

ORDINANCE NUMBER O- 20833 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 15 2017

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.0103; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 5 BY AMENDING SECTIONS 27.0505 AND 27.0506 AND ADDING NEW SECTIONS 27.0516 AND 27.0517, RELATING TO BALLOT MATERIALS AND BALLOT MEASURE ELECTIONS.

WHEREAS, the City of San Diego (City) approves budgets for the costs of its municipal elections, which can vary significantly based on criteria including the number of ballot measures to be submitted to voters, and the length of the text of measures that must be published in the voter pamphlet mailed to all voters; and

WHEREAS, in recent years, the City has been required to publish the full text of lengthy ballot measures, including initiative measures that have exceeded 75 pages; and

WHEREAS, the City's Election Code Ordinance (Election Code), required by Charter section 8 and found in the San Diego Municipal Code, specifies what must appear in the voter pamphlet; and

WHEREAS, the City potentially could save significant costs if the Election Code is amended to provide the opportunity to publish less than the full text of certain measures in the voter pamphlet mailed to voters, and if the amendments provide for electronic publication as an option in certain instances; and

WHEREAS, the Council now desires in this Ordinance to amend the Election Code to provide new rules governing the publication of ballot measures in municipal elections; 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 amended by amending section 27.0103, to read as follows:

Division 1: Elections - General

§27.0103 Definitions

Terms specific to this article are defined in this section. Defined terms are noted by italics.

“*Ballot Materials*” means those items defined in this section, which may be printed on the ballot or in the *voter pamphlet* or online on the City’s website or the website of the San Diego County Registrar of Voters, in accordance with the requirements of this Article, relating to *measures* or candidates.

- (a) For ballot *measures*, *ballot materials* include the ordinance placing the *measure* on the ballot, which contains the ballot question and the full text of the *measure* to be voted upon at the *election*. They also include the ballot title and summary, if any; the impartial analysis, if any; the fiscal impact analysis; and arguments for and against the *measure*, if any.
- (b) For candidate *elections*, *ballot materials* include the ordinance placing the names of the candidates on the ballot, the ballot designation of the candidate, and the statement of the candidate’s qualifications.

“*Ballot Question*” to “*Voter Pamphlet*” [No change in text.]

Section 2. That Chapter 2, Article 7, Division 5 of the San Diego Municipal Code is amended by amending sections 27.0505 and 27.0506, and by adding new sections 27.0516 and 27.0517, to read as follows:

Division 5: Ballots for Measures

§27.0505 Preparation of Impartial Analysis

(a) through (e) [No change in text.]

(f) The impartial analysis constitutes *ballot materials* within the meaning of Section 27.0103.

§27.0506 Preparation of Fiscal Impact Analysis

(a) through (e) [No change in text.]

(f) The fiscal impact analysis constitutes *ballot materials* within the meaning of Section 27.0103.

§ 27.0516 Publication of Ballot Measures

(a) The full text of each Charter amendment *measure* to be voted upon at the *election* shall be published in the *voter pamphlet*. For each Charter amendment, the *voter pamphlet* shall include, in no less than 10-point bold type, after the fiscal impact analysis, a statement substantially as follows:

“The full text of this measure is included in this voter pamphlet.”

(b) The full text of each *measure* other than a Charter amendment *measure* to be voted upon at the *election* shall be published in the *voter pamphlet*, unless the text as submitted to the *Clerk* exceeds 50 pages. In that event, the *voter pamphlet* shall contain the first 20 pages of the text of the *measure* as submitted to the *Clerk*, provided that the Council will have the discretion to adopt a resolution, effective no later than the 94th day prior to the date of the *election*, requiring the *Clerk* to include the full text of the *measure* in the *voter pamphlet*.

- (1) If the full text of the *measure* is printed in the *voter pamphlet*, the *Clerk* shall cause to be printed immediately below the fiscal impact analysis, in no less than 10-point bold type, a statement substantially as follows: “The full text of this measure is included in this voter pamphlet.”
- (2) If less than the full legal text of a *measure* is printed in the voter information pamphlet, the *Clerk* shall cause or direct the following actions:
 - a. Post the full text of the *measure* on the City’s website;
 - b. Provide a printed copy of the full text of the *measure* to the Main Library and branch libraries of the San Diego Library for access by the public;
 - c. Mail a printed copy of the full text of the *measure* to any *voter* upon request made to the Office of the *Clerk*, at no cost to the *voter*;
 - d. Cause to be printed in the *voter pamphlet*, immediately below the fiscal impact analysis for the *measure*, in no less than 10-point bold type, a statement substantially as follows: “The above statement is a fiscal impact analysis of Measure _____. An excerpt of the text of this measure is included in this voter pamphlet. The full text of this measure is available online at (insert website address) and in the City’s public libraries. If you would like a copy of

the full text of the measure to be mailed to you, please contact the Office of the City Clerk at (insert telephone number and email address) and a copy will be mailed at no cost to you.”; and

- e. Cause to be printed in the *voter pamphlet*, immediately below the excerpt of text, in no less than 10-point bold type, a statement substantially as follows: “The text above contains the first 20 pages of Measure ___ but does not include the remaining pages of the Measure. The pages that have been excluded may include important information that could be useful to voters, and the City Clerk encourages voters to review those pages as well. The full text of this measure is available online at (insert website address) and in the City’s public libraries. If you would like a copy of the full text of the measure to be mailed to you, please contact the Office of the City Clerk at (insert telephone number and email address) and a copy will be mailed at no cost to you.”

§ 27.0517 Proponents’ Responsibility for Submission of Electronic Text

- (a) Proponents of any *measure* provided to the *Clerk* to be voted upon at an *election* shall provide the *Clerk* with an exact electronic copy of the text of the *measure*, sufficient to allow the *Clerk* to provide for any required online publication. The specifications for such text must follow the

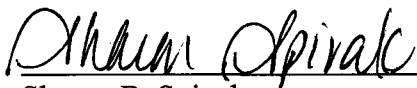
requirements of the City Clerk Administrative Guidelines, a copy of which can be obtained from the *Clerk's* website.

- (b) The required electronic text must be provided to the *Clerk* no later than five business days after the Council has approved the ordinance placing the *measure* on a ballot or five business days before the deadline to submit *ballot materials* for publication in the *voter pamphlet*, whichever is earlier.

Section 5. 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 6. That this ordinance shall take effect and be in force on the thirtieth day from and after its final passage.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

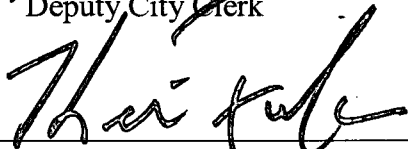
SBS:jdf
05/10/17
Or.Dept: City Clerk
Doc. No.: 1496783_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 06 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 6/15/17
(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)

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Article 7: Elections, Campaign Finance and Lobbying

Division 1: Elections - General

§27.0103 Definitions

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- (a) For ballot *measures*, *ballot materials* include the ordinance placing the *measure* on the ballot, which contains the ballot question and the full text of the measure to be voted upon at the election. They also include the ballot title and summary, if any; the impartial analysis, if any; the fiscal impact analysis, if any; and arguments for and against the *measure*, if any.

- (b) For candidate *elections, ballot materials*, include the ordinance placing the names of the candidates on the ballot, the ballot designation of the candidate, and the statement of the candidate's qualifications.

"Ballot Question" to *"Voter Pamphlet"* [No change in text.]

Division 5: Ballots for Measures

§27.0505 Preparation of Impartial Analysis

(a) through (e) [No change in text.]

- ~~(f) — In the event the entire text of the *measure* is not printed on the ballot, nor in the voter pamphlet, there shall be printed immediately below the impartial analysis, in no less than 10 point bold type, a legend substantially as follows:~~

~~"The above statement is an impartial analysis of Proposition _____. If you desire a copy of the ordinance or *measure*, please contact the Office of the City Clerk (533-4000)."~~

~~A copy will be provided to the requestor at no cost. This requirement may be met by the Clerk's placement of an exact copy of the ordinance or *measure* on the Internet.~~

- ~~(g)~~ The impartial analysis constitutes *ballot materials* within the meaning of Section 27.0103.

§27.0506 Preparation of Fiscal Impact Analysis

(a) through (e) [No change in text.]

- ~~(f)~~ The fiscal impact analysis constitutes *ballot materials* within the meaning of Section 27.0103.

§ 27.0516 **Publication of Ballot Measures**

- (a) The full text of each Charter amendment *measure* to be voted upon at the election shall be published in the voter pamphlet. For each Charter amendment, the voter pamphlet shall include, in no less than 10-point bold type, after the fiscal impact analysis, a statement substantially as follows:
“The full text of this measure is included in this voter pamphlet.”
- (b) The full text of each *measure* other than a Charter amendment *measure* to be voted upon at the election shall be published in the voter pamphlet, unless the text as submitted to the Clerk exceeds 50 pages. In that event, the voter pamphlet shall contain the first 20 pages of the text of the *measure* as submitted to the Clerk, provided that the Council will have the discretion to adopt a resolution, effective no later than the 94th day prior to the date of the election, requiring the Clerk to include the full text of the *measure* in the voter pamphlet.
- (1) If the full text of the *measure* is printed in the voter pamphlet, the Clerk shall cause to be printed immediately below the fiscal impact analysis, in no less than 10-point bold type, a statement substantially as follows: “The full text of this measure is included in this voter pamphlet.”
- (2) If less than the full legal text of a *measure* is printed in the voter information pamphlet, the Clerk shall cause or direct the following actions:
- a. Post the full text of the *measure* on the City’s website;

- b. Provide a printed copy of the full text of the *measure* to the Main Library and branch libraries of the San Diego Library for access by the public;
- c. Mail a printed copy of the full text of the *measure* to any voter upon request made to the Office of the Clerk, at no cost to the voter;
- d. Cause to be printed in the voter pamphlet, immediately below the fiscal impact analysis for the *measure*, in no less than 10-point bold type, a statement substantially as follows: “The above statement is a fiscal impact analysis of Measure _____. An excerpt of the text of this measure is included in this voter pamphlet. The full text of this measure is available online at (insert website address) and in the City’s public libraries. If you would like a copy of the full text of the measure to be mailed to you, please contact the Office of the City Clerk at (insert telephone number and email address) and a copy will be mailed at no cost to you.”; and
- e. Cause to be printed in the voter pamphlet, immediately below the excerpt of text, in no less than 10-point bold type, a statement substantially as follows: “The text above contains the first 20 pages of Measure _____ but does not include the remaining pages of the Measure. The pages that

have been excluded may include important information that could be useful to voters, and the City Clerk encourages voters to review those pages as well. The full text of this measure is available online at (insert website address) and in the City's public libraries. If you would like a copy of the full text of the measure to be mailed to you, please contact the Office of the City Clerk at (insert telephone number and email address) and a copy will be mailed at no cost to you."

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- (b) The required electronic text must be provided to the *Clerk* no later than five business days after the Council has approved the ordinance placing the *measure* on a ballot or five business days before the deadline to submit *ballot materials* for publication in the *voter pamphlet*, whichever is earlier.

SBS:jdf
05/10/17
Or.Dept: City Clerk
Doc. No.: 1495393_2

JUN 06 2017

Passed by the Council of The City of San Diego on _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

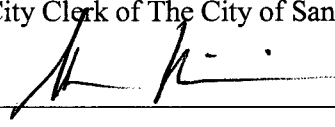
Date of final passage **JUN 15 2017**

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 , 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

MAY 23 2017

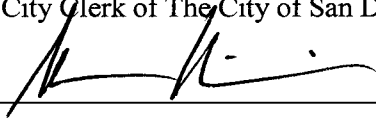
JUN 15 2017

, and on _____.

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 , Deputy

<p>Office of the City Clerk, San Diego, California</p> <p>Ordinance Number O- 20833</p>
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