

ORDINANCE NUMBER O- 21173 (NEW SERIES)

DATE OF FINAL PASSAGE JAN 30 2020

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.0208, 27.0210, 27.0220 AND 27.0221; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 3 BY AMENDING SECTIONS 27.0309, 27.0311, 27.0321 AND 27.0322, ALL RELATING TO THE CITY'S MUNICIPAL ELECTION PROCEDURES.

WHEREAS, the City of San Diego's (City) election code ordinance (Election Code), required by San Diego Charter section 8 and codified in the San Diego Municipal Code, describes the requirements for running for elected office in the City, including filing fees, petition signature requirements, and signature in lieu of fee requirements; and

WHEREAS, the City has not updated the amount of filing fees for candidates and write-in candidates for elected office since the current fees were adopted in 1985; and

WHEREAS, it is possible for candidates and write-in candidates to partially or completely offset the candidate filing fee by gathering signatures in excess of those required to qualify; and

WHEREAS, currently, each valid signature beyond the required signatures for qualification is valued at \$0.25 toward a reduction of the filing fee; and

WHEREAS, currently, signatures from 200 qualified registered voters are required for candidates and write-in candidates in Citywide races (Mayor and City Attorney) and signatures from 100 qualified registered voters in the specific Council District in which the potential candidate is seeking office are required for candidates and write-in candidates for City Council; and

WHEREAS, the number of signatures required for nominating petitions has not been updated since 1999; and

WHEREAS, the City Council (Council) now desires to remove establish candidate filing fees and write-in candidate filing fees from the Election Code, and to establish such fees in the City Council's User Fee Policy, with such fees updated to reflect actual costs; and

WHEREAS, the Council now desires to amend the Election Code to be consistent with the valuation of signatures for candidates under state law, which is one dollar for every three valid signatures; and

WHEREAS, the Council now desires to amend the Election Code to increase the number of signatures required in candidate nominating petitions and write-in candidate nominating petitions proportionally to the increase in the number of registered voters in the City since the last update in 1999; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 2 of the San Diego Municipal Code is amended by amending sections 27.0208, 27.0210, 27.0220, and 27.0221, to read as follows:

§27.0208 Form of Nominating Petition Page

- (a) [No change in text.]
- (b) The following note shall appear on each nominating *petition* page, immediately below the statement required by Section 27.0208(a):

(NOTE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of at least 240 qualified voters. Nominating petitions for members of the Board of Education may be signed only by voters residing within the home district

of the candidate, and must contain the signatures of at least 200 qualified voters. Nominating petitions for members of the City Council may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 120 qualified voters.

Nominating petitions for appointment to City elective offices require the signatures of at least 50 qualified voters. It is unlawful for any voter to sign more than one nominating petition for any given office.)

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

§27.0210 Required Number of Signatures on Nominating Petition

(a) [No change in text.]

(b) Nominating *petitions* of *candidates* for the office of City Councilmember shall be signed by at least 120 *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 240 *voters* registered in the City.

(d) [No change in text.]

§27.0220 Nominating Fee

The *election* nominating fee for the offices of City Councilmember, Mayor, and City Attorney shall be established according to the City Council's User Fee Policy. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the Office of the Clerk. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

§27.0221 Signatures Used to Offset Nominating Fee

- (a) through (d) [No change in text.]
- (e) Every three valid signatures in excess of the number required pursuant to Section 27.0210 that are obtained and submitted for filing on the nominating *petition* within the prescribed nomination period for the purpose of reducing the nominating fee shall be valued at one dollar toward reduction of the nominating fee.
- (f) [No change in text.]

Section 2. That Chapter 2, Article 7, Division 3 of the San Diego Municipal Code is amended by amending sections 27.0309, 27.0311, 27.0321, and 27.0322, to read as follows:

§27.0309 Form of Nominating Petition Page for Write-in Candidates

- (a) [No change in text.]
- (b) The following note shall appear on each nominating *petition* page for write-in *candidates*, immediately below the statement required by Section 27.0309(a): (NOTE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of a least 240 qualified voters. Nominating petitions for members of the Board of Education may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 200 qualified voters. Nominating petitions for members of the City Council may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 120 qualified voters. Nominating petitions for appointment to City elective

offices require the signatures of at least 50 qualified voters. It is unlawful for any voter to sign more than one nominating petition for any given office.)

- (c) [No change in text.]
- (d) The form and format of the voter signature portion of the nominating petition pages shall follow 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.]

§27.0311 Required Number of Signatures on Nominating Petition for Write-in Candidates

- (a) [No change in text.]
- (b) Nominating *petitions* for write-in *candidates* for the office of City Councilmember shall be signed by at least 120 individuals residing in the district and who at the time of signing shall have been registered *voters* in the district from which the write-in *candidate* seeks nomination.
- (c) Nominating *petitions* for write-in *candidates* for the offices of Mayor and City Attorney shall be signed by at least 240 individuals residing in the City of San Diego and who at the time of signing shall have been registered *voters* of the City.
- (d) [No change in text.]

§27.0321 Nominating Fee for Write-In Candidates

The *election* nominating fee for a write-in *candidate* for the offices of City Councilmember, Mayor, and City Attorney shall be established according to the

City Council's User Fee Policy. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the Office of the Clerk. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

§27.0322 Signatures Used to Offset Nominating Fee for Write-In Candidates

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


(e) Every three valid signatures in excess of the number required pursuant to Section 27.0311 that are obtained and submitted for filing on the nominating *petition* for a write-in *candidate* within the prescribed nomination period for the purpose of reducing the nominating fee shall be valued at one dollar toward reduction of the nominating fee.

(f) [No change in text.]

Section 3. 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 4. 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 
Jennifer L. Berry
Deputy City Attorney

JLB:jvg
08/08/19
02/21/20 COR. COPY
Or.Dépt:City Clerk
Doc. No.: 2077807_6

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 28 2020.

~~ELIZABETH S. MALAND
City Clerk~~

By _____
Deputy City Clerk

Approved: _____
(date)

KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

(NOTE: See attached memo and signature page.)

Office of
The City Attorney
City of San Diego

MEMORANDUM

DATE: February 21, 2020
TO: City Clerk
FROM: Jennifer L. Berry
SUBJECT: Item 53, January 28, 2020

The following was amended to Ordinance O-2020-76, Item 53, January 28, 2020 adopted by the Council with final passage date of January 30, 2020. I will be delivering a copy of the COR. COPY to the Clerk's Office.

Original wording:

§27.0322 Signatures Used to Offset Nominating Fee

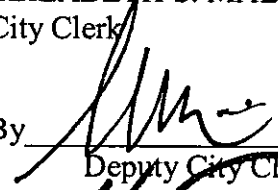
Amended to read:

§27.0322 Signatures Used to Offset Nominating Fee for Write-In Candidates

JLB:jvg
Doc. No.: 2334664
Enclosure
cc: Matthew Hilario

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JAN 28 2020.

ELIZABETH S. MALAND
City Clerk

By 
Deputy City Clerk

Approved: 1/30/2020
(date)


KEVIN L. FAULCONER, Mayor

Vetoed: _____
(date)

KEVIN L. FAULCONER, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck-Out~~

NEW LANGUAGE: Double Underline

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 2 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.0208, 27.0210, 27.0220 AND 27.0221; AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 3 BY AMENDING SECTIONS 27.0309, 27.0311, 27.0321 AND 27.0322, ALL RELATING TO THE CITY'S MUNICIPAL ELECTION PROCEDURES.

§27.0208 Form of Nominating Petition Page

(a) [No change in text.]

(b) The following note shall appear on each nominating *petition* page, immediately below the statement required by Section 27.0208(a):

(NOTE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of at least ~~200~~240 qualified voters. Nominating petitions for members of the Board of Education may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 200 qualified voters. Nominating petitions for members of the City Council may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least ~~100~~120 qualified voters. Nominating petitions for appointment to City elective offices require the signatures of at least 50 qualified voters. It is unlawful for any voter to sign more than one nominating petition for any given office.)

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

§27.0210 Required Number of Signatures on Nominating Petition

- (a) [No change in text.]
- (b) Nominating *petitions* of *candidates* for the office of City Councilmember shall be signed by at least ~~one hundred~~ 120 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~~ 240 voters registered in the City.
- (d) [No change in text.]

§27.0220 Nominating Fee

The *election* nominating fee shall be ~~two hundred dollars (\$200)~~ for the offices of City Councilmember, and ~~five hundred dollars (\$500)~~ for the offices of Mayor, and City Attorney shall be established according to the City Council's User Fee Policy. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the Office of the Clerk. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

§27.0221 Signatures Used to Offset Nominating Fee

- (a) through (d) [No change in text.]
- (e) ~~Each~~ Every three valid signatures in excess of the number required pursuant to Section 27.0210 that ~~is~~are obtained and submitted for filing on the nominating *petition* within the prescribed nomination period for the purpose of reducing the nominating fee shall be valued at ~~\$0.25~~ one dollar toward reduction of the nominating fee.

(f) [No change in text.]

§27.0309 Form of Nominating Petition Page for Write-in Candidates

(a) [No change in text.]

(b) The following note shall appear on each nominating *petition* page for write-in *candidates*, immediately below the statement required by Section 27.0309(a): (NOTE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of a least ~~200~~240 qualified voters. -Nominating petitions for members of the Board of Education may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 200 qualified voters. -Nominating petitions for members of the City Council may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least ~~100~~120 qualified voters. -Nominating petitions for appointment to City elective offices require the signatures of at least 50 qualified voters. -It is unlawful for any voter to sign more than one nominating petition for any given office.)

(c) [No change in text.]

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

Name	Residence	Date	Clerk's Use Only
1. Sign			
Print			
2. Sign			
Print			
3. Sign			
Print			

The form and format of the voter signature portion of the nominating petition pages shall follow 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.]

§27.0311 Required Number of Signatures on Nominating Petition for Write-in Candidates

- (a) [No change in text.]
- (b) Nominating *petitions* for write-in *candidates* for the office of City Councilmember shall be signed by at least ~~one hundred~~ 120 individuals 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 write-in *candidate* seeks nomination.
- (c) Nominating *petitions* for write-in *candidates* for the offices of Mayor and City Attorney shall be signed by at least ~~two hundred~~ 240 individuals residing in the City of San Diego and who at the time of signing shall have been registered *voters* of the City ~~for a period of at least thirty calendar days~~.

(d) [No change in text.]

§27.0321 Nominating Fee for Write-In Candidates

The *election* nominating fee for a write-in *candidate* ~~shall be two hundred dollars (\$200) for the offices of City Councilmember, and five hundred dollars (\$500) for the offices of Mayor, and City Attorney shall be established according to the City Council's User Fee Policy. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the Office of the Clerk.~~ -The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

§27.0322 Signatures Used to Offset Nominating Fee for Write-In Candidates

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

(e) ~~Each~~ Every three valid signatures in excess of the number required pursuant to Section 27.0311 that ~~is~~are obtained and submitted for filing on the nominating *petition* for a write-in *candidate* within the prescribed nomination period for the purpose of reducing the nominating fee shall be valued at ~~\$0.25~~ one dollar toward reduction of the nominating fee.

(f) [No change in text.]

JLB:jvg
08/08/19
02/21/20 COR. COPY
Or.Dept: City Clerk
Doc. No.: 2077817_8

Passed by the Council of The City of San Diego on JAN 28 2020, 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 JAN 30 2020

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 *[Signature]*, 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 JAN 07 2020, and on JAN 30 2020.

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 *[Signature]*, Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- <u>21173</u>