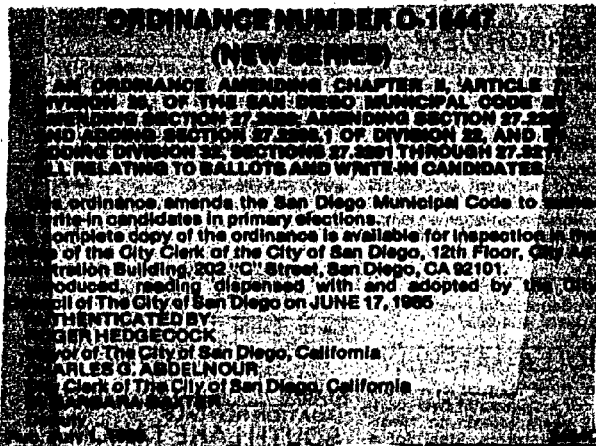
SAN DIEGO, CALIF.

OFFICE OF THE CITY CLERK  
202 C STREET - 12TH FLOOR  
SAN DIEGO CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 20, OF  
THE SAN DIEGO MUNICIPAL CODE



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


ORDINANCE NUMBER 0-16647

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:

July 1, 1985

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

Dated at San Diego, California this 1st day of July, 1985.

  
(Signature)

2 3/8 x 2 x 9.76 = 46.36

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