

ORDINANCE NUMBER O- 19014 (NEW SERIES)

ADOPTED ON NOV 19 2001

AN ORDINANCE SUBMITTING TO THE QUALIFIED VOTERS OF THE CITY OF SAN DIEGO AT THE MUNICIPAL ELECTION CONSOLIDATED WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON MARCH 5, 2002, ONE PROPOSITION AMENDING THE CITY CHARTER BY ADDING SECTION 226 RELATING TO SUPER MAJORITY VOTE REQUIREMENTS.

WHEREAS, current law allows a simple majority of electors to adopt measures that impose super majority vote requirements on future actions of the electorate; and

WHEREAS, while such super majority vote requirements are lawful, they place significant power in the hands of a minority of electors to block or hinder actions or projects which may be favored by a majority of electors; and

WHEREAS, in a democratic society, it is fair and equitable to require that any measure proposing to impose a super majority vote requirement be adopted by the same super majority vote requirement as that measure proposes; and

WHEREAS, pursuant to Section 223 of the San Diego City Charter, Section 3(b), Article 11, of the California Constitution, and Section 9255(a)(2) of the California Elections Code, the City Council has authority to place Charter amendments on the ballot to be considered at a Municipal Election; and

WHEREAS, by Ordinance No. O- 19014, adopted on NOV 19 2001,

the Council of the City of San Diego is calling a Municipal Election to be consolidated with the Statewide General Election on March 5, 2002, for the purpose of submitting to the qualified voters of the City one or more ballot propositions; and

WHEREAS, the City Council desires to submit to the voters at that Municipal Election one proposition amending the Charter of the City of San Diego by adding Section 226 titled "Super Majority Vote Requirements;" NOW, THEREFORE,

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

Section 1. One proposition amending the City Charter by adding Section 226 is hereby submitted to the qualified voters of the City at the Municipal Election to be held March 5, 2002, the proposition to read as follows:

PROPOSITION

SEC. 226 SUPER MAJORITY VOTE REQUIREMENTS

(a) Notwithstanding any other provision of this Charter, any amendment of this Charter, ballot proposal, initiative, statute, law or regulation of any type, whether proposed to be adopted by the electorate, the City Council, or any other body acting pursuant to this Charter or the Municipal Code, that requires a vote of the electorate in excess of a simple majority for any matter, must itself be approved by a vote of the electorate in the same proportion as proposed, in order to be adopted, valid or otherwise effective.

(b) This section may be adopted by a simple majority vote, and shall be applicable to any amendment of this Charter, ballot proposal, initiative, statute, law or regulation of any type, as set forth in Subsection (a), proposed to be adopted at the municipal election by which this Charter Section 226 is approved by the electorate, or otherwise adopted on or after the date of that municipal election, and shall not be applicable to any matter adopted or approved prior to the date of such municipal election.

END OF PROPOSITION

Section 2. The proposition shall be presented and printed upon the ballot and submitted to the voters in the manner and form set out in Section 3 of this ordinance.

Section 3. On the ballot to be used at this Municipal Election, in addition to any other matters required by law, there shall be printed substantially the following:

<p>PROPOSITION ___. AMENDS THE CHARTER OF THE CITY OF SAN DIEGO BY ADDING SECTION 226, SUPER MAJORITY VOTE REQUIREMENTS.</p> <p>Shall the City Charter be amended to provide that, in order to be adopted or effective, any Charter amendment, ballot proposal, initiative, statute, law or regulation requiring a greater than simple majority vote of the electorate, and which is proposed to be adopted on or after the date of this election, must be adopted by the same proportionate vote of the electorate?</p>	YES	
	NO	

Section 4. An appropriate mark placed in the voting square after the word "yes" shall be counted in favor of the adoption of this proposition. An appropriate mark placed in the voting square after the word "no" shall be counted against the adoption of the proposition.

Section 5. The City Clerk shall cause a digest of this ordinance to be published once in the official newspaper on the Friday following adoption by the City Council. No other notice of election on this proposition need be given.

Section 6. Pursuant to San Diego Municipal Code [SDMC] Section 27.0402, this measure will be available for public examination for no fewer than ten calendar days prior to being submitted for printing in the sample ballot, and the Clerk shall post a public notice of the specific dates that the examination period will run.

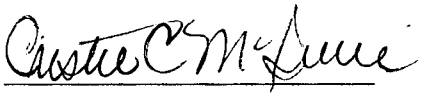
Section 7. Pursuant to SDMC § 27.0403(a), the public examination period will end on the 75th calendar day prior to the date set for the election.

Section 8. Pursuant to SDMC § 27.0404, during the public examination period, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the measure to be amended or deleted.

Section 9. 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.

Section 10. Pursuant to Section 17 of the San Diego City Charter, this ordinance relating to elections shall take effect on NOV 19 2001, which is the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By: 
Cristie C. McGuire
Deputy City Attorney

CCM:vl
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COR. 11/13/01
Or.Dept:Clerk
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