

ORDINANCE NUMBER O- 20876 (NEW SERIES)

DATE OF FINAL PASSAGE NOV 20 2017

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 6 OF THE SAN DIEGO MUNICIPAL CODE BY RETITLING, AMENDING AND RENUMBERING SECTION 27.0603 TO SECTION 27.0604; RETITLING, AMENDING, AND RENUMBERING FORMER SECTION 27.0604 TO SECTION 27.0603; AND AMENDING SECTIONS 27.0605, 27.0606, 27.0607, 27.0608, 27.0620, 27.0621 AND 27.0624, ALL RELATING TO BALLOTS FOR CANDIDATES.

WHEREAS, San Diego City Charter section 8 provides that the City has an election code ordinance providing an adequate and complete procedure to govern the City's municipal elections, including the nomination of candidates for all elective offices; and

WHEREAS, the City's election code ordinance is codified in Chapter 2, Article 7 of the San Diego Municipal Code; and

WHEREAS, Chapter 2, Article 7, Division 6 (Ballots for Candidates) governs candidate elections and was last comprehensively updated in 1999, with several limited updates in later years; and

WHEREAS, several provisions of the Ballots for Candidates division now require updates to reflect changes in the law, remove provisions that are no longer accurate, allow for electronic submission of certain ballot materials, and remove specific formatting and housekeeping requirements that instead will move to the City Clerk's Administrative Guidelines provided to candidates; and

WHEREAS, Municipal Code section 27.0621, regarding content prohibited in a candidate's Statement of Qualifications, is being amended to bring the section into compliance with state law; similar language was amended at the state level after legal challenge; and

WHEREAS, the proposed amendments were heard October 4, 2017, by the Council's Rules Committee, which forwarded the amendments to Council on a unanimous vote; and

WHEREAS, the amendments are being submitted in time to take effect before upcoming deadlines for the 2018 elections for certain municipal offices; NOW, THEREFORE,

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

Section 1. Chapter 2, Article 7, Division 6 of the San Diego Municipal Code is amended by retitling, amending, and renumbering section 27.0603 to section 27.0604; retitling, amending, and renumbering former section 27.0604 to section 27.0603; and amending sections 27.0605, 27.0606, 27.0607, 27.0608, 27.0620, 27.0621 and 27.0624, all relating to ballots for candidates, to read as follows:

§27.0603 Designation of Principal Profession, Vocation, or Occupation and Statement of Candidate's Qualifications Subject to City Clerk's Administrative Guidelines

The designation of principal profession, vocation, or occupation and the Statement of Candidate's Qualifications submitted in accordance with this division shall be subject to the City Clerk's Administrative Guidelines.

§27.0604 Designation of Principal Profession, Vocation, or Occupation

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

§27.0605 Word Usage in Designation of Principal Profession, Vocation, or Occupation

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

(e) The designation uses the name of any political party.

(f) through (g) [No change in text.]

§27.0606 Notification to Candidate if Designation Violates Restrictions

The *City Clerk* has no duty to verify the designation of principal profession, vocation, or occupation. If, however, after reviewing the nomination papers, the *City Clerk* finds the designation to be in violation of any of the restrictions set forth in Sections 27.0603, 27.0604 or 27.0605, the *City Clerk* shall notify the *candidate*.

(a) and (b) [No change in text.]

§27.0607 Changing Designation of Principal Profession, Vocation, or Occupation

A *candidate* may not change his or her designation of principal profession, vocation, or occupation after the final date for filing nomination papers, except as specifically requested by the *City Clerk* as specified in Section 27.0606 or as provided for in Section 27.0608.

§27.0608 Designation to Remain the Same

- (a) The designation of principal profession, vocation, or occupation shall remain the same for all purposes of the *District* or *City-wide Primary Election* and *District* or *City-wide General Election*, unless the *candidate*, at least ninety-eight calendar days prior to the *District* or *City-wide General Election*, request in writing a different designation which the *candidate* is entitled to use at the time of the request.
- (b) In the case of a *special election* called to fill a vacated *elective office*, the designation of principal profession, vocation, or occupation shall remain the same for all purposes of the *special election* and the special run-off election, unless the *candidate*, at least forty-six calendar days prior to the

special run-off election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

§27.0620 Statement of Candidates' Qualifications

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

(e) The statement shall not exceed 200 words and shall be subject to the City Clerk's Administrative Guidelines.

(f) The statement shall be filed in the Office of the City Clerk at the following times:

(1) When nomination papers are returned for filing by *candidates* whose names will appear on the ballot for a *District* or *City-wide Primary Election*, and

(2) Ninety-eight calendar days before the *District* or *City-wide General Election* for *candidates* whose names will appear on the ballot for a *District* or *City-wide General Election*.

(3) Three business days following the primary *election* if a run-off *election* is required pursuant to Section 27.0906 of this article.

§27.0621 Certain Content Prohibited in Statement of Qualifications

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

(f) The statement of qualifications shall not contain obscene, vulgar, or profane language.

§27.0622 through §27.0623 [No change in text.]

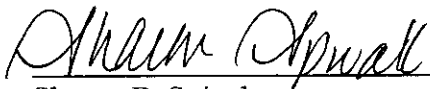
§27.0624 Candidate's Photograph

If the *candidate* desires to have his or her photograph appear with the statement of qualifications, the *candidate* shall electronically submit a photograph as specified in the City Clerk's Administrative Guidelines. Only the head and shoulders portion of the photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All photographs in the *voter pamphlet* containing *candidates'* statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a *candidate's* format for his or her statement of qualifications.

Section 2. 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. 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
10/17/17
10/31/17 Rev.
Or.Dept: City Clerk
Doc. No.: 1605191_2

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of NOV 14 2017.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 11/20/17
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

Passed by the Council of The City of San Diego on NOV 14 2017, 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gomez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage NOV 20 2017

AUTHENTICATED BY:

(Seal)

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

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

By *Hy Meady*, 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 31 2017, and on NOV 20 2017.

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 *Hy Meady*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20876

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 6: Ballots for Candidates

§26.0601 through §26.0602 [No change in text.]

§27.06043 ~~Administrative Guidelines for the Designation of Principal Profession, Vocation, or Occupation and Statement of Candidate's Qualifications~~
Subject to City Clerk's Administrative Guidelines

The designation of principal profession, vocation, or occupation and the Statement of Candidate's Qualifications submitted in accordance with this division shall also be subject to the City Clerk's Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation. ~~The City Clerk's Administrative Guidelines shall be based on the Secretary of State's Ballot Designation Regulations, title 2, Sections 20710-20719 of the California Code of Regulations, as modified for use in the City of San Diego.~~

§27.06034 Designation of Principal Profession, Vocation, or Occupation

- (a) The *candidate's* designation of principal profession, vocation, or occupation constitutes *ballot materials* within the meaning of Section 27.0103.
- (b) If a *candidate* desires his or her principal profession, vocation, or occupation to be printed on the ballot, the *candidate* shall file with the *City Clerk*, a statement indicating his or her designation of principal profession, vocation, or occupation. Except as provided in Section 27.0603(c)(2), the designation shall not be more than four words. Such statement shall be filed on a form provided by the *City Clerk* and shall contain a declaration by the *candidate* of the truth thereof. The statement shall be signed under California perjury laws, and shall be filed at the same time as the nomination papers.
- (c) The designation may be only one of the following:
 - (1) The *candidate* may designate his or her principal profession, vocation, or occupation during the calendar year immediately preceding the filing of nomination papers.
 - (2) through (4) [No change in text.]

§27.0605 Word Usage in Designation of Principal Profession, Vocation, or Occupation

The designation of principal profession, vocation, or occupation shall not contain words such that any of the following would be true:

- (a) through (d) [No change in text.]

(e) The designation uses the name of any political party, ~~whether or not that party has qualified for the ballot.~~

(f) through (g) [No change in text.]

§27.0606 Notification to Candidate if Designation Violates Restrictions

The *City Clerk* has no duty to verify the designation of principal profession, vocation₂ or occupation. If, however, after reviewing the nomination papers, the *City Clerk* finds the designation to be in violation of any of the restrictions set forth in Sections 27.0603, 27.0604 or 27.0605, the *City Clerk* shall notify the *candidate*.

(a) and (b) [No change in text.]

§27.0607 Changing Designation of Principal Profession, Vocation₂ or Occupation

A *candidate* may not change his or her designation of principal profession, vocation₂ or occupation after the final date for filing nomination papers, except as specifically requested by the *City Clerk* as specified in Section 27.06060 or as provided for in Section 27.0608.

§27.0608 Designation to Remain the Same

(a) The designation of principal profession, vocation₂ or occupation shall remain the same for all purposes of the *District* or *City-wide Primary Election* and *District* or *City-wide General Election*, unless the *candidate*, at least ninety-eight calendar days prior to the *District* or *City-wide General Election*, request in writing a different designation which the *candidate* is entitled to use at the time of the request.

- (b) In the case of a *special election* called to fill a vacated *elective office*, the designation of principal profession, vocation, or occupation shall remain the same for all purposes of the *special election* and the special run-off election, unless the *candidate*, at least forty-six calendar days prior to the special run-off election, requests in writing a different designation which the candidate is entitled to use at the time of the request.

§27.0620 Statement of Candidates' Qualifications

- (a) through (d) [No change in text.]
- (e) The statement shall not exceed 200 words in length. ~~Printed material on the statement shall be of uniform type size. Boldface type or underscoring may be used for emphasis.~~ and shall be subject to the City Clerk's Administrative Guidelines.
- (f) The statement shall be filed in the Office of the City Clerk at the following times:
- (1) When nomination papers are returned for filing by *candidates* whose names will appear on the ballot for a *District* or *City-wide Primary Election*, and
 - (2) Ninety-eight calendar days before the *District* or *City-wide General Election* for *candidates* whose names will appear on the ballot for a *District* or *City-wide General Election*.
 - (3) Three business days following the primary *election* if a run-off *election* is required pursuant to Section 27.0906 of this article.

§27.0621 Certain Content Prohibited in Statement of Qualifications

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

(f) The statement of qualifications shall not contain obscene, vulgar, or profane, scandalous, libelous or defamatory matter or language which in any way incites, counsels, promotes or advocates hatred, abuse, violence or hostility toward any individual or group of individuals by reason of race, color, religion or manner of worship.

§27.0622 through §27.0623 [No change in text.]

§27.0624 Candidate's Photograph

If the *candidate* desires to have his or her photograph appear with the statement of qualifications, the *candidate* shall electronically submit a photograph glossy photographic print, preferably 8 by 10 inches in size, or no smaller than 5 by 7 inches in size as specified in the City Clerk's Administrative Guidelines. Only the head and shoulders portion of the photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All photographs in the *voter pamphlet* containing *candidates'* statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a *candidate's* format for his or her statement of qualifications.

§27.0625 through §27.0627 [No change in text.]

SBS:jdf
10/17/17
Or.Dept:City Clerk
Doc. No.: 1605186