

ORDINANCE NUMBER O- 20593 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 28 2016

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY ADDING NEW SECTION 27.0121; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.2719, RELATING TO THE CITY OF SAN DIEGO ELECTION CODE ORDINANCE AND RECALL

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, the Council adopted an election code ordinance in the San Diego Municipal Code that includes general provisions related to all City elections, at Chapter 2, Article 7, Division 1, sections 27.0101 to 27.0120; and

WHEREAS, Charter section 23 sets forth the percentage of registered voters who must sign a petition to place a recall measure 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 . . . recall”; and

WHEREAS, the election code ordinance in the San Diego Municipal Code includes a chapter detailing the City's recall procedures at Chapter 2, Article 7, Division 27, sections 27.2701 through 27.2729; and

WHEREAS, the Council now desires to amend two of the election-related Municipal Code sections, with one section added to specify the time of the filing deadline for papers filed with the City Clerk's Office, and one section being amended to bring the procedure for withdrawal of signatures from a recall petition into uniformity with similar provisions related to initiative and referendum petitions; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 1 of the San Diego Municipal Code is hereby amended by adding new section 27.0121 as follows:

Division 1: Elections - General

§27.0121 Filings Due to Clerk by Close of Business

A petition or report required by this article to be filed with the *Clerk* must be submitted for filing to the *Clerk* by the close of business at 5 p.m. on the day of its filing.

Section 2. That Chapter 2, Article 7, Division 27 is amended by amending section 27.2719 as follows:

Division 27: Recall

§27.2719 Withdrawal of Signature

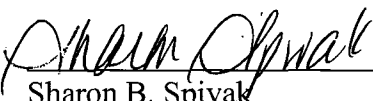
Any *voter* signing a *petition* shall have his or her signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, bearing his or her name, address, and signature, before the *petition* is

filed with the *Clerk*. 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.

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: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
10/30/15
Or.Dept: Council District 3
Doc. No.: 1160149

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 
Deputy City Clerk

Approved: 1/26/16
(date)


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 Aty Brady, 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 Aty Brady, Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 20593

STRIKEOUT ORDINANCE

OLD LANGUAGE: Struck Out

NEW LANGUAGE: Double Underline

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Article 7: Elections, Campaign Finance and Lobbying

Division 1: Elections - General

§27.0121 Filings Due to Clerk by Close of Business

A petition or report required by this article to be filed with the Clerk must be submitted for filing to the Clerk by the close of business at 5 p.m. on the day of its filing.

Division 27: Recall

§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. 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.

SBS:jdf
10/30/15
Or.Dept: Council District 3
Doc. No.: 1159753