

ORDINANCE NUMBER O- 18826 (NEW SERIES)

ADOPTED ON JUL 18 2000

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 27.0120; BY AMENDING DIVISION 2, SECTIONS 27.0208, 27.0212, AND 27.0220; BY AMENDING DIVISION 3, SECTIONS 27.0309, 27.0313, AND 27.0321; BY AMENDING DIVISION 5, SECTION 27.0509 AND REPEALING SECTION 27.0510; BY AMENDING DIVISION 6, SECTIONS 27.0620, 27.0621, AND 27.0624; BY AMENDING DIVISION 10, SECTIONS 27.1003 AND 27.1004; BY AMENDING DIVISION 11, SECTION 27.1102; AND BY AMENDING DIVISION 40, SECTION 27.4028; ALL RELATING TO THE ELECTION CODE.

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

Section 1. That Chapter II, Article 7, Division 1, of the San Diego Municipal Code be and the same is hereby amended by adding Section 27.0120, to read as follows:

SEC. 27.0120 Provision Due to Holidays

Notwithstanding any other provision of law, if a deadline for filing a petition or report required by this article falls on a holiday or a weekend, that deadline will be extended to the following business day.

Section 2. That Chapter II, Article 7, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 27.0208, 27.0212, and 27.0220, to read as follows:

**SEC. 27.0208 Form of Nominating Petition Page**

(a) - (e) No change in text

(f) The *circulator's* affidavit of authenticity shall

be in substantially the following form:

**AFFIDAVIT OF AUTHENTICITY**

STATE OF CALIFORNIA )

COUNTY OF SAN DIEGO)           ss.

Under penalty of perjury I, (printed name of circulator), declare:

That all the signatures on this petition page were made in my presence and were observed by me, and that to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition.

\_\_\_\_\_  
(Circulator's Residence)

\_\_\_\_\_  
(Circulator's Signature)

**SEC. 27.0212 Circulation of Nominating Petitions**

It is unlawful for any individual to circulate a nominating *petition* unless he or she is a U. S. citizen and at least 18 years of age.

**SEC. 27.0220 Nominating Fee**

The *election* nominating fee shall be two hundred dollars (\$200) for the office of City Council member and five hundred dollars (\$500) for the offices of Mayor and City Attorney. The nominating fee is non-refundable and shall be paid when

nomination papers are submitted for filing.

Section 3. That Chapter II, Article 7, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 27.0309, 27.0313, and 27.0321, to read as follows:

**SEC. 27.0309 Form of Nominating Petition Page for Write-in Candidates**

(a) - (e) No change in text

(f) The *circulator's* affidavit of authenticity shall be in substantially the following form:

**AFFIDAVIT OF AUTHENTICITY**

STATE OF CALIFORNIA )

COUNTY OF SAN DIEGO ) ss.

Under penalty of perjury I, (printed name of circulator), declare:

That all the signatures on this petition page were made in my presence and were observed by me, and that to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition.

\_\_\_\_\_  
(Circulator's Residence)

\_\_\_\_\_  
(Circulator's Signature)

**SEC. 27.0313 Circulation of Nominating Petitions for Write-in Candidates**

It is unlawful for any individual to circulate a nominating *petition* for a write-in *candidate* unless he or she is a U. S. citizen and at least 18 years of age.

**SEC. 27.0321 Nominating Fee for Write-in Candidates**

The *election* nominating fee for a write-in *candidate* shall be two hundred dollars (\$200) for the office of City Council member and five hundred dollars (\$500) for the offices of Mayor and City Attorney. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

Section 4. That Chapter II, Article 7, Division 5, of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.0509 and by repealing Section 27.0510, to read as follows:

**SEC. 27.0509 Argument Not Accepted without Names**

(a) The City *Clerk* shall not accept a ballot argument for publication in the *voter pamphlet* unless it is accompanied by the name and signature of the individual submitting it, or, if submitted on behalf of an organization, the name of the organization and the name and signature of at least one of its principal officers.

(b) The *voter pamphlet* shall contain a maximum of five signatures with any argument submitted under this division. In case any argument is signed by more than five *persons*, the signatures of the first five shall be printed.

(c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.

Section 5. That Chapter II, Article 7, Division 6, of the San Diego Municipal Code be

and the same is hereby amended by amending Sections 27.0620, 27.0621, and 27.0624, to read as follows:

**SEC. 27. 0620 Statement of Candidate's Qualifications**

(a) and (b) No change in text.

(c) The statement may include the names of family members. The name of any other individual included in the statement must be authorized in writing by the individual. The name of an organization, included in the statement as an endorsement, must be authorized in writing by the organization. The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. Such authorization must be filed at the same time as the statement of qualifications or the name will not be permitted in the statement.

(d) The statement shall not exceed 200 words in length. Printed material on the statement shall be of uniform type size. Boldface type or underscoring may be used for emphasis. The statement shall be filed in the Office of the *City Clerk* at the following times:

(1) When nomination papers are returned for filing by *candidates* whose names will appear on the ballot for a *District* or *City-wide Primary Election*, and

(2) Ninety-eight calendar days before the *District* or *City-wide General Election* for *candidates* whose names will appear on the ballot for a *District* or *City-wide General Election*.

(3) Three business days following the primary *election* if a run-off *election* is required pursuant to Section 27.0906 of this article.

**SEC. 27.0621 Certain Content Prohibited in Statement of Qualifications**

(a) The statement of qualifications shall not refer, either directly by name, or indirectly by title, description or other allusion, to any other *candidate* or officeholder or to any other *candidate's* or officeholder's qualifications, character or activities.

(b) The statement of qualifications shall not refer, either directly by name, or indirectly by title, description or other allusion, to any City employee or to a City employee's character or activities.

(c) The statement of qualifications shall not include the party affiliation of the *candidate* or membership or activity in partisan political organizations.

(d) The statement of qualifications shall not contain language which is prohibited by law to be sent through the mail.

(e) The statement of qualifications shall not contain matter

that is unrelated to the *candidate*.

(f) The statement of qualifications shall not contain obscene, vulgar, profane, scandalous, libelous or defamatory matter or language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward any individual or group of individuals by reason of race, color, religion or manner of worship.

**SEC. 27.0624 Candidate's Photograph**

If the *candidate* desires to have his or her photograph appear with the statement of qualifications, the *candidate* shall submit a glossy photographic print, preferably 8 by 10 inches in size, or no smaller than 5 by 7 inches in size. Only the head and shoulders portion of the photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All photographs in the *voter pamphlet* containing *candidates'* statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a *candidate's* format for his or her statement of qualifications.

Section 6. That Chapter II, Article 7, Division 10, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 27.1003 and 27.1004, to read as follows:

**SEC. 27.1003 Notice of Intention, Signed Statement of Reasons, and Affidavit of Publication to be Filed with Clerk**

(a) Within ten calendar days after publication of the notice of intention to circulate an initiative *petition* for signatures, the *proponent* shall file:

- (1) a copy of the notice as published;
- (2) the statement of reasons prepared in accordance with Section 27.1010 and the signature of the individual initiating the proposed legislative act or, if the *proponent* is an organization, the signatures of two officers of the organization; and
- (3) an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the City *Clerk's* verification of publication.

(b) All documents specified in Section 27.1003(a) shall be filed in the Office of the City *Clerk*.

**SEC. 27.1004 Initiative Petition Circulators**

An initiative *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U. S. citizen and at least 18 years old.



Section 7. That Chapter II, Article 7, Division 11, of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.1102, to read as follows:

**SEC. 27.1102 Referendary Petition Circulators**

A referendary *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U.S. citizen and at least 18 years old.

Section 8. That Chapter II, Article 7, Division 40, of the San Diego Municipal Code be and the same is hereby amended by amending Section 27.4028, to read as follows:

**SEC. 27.4028 Violations, Penalties and Defenses**

(a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The *City* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy set forth in Chapter I of this Code.

(b) In addition to any other penalty or remedy available, if any individual fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that individual shall be liable to the *City* of San Diego in the amount of ten dollars (\$10) per *Day* after the deadline until the report is filed, up to a maximum amount of \$100.

(c) Provisions of this division need not be enforced by the *City Clerk* if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.

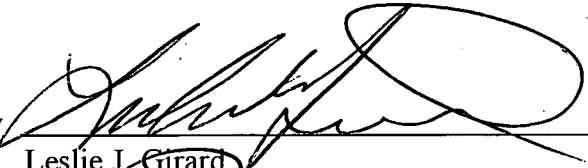
(d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City Clerk* of the filing requirement.

(e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City's* discovery of the violation.

Section 9. Pursuant to Section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on \_\_\_\_\_, which is the day of its introduction and passage.

Section 10. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

APPROVED: CASEY GWINN, City Attorney

By   
Leslie J. Girard  
Assistant City Attorney

LJG:js  
06/19/00  
Or.Dept:Clerk  
O-2000-193  
Form=o&t.frm

OLD LANGUAGE: ~~Struck-Out~~  
NEW LANGUAGE: ~~Redline~~

(O-2000-193)

STRIKEOUT ORDINANCE

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER II, ARTICLE 7, DIVISION 1, OF THE SAN DIEGO MUNICIPAL CODE BY ADDING SECTION 27.0120; BY AMENDING DIVISION 2, SECTIONS 27.0208, 27.0212, AND 27.0220; BY AMENDING DIVISION 3, SECTIONS 27.0309, 27.0313, AND 27.0321; BY AMENDING DIVISION 5, SECTION 27.0509 AND REPEALING SECTION 27.0510; BY AMENDING DIVISION 6, SECTIONS 27.0620, 27.0621, AND 27.0624; BY AMENDING DIVISION 10, SECTIONS 27.1003 AND 27.1004; BY AMENDING DIVISION 11, SECTION 27.1102; AND BY AMENDING DIVISION 40, SECTION 27.4028; ALL RELATING TO THE ELECTION CODE.

~~SEC. 27.0120 Provision Doe to Holidays~~

~~Notwithstanding any other provision of law, if a deadline for filing a petition or report required by this article falls on a holiday or a weekend, that deadline will be extended to the following business day.~~

SEC. 27.0208 Form of Nominating Petition Page

(a) - (e) No change in text

(f) The *circulator's* affidavit of authenticity shall  
be in substantially the following form:

AFFIDAVIT OF AUTHENTICITY

STATE OF CALIFORNIA )

COUNTY OF SAN DIEGO) ss.

Under penalty of perjury I, (printed name of circulator), ~~say that I~~  
~~am a registered voter of the City of San Diego and~~ declare: That  
all the signatures on this petition page were made in my presence  
and were observed by me, and that to the best of my knowledge  
and belief, such signatures are the genuine signatures of the  
individuals who signed the petition.

---

(Circulator's Residence)

(Circulator's Signature)

SEC. 27.0212 Circulation of Nominating Petitions

It is unlawful for any individual to circulate a nominating  
*petition* unless he or she is a voter U. S. citizen and at least 18  
years of age.

SEC. 27.0220 Nominating Fee

The *election* nominating fee shall be two hundred dollars

(\$200) for the office of City Council member and five hundred dollars (\$500) for the offices of Mayor and City Attorney. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

**SEC. 27.0309 Form of Nominating Petition Page for Write-in Candidates**

(a) - (e) No change in text

(f) The *circulator's* affidavit of authenticity shall be in substantially the following form:

**AFFIDAVIT OF AUTHENTICITY**

STATE OF CALIFORNIA )

COUNTY OF SAN DIEGO ) ss.

Under penalty of perjury I, (printed name of circulator), say that I am a registered voter of the City of San Diego and declare That all the signatures on this petition page were made in my presence and were observed by me, and that to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition.

\_\_\_\_\_  
(Circulator's Residence)

\_\_\_\_\_  
(Circulator's Signature)

**SEC. 27.0313 Circulation of Nominating Petitions for Write-in Candidates**

It is unlawful for any individual to circulate a nominating *petition* for a write-in *candidate* unless he or she is a voter U S citizen and at least 18 years of age.

**SEC. 27.0321 Nominating Fee for Write-in Candidates**

The *election* nominating fee for a write-in *candidate* shall be two hundred dollars (\$200) for the office of City Council member and five hundred dollars (\$500) for the offices of Mayor and City Attorney. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

**SEC. 27.0509 Argument Not Accepted without Names**

(a) The City *Clerk* shall not accept a ballot argument for publication in the *voter pamphlet* unless it is accompanied by the name and signature of the individual submitting it, or, if submitted on behalf of an organization, the name of the organization and the name and signature of at least one of its principal officers.

(b) The *voter pamphlet* shall contain a maximum of five signatures with any argument submitted under this division. In case any argument is signed by more than five *persons*, the

signatures of the first five shall be printed.

(c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.

**SEC. 27.0510 Individuals Signing Arguments on Behalf of Organization**

~~(a) An individual shall sign a ballot argument on behalf of an organization.~~

~~(b) A letter authorizing the individual to sign on behalf of the organization shall be filed with the City Clerk at the same time the argument is filed.~~

~~(c) If no letter authorizing the signature is filed with the argument, the individual's and organization's names shall not be used with the argument for publication in the voter pamphlet.~~

~~(d) If no letter authorizing the signature is filed with the argument, and if the individual is the only signer of the argument, then the argument shall not be printed in the voter pamphlet.~~

**SEC. 27.0620 Statement of Candidate's Qualifications**

(a) and (b) No change in text.

(c) The statement may include the names of family members. The name of any other individual Any other names



included in the statement must be authorized in writing by the individual. The name of an ~~or~~ organization, whose name is included in the statement ~~as an endorsement, must be authorized in writing by the organization.~~ The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. Such authorization must be filed at the same time as the statement of qualifications or the name will not be permitted in the statement.

(d) The statement shall not exceed 200 words in length. Printed material on the statement shall be of uniform type size. Boldface type or underscoring may be used for emphasis. The statement shall be filed in the Office of the City *Clerk* at the following times:

(1) When nomination papers are returned for filing by *candidates* whose names will appear on the ballot for a *District* or *City-wide Primary Election*, and

(2) Ninety-eight calendar days before the *District* or *City-wide General Election* for *candidates* whose names will appear on the ballot for a *District* or *City-wide General Election*.

(3) Three business days following the primary *election* if a run-off *election* is required pursuant to Section 27.0906 of this article.

**SEC. 27.0621 Certain Content Prohibited in Statement of Qualifications**

(a) The statement of qualifications shall not refer, either directly by name, or indirectly by title, description or other allusion, to any other *candidate* or officeholder or to any other *candidate's* or officeholder's qualifications, character or activities.

~~(b) The statement of qualifications shall not refer, either directly by name, or indirectly by title, description or other allusion, to any City employee or to a City employee's character or activities.~~

~~(c) (b) The statement of qualifications shall not include the party affiliation of the *candidate* or membership or activity in partisan political organizations.~~

~~(d) (e) The statement of qualifications shall not contain language which is prohibited by law to be sent through the mail.~~

~~(e) (d) The statement of qualifications shall not contain matter that is unrelated to the *candidate*.~~

~~(f) (e) The statement of qualifications shall not contain~~

obscene, vulgar, profane, scandalous, libelous or defamatory matter or language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward any individual or group of individuals by reason of race, color, religion or manner of worship.

**SEC. 27.0624 Candidate's Photograph**

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

**SEC. 27.1003 Notice of Intention, Signed Statement of  
Reasons, and Affidavit of  
Publication to be Filed with Clerk**

(a) Within ten calendar days after publication of the notice of intention to circulate an initiative *petition* for signatures, the *proponent* shall file:

- (1) a copy of the notice as published;
- (2) the statement of reasons prepared in accordance with Section 27.1010 and the original signature of the individual initiating the proposed legislative act or, if the *proponent* is an organization, the original signatures of two officers of the organization; and
- (3) an affidavit of publication. The affidavit of publication shall be in a form satisfactory for the City *Clerk's* verification of publication.

(b) All documents specified in Section 27.1003(a) shall be filed in the Office of the City *Clerk*.

**SEC. 27.1004 Initiative Petition Circulators**

An initiative *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U. S. citizen and at least 18 years old.

**SEC. 27.1102 Referendary Petition Circulators**

A referendary *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U. S. citizen and at least 18 years old.

**SEC. 27.4028 Violations, Penalties and Defenses**

(a) Violations of this division may be prosecuted as misdemeanors subject to the fines and custody provided in San Diego Municipal Code section 12.0201. The *City* may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy set forth in Chapter I of this Code.

(b) In addition to any other penalty or remedy available, if any individual fails to file any registration form or quarterly disclosure report required by this division after any deadline imposed by this division, that individual shall be liable to the *City*

of San Diego in the amount of twenty-five ~~ten~~ dollars (~~\$25~~) (~~\$10~~) per *Day* after the deadline until the report is filed, up to a maximum amount of ~~\$500~~ ~~\$100~~.

(c) Provisions of this division need not be enforced by the *City* Clerk if it is determined that the late filing was not willful and that enforcement of the penalty would not further the purposes of this division.

(d) Provisions of this division shall not be waived if a registration form or quarterly disclosure report, or an amendment to correct any deficiency in a registration form or quarterly disclosure report, is not filed by the deadline imposed in the notification from the *City* Clerk of the filing requirement.

(e) Any limitation of time prescribed by law within which prosecution for a violation of any part of this division must be commenced shall not begin to run until the *City's* discovery of the violation.