

ORDINANCE NUMBER O- 20432 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 25 2014

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2701 AND 27.2702; BY RETITLING AND AMENDING SECTION 27.2703; BY AMENDING AND RENUMBERING CURRENT SECTION 27.2703 TO SECTION 27.2704; BY AMENDING AND RENUMBERING SECTION 27.2713 TO SECTION 27.2705; BY AMENDING AND RENUMBERING SECTION 27.2704 TO SECTION 27.2706; BY AMENDING AND RENUMBERING SECTION 27.2705 TO SECTION 27.2707; BY AMENDING AND RENUMBERING SECTION 27.2706 TO SECTION 27.2708; BY AMENDING AND RENUMBERING SECTION 27.2707 TO SECTION 27.2709; BY AMENDING AND RENUMBERING SECTION 27.2708 TO SECTION 27.2710; BY AMENDING AND RENUMBERING SECTION 27.2709 TO SECTION 27.2711; BY AMENDING AND RENUMBERING SECTION 27.2710 TO SECTION 27.2712; BY REPEALING SECTION 27.2711; BY AMENDING AND RENUMBERING SECTION 27.2712 TO SECTION 27.2713; BY REPEALING SECTION 27.2713; BY AMENDING SECTIONS 27.2714, 27.2715, 27.2716, 27.2717 AND 27.2718; BY REPEALING SECTIONS 27.2719 AND 27.2720; BY AMENDING AND RENUMBERING SECTION 27.2721 TO SECTION 27.2719; BY AMENDING AND RENUMBERING SECTION 27.2722 TO SECTION 27.2720; BY AMENDING AND RENUMBERING SECTION 27.2723 TO SECTION 27.2721; BY AMENDING AND RENUMBERING SECTION 27.2724 TO SECTION 27.2722; BY AMENDING AND RENUMBERING SECTION 27.2725 TO SECTION 27.2723; BY AMENDING AND RENUMBERING SECTION 27.2727 TO SECTION 27.2724; BY AMENDING AND RENUMBERING SECTION 27.2728 TO SECTION 27.2725; BY AMENDING AND RENUMBERING SECTION 27.2729 TO SECTION 27.2726; BY AMENDING AND RENUMBERING SECTION 27.2730 TO SECTION 27.2727; BY AMENDING AND RENUMBERING SECTION 27.2731 TO SECTION 27.2728; AND BY AMENDING AND RENUMBERING SECTION 27.2732 TO SECTION 27.2729; ALL RELATING TO RECALL.

WHEREAS, San Diego Charter section 23 reserves the powers of initiative, referendum and recall to the people of the City and provides that the City Council shall include in the City's election code "an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall . . ."; and

WHEREAS, the City's recall procedures are found in San Diego Municipal Code (Municipal Code) sections 27.2701 through 27.2732; and

WHEREAS, on August 28, 2013, the Council voted to adopt an ordinance repealing Municipal Code section 27.2726; one of the sections addressing recall procedures; and

WHEREAS, the Council now desires to further amend the Municipal Code sections governing the City's recall procedures to update and clarify the process, and to ensure more uniformity with the City's other election processes; and

WHEREAS, substantive changes include: (1) prohibiting the recall of an official in his or her last six months of office; (2) eliminating supplemental petitions; (3) updating the petition circulation period to 120 days; (4) increasing the required number of proponents and requiring that they be registered voters and residents of the district (for a Councilmember's recall) or of the City (for the recall of officials elected by Citywide vote); and (5) allowing additional time to consolidate a recall election with an upcoming scheduled election; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending sections 27.2701 and 27.2702, to read as follows:

§27.2701 Officials Subject to Recall

- (a) Any official elected by Citywide vote who has held office for six months or more, and against whom no recall *petition* has been filed within the preceding six months, may be recalled by a majority vote of the *voters* of the City.
- (b) A City Councilmember who was elected by district vote and has held office for six months or more, and against whom no recall *petition* has been filed within the preceding six months, may be recalled by a majority of the *voters* in the district represented by the Councilmember.
- (c) A recall petition may not be filed if the elected official's term of office will end within six months or less of the date the petition is presented for filing.

§27.2702 Petition to be Filed with Clerk

Any recall *petition* demanding the submission to the people of a proposal to recall the incumbent of an *elective office* and, if such official is recalled, to elect a successor, shall be filed in the office of the *Clerk*.

Section 2. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by retitling and amending section 27.2703, to read as follows:

§27.2703 Petition Addressed to Only One Official

No *petition* may be addressed to the recall of more than one official.

Section 3. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering current section 27.2703 to section 27.2704, to read as follows:

§27.2704 Number of Signatures Required

- (a) For any official who was elected by Citywide vote, a recall *petition* shall be submitted to the people if it contains the signatures of at least fifteen percent of the number of *voters* of the City at the last general City *election*.
- (b) For a Councilmember who was elected by district vote, a recall *petition* shall be submitted to the people if it contains the signatures of at least fifteen percent of the number of *voters* of the *Council* district at the last general City *election* for the office held.

Section 4. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2713 to section 27.2705, to read as follows:

§27.2705 Signatures on Petition

- (a) A recall *petition* for any official elected by Citywide vote may be signed by any *voter* of the City of San Diego.
- (b) A recall *petition* for a Councilmember elected by district vote may be signed only by *voters* within the district represented by the Councilmember.
- (c) Signatures invalidated by the *Clerk* may not be counted.

Section 5. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2704 to section 27.2706, to read as follows:

§27.2706 Notice of Intention

- (a) A recall *petition* may not be circulated for signatures until the *proponents* have published at least once in a daily newspaper of general circulation a

notice of intention to circulate the *petition*. The notice of intention shall contain the name and office of the *person* sought to be recalled and a statement of three hundred words or less stating the reasons for the *petition*.

- (b) The statement must be signed by the five *proponents* forming a committee proposing the *petition*.
- (c) The five *proponents* must be residents and registered voters of the City, in the case of a *petition* for the recall of an official elected by Citywide vote, or residents and registered voters of the Council district represented by a Councilmember, in the case of a *petition* to recall a Councilmember.

Section 6. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2705 to section 27.2707, to read as follows:

§27.2707 Affidavit of Publication

Within ten calendar days after publication of the notice of intention to circulate a recall *petition* for signatures, the *proponents* shall file in the office of the *Clerk*:

- (a) a copy of the notice as published;
- (b) the statement of reasons prepared in accordance with section 27.2706 as published, and signature of the five *proponents* initiating the recall; and
- (c) an affidavit of publication from the daily newspaper of general circulation in which the notice and statement were published.

Section 7. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2706 to section 27.2708, to read as follows:

§27.2708 Service of Notice on Official

Within five days after publication of the notice of intention to circulate a recall *petition*, the *proponents* shall cause a copy of the notice and the statement to be served, personally or by registered mail, on the official whose recall is sought. An affidavit of service showing the method of service shall be filed forthwith in the office of the *Clerk*.

Section 8. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2707 to section 27.2709, to read as follows:

§27.2709 Official's Answer

- (a) The official whose recall is sought or the official's designated representative may answer to the statement. Such answer shall be no more than three hundred words in length and must be signed by the individual proposing the answer or, in the case of an organization, by two officers.
- (b) The official's answer, if any, shall be provided to the *proponents* and filed with the *Clerk* within fourteen calendar days after the publication of the notice of intention to circulate a recall *petition*.
- (c) A copy of the answer, if any, shall be published by the *proponents* at least once in a daily newspaper of general circulation no later than five calendar days before the *proponents* begin to circulate the *petition* for signatures. A published copy shall also be filed forthwith in the office of the *Clerk*.

Section 9. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2708 to section 27.2710, to read as follows:

§27.2710 Circulation of Petition

A recall *petition* shall not be circulated for signatures until the twenty-first calendar day after publication of the notice of intention and statement, and shall not be circulated until a copy of both the notice and the affidavit pertaining to publication, as well as the affidavit of service, have been filed in the office of the *Clerk* as required by this Division.

Section 10. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2709 to section 27.2711, to read as follows:

§27.2711 Contents of Petition

A recall *petition* shall contain the name and office of the *person* whose recall is sought, a copy of the notice of intention to circulate a recall *petition* and its accompanying statement, and if an answer has been filed, a copy of the answer. If no answer has been filed, the *petition* shall so state.

Section 11. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2710 to section 27.2712, to read as follows:

§27.2712 Recall Petition

The form and format of the recall *petition*, including the form of *voter* signature sheets and information to be included on such sheets, shall follow the guidelines as outlined in the City Clerk Administrative Guidelines, available to the public at the office of the *Clerk* and on the City's website.

Section 12. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by repealing section 27.2711.

Section 13. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2712 to section 27.2713, to read as follows.

§27.2713 Form of Affidavit of Authenticity for Recall Petition

Each recall *petition* shall have attached to it an affidavit of authenticity of the following form:

AFFIDAVIT

COUNTY OF SAN DIEGO)
STATE OF CALIFORNIA) ss.

Under penalty of perjury under the laws of the State of California, I, (printed name of circulator), declare: That all signatures on each petition section 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 made; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons who have signed the petition; and that the signatures were obtained between:

_____	and	_____
(Beginning date of circulation)		(Final date of circulation)
_____		_____
(Circulator's Printed Name)		(Circulator's Signature)

		(Date Signed by Circulator)

Section 14. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by repealing section 27.2713.

Section 15. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending sections 27.2714, 27.2715, 27.27.16, 27.2717, and 27.2718, to read as follows:

§27.2714 Signing Voter's Information for Recall Petition

Signatures shall be executed by *voters* in their own handwriting and each signer shall also affix his or her printed name and place of residence, including street and

house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses that are not residence addresses are not permitted and, if used, shall make that *voter's* signature invalid. *Voters* shall also affix the date of their signature.

§27.2715 Time for Filing Petition

A recall *petition* shall be filed in the office of the *Clerk* within 120 days after the publication of the notice of intention to circulate a recall *petition*.

§27.2716 Verification of Petition; Time; Random Sampling

- (a) The *Clerk* shall be allowed a period of thirty calendar days after the filing of a recall *petition* to examine and verify signatures of the petitioners. The *Clerk* shall indicate on each *petition* the date on which it was filed and the name of the *person* by whom it was filed.
- (b) Signatures may be verified by use of the random sampling method set forth in the California Elections Code to govern the verification of recall *petitions*.
- (c) In the event that any elector of the City of San Diego challenges the determination of the sufficiency of the *petition* by the random sampling method, the *Clerk* shall proceed to verify the sufficiency of each signature on the *petition* if the elector so challenging posts with the *Clerk* such amount of money as is required to fully pay for the cost of such further verification. Any such challenge of the verification by the random

sampling method shall be made no later than the close of business on the fourth day following announcement of the sufficiency.

§27.2717 Notice of Sufficiency

If the *Clerk* finds a recall *petition* to contain the number of valid signatures required by the City Charter, and to be in proper form, the *Clerk* shall so certify and shall send a notice of sufficiency to the *proponents*. Without delay, the *Clerk* shall then present the *petition*, with the *Clerk's* certification attached, to the *Council*.

§27.2718 Notice of Insufficiency

If the *Clerk* finds a recall *petition* to contain less than the number of valid signatures required by the City Charter or to be in improper form, he the *Clerk* shall so certify and shall send a notice of insufficiency to the *proponents*.

Section 16. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by repealing sections 27.2719 and 27.2720.

Section 17. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2721 to section 27.2719, to read as follows:

§27.2719 Withdrawal of Signature

Any *voter* signing a *petition* shall have his or her signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, bearing his or her name, address, and signature, before the *petition* is filed with the *Clerk*.

Section 18. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2722 to section 27.2720, to read as follows:

§27.2720 Special Election to be Called

If the *petition* is presented to the *Council* by the *Clerk*, the *Council* shall immediately call a *special election* for the purpose of submitting to the people the proposal to recall the official named in the *petition*, and, if such official is recalled, to elect a successor.

Section 19. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2723 to section 27.2721, to read as follows:

§27.2721 Time for Special Election

- (a) If a *special election* is called, it shall be held not less than 90 days after adoption of the ordinance calling the *election* but not later than 180 days after such adoption.
- (b) For an official elected by Citywide vote, if any other *election* for any purpose at which all *voters* in the City of San Diego are entitled to vote is called to be held within 180 days from the date the recall *petition* is presented to the *Council*, then the *Council* may, at its discretion, submit the recall proposal and election of a successor at the later *election*.
- (c) For a Councilmember who was elected by district vote, if any other *election* for any purpose at which the *voters* in the district represented by the Councilmember are entitled to vote is to be held within 180 days from the date the recall *petition* is presented to *Council*, then the *Council* may, at its discretion, submit the recall proposal and election of a successor at the later *election*.

Section 20. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2724 to section 27.2722, to read as follows:

§27.2722 Recall Election to Conform to Other Elections

The *Clerk* shall conduct the recall *election*, including the nomination of *candidates* to succeed the official whose recall is sought, in a manner conforming with other municipal *elections* to the extent practicable.

Section 21. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2725 to section 27.2723, to read as follows:

§27.2723 Contents of Recall Ballots

Recall ballots shall contain the name and office of the official whose recall is sought and the names of the *persons* who have been nominated to succeed the official whose recall is sought. The statement that the *proponents* published in the notice of intention and the answer, if any, of the official whose recall is sought, shall be printed on the sample ballot and the official ballot or, at the discretion of the *Clerk*, printed separately and included in a pamphlet to be mailed with the sample ballot. In the latter case, the official ballot shall not contain the notice or answer.

Section 22. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2727 to section 27.2724, to read as follows:

§27.2724 Reelection or Reappointment Prohibited for One Year

A *person* who has been recalled, or who has resigned from office while recall proceedings were pending against the official, shall not be a *candidate* for, nor appointed to such office, within one year after the official's resignation or recall.

Section 23. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2728 to section 27.2725, to read as follows:

§27.2725 Separate Ballot Required

A recall ballot shall be separate from any other ballot to be presented to the *voters* at one *election*. However, the recall of more than one official may be sought at one *election* on one ballot.

Section 24. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2729 to section 27.2726, to read as follows:

§27.2726 Officer to Serve Until Declaration of Results

Any officer whose recall is sought shall continue to perform the duties of his or her office until the *Council* has adopted its resolution declaring the results of the *election* which shows, and follows the *Clerk's* certification that, a majority of the qualified *voters* has voted in favor of such officer's recall.

Section 25. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2730 to section 27.2727, to read as follows:

§27.2727 Cancellation of Election if Office Becomes Vacant

If, from any cause, a vacancy in the position occupied by the official whose recall is sought occurs after the filing of the certificate of sufficiency by the *Clerk* and prior to the *election*, the *election* shall not be held.

Section 26. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2731 to section 27.2728, to read as follows:

§27.2728 Highest Number of Votes Determines Candidate Elected

If a majority approves the recall of the official and the *Council* adopts its resolution declaring the results accordingly, the *candidate* who receives the highest number of votes for the office shall be declared the winner whether or not such highest number constitutes a majority of the votes cast.

Section 27. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending and renumbering section 27.2732 to section 27.2729, to read as follows:


§27.2729 Election for Unexpired Term of Officer Recalled

The term of office of a successor elected pursuant to this Article shall be for the unexpired term of the official who was recalled.

Section 28. That a full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 29. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

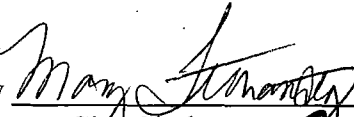
APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney


SBS:jdf
10/02/2014
Or.Dept:City Clerk
Doc. No.: 872590

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 10 2014.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/24/14
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE _____

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2701 AND 27.2702; BY RETITLING AND AMENDING SECTION 27.2703; BY AMENDING AND RENUMBERING CURRENT SECTION 27.2703 TO SECTION 27.2704; BY AMENDING AND RENUMBERING SECTION 27.2713 TO SECTION 27.2705; BY AMENDING AND RENUMBERING SECTION 27.2704 TO SECTION 27.2706; BY AMENDING AND RENUMBERING SECTION 27.2705 TO SECTION 27.2707; BY AMENDING AND RENUMBERING SECTION 27.2706 TO SECTION 27.2708; BY AMENDING AND RENUMBERING SECTION 27.2707 TO SECTION 27.2709; BY AMENDING AND RENUMBERING SECTION 27.2708 TO SECTION 27.2710; BY AMENDING AND RENUMBERING SECTION 27.2709 TO SECTION 27.2711; BY AMENDING AND RENUMBERING SECTION 27.2710 TO SECTION 27.2712; BY REPEALING SECTION 27.2711; BY AMENDING AND RENUMBERING SECTION 27.2712 TO SECTION 27.2713; BY REPEALING SECTION 27.2713; BY AMENDING SECTIONS 27.2714, 27.2715, 27.27.16, 27.2717 AND 27.2718; BY REPEALING SECTIONS 27.2719 AND 27.2720; BY AMENDING AND RENUMBERING SECTION 27.2721 TO SECTION 27.2719; BY AMENDING AND RENUMBERING SECTION 27.2722 TO SECTION 27.2720; BY AMENDING AND RENUMBERING SECTION 27.2723 TO SECTION 27.2721; BY AMENDING AND RENUMBERING SECTION 27.2724 TO SECTION 27.2722; BY AMENDING AND RENUMBERING SECTION 27.2725 TO SECTION 27.2723; BY AMENDING AND RENUMBERING SECTION 27.2727 TO SECTION 27.2724; BY AMENDING AND RENUMBERING SECTION 27.2728 TO SECTION 27.2725; BY AMENDING AND RENUMBERING SECTION 27.2729 TO SECTION 27.2726; BY AMENDING AND RENUMBERING SECTION 27.2730 TO SECTION

27.2727; BY AMENDING AND RENUMBERING SECTION 27.2731 TO SECTION 27.2728; AND BY AMENDING AND RENUMBERING SECTION 27.2732 TO SECTION 27.2729; ALL RELATING TO RECALL.

Article 7: Elections, Campaign Finance and Lobbying

Division 27: Recall

§27.2701 Officials Subject to Recall

- (a) Any official elected by ~~City-wide~~ Citywide vote who has held office for six ~~(6)~~ months or more, and against whom no recall ~~petition~~ petition has been filed within the preceding six ~~(6)~~ months, may be recalled by a majority vote of the ~~voters~~ voters of the City.
- (b) A City Councilmember who was elected by district vote and has held office for six ~~(6)~~ months or more, and against whom no recall ~~petition~~ petition has been filed within the preceding six ~~(6)~~ months, may be recalled by a majority of the ~~voters~~ voters in the district represented by the Councilmember.
- (c) A recall petition may not filed if the elected official's term of office will end within six months or less of the date the petition is presented for filing.

§27.2702 Petition to be Filed with Clerk

Any recall ~~petition~~ petition demanding the submission to the people of a proposal to recall the incumbent of an ~~elective office~~ elective office and, if such official is recalled, to elect a successor, shall be filed in the office of the ~~Clerk~~ Clerk. ~~No petition may be addressed to the recall of more than one official.~~

§27.2703 **Petition Addressed to Only One Official**

No petition may be addressed to the recall of more than one official.

§27.27034 **Number of Signatures Required**

- (a) For any official who was elected by ~~City-wide~~ Citywide vote, ~~no~~ a recall ~~petition~~ petition shall be submitted to the people ~~unless if~~ it contains the signatures of at least fifteen percent of the number of ~~voters~~ voters of the City at the last general City election.
- (b) For a Councilmember who was elected by district vote, a recall ~~petition~~ petition ~~must~~ shall be submitted to the people if it contains the signatures of at least fifteen percent of the number of ~~voters~~ voters of the ~~councilmanic~~ Council district at the last general City election for the office held.

§27.271305 **Signatures on Petition**

- (a) A recall petition for any official elected by Citywide vote may be signed by any voter of the City of San Diego.
- (b) A recall petition for a Councilmember elected by district vote may be signed only by voters within the district represented by the Councilmember.
- (c) Signatures invalidated by the Clerk may not be counted.

§27.27046 **Notice of Intention**

- (a) ~~No recall petition may be circulated~~ A recall petition may not be circulated for signatures until the proponents proponents have published at least once in a daily newspaper of general circulation a notice of intention to

~~circulate the *petition*. to do so.~~ The notice of intention shall contain the name and office of the ~~person~~ person sought to be recalled and a statement ~~containing in of~~ three hundred words or less stating the reasons for the ~~petition~~ petition.

- (b) The statement must be signed by the ~~individual~~ five proponents forming a committee proposing the petition ~~or, in the case of an organization, by two officers.~~
- (c) The five proponents must be residents and registered voters of the City, in the case of a petition for the recall of an official elected by Citywide vote, or residents and registered voters of the Council district represented by a Councilmember, in the case of a petition to recall a Councilmember.

§27.27057 Affidavit of Publication

~~Within ten days after publication of the notice of intention to circulate a recall petition, the proponents shall file in the office of the Clerk a copy of the notice and the statement as published, and an affidavit of publication in a form satisfactory for the Clerk's verification of publication.~~

Within ten calendar days after publication of the notice of intention to circulate a recall petition for signatures, the proponents shall file in the office of the Clerk:

- (a) a copy of the notice as published;
- (b) the statement of reasons prepared in accordance with section 27.2706 as published, and signature of the five proponents initiating the recall; and
- (c) an affidavit of publication from the daily newspaper of general circulation in which the notice and statement were published.

§27.27068 Service of Notice on Official

Within five days after publication of the notice of intention to circulate a recall ~~petition~~ petition, the ~~proponents~~ proponents shall cause a copy of the notice and the statement to be served, personally or by registered mail, on the official whose recall is sought. An affidavit of service showing the method of service shall be filed forthwith in the office of the ~~Clerk~~ Clerk.

§27.27079 Official's Answer

- (a) ~~Within fourteen days after the publication of the notice of intention to circulate a recall petition,~~ The official whose recall is sought or his the official's designated representative may answer to the statement. Such answer shall be no more than three hundred words ~~or less~~ in length and must be signed by the individual proposing the answer or, in the case of an organization, by two officers.
- (b) The official's answer, if any, shall be provided to the proponents and filed with the Clerk within fourteen calendar days after the publication of the notice of intention to circulate a recall petition.
- (c) A copy of the answer, if any, shall be published by the ~~proponents~~ proponents at least once in a daily newspaper of general circulation no later than five calendar days before the proponents begin to circulate the petition for signatures. A published copy shall also be filed forthwith in the office of the ~~Clerk~~ Clerk.

§27.270810 Circulation of Petition

A recall ~~petition~~ petition ~~may~~ shall not be circulated for signatures until ~~on~~ the twenty-first calendar day after publication of the notice of intention and statement, and shall not be circulated until ~~providing that~~ a copy of both the notice and the affidavit pertaining to publication, as well as the affidavit of service, have been filed in the office of the *Clerk*, as required by this Division.

§27.270911 Contents of Petition

A recall ~~petition~~ petition shall contain the name and office of the ~~person~~ person whose recall is sought, a copy of the notice of intention to circulate a recall ~~petition~~ petition and its accompanying statement, and if an answer has been filed, a copy of the answer. If no answer has been filed, the ~~petition~~ petition shall so state.

§27.27102 Recall Petition

The form and format of the recall *petition*, including the form of voter signature sheets and information to be included on such sheets, shall follow the guidelines as outlined in the City Clerk Administrative Guidelines, available to the public at the office of the *Clerk* and on the City's website.

~~The petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8 1/2 by 11 inches or greater than 8 1/2 by 14 inches. If the petition contains more than one sheet of paper, it shall be fastened together securely. The recall petition shall be in the following form:~~

RECALL PETITION

PETITION FOR THE RECALL OF

FROM THE OFFICE OF

(The title in the form prescribed above with the blank spaces filled in shall be set forth in full at the top of each page of the petition.)

We, the undersigned registered voters of (The City of San Diego, California) (San Diego Unified School District) demand the recall of

from the office of

The following are the reasons for demanding such recall:

(Here insert a copy of the published notice of intention and accompanying statement and the answer, if any. If the officer has not answered, a statement to that effect shall be inserted here.)

Signature of Proponent _____ Residence _____ Date _____

(Note: If an organization is seeking the recall of an officer, the statement shall be signed by two officers of the organization.)

§27.2711 Form of Voter Signature Sheets for Recall Petition

(a) Voter signature sheets shall be arranged and lined to provide space for the voter's signature, voter's printed name, place of voter's residence, and date of voter's signature. A space at least one inch wide shall be left blank, on the right hand side of the sheet, for the use of the City Clerk in verifying the petition.

(b) Signature sheets shall be in substantially the following form:

NAME	RESIDENCE	DATE	(Clerks Use Only)
SIGN			
PRINT			
SIGN			

PRINT

*SIGN
PRINT*

~~(NOTE: Recall Petitions for Mayor, City Attorney and those Councilmembers elected by City wide vote may be signed by any voter of the City. Recall Petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember.)~~

§27.27123 Form of Affidavit of Authenticity for Recall Petition

Each recall ~~petition~~ petition shall have attached to it an affidavit of authenticity of a voter, of the following form:

AFFIDAVIT

COUNTY OF SAN DIEGO)
STATE OF CALIFORNIA) ss.

Under penalty of perjury under the laws of the State of California, I, (printed name of circulator), declare: That I am a registered voter of ~~(The City of San Diego) (San Diego Unified School District)~~ and that all the signatures on each petition section 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 made; and that to the best of my knowledge and belief such signatures are the genuine signatures of the persons who have signed the petition; and that the signatures were obtained between:

_____	and	_____
(Beginning date of circulation)		(Final date of circulation)
_____		_____
(Circulator's Printed Name)		(Circulator's Signature)
_____		_____
(Circulator's Residence)		(Date Signed by Circulator)

~~§27.2713~~ Signatures on Petition

~~A recall petition for any official elected by City wide vote may be signed by any voter of the City of San Diego. Recall petitions for Councilmembers who were elected by district vote may be signed only by voters within the district~~

~~represented by the Councilmember. Signatures invalidated by the Clerk may not be counted.~~

§27.2714 Signing Voter's Information for Recall Petition

Signatures shall be executed by ~~voters~~ voters in their own handwriting and each signer shall also affix his or her printed name and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses that are not residence addresses are not permitted and, if used, shall make that ~~voter's~~ voter's signature invalid. ~~Voters~~ Voters shall also affix the date of their signature.

§27.2715 Time for Filing Petition

A recall ~~petition~~ petition and, if filed, a supplemental ~~petition~~, shall be filed in the office of the *Clerk* within ~~sixty~~ 120 days after the publication of the notice of intention to circulate a recall ~~petition~~ petition.

§27.2716 Verification of Petition; Time; Random Sampling

(a) The ~~Clerk~~ Clerk shall be allowed a period of thirty calendar days after the filing of a recall ~~petition~~ petition to examine and verify signatures of the petitioners. ~~He~~ The Clerk shall indicate on each ~~petition~~ petition the date on which it was filed and the name of the ~~person~~ person by whom it was filed.

(b) Signatures may be verified by use of the random sampling method set forth in ~~Section 3708~~ of the California Elections Code to govern the verification of recall petitions.

(c) In the event that any elector of the City of San Diego challenges the determination of the sufficiency of the ~~petition~~ petition by the random sampling method, the ~~City Clerk~~ shall proceed to verify the sufficiency of each signature on the ~~petition~~ petition if the elector so challenging posts with the ~~City Clerk~~ such amount of money as is required to fully pay for the cost of such further verification. Any such challenge of the verification by the random sampling method shall be made no later than the close of business on the fourth day following announcement of the sufficiency.

§27.2717 Notice of Sufficiency

If the ~~Clerk~~ Clerk finds a recall ~~petition~~ petition, including, if filed, a ~~supplemental petition~~, to contain the requisite number of valid signatures required by the City Charter, and to be in proper form, ~~he~~ the Clerk shall so certify and shall send a notice of sufficiency to a ~~representative of the proponents~~ proponents. Without delay, the ~~Clerk~~ Clerk shall then present the ~~petition~~ petition, with his ~~the Clerk's~~ certification attached, to the ~~Council~~ Council.

§27.2718 Notice of Insufficiency

If the ~~Clerk~~ Clerk finds a recall ~~petition~~ petition, including, if filed, a ~~supplemental petition~~, to contain less than the requisite number of valid signatures required by the City Charter or to be in improper form, ~~he~~ the Clerk shall so certify and shall send a notice of insufficiency to a ~~representative of the proponents~~ proponents.

§27.2719 Supplemental Petition

~~At any time prior to the Clerk's issuance of a notice of sufficiency or within thirty~~

days after the Clerk's issuance of a notice of insufficiency, one supplemental petition may be filed in the office of the Clerk. The Clerk shall indicate on the supplemental petition the date on which it was filed and the name of the person by whom it was filed.

§27.2720 — Time for Clerk: Verification of Supplemental Petition

The Clerk shall be allowed thirty days from the filing date of the supplemental petition in which to verify the signatures.

§27.27219 Withdrawal of Signature

Any person voter signing a petition petition or supplemental petition shall have his or her signature withdrawn from the petition if the voter files with the Clerk a written request to withdraw the signature, bearing his or her name, address, and signature, before the petition is filed with the Clerk. ~~may withdraw his signature by filing a written request bearing his signature in the office of the Clerk prior to the time the petition or supplemental petition containing his signature is filed.~~

§27.27220 Special Election to be Called

If the petition petition is presented to the Council Council by the Clerk Clerk, the Council Council shall immediately call a special election special election for the purpose of submitting to the people the proposal to recall the official named in the petition petition, and, if such official is recalled, to elect a successor.

§27.27231 Time for Special Election

(a) If a special election special election is called, it shall be held not less than sixty ~~(60)~~ 90 days after adoption of the ordinance calling the election election but not later than ninety ~~(90)~~ 180 days after such adoption.

- (b) For an official elected by ~~City-wide~~ Citywide vote, if any other ~~election~~ election for any purpose at which all ~~voters~~ voters in the City of San Diego are entitled to vote is called to be held within ~~one hundred twenty (120)~~ 180 days from the date the recall ~~petition~~ petition is presented to the ~~Council~~ Council, then the ~~Council~~ Council may, at its discretion, submit the recall proposal and election of a successor at the latter ~~election~~ election.
- (c) For a Councilmember who was elected by district vote, if any other ~~election~~ election for any purpose at which the ~~voters~~ voters in the district represented by the Councilmember are entitled to vote is to be held within ~~one hundred twenty (120)~~ 180 days from the date the recall ~~petition~~ petition is presented to ~~Council~~ Council, then the ~~Council~~ Council may, at its discretion, submit the recall proposal and election of a successor at the later ~~election~~ election.

§27.27242 Recall Election to Conform to ~~o~~Other Elections

The Clerk Clerk shall conduct the recall ~~election~~ election, including the nomination of ~~candidates~~ candidates to succeed the official whose recall is sought, in a manner conforming with other municipal ~~election~~ elections to the extent practicable.

§27.27253 Contents of Recall Ballots

Recall ballots shall contain the name and office of the official whose recall is sought and the names of the ~~persons~~ persons who have been nominated to succeed the official whose recall is sought. The statement ~~which~~ that the

~~proponents~~ proponents published in the notice of intention and the answer, if any, of the official whose recall is sought, shall be printed on the sample ballot and the official ballot or, at the discretion of the ~~Clerk~~ Clerk, printed separately and included in a pamphlet to be mailed with the sample ballot. In the latter case, the official ballot shall not contain the notice or answer.

(Note: Section §27.2726 repealed in 2013.)

§27.27274 Reelection or Reappointment Prohibited for One Year

A ~~person~~ person who has been recalled, or who has resigned from office while recall proceedings were pending against ~~him~~ the official, shall not be a ~~candidate~~ candidate for, nor appointed to such office, within one year after ~~his~~ the official's resignation or recall.

§27.27285 Separate Ballot Required

A recall ballot shall be separate from any other ballot to be presented to the ~~voters~~ voters at one ~~election~~ election. However, the recall of more than one official may be sought at one ~~election~~ election on one ballot.

§27.27296 Officer to Serve Until Declaration of Results

Any officer whose recall is sought shall continue to perform the duties of his or her office until the ~~Council~~ Council has adopted its resolution declaring the results of the ~~election~~ election which shows, and follows the Clerk's certification that, ~~which shows~~ a majority of the qualified ~~voters~~ voters ~~have~~ has voted in favor of such officer's recall.

§27.273027 Cancellation of Election if Office Becomes Vacant

If, from any cause, a vacancy in the position occupied by the official whose recall is sought occurs after the filing of the certificate of sufficiency by the ~~Clerk~~ Clerk and prior to the ~~election~~ election, the ~~election~~ election shall not be held.

§27.273128 Highest Number of Votes Determines Candidate Elected

If a majority approves the recall of the official and the ~~Council~~ Council adopts its resolution declaring the results accordingly, the ~~candidate~~ candidate who receives the highest number of votes for the office shall be declared the winner whether or not such highest number constitutes a majority of the votes cast.

§27.27329 Election for Unexpired Term of Officer Recalled

The term of office of a successor elected pursuant to this ~~a~~ Article shall be for the unexpired term of ~~his predecessor~~ the official who was recalled.

SBS:jdf
10/02/14
Or.Dept.: City Clerk

Passed by the Council of The City of San Diego on NOV 10 2014, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ed Harris	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 25 2014

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By *Mary Stearns*, Deputy

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

OCT 28 2014

, and on

NOV 25 2014

I FURTHER CERTIFY that said ordinance was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal)

ELIZABETH S. MALAND
City Clerk of The City of San Diego, California:

By *Mary Stearns*, Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- <u>20432</u></p>
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