

(O-87-197)

ORDINANCE NUMBER O- 16863 (NEW SERIES)

ADOPTED ON MAY 11 1987

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 21 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.2103 AND ADDING SECTIONS 27.2104, 27.2106, 27.2107, 27.2108, 27.2109, 27.2112, 27.2113, 27.2114 AND 27.2117 RELATING TO NOMINATIONS AND AMENDING CHAPTER II, ARTICLE 7, DIVISION 32 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.3205 AND 27.3206 RELATING TO 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 21 of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.2103 to read as follows:

**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 attached to nominating petitions and shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF NOMINEE

STATE OF CALIFORNIA) ss  
COUNTY OF SAN DIEGO)

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 \_\_\_\_\_, and that I request my name be printed upon the \_\_\_\_\_ (insert date) 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:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Residence) (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 2. That Chapter II, Article 7, Division 21 of the San Diego Municipal Code be and the same is hereby amended by adding Sections 27.2104, 27.2106, 27.2107, 27.2108, 27.2109, 27.2112, 27.2113, 27.2114 and 27.2117 to read as follows:

**SEC. 27.2104 PETITION 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 8½ by 11 inches or greater than 8½ 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 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 300 qualified voters. 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 200 qualified voters. No person shall sign petitions of nomination for elective officers for a greater number of candidates than are to be elected.)

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

**AFFIDAVIT OF AUTHENTICITY**

STATE OF CALIFORNIA) ss.  
COUNTY OF SAN DIEGO)

\_\_\_\_\_ 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. 27.2106 REQUIRED NUMBER OF PETITIONS**

Nominating petitions of candidates for the office of Councilmember or member of the Board of Education shall be signed by at least two 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.

Nominating petitions for other candidates shall be signed by at least three hundred persons.

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

**SEC. 27.2107 CIRCULATION OF PETITIONS**

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

**SEC. 27.2108 SIGNING OF PETITIONS**

No person shall sign more than one nominating petition for the same office and if he does so, his signature shall count only for the first nominating petition which contains his signature and which is filed.

**SEC. 27.2109 PETITIONS TO CONTAIN ADDRESS AND DATE**

Nominating 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. 27.2112 PETITIONS TO BE CHECKED BY CLERK**

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

**SEC. 27.2113 NOTICE OF SUFFICIENCY**

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

**SEC. 27.2114 NOTICE OF INSUFFICIENCY**

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

**SEC. 27.2117 VALIDITY OF PETITIONS**

To be acceptable for filing, a nominating petition must on its face purport to contain the signatures of the requisite number of voters.

Section 3. That Chapter II, Article 7, Division 32 of the San Diego Municipal Code be and the same is hereby amended by amending Sections 27.3205 and 27.3206 to read as follows:

**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) Write-in candidates for the office of City Councilmember or member of the Board of Education must file a nomination paper petition containing not less than 200 valid signatures from voters within the district from which the candidate seeks election. All other candidates must submit not less than 300 valid signatures obtained from registered voters within the City. 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) 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 for member of the City Council or Board of Education shall pay a \$200.00 nominating fee to the

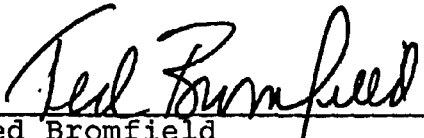


City at the time the nominating papers are filed with the City Clerk. Write-in candidates for all other offices shall pay a \$300.00 nominating fee. This fee must be paid for each election in which the person desires to be a write-in candidate.

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

  
\_\_\_\_\_  
Ted Bromfield  
Chief Deputy City Attorney

TB:js:014:930  
04/28/87  
Or.Dept:Clerk  
O-87-197  
Form=o.none

Passed and adopted by the Council of The City of San Diego on MAY 11 1987  
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ed Struiksma	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mike Gotch	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Celia Ballesteros	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

MAUREEN O'CONNOR

Mayor of The City of San Diego, California.

(Seal)

CHARLES G. ABDELNOUR

City Clerk of The City of San Diego, California.

By Maureen O'Connor, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on MAY 11 1987, 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 Maureen O'Connor, Deputy.

Office of the City Clerk, San Diego, California

Ordinance Number 0-16863 Adopted MAY 11 1987

CERTIFICATE OF PUBLICATION

CITY OF SAN DIEGO  
202 C STREET, 2ND FLOOR  
SAN DIEGO, CA 92101  
ATTN: M.L. PONTECORVO

RECEIVED  
CITY CLERK'S OFFICE  
1987 MAY 29 AM 11:16  
SAN DIEGO, CALIF.

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 21 OF THE SAN DIEGO MUNICIPAL CODE

**ORDINANCE NUMBER O-16863 (NEW SERIES)**

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 21 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.2103 AND ADDING SECTIONS 27.2104, 27.2106, 27.2107, 27.2108, 27.2109, 27.2112, 27.2113, 27.2114, AND 27.2117 RELATING TO NOMINATIONS AND AMENDING CHAPTER II, ARTICLE 7, DIVISION 32 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.3205 AND 27.3206 RELATING TO WRITE-IN CANDIDATES.

This ordinance adds the requirement and procedure for filing nominating petitions. Additionally, it increases the filing fee for write-in candidates.

A complete copy of the Ordinance is available for inspection in the Office of the City Clerk of the City of San Diego, 2nd 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 MAY 11, 1987

AUTHENTICATED BY: MAUREEN O'CONNOR  
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. May 25

78164

I, THOMAS D. KELLEHER, 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 O-16863 (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:

MAY 25

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

Dated at San Diego, California this 25 day of MAY, 19 87.

Thomas D. Kelleher  
(Signature)

2 1/8 x 10.24 x 2 = 43.52