

ORDINANCE NUMBER O- 20591 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 28 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.1103, 27.1106, AND 27.1107; BY AMENDING AND RETITLING SECTION 27.1108; BY REPEALING SECTION 27.1109; BY AMENDING SECTION 27.1110; BY AMENDING AND RENUMBERING SECTION 27.1111 TO 27.1112; BY ADDING NEW SECTION 27.1111; BY AMENDING SECTIONS 27.1115, 27.1116, 27.1117, 27.1118, 27.1119, AND 27.1120; BY AMENDING AND RETITLING SECTION 27.1123; BY AMENDING SECTIONS 27.1124, 27.1125, 27.1126, 27.1129, AND 27.1130; BY AMENDING AND RETITLING SECTION 27.1131; AND BY AMENDING SECTIONS 27.1132, 27.1136, 27.1137, AND 27.1140; ALL RELATING TO THE CITY OF SAN DIEGO ELECTION CODE ORDINANCE AND REFERENDUM

WHEREAS, article XI, section 5(a) of the California Constitution provides that a charter city may “make and enforce all ordinances and regulations in respect to municipal affairs,” and that “[c]ity charters adopted pursuant to this Constitution shall supersede any existing charter, and with respect to municipal affairs shall supersede all laws inconsistent therewith”; and

WHEREAS, article XI, section 5(b) grants plenary authority to charter cities to provide laws in their charters for the “conduct of city elections”; and

WHEREAS, the San Diego Charter thus governs City elections and Charter section 8 requires the City Council to adopt an election code ordinance, “providing an adequate and complete procedure to govern municipal elections”; and

WHEREAS, Charter section 23 sets forth the percentage of registered voters who must sign a petition to place a referendum on the ballot, and requires the Council to include in the

election code ordinance an "expeditious and complete procedure for the exercise by the people of the . . . referendum"; and

WHEREAS, the Council adopted an election code ordinance in the San Diego Municipal Code that includes a chapter detailing the City's referendum procedures at Chapter 2, Article 7, Division 11, sections 27.1101 through 27.1140; and

WHEREAS, the Council now desires to amend the Municipal Code sections governing the City's referendum procedures to update and clarify the process, to ensure more uniformity with the City's other election processes, and to provide additional disclosures to voters signing petitions; and

WHEREAS, from January 2008 through December 2013, only three referendum petition efforts were formally initiated in the City of San Diego, but since December 2013, City Council actions have been blocked by referendum drives five times; and

WHEREAS, the number of referendum campaigns in San Diego is reportedly more than any other California city has experienced in recent years, with millions of dollars contributed by private entities to professionally organized petition campaigns; and

WHEREAS, in the recent One Pasco referendum effort, a record 26,999 requests were submitted by people asking to have their signatures removed from referendum petition signature sheets, with 3,220 such requests qualifying to remove voter signatures, with some citizens stating they did not fully understand the measure upon signing it; and

WHEREAS, San Diego's Election Code Ordinance requires an initiative or referendum petition to include the questioned legislative act in full and a statement of reasons for the petition; and

WHEREAS, the Election Code Ordinance does not require information to be shown to voters regarding the persons and entities financing a referendum or initiative petition; and

WHEREAS, the City of San Diego's campaign laws currently require the inclusion of a "paid for by" disclosure on various types of campaign advertisements, and committees formed for the purpose of supporting or opposing a City candidate or measure are required to include the identity of their top two donors of \$10,000 or more in an advertisement, as those providing major funding to the committee; and

WHEREAS, voters asked to sign referendum or initiative petitions have the right to similar information regarding the persons and entities financing a petition at the moment they are asked to sign the petition, as such information would allow a voter to make a more informed decision as to whether to sign the petition; and

WHEREAS, donor disclosures would provide more transparency and better inform the public about the measure the voter is being asked to sign before signing it; and

WHEREAS, substantive changes include: (1) adding a section requiring petition circulators to provide information to voters regarding donors to the referendary petition, including the identities of at least the top two donors that contributed cumulative amounts of \$1,000 or more, the amounts contributed, and the date the list was compiled, as well as providing the address of a website for current donor information; (2) requiring petition circulators to update the donor disclosure statement for signing voters within 48 hours of any change to the list of the five largest contributors; (3) clarifying how and when a voter may have his or her signature withdrawn from the petition, to use the same rule that applies to recall and initiative petitions; and (4) moving form and format rules related to referendary petitions out of the Municipal Code

and into the City Clerk Administrative Guidelines, which are also available on the City of San Diego's website; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 11 of the San Diego Municipal Code is hereby amended by amending Sections 27.1103, 27.1106, and 27.1107; by amending and retitling Section 27.1108; by repealing Section 27.1109; by amending Section 27.1110; by amending and renumbering Section 27.1111 to 27.1112; by adding new Section 27.1111; by amending Sections 27.1115, 27.1116, 27.1117, 27.1118, 27.1119, and 27.1120; by amending and retitling Section 27.1123; by amending Sections 27.1124, 27.1125, 27.1126, 27.1129, and 27.1130; by amending and retitling Section 27.1131; and by amending Sections 27.1132, 27.1136, 27.1137, and 27.1140, as follows:

§27.1103 Time to Begin Circulating Referendary Petition

A referendary *petition* may not be circulated for signatures until the first calendar day following the date of final passage of the legislative act by the *Council*.

§27.1106 Contents of Referendary Petition

A referendary *petition* shall include the questioned legislative act in full, a statement of reasons for the *petition*, one or more *voter* signature sheets, and a *circulator's* affidavit of authenticity, all of which shall be prepared in accordance with this Division and the form specified in Section 27.1107.

§27.1107 Form of Referendary Petition

(a) Referendary *petition* forms shall be furnished by the *proponent*.

- (b) The form and format of the referendary *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.

§27.1108 Statement of Reasons for Referendary Petition

The statement of reasons shall set forth the reasons for the referendary *petition*. It shall contain no more than 300 words. It shall be signed by the individual proposing the *petition* or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

§27.1110 Signing Voter's Information for Referendary Petition

- (a) Signatures on the *voter* signature sheets 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.
- (b) The form of the *voter* signature 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, as stated in section 27.1107.

§27.1111 Information Provided to Voters by Circulators

- (a) *Voters* have the right to ask *petition circulators* for information regarding the persons and entities financing the referendary *petition*. Such information shall be made available to *voters* when *voters* are asked to sign the *petition*.
- (b) Information shown to *voters* by *circulators* shall include a list of donors to the referendary *petition*, which must be conspicuous and include the identities of at least the top two donors that contributed cumulative amounts of \$1,000 or more, the amounts contributed, and the date the list was compiled. *Circulators* shall provide *voters* with the address of a website where *voters* can find current donor information. The disclosure statement shall be updated within 48 hours of any change to the list of the five largest contributors.

§27.1112 Circulator's Affidavit of Authenticity for Referendary Petition

Each referendary *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws, of the following form:

AFFIDAVIT

COUNTY OF SAN DIEGO) } ss.
STATE OF CALIFORNIA)

Under penalty of perjury under the laws of the State of California, I, (printed name of *circulator*), declare: That all of the signatures on the voter signature sheets of this petition section were made in my presence and were observed by me; 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 and Place of Signing
by Circulator)

§27.1115 Signatures on Referendary Petition

- (a) A referendary *petition* may be signed by any *voter* of the City of San Diego.
- (b) Signatures of individuals who are not *voters* shall be invalid and shall not be counted.

§27.1116 Withdrawal of Signature from Referendary Petition

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*. In order to be valid, the withdrawal request must also be

received by the *Clerk* on or after the date the *voter* signed the *petition*. Once the *petition* is filed with the *Clerk*, no signatures may be withdrawn.

§27.1117 Time for Submitting Referendary Petition to Clerk

A referendary *petition* shall be submitted to the *Clerk* within thirty calendar days after the date of final passage of the legislative act by the *Council*.

§27.1118 Submitting Referendary Petition to Clerk

- (a) The referendary *petition* shall be submitted to the *Clerk* by the *proponent* of the referendum or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.
- (b) The statement of reasons shall be submitted to the *Clerk* at the same time as the referendary *petition* is submitted pursuant to this section. The statement of reasons shall include 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.
- (c) Six copies of the referendary *petition* with unsigned *voter* signature sheets shall be submitted to the *Clerk* at the same time as the *petition* is submitted pursuant to this section.

§27.1119 Acceptance or Rejection of Referendary Petition as Filed

- (a) The *Clerk* shall not accept a referendary *petition* that is not in substantial compliance with this Division and with the City Clerk Administrative Guidelines for forms of petitions.
- (b) When the referendary *petition* is submitted, the *Clerk* shall determine that calendar day the number of signatures affixed prima facie to the *petition*.

- (1) If the *Clerk* determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the *Clerk* shall accept the *petition* as filed.
 - (2) If the *Clerk* determines that the number of signatures, prima facie, is fewer than the minimum number required, the *Clerk* shall reject the *petition* and treat it as not filed.
- (c) Any referendary *petition* sections not accepted as filed in accordance with Section 27.1119 shall be void for all purposes.

§27.1120 Verification of Referendary Petition Signatures; Time; Random Sampling

- (a) The *Clerk* shall be allowed thirty calendar days after a referendary *petition* has been accepted as filed to examine and verify signatures.
- (b) Signatures may be verified by use of the random sampling method set forth in the California Elections Code to govern the verification of referendary petitions.
- (c) To determine the sufficiency or insufficiency of a referendary *petition*, the *Clerk* shall only count valid signatures.
- (d) If the *circulator's* affidavit of authenticity for any given referendary *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

§27.1123 Challenges to Verification of Random Sampling of Referendary Petition Signatures

- (a) If random sampling is used, any *voter* of the City of San Diego may submit a written request to the *Clerk* to challenge the determination of the

sufficiency or insufficiency of a referendary *petition* for which signatures were verified by the random sampling method.

- (b) Any *voter* making a challenge under Section 27.1123(a) must post with the *Clerk* such amount of money as is required to fully pay the cost of further verification.
- (c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the *Clerk's* certification of the sufficiency or insufficiency of the referendary *petition* determined in accordance with Section 27.1124.
- (d) If the challenge is received and the required payment is made within the time specified, the *Clerk* shall proceed to verify the validity or invalidity of each signature on the referendary *petition*.

§27.1124 Clerk's Certification of Sufficiency or Insufficiency of Referendary Petition

- (a) If the *Clerk* finds a referendary *petition* to contain the requisite number of valid signatures and to be substantial compliance with this Division, the *Clerk* shall certify that the *petition* is sufficient, and qualifies for submittal to the *voters*.
- (b) If the *Clerk* finds a referendary *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this Division, the *Clerk* shall certify that the *petition* is insufficient, and does not qualify for submittal to the *voters*.

§27.1125 Notice of Sufficiency of Referendary Petition

If the *Clerk* finds a referendary *petition* to contain the number of valid signatures required by the City Charter, the *Clerk* shall so certify and shall send a notice of sufficiency to the *proponent* of the referendum. Without delay, the *Clerk* shall then present the *petition*, with the *Clerk's* certification attached, to the *Council* at the next regular *Council* meeting at which the matter can be placed on the docket.

§27.1126 Notice of Insufficiency of Referendary Petition

If the *Clerk* finds a referendary *petition* to contain less than the number of valid signatures required by the City Charter, the *Clerk* shall so certify and shall send a notice of insufficiency to the *proponent* of the referendum.

§27.1129 Number of Referendary Petition Signatures Required for Presentation to City Council

A referendary *petition* may not be presented to the *Council* unless it contains the valid signatures of at least five percent of the *voters* of the City at the last general *City election*.

§27.1130 Suspension of Referended Legislative Act

- (a) If a referendary *petition* has been accepted as filed, the referended legislative act shall be suspended until the date on which the *Clerk* issues a certification of the *petition's* insufficiency; or, if the *petition* is found to be sufficient, the legislative act shall be suspended until it is adopted by the *voters* and becomes effective in accordance with Sections 27.1139 and 27.1140.
- (b) If the *Clerk* issues a certification of the referendary *petition's*

insufficiency, the referended legislative act shall become effective immediately; or, if the legislative act is an ordinance, it shall become effective a minimum of thirty calendar days after its adoption by the *City Council*.

- (c) If the *Clerk* issues a certification of the referendary *petition's* sufficiency, the referended legislative act shall become effective in accordance with Sections 27.1139 and 27.1140.

§27.1131 Action by Council on Referendary Petition

If the referendary *petition* is presented to the *Council* by the *Clerk* at a *Council* meeting held in accordance with Section 27.1125, then the *Council* shall within ten business days reconsider the legislative act in question.

§27.1132 Referended Legislative Act to be Submitted to Voters

- (a) When the *Council* reconsiders the legislative act in accordance with Section 27.1131, it shall either:
- (1) repeal the legislative act in question, or
 - (2) adopt a resolution of intention to submit the matter to the *voters* at a *special election*, and direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.
- (b) If the *Council* fails to reconsider the act within the time prescribed by Section 27.1131, the *City Council* shall, within ten business days of the deadline for action prescribed by Section 27.1131:

- (1) adopt a resolution of intention to submit the matter to the *voters* at a *special election*, and
- (2) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

§27.1136 Examination Period for Referendary Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the *Clerk* for any *measure* to be submitted to the *voters* pursuant to this Division. The examination period shall conform to the provisions of Section 27.0402 of this article.

§27.1137 Special Election for Referended Legislative Act to Conform to Other Elections

To the extent practicable, when a referended legislative act is submitted to the *voters*, the *Clerk* shall conduct the *special election* in a manner conforming with other *elections*.

§27.1140 Effective Date of Referended Legislative Act Following Special Election

A referended legislative act which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date the *Council* adopts its resolution declaring the results of the *election*. The legislative act shall be effective on that date unless an earlier date is specified in the resolution.

Section 2. That a full reading of this ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

Section 3. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED AS TO FORM ONLY JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
11/03/15
12/08/15 COR. COPY
Or.Dept:Council District 3
Doc. No.: 1160128

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of **JAN 12 2016**

ELIZABETH S. MALAND
City Clerk

By Stacy Brady
Deputy City Clerk

Approved: 1/26/16
(date)

Kevin L. Faulconer
KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on JAN 12 2016, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 JAN 28 2016.

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 *Stacy Ready*, 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

DEC 08 2015, and on JAN 28 2016.

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 *Stacy Ready*, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21591

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 11 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.1103, 27.1106, AND 27.1107; BY AMENDING AND RETITLING SECTION 27.1108; BY REPEALING SECTION 27.1109; BY AMENDING SECTION 27.1110; BY AMENDING AND RENUMBERING SECTION 27.1111 TO 27.1112; BY ADDING NEW SECTION 27.1111; BY AMENDING SECTIONS 27.1115, 27.1116, 27.1117, 27.1118, 27.1119, AND 27.1120; BY AMENDING AND RETITLING SECTION 27.1123; BY AMENDING SECTIONS 27.1124, 27.1125, 27.1126, 27.1129, AND 27.1130; BY AMENDING AND RETITLING SECTION 27.1131; AND BY AMENDING SECTIONS 27.1132, 27.1136, 27.1137, AND 27.1140; ALL RELATING TO THE CITY OF SAN DIEGO ELECTION CODE ORDINANCE AND REFERENDUM

Article 7: Elections, Campaign Finance and Lobbying

Division 11: Referendum

§27.1101 Subjects of Referendum

[No change in text.]

§27.1102 Referendary Petition Circulators

[No change in text.]

§27.1103 Time to Begin Circulating Referendary Petition

A referendary *petition* may not be circulated for signatures until the first calendar day following the ~~exercise of the final~~ date of final passage of the legislative act by the ~~City~~ *Council*.

§27.1106 **Contents of Referendary Petition**

A referendary *petition* shall include the questioned legislative act in full, a statement of reasons for the *petition*, one or more *voter* signature sheets, and a *circulator's* affidavit of authenticity, all of which shall be prepared in accordance with this Division and the form specified in Section 27.1107.

- (a) Referendary *petition* forms shall be furnished by the *proponent*.
- (b) The referendary *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no greater than 8-1/2 by 14 inches.
- (c) The referendary *petition* may consist of any number of sections. Each section shall contain items specified in Section 27.1106(e)(1) through (4) in the order specified:
 - (1) One or more sheets setting forth the questioned legislative act in full, prepared in accordance with Section 27.1107.
 - (2) A statement of reasons for the *petition*, prepared in accordance with Section 27.1108.
 - (3) One or more *voter* signature sheets, prepared in accordance with Section 27.1109. Any number of *voter* signature sheets may be incorporated into a *petition* section.
 - (4) A *circulator's* affidavit of authenticity, prepared and signed in accordance with Section 27.1112.

- (d) ~~The sheets comprising each referendary *petition* section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.~~

§27.1107 Form of Referendary Petition

- (a) Referendary *petition* forms shall be furnished by the *proponent*.
- (b) The form and format of the referendary *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.

~~Any referendary *petition* shall be in substantially the following form, and printed in clear, readable type no smaller than 10 point in size:~~

REFERENDARY PETITION

~~REFERENDUM AGAINST A LEGISLATIVE ACT ADOPTED BY~~

~~THE CITY COUNCIL OF THE CITY OF SAN DIEGO.~~

~~TO THE HONORABLE CITY COUNCIL OF THE CITY OF SAN DIEGO:~~

~~We, the undersigned registered voters of The City of San Diego, California, hereby present this petition to the City Council of The City of San Diego, California, and ask that the City Council repeal, or submit to the registered voters of the City for their adoption or rejection that legislative act adopted by the City Council, on the _____ day of _____, of which the following is a full and correct copy:~~

~~(NOTE: Here insert full title and text of the legislative act to be referred, the statement of reasons prepared in accordance with Section 27.1108; the voter signature~~

~~sheets prepared in accordance with Section 27.1109; and the *circulator's* affidavit of authenticity prepared in accordance with Section 27.1112.)~~

§27.1108 Form of Statement of Reasons for Referendary Petition

The statement of reasons shall set forth the reasons for the referendary *petition*. It shall contain no more than 300 words. ~~The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size.~~ It shall be signed by the individual proposing the *petition* or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

§27.1109 Form of Voter Signature Sheets for Referendary Petition

- (a) ~~On the right hand side of each *voter* signature sheet, a space at least one inch wide shall be left blank for the *City Clerk's* use in verifying the validity or invalidity of the signatures. *Voter* signature sheets shall be arranged and lined to provide space for each *voter's* signature, each *voter's* printed name, place of each *voter's* residence, and date of each *voter's* signature.~~
- (b) ~~Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:~~

~~“NOTICE TO THE PUBLIC~~

~~THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER~~

OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.”

(e) The signature portion of the sheet shall be in substantially the following

_____ form:

_____ NAME	RESIDENCE	DATE	(Clerk's Use Only)
1. SIGN _____ _____ PRINT			
2. SIGN _____ _____ PRINT			
3. SIGN _____ _____ PRINT			

§27.1110 Signing Voter's Information for Referendary Petition

(a) Signatures on the *voter* signature sheets shall be executed by *voters* in their own handwriting and each signer shall also affix his or her printed name, ~~date of his or her signature~~, and place of his or her 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.

- (b) The form of the *voter* signature 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, as stated in section 27.1107.

§27.1111 Information Provided to Voters by Circulators

- (a) *Voters* have the right to ask *petition circulators* for information regarding the persons and entities financing the referendary *petition*. Such information shall be made available to *voters* when *voters* are asked to sign the *petition*.
- (b) Information shown to *voters* by *circulators* shall include a list of donors to the referendary *petition*, which must be conspicuous and include the identities of at least the top two donors that contributed cumulative amounts of \$1,000 or more, the amounts contributed, and the date the list was compiled. *Circulators* shall provide *voters* with the address of a website where *voters* can find current donor information. The disclosure statement shall be updated within 48 hours of any change to the list of the five largest contributors.

§27.11142 Circulator's Affidavit of Authenticity for Referendary Petition

Each referendary *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws, of the following form:

§27.1112 ~~Form of Circulator's Affidavit of Authenticity for Referendary Petition~~

~~The *circulator's* affidavit of authenticity shall have the following form:~~

AFFIDAVIT OF AUTHENTICITY

COUNTY OF SAN DIEGO) } ss.

STATE OF CALIFORNIA)

Under penalty of perjury under the laws of the State of California, I, (printed name of *circulator*), declare: That all of the signatures on the voter signature sheets of this petition section were made in my presence and were observed by me; 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 ~~individuals~~ 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 and Place of Signing
Signed by Circulator)

§27.1115 Signatures on Referendary Petition

- (a) A referendary *petition* may be signed by any *voter* of the City of San Diego. ~~Only voters may sign the voter signature sheets of a referendary petition.~~
- (b) Signatures of individuals who are not *voters* shall be invalid and shall not be counted.

§27.1116 Withdrawal of Signature from Referendary Petition

~~Any individual who has signed a referendary *petition's voter* signature sheet may withdraw his or her signature by filing a written request bearing his or her name, address and signature in the Office of the City *Clerk* prior to the deadline for submitting that *petition* under Section 27.1117~~

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*. In order to be valid, the withdrawal request must also be received by the *Clerk* on or after the date the voter signed the *petition*. Once the *petition* is filed with the *Clerk*, no signatures may be withdrawn.

§27.1117 Time for Submitting Referendary Petition to Clerk

A referendary *petition* ~~may~~ shall be submitted to the ~~Office of the City *Clerk*~~ any time within thirty calendar days after the ~~exercise of the final~~ date of final passage of the legislative act by the ~~City Council~~.

§27.1118 Submitting Referendary Petition to Clerk

- (a) The referendary *petition* shall be submitted to the ~~Office of the City *Clerk*~~ by the *proponent* of the referendum or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.
- (b) The statement of reasons ~~prepared in accordance with Section 27.1108~~ shall be submitted to the ~~Office of the City *Clerk*~~ at the same time as the referendary *petition* is submitted pursuant to this section. The statement of

reasons shall include 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.

- (c) Six copies of the referendary *petition* with unsigned *voter* signature sheets shall be submitted to the ~~Office of the City Clerk~~ at the same time as the *petition* is submitted pursuant to this section.

§27.1119 Acceptance or Rejection of Referendary Petition as Filed

- (a) The ~~City Clerk~~ shall not accept a referendary *petition* that is not in substantial compliance with this ~~Division~~ and with the City Clerk Administrative Guidelines for forms of petitions.
- (b) When the referendary *petition* is submitted, the ~~City Clerk~~ shall determine that calendar day the number of signatures affixed prima facie to the *petition*.
 - (1) If the ~~City Clerk~~ determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the ~~City Clerk~~ shall accept the *petition* as filed.
 - (2) If the ~~City Clerk~~ determines that the number of signatures, prima facie, is fewer than the minimum number required, the ~~City Clerk~~ shall reject the *petition* and treat it as not filed.
- (c) Any referendary *petition* sections not accepted as filed in accordance with Section 27.1119 shall be void for all purposes.

§27.1120 Verification of Referendary Petition Signatures; Time; Random Sampling

- (a) The *City Clerk* shall be allowed a ~~period of~~ thirty calendar days after a referendary *petition* has been accepted as filed to examine and verify the ~~validity or invalidity of~~ signatures.
- (b) Signatures may be verified by use of ~~The~~ random sampling method set forth in the California Elections Code ~~may be used for verification of~~ signatures to govern the verification of referendary petitions.
- (c) To determine the sufficiency or insufficiency of a referendary *petition*, the *City Clerk* shall only count valid signatures.
- (d) If the *circulator's* affidavit of authenticity for any given referendary *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

§27.1123 Challenges to Verification of Random Sampling of Referendary Petition Signatures

- (a) If random sampling is used, ~~By submitting a written request to the~~ *City Clerk*, any *voter* of ~~the~~ City of San Diego may submit a written request to the *Clerk* to challenge the determination of the sufficiency or insufficiency of a referendary *petition* for which signatures were verified by the random sampling method ~~provided for in~~ Section 27.1120(b).
- (b) Any *voter* making a challenge under Section 27.1123(a) must post with the *City Clerk* such amount of money as is required to fully pay the cost of further verification.

- (c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the *City Clerk's* certification of the sufficiency or insufficiency of the referendary *petition* determined in accordance with Section 27.1124.
- (d) If the challenge is received and the required payment is made within the time specified, the *City Clerk* shall proceed to verify the validity or invalidity of each signature on the referendary *petition*.

§27.1124 Clerk's Certification of Sufficiency or Insufficiency of Referendary Petition

- (a) If the *City Clerk* finds a referendary *petition* to contain the requisite number of valid signatures and to be substantial compliance with this Division, ~~he or she~~ the Clerk shall certify that the *petition* is sufficient, and qualifies for submittal to the *voters*.
- (b) If the *City Clerk* finds a referendary *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this ~~d~~Division, ~~he or she~~ the Clerk shall certify that the *petition* is insufficient, and does not qualify for submittal to the *voters*.

§27.1125 Notice of Sufficiency of Referendary Petition

If the Clerk finds a referendary petition to contain the number of valid signatures required by the City Charter, the Clerk shall so certify and shall send a notice of sufficiency to the proponent of the referendum. ~~When a referendary petition has been certified as sufficient, the City Clerk shall send a notice of sufficiency to the proponent of the referendum.~~ Without delay, tThe *City Clerk* shall then present

the *petition*, with the Clerk's certification attached, to the *City Council* at the next regular *City Council* meeting at which the matter can be placed on the docket.

§27.1126 Notice of Insufficiency of Referendary Petition

~~When a referendary *petition* has been certified as insufficient, the *City Clerk* shall send a notice of insufficiency to the *proponent* of the referendum.~~

If the *Clerk* finds a referendary *petition* to contain less than the number of valid signatures required by the *City Charter*, the *Clerk* shall so certify and shall send a notice of insufficiency to the *proponent* of the referendum.

§27.1129 Number of Referendary Petition Signatures Required for Presentation to City Council

A referendary *petition* may not be presented to the *City Council* unless it contains the valid signatures of at least five percent of the *voters* of the *City* at the last general *City election*.

§27.1130 Suspension of Referended Legislative Act

- (a) If a referendary *petition* has been accepted as filed, the referended legislative act shall be suspended until the date on which the *City Clerk* issues a certification of the *petition's* insufficiency; or, if the *petition* is found to be sufficient, the legislative act shall be suspended until it is adopted by the *voters* and becomes effective in accordance with Sections 27.1139 and 27.1140.
- (b) If the *City Clerk* issues a certification of the referendary *petition's* insufficiency, the referended legislative act shall become effective

immediately; or, if the legislative act is an ordinance, it shall become effective a minimum of thirty calendar days after its adoption by the *City Council*.

- (c) If the *City Clerk* issues a certification of the referendary *petition's* sufficiency, the referended legislative act shall become effective in accordance with Sections 27.1139 and 27.1140.

§27.1131 Action by *City Council* on Referendary Petition

If the referendary *petition* is presented to the *City Council* by the *City Clerk* at a *City Council* meeting held in accordance with Section 27.1125, then the *City Council* shall within ten business days reconsider the legislative act in question.

§27.1132 Referended Legislative Act to be Submitted to Voters

- (a) When the *Council* reconsiders the legislative act in accordance with Section 27.1131, it shall either:
- (1) repeal the legislative act in question, or
 - (2) adopt a resolution of intention to submit the matter to the voters at a special election, and direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot.
- (b) If the *City Council* ~~refuses to grant the referendary *petition* to repeal the legislative act in question or~~ fails to reconsider the act within the time prescribed by Section 27.1131, the *City Council* shall, within ten business days of the ~~date of refusal or of the~~ deadline for action prescribed by Section 27.1131, ~~whichever is earlier:~~

- (1) adopt a resolution of intention to submit the matter to the voters at a special election, and
- (2) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot.

§27.1133 Time for Special Election for Referended Legislative Act

[No change in text.]

§27.1136 Examination Period for Referendary Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the ~~City~~ Clerk for any *measure* to be submitted to the voters pursuant to this Division. The examination period shall conform to the provisions of Section 27.0402 of this article.

§27.1137 Special Election for Referended Legislative Act to Conform to Other Elections

To the extent practicable, when a referended legislative act is submitted to the voters, the ~~City~~ Clerk shall conduct the *special election* in a manner conforming with other *elections*.

§27.1138 Special Election Not Limited to One Referended Legislative Act

[No change in text.]

§27.1139 Voter Adoption of a Referended Legislative Act

[No change in text.]

§27.1140 Effective Date of Referended Legislative Act Following Special Election

A referended legislative act which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date the ~~City~~

Council adopts its resolution declaring the results of the *election*. The legislative act shall be effective ~~ten calendar days after the date the resolution is adopted on~~ that date unless an earlier date is specified in the resolution.

SBS:jdf

10/29/15

Or.Dept: Council District 3

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