

ORDINANCE NUMBER O- 21063 (NEW SERIES)

DATE OF FINAL PASSAGE APR 15 2019

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.0208 AND 27.0210; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 5 BY AMENDING SECTIONS 27.0508, 27.0512, AND 27.0516, AND BY RETITLING AND AMENDING SECTION 27.0517; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 10 BY AMENDING SECTIONS 27.1008, 27.1020, AND 27.1022, AND REPEALING SECTION 27.1025; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 11 BY AMENDING SECTION 27.1120 AND REPEALING SECTION 27.1123; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 BY AMENDING SECTION 27.2716; ALL RELATING TO THE CITY'S MUNICIPAL ELECTION PROCEDURES.

WHEREAS, San Diego Charter section 8 requires the City of San Diego (City) to have an election code ordinance (Election Code) providing "an adequate and complete procedure to govern municipal elections" for the City's elective officers and ballot measures, which is found in the San Diego Municipal Code; and

WHEREAS, the Election Code is regularly reviewed and amended to ensure it provides "best practices" for municipal elections, to correct issues that may have been identified in a previous elections cycle, and to incorporate state law as may be necessary or desired; and

WHEREAS, the City Clerk now proposes amendments in this Ordinance that would take effect in time to apply to the next municipal election in March 2020; and

WHEREAS, the proposed amendments are designed to improve the elections process for candidates, proponents of ballot measures, and voters; and

WHEREAS, certain amendments are being added to mirror state law, to align the City with requirements established by the San Diego County Registrar of Voters (Registrar of Voters), or to reflect procedures used by other municipalities; and

WHEREAS, amendments related to the publication of ballot measures are designed to avoid potential voter confusion and clarify the process; and

WHEREAS, certain amendments provide context to the determination of whether an entity qualifies as a “bona fide association of citizens” allowed to submit a ballot argument, and incorporate language from the California Elections Code; and

WHEREAS, amendments changing the deadline for verifying initiative and referendum signatures from 30 calendar days to 30 business days will align the City with the timeline in the California Elections Code and assist the Registrar of Voters; and

WHEREAS, amendments that explain the random sampling process for petition signatures are designed to make the process more understandable, and restate law in the California Elections Code; and

WHEREAS, amendments that remove the 30-day residency requirement for voters who sign a candidate’s nominating petition will mirror the process in effect for other jurisdictions; and

WHEREAS, amendments to procedures regarding the electronic publication of certain ballot measures will provide flexibility for the City Clerk, and list some of the criteria the City Clerk may consider in deciding whether to publish a ballot measure in full in the printed voter pamphlet; and

WHEREAS, amendments clarify what signature verification the City Clerk must complete for initiative petitions under Charter section 23; and

WHEREAS, amendments would require a proponent to inform the City Clerk whether the proponent seeks discretionary review of an initiative by the City Council (requiring the initiative petition to have valid signatures from three percent of the registered voters at the last

general citywide election) or to qualify the measure to be placed on a ballot (requiring valid signatures from 10 percent of the registered voters at the last general citywide election); and

WHEREAS, amendments would eliminate a procedure in which a voter could require the City Clerk to conduct a signature-by-signature verification of petitions after the City Clerk has issued a certification, as the process has been unique to the City and proven unworkable and cost-prohibitive; and

WHEREAS, certain amendments remove form and formatting requirements from the Election Code and add them to the City Clerk Administrative Guidelines, available on the City's website and in the Office of the City Clerk; NOW, THEREFORE,

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

Section 1. Chapter 2, Article 7, Division 2 of the San Diego Municipal Code is amended by amending sections 27.0208 and 27.0210, relating to Elections, Campaign Finance and Lobbying, and Nominations, to read as follows:

**Article 7: Elections, Campaign Finance and Lobbying**

**Division 2: Nominations**

**§27.0201 through §27.0207** [No change in text.]

**§27.0208 Form of Nominating Petition Page**

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

(d) The form and format of the *voter* signature portion of the nominating *petition* pages shall follow the guidelines for such pages in the City Clerk Administrative Guidelines, which shall be posted on the City website and made available to the public at the Office of the *Clerk*.

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

§27.0209 [No change in text.]

§27.0210 **Required Number of Signatures on Nominating Petition**

- (a) Only *voters* may sign the *voter* signature portion of a nominating *petition*. Signatures of individuals who are not *voters* shall be invalid.
- (b) Nominating *petitions* of *candidates* for the office of City Councilmember shall be signed by at least one hundred *voters* registered in the district from which the *candidate* seeks nomination.
- (c) Nominating *petitions* of *candidates* for the offices of Mayor and City Attorney shall be signed by at least two hundred *voters* registered in the City.
- (d) Nominating *petitions* of *candidates* for the office of member of the Board of Education shall be signed by at least two hundred *voters* registered in the district of the San Diego Unified School District from which the *candidate* seeks nomination.

§27.0211 through §27.0222 [No change in text.]

Section 2. Chapter 2, Article 7, Division 5 of the San Diego Municipal Code is amended by amending sections 27.0508, 27.0512, and 27.0516, and by retitling and amending section 27.0517, relating to Elections, Campaign Finance and Lobbying, and Ballots for Measures, to read as follows:

**Division 5: Ballots for Measures**

§27.0501 through §27.0507 [No change in text.]

§27.0508 **Written Arguments**

- (a) The *Council*, or any member or members of the *Council* authorized by that body, or any individual *voter* who is eligible to vote on the *measure*, or

bona fide association of citizens, or any combination of *voters* and associations, may file a written argument for or against any City *measure*. Bona fide associations of citizens shall submit one of the documents listed in section 27.0512(b) along with the argument.

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

§27.0509 through §27.0511 [No change in text.]

**§27.0512 Priority for Selection if More than One Argument Submitted**

- (a) If more than one argument for, or more than one argument against, any *measure* is submitted to the *Clerk* within the time prescribed, the *Clerk* shall select one of the arguments in favor, and one of the arguments against, the *measure* for printing and distribution to the *voters*. In selecting the argument the *Clerk* shall give preference and priority, in the order named, to the arguments of the following:
- (1) The *Council*, or member or members of the *Council*, including the Mayor, authorized by that body.
  - (2) The individual *voter*, or bona fide association of citizens, or combination of *voters* and associations, who are the bona fide sponsors or *proponents* of the *measure*.
  - (3) Bona fide associations of citizens.
  - (4) Individual *voters* who are eligible to vote on the *measure*.
- (b) To enable the *Clerk* to determine whether an entity qualifies as a bona fide association of citizens under sections 27.0508 and 27.0512, an organization or association submitting an argument for or against a *measure* shall submit with the argument a copy of one of the following:

- (1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents;
  - (2) Letterhead containing the name of the organization and its principal officers; or
  - (3) If the organization or association is a primarily formed committee established to support or oppose the *measure*, its statement of organization filed pursuant to California Government Code section 84101, or any subsequent amendment to that section.
- (c) In selecting an argument from among bona fide associations of citizens, the *Clerk* shall not consider the type of documentation submitted in compliance with section 27.0512(b), and shall not consider the form of the association.

**§27.0513 through §27.0515** [No change in text.]

**§27.0516 Publication of Ballot Measures**

- (a) The *Clerk* shall publish a notice or heading in the *voter pamphlet* for each ballot *measure* indicating whether the full text of the *measure*, or the partial text of the *measure*, is published in the *voter pamphlet*.
- (b) The full text of each Charter amendment *measure* to be voted upon at the *election* shall be published in the *voter pamphlet*.
- (c) 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 *Clerk* determines that factors such as the length of the measure, printing logistics, timing constraints, postage or mailing concerns, or the presence of special graphics or attachments, may present problems for

- voters* or the *Clerk*, including issues related to *voter* access to a printed *voter pamphlet*. In that event, the *Clerk* may direct that no more than the first 20 pages of the text of the ballot *measure* shall be published in the *voter pamphlet*.
- (d) All supplemental materials, including the ballot title and summary, the impartial analysis (if any), the fiscal impact analysis, and the arguments for or against the *measure* (if any), shall be published in the *voter pamphlet*, regardless of whether the full text or partial text of the *measure* is published in the *voter pamphlet*.
- (e) If less than the full legal text of a *measure* is printed in the *voter pamphlet*, the *Clerk* shall cause or direct all of the following actions:
- (1) Post the full text of the *measure* on the City's website;
  - (2) Provide a printed copy of the full text of the *measure* to the San Diego main library and branch libraries for access by the public;
  - (3) 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*;
  - (4) Print 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

- (5) Print 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 \_\_\_ 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 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.



- (b) The required electronic text of a *measure* 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.
- (c) Any person or entity submitting an argument for or against a *measure* in compliance with section 27.0508 shall file with the *Clerk* an exact electronic copy of the text of the argument when the argument is filed with the *Clerk*.
- (d) The electronic format required to be used for submissions under this section shall be designated in the City Clerk Administrative Guidelines, which shall be posted on the City website and made available in the Office of the *Clerk*.

Section 3. Chapter 2, Article 7, Division 10 of the San Diego Municipal Code is amended by amending sections 27.1008, 27.1020, and 27.1022, and repealing section 27.1025, relating to Elections, Campaign Finance and Lobbying, and Initiative, to read as follows:

**Division 10: Initiative**

**§27.1001 through §27.1007** [No change in text.]

**§27.1008 Contents of Initiative Petition**

- (a) through (b) [No change in text.]
- (c) The initiative *petition* may consist of any number of sections. Each section shall contain items specified in section 27.1008(c)(1) through (4) in the order specified:

- (1) One or more sheets setting forth the proposed legislative act in full, prepared in accordance with section 27.1009.
- (2) A statement of reasons for the *petition*, prepared in accordance with section 27.1010.
- (3) One or more *voter* signature sheets, prepared in accordance with section 27.1011. 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 27.1013.

(d) [No change in text.]

**§27.1009 through §27.1019** [No change in text.]

**§27.1020 Submitting Initiative Petition to Clerk**

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

(c) When submitting the initiative *petition*, the *proponent* of the initiative, or any individual authorized in writing by the *proponent*, shall specify whether the *Clerk* is being requested to verify the validity of signatures of three percent, or of ten percent, of the registered *voters* of the City as of the last general City *election*. The *Clerk* shall issue a certification based upon the percentage requested, as follows:

- (1) Three percent of the registered *voters* of the City at the last general City *election*, which would be sufficient to present an initiative *petition* for the initiation of an ordinance to the *Council* for the *Council's* discretionary consideration; or

- (2) Ten percent of the registered *voters* of the City at the last general *City election*, which would be sufficient to qualify the initiative *petition* to be directly submitted to a vote of the people.

**§27.1021** [No change in text.]

**§27.1022 Verification of Initiative Petition Signatures; Time; Random Sampling**

- (a) The *Clerk* shall be allowed a period of 30 business days after an initiative *petition* has been accepted as filed to verify the validity or invalidity of signatures.
- (b) The random sampling method set forth in this section may be used for verification of signatures.
  - (1) The random sample of signatures to be verified shall be drawn so that every signature filed with the *Clerk* shall be given an equal opportunity to be included in the sample. The random sampling shall include an examination of at least three percent of the signatures.
  - (2) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified *voters* needed to declare the *petition* sufficient, the *Clerk* shall, within 60 business days from the date of the filing of the *petition*, examine and verify the signatures filed.

- (3) If the *Clerk* determines, prior to completing the examination of each signature filed, that the *petition* is signed by the requisite number of qualified *voters* to declare the *petition* sufficient, the *Clerk* may terminate the verification of the remaining unverified signatures.
  - (4) If the statistical sampling shows that the number of valid signatures falls below 95 percent of the number of signatures of qualified *voters* needed to declare the *petition* sufficient, the *petition* will be found insufficient and no further action shall be taken. A supplemental *petition* may not be filed. The failure to secure sufficient signatures on a given *petition* shall not preclude the filing of a new *petition* on the same subject.
- (c) To determine the sufficiency or insufficiency of an initiative *petition*, the *Clerk* shall only count valid signatures.
  - (d) If the *circulator's* affidavit of authenticity for any given initiative *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

**§27.1026 through §27.1051** [No change in text.]

Section 4. Chapter 2, Article 7, Division 11 of the San Diego Municipal Code is amended by amending section 27.1120 and repealing section 27.1123, relating to Elections, Campaign Finance and Lobbying, and Referendum, as follows:

**Division 11: Referendum**

**§27.1101 through §27.1119** [No change in text.]

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

- (a) The *Clerk* shall be allowed 30 business 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 section 27.1022, which applies to the verification of initiative *petitions*.
- (c) through (d) [No change in text.]

**§27.1124 through §27.1140** [No change in text.]

Section 5, Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending section 27.2716, relating to Elections, Campaign Finance and Lobbying, and Recall, to read as follows:

**Division 27: Recall**

**§27.2701 through §27.2715** [No change in text.]

**§27.2716 Verification of Petition; Time; Random Sampling**

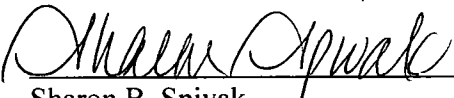
- (a) The *Clerk* shall be allowed a period of 30 business days after the filing of a recall *petition* to examine and verify signatures of the petitioners. The *Clerk* shall indicate on each petition the date on which it was filed and the name of the *person* by whom it was filed.
- (b) Signatures may be verified by use of the random sampling method set forth in section 27.1022, which applies to the verification of initiative *petitions*.

**§27.2717 through §27.2729** [No change in text.]

Section 6. 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 7. 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  
Senior Deputy City Attorney


SBS:jdf:ccm  
03/04/19  
03/08/19 COR. COPY  
03/14/19 COR. COPY 2  
Or.Dept: City Clerk  
Doc. No.: 1952484.docx

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of APR 09 2019.

ELIZABETH S. MALAND  
City Clerk

By   
Deputy City Clerk

Approved: 4/15/19  
(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 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.0208 AND 27.0210; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 5 BY AMENDING SECTIONS 27.0508, 27.0512, AND 27.0516, AND BY RETITLING AND AMENDING SECTION 27.0517; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 10 BY AMENDING SECTIONS 27.1008, 27.1020, AND 27.1022, AND REPEALING SECTION 27.1025; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 11 BY AMENDING SECTION 27.1120 AND REPEALING SECTION 27.1123; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 BY AMENDING SECTION 27.2716; ALL RELATING TO THE CITY'S MUNICIPAL ELECTION PROCEDURES.

**Article 7: Elections, Campaign Finance and Lobbying**

**Division 2: Nominations**

§27.0201 through §27.0207 [No change in text.]

§27.0208 **Form of Nominating Petition Page**

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

(d) ~~The voter signature portion of the nominating petition page shall be in substantially the following form:~~

| Name               | Residence | Date | Clerk's Use Only |
|--------------------|-----------|------|------------------|
| <del>1. Sign</del> |           |      |                  |
| <del>Print</del>   |           |      |                  |
| <del>2. Sign</del> |           |      |                  |
| <del>Print</del>   |           |      |                  |
| <del>3. Sign</del> |           |      |                  |

|        |  |  |  |
|--------|--|--|--|
| -Print |  |  |  |
|--------|--|--|--|

The form and format of the *voter* signature portion of the nominating petition pages shall follow the guidelines for such pages in the City Clerk Administrative Guidelines, which shall be posted on the City website and made available to the public at the Office of the Clerk.

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

§27.0209 [No change in text.]

§27.0210 **Required Number of Signatures on Nominating Petition**

- (a) Only *voters* may sign the *voter* signature portion of a nominating *petition*. Signatures of individuals who are not *voters* shall be invalid.
- (b) Nominating *petitions* of *candidates* for the office of City Councilmember shall be signed by at least one hundred ~~individuals~~ *voters* ~~residing in the district and who at the time of signing shall have been~~ registered *voters* for a ~~period of at least thirty calendar days~~ in the district from which the *candidate* seeks nomination.
- (c) Nominating *petitions* ~~for~~ of *candidates* for the offices of Mayor and City Attorney shall be signed by at least two hundred ~~individuals~~ *voters* ~~residing in the City of San Diego and who at the time of signing shall have been~~ registered *voters* ~~of in~~ the City for a ~~period of at least thirty calendar days~~.
- (d) Nominating *petitions* of *candidates* for the office of member of the Board of Education shall be signed by at least two hundred ~~individuals~~ *voters* ~~residing in the district and who at the time of signing shall have been~~



registered ~~voters~~ for a period of at least thirty calendar days in the district  
of the San Diego Unified School District from which the *candidate* seeks  
nomination.

§27.0211 through §27.0222 [No change in text.]

**Division 5: Ballots for Measures**

§27.0501 through §27.0507 [No change in text.]

**§27.0508 Written Arguments**

- (a) The ~~City Council~~, or any member or members of the ~~City Council~~  
authorized by that body, or any individual *voter* who is eligible to vote on  
the *measure*, or bona fide association of citizens, or any combination of  
*voters* and associations, may file a written argument for or against any  
City *measure*. Bona fide associations of citizens shall submit one of the  
documents listed in section 27.0512(b) along with the argument.

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

§27.0509 through §27.0511 [No change in text.]

**§27.0512 Priority for Selection if More than One Argument Submitted**

- (a) If more than one argument for, or more than one argument against, any  
*measure* is submitted to the ~~City Clerk~~ within the time prescribed, the ~~City  
Clerk~~ shall select one of the arguments in favor, and one of the arguments  
against, the *measure* for printing and distribution to the *voters*. In selecting  
the argument the ~~City Clerk~~ shall give preference and priority, in the order  
named, to the arguments of the following:
- (1) The ~~City Council~~, or member or members of the ~~City Council~~,  
including the Mayor, authorized by that body.

- (2) The individual *voter*, or bona fide association of citizens, or combination of *voters* and associations, who are the bona fide sponsors or *proponents* of the *measure*.
  - (3) Bona fide associations of citizens.
  - (4) Individual *voters* who are eligible to vote on the *measure*.
- (b) To enable the *Clerk* to determine whether an entity qualifies as a bona fide association of citizens under sections 27.0508 and 27.0512, an organization or association submitting an argument for or against a *measure* shall submit with the argument a copy of one of the following:
- (1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents;
  - (2) Letterhead containing the name of the organization and its principal officers; or
  - (3) If the organization or association is a primarily formed committee established to support or oppose the *measure*, its statement of organization filed pursuant to California Government Code section 84101, or any subsequent amendment to that section.
- (c) In selecting an argument from among bona fide associations of citizens, the *Clerk* shall not consider the type of documentation submitted in compliance with section 27.0512(b), and shall not consider the form of the association.

§27.0513 through §27.0515 [No change in text.]

§27.0516 **Publication of Ballot Measures**

- (a) The Clerk shall publish a notice or heading in the voter pamphlet for each ballot measure indicating whether the full text of the measure, or the partial text of the measure, is published in the voter pamphlet.
- (ab) 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.”
- (bc) 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.~~  
determines that factors such as the length of the measure, printing logistics, timing constraints, postage or mailing concerns, or the presence of special graphics or attachments, may present problems for voters or the Clerk, including issues related to voter access to a printed voter pamphlet.  
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.~~ the Clerk may direct that no more than the first 20 pages of the text of the ballot measure shall be published 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.”~~

- (d) All supplemental materials, including the ballot title and summary, the impartial analysis (if any), the fiscal impact analysis, and the arguments for or against the *measure* (if any), shall be published in the *voter pamphlet*, regardless of whether the full text or partial text of the *measure* is published in the *voter pamphlet*.
- (e) If less than the full legal text of a *measure* is printed in the *voter pamphlet*, the *Clerk* shall cause or direct all of the following actions:

- (1) Post the full text of the *measure* on the City’s website;
- (2) Provide a printed copy of the full text of the *measure* to the San Diego main library and branch libraries for access by the public;
- (3) 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;
- (4) Print 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
- (5) Print 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 \_\_\_\_\_ 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 of a *measure* must be provided to the *Clerk* no later than five business days after the ~~Council~~ 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.
- (c) Any person or entity submitting an argument for or against a *measure* in compliance with section 27.0508 shall file with the *Clerk* an exact electronic copy of the text of the argument when the argument is filed with the *Clerk*.

- (d) The electronic format required to be used for submissions under this section shall be designated in the City Clerk Administrative Guidelines, which shall be posted on the City website and made available in the Office of the Clerk.

**Division 10: Initiative**

**§27.1001 through §27.1007** [No change in text.]

**§27.1008 Contents of Initiative Petition**

- (a) through (b) [No change in text.]
- (c) The initiative *petition* may consist of any number of sections. Each section shall contain items specified in Section 27.1008(c)(1) through (4) in the order specified:
- (1) One or more sheets setting forth the proposed legislative act in full, prepared in accordance with Section 27.1009.
  - (2) A statement of reasons for the *petition*, prepared in accordance with Section 27.1010.
  - (3) One or more *voter* signature sheets, prepared in accordance with Section 27.1011. 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 27.1044~~13~~.
- (d) [No change in text.]

**§27.1009 through §27.1019** [No change in text.]

**§27.1020 Submitting Initiative Petition to Clerk**

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



(c) When submitting the initiative *petition*, the *proponent* of the initiative, or any individual authorized in writing by the *proponent*, shall specify whether the *Clerk* is being requested to verify the validity of signatures of three percent, or of ten percent, of the registered *voters* of the City as of the last general *City election*. The *Clerk* shall issue a certification based upon the percentage requested, as follows:

- (1) Three percent of the registered *voters* of the City at the last general *City election*, which would be sufficient to present an initiative *petition* for the initiation of an ordinance to the *Council* for the *Council's* discretionary consideration; or
- (2) Ten percent of the registered *voters* of the City at the last general *City election*, which would be sufficient to qualify the initiative *petition* to be directly submitted to a vote of the people.

§27.1021 [No change in text.]

§27.1022 **Verification of Initiative Petition Signatures; Time; Random Sampling**

- (a) The *City Clerk* shall be allowed a period of 30 ~~thirty calendar~~ business days after an initiative *petition* has been accepted as filed to verify the validity or invalidity of signatures.
- (b) The random sampling method set forth in this section ~~the California Elections Code~~ may be used for verification of signatures.
  - (1) The random sample of signatures to be verified shall be drawn so that every signature filed with the *Clerk* shall be given an equal opportunity to be included in the sample. The random sampling

shall include an examination of at least three percent of the signatures.

- (2) If the statistical sampling shows that the number of valid signatures is within 95 to 110 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the Clerk shall, within 60 business days from the date of the filing of the petition, examine and verify the signatures filed.
  - (3) If the Clerk determines, prior to completing the examination of each signature filed, that the petition is signed by the requisite number of qualified voters to declare the petition sufficient, the Clerk may terminate the verification of the remaining unverified signatures.
  - (4) If the statistical sampling shows that the number of valid signatures falls below 95 percent of the number of signatures of qualified voters needed to declare the petition sufficient, the petition will be found insufficient and no further action shall be taken. A supplemental petition may not be filed. The failure to secure sufficient signatures on a given petition shall not preclude the filing of a new petition on the same subject.
- (c) To determine the sufficiency or insufficiency of an initiative *petition*, the Clerk shall only count valid signatures.
- (d) If the *circulator's* affidavit of authenticity for any given initiative *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

**§27.1025 Challenges to Verification of Initiative Petition Signatures**

- (a) ~~By submitting a written request to the City Clerk, any voter of The City of San Diego may challenge the determination of the sufficiency or insufficiency of an initiative petition for which signatures were verified by the random sampling method provided for in Section 27.1022(b).~~
- (b) ~~Any voter making a challenge under Section 27.1025(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 initiative petition determined in accordance with Section 27.1026.~~
- (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 initiative petition.~~

§27.1026 through §27.1051 [No change in text.]

**Division 11: Referendum**

§27.1101 through §27.1119 [No change in text.]

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

- (a) The Clerk shall be allowed ~~thirty~~ 30 ~~calendar~~ business 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~~ Section 27.1022, which applies to the verification of initiative *petitions*.

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

**§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 through §27.1140** [No change in text.]

**Division 27: Recall**

**§27.2701 through §27.2715** [No change in text.]

**§27.2716 Verification of Petition; Time; Random Sampling**

- (a) The *Clerk* shall be allowed a period of 30 ~~thirty calendar~~ business 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 section 27.1022, which applies to the verification of initiative *petitions* ~~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 through §27.2729** [No change in text.]

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03/14/19 COR. COPY 2  
Or.Dept: City Clerk  
Doc. No.: 1908940\_5

Passed by the Council of The City of San Diego on APR 09 2019, 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"/> |
| Jennifer Campbell | <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"/> |
| Monica Montgomery | <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"/> |
| Vivian Moreno     | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Georgette Gómez   | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |

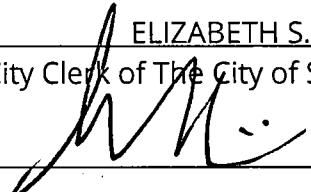
Date of final passage APR 15 2019

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.

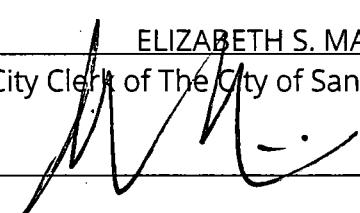
By , Deputy

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 MAR 19 2019, and on APR 15 2019.

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

Office of the City Clerk, San Diego, California

Ordinance Number O-21063