ORDINANCE NUMBER O-___**16602**___ (NEW SERIES)

ADOPTED ON ___**FEB 24 1986**___

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7,
DIVISION 22, OF THE SAN DIEGO MUNICIPAL CODE
BY AMENDING SECTION 27.2205; AMENDING DIVISION
32, BY AMENDING SECTIONS 27.3201, 27.3202,
27.3205 AND 27.3209, 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 22, of the
San Diego Municipal Code be and the same is hereby amended by
amending Section 27.2205 to read as follows:

SEC. 27.2205 COUNTING OF WRITE-IN VOTES

To clarify the process for selection of candidates
described in Section 10 of the Charter of The City of San
Diego as modified by Canaan v. Abdelnour, 40 Cal.3d 703
(1986), the following shall apply:

Write-in candidates are permitted in all municipal
elections and special elections. Any name written upon a
municipal election or special election ballot, including a
reasonable facsimile of the spelling of such name, shall be
counted unless prohibited by 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.

Section 2. That Chapter II, Article 7, Division 32, of the
San Diego Municipal Code be and it is hereby amended by amending

Sections 27.3201, 27.3202, 27.3205 and 27.3209 to read as follows:

DIVISION 32

WRITE-IN CANDIDATES

SEC. 27.3201 GENERAL PROVISIONS

Write-in candidates are permitted in municipal elections including special elections called by the City Council, pursuant to Section 27.2005 of this Article.

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 or recall elections may be obtained from the City Clerk no earlier than the first business day after the close of regular nominations for the primary, special or recall election.

Nominating papers for general municipal elections may be obtained from the City Clerk no earlier than the day following the primary election.

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 voter signatures. A signer of the nomination paper shall have been, at the time of signing, a registered voter for a period of not less than thirty (30) days in the district from which the candidate seeks nomination or election. 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) and (d) - No changes.

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.

Section 3. 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 ___Ted Bromfield_____
    Ted Bromfield
    Chief Deputy City Attorney

TB:js:930
02/13/86
Or.Dept:Clerk
O-86-148
Form=o.none

OLD LANGUAGE--~~Crossed Out~~
NEW LANGUAGE--<u>Underlined</u>

SEC. 27.2205 COUNTING OF WRITE-IN VOTES

<u>To clarify the process for selection of candidates</u>

<u>described in Section 10 of the Charter of The City of San</u>

<u>Diego as modified by Canaan v. -Abdelnour, 40 Cal.3d 703</u>

<u>(1986), the following shall apply:</u>

Write-in candidates are permitted in all municipal

<u>primary</u> elections and special <u>primary</u> 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 <u>primary</u> election or special

<u>primary</u> 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. 27.3201 GENERAL PROVISIONS

Write-in candidates are permitted in municipal <u>primary</u>

elections including special <u>primary</u> elections called by the

City Council, pursuant to Section ~~27.2402~~ <u>27.2005</u> 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 or recall elections may be obtained from the City Clerk no earlier than the first business day after the close of regular nominations for the primary, special or recall election.

Nominating papers for general municipal elections may be obtained from the City Clerk no earlier than the day following the primary election.

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

O - 16602

(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. <u>A signer of the nomination paper shall have been, at the time of signing, a registered voter for a period of not less than thirty (30) days in the district from which the candidate seeks nomination or election.</u> 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) and (d) - No changes.

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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.~~

54O7

Passed and adopted by the Council of The City of San Diego on .... **FEB 24 1986** .... ,
by the following vote:

Councilmen	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	☑	☐	☐	☐
Bill Cleator	☐	☐	☑	☐
Gloria McColl	☑	☐	☐	☐
William Jones	☑	☐	☐	☐
Ed Struiksma	☑	☐	☐	☐
Mike Gotch	☑	☐	☐	☐
Judy McCarty	☑	☐	☐	☐
Uvaldo Martinez	☑	☐	☐	☐
Mayor	☐	☐	☐	☐ Vacant

AUTHENTICATED BY:

ED STRUIKSMA
....
Deputy Mayor of The City of San Diego, California.

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

(Seal)

By .... , Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on
FEB 24 1986
.... , 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.

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

(Seal)

By .... , Deputy.

CC-1255-B (REV. 11-83)   00214

Office of the City Clerk, San Diego, California
Ordinance O - **16602**   **FEB 24 1986**
Number .... Adopted ....

CERTIFICATE OF PUBLICATION

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

NO.

AN ORDINANCE

ORDINANCE NUMBER O-16602 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 22, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.2205; AMENDING DIVISION 32, BY AMENDING SECTIONS 27.3201, 27.3202, 27.3205 AND 27.3209, ALL RELATING TO BALLOTS AND WRITE-IN CANDIDATES.

This ordinance permits write-in candidates as qualified candidates in both general, special and primary elections in conformance with the holding in CANAAN V. ABDELNOUR, 40 Cal.3d 703 (1985).

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 12th Floor, City Administration Building, 202 C Street, San Diego, CA 92101.

Introduced, reading dispensed with and adopted by the City Council of The City of San Diego on February 24, 1986.
AUTHENTICATED BY:
ED STRUIKSMA
Deputy Mayor of The City of San Diego, California
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California
By MAYDELL L. PONTECORVO
Deputy
Pub. March 10, 1986   44270

I, ___Gerald F. Blair_____, 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 NO. O-16602 (NEW SERIES)

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:

MARCH 10, 1986

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

Dated at San Diego, California this __10th__ day of __MARCH__, 19_86_.

_____
(Signature)

00215

2 1/4 X 2 X 9.76 = 43.92