

ORDINANCE NUMBER O- 21542 (NEW SERIES)

DATE OF FINAL PASSAGE OCT 12 2022

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.1002 AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2706, 27.2707, AND 27.2709, RELATING TO PUBLICATION REQUIREMENTS FOR INITIATIVE AND RECALL PETITIONS AND UPDATING THE LANGUAGE.

WHEREAS, the San Diego Municipal Code requires the proponents of initiative and recall petitions to publish a notice of intention in a “daily” newspaper of general circulation prior to circulating the initiative or recall petition; and

WHEREAS, the proponents of recall elections similarly must publish the elected official’s answer to the recall petition in a “daily” newspaper of general circulation; and

WHEREAS, similar publication requirements under California State law only require publication in a “newspaper of general circulation” and do not require daily publication; and

WHEREAS, in the City of San Diego (City), the San Diego Union-Tribune is the only daily newspaper of general circulation available to publish these notices, but provided an entirely digital product on July 4, 2022, and may do so again in the future; and

WHEREAS, if the San Diego Union-Tribune were to ever discontinue daily legal noticing, proponents of initiative and recall elections would have no options for publishing these required notices; and

WHEREAS, removing the “daily” requirement from the San Diego Municipal Code will make the City’s requirements consistent with State law and provide flexibility to proponents of initiatives and recalls as publishing options in the City change; and

WHEREAS, these divisions of the San Diego Municipal Code are updated to remove and update outdated language; and

WHEREAS, the Office of the City Attorney has drafted this ordinance based on the information provided by City staff, with the understanding that this information is complete, true, and accurate; NOW, THEREFORE,

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

Section 1. That Chapter 2, Article 7, Division 10 of the San Diego Municipal Code is amended by amending section 27.1002, to read as follows:

§27.1002 Notice of Intention to be Published

An initiative *petition* may not be circulated for signatures until the *proponent* has published at least once in a newspaper of general circulation a notice of intention to circulate the *petition*. The notice of intention shall contain the proposed legislative act in full and the statement of reasons for the *petition* prepared in accordance with Section 27.1010.

Section 2. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending sections 27.2706, 27.2707, and 27.2709, to read as follows:

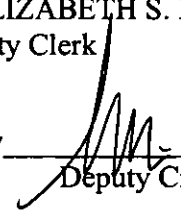
§27.2706 Notice of Intention

(a) A recall *petition* may not be circulated for signatures until the *proponents* have published at least once in a newspaper of general circulation a notice of intention to circulate the *petition*. The notice of intention shall contain the name and office of the *person* sought to be recalled and a statement of 300 words or less stating the reasons for the *petition*.

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

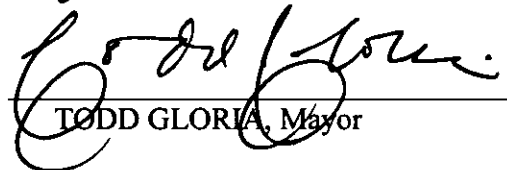
I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of OCT 03 2022.

ELIZABETH S. MALAND
City Clerk

By  _____
Deputy City Clerk

Approved: 10/12/22

(date)

 _____
TODD GLORIA, Mayor

Vetoed: _____

(date)

TODD GLORIA, Mayor

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Double Underline

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AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 10 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 27.1002 AND AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.2706, 27.2707, AND 27.2709, RELATING TO PUBLICATION REQUIREMENTS FOR INITIATIVE AND RECALL PETITIONS AND UPDATING THE LANGUAGE.

§27.1002 Notice of Intention to be Published

An initiative *petition* may not be circulated for signatures until the *proponent* has published at least once in a ~~daily~~ newspaper of general circulation a notice of intention to ~~do so~~ circulate the *petition*. The notice of intention shall contain the proposed legislative act in full and the statement of reasons for the *petition* prepared in accordance with Section 27.1010.

§27.2706 Notice of Intention

(a) A recall *petition* may not be circulated for signatures until the *proponents* have published at least once in a ~~daily~~ newspaper of general circulation a notice of intention to circulate the *petition*. The notice of intention shall contain the name and office of the *person* sought to be recalled and a statement of ~~three hundred~~ 300 words or less stating the reasons for the *petition*.

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

§27.2707 Affidavit of Publication

Within ten calendar days after publication of the notice of intention to circulate a recall *petition* for signatures, the *proponents* shall file in the office of the *Clerk*:

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

(c) an affidavit of publication from the ~~daily~~ newspaper of general circulation in which the notice and statement were published.

§27.2709 Official's Answer

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

(c) A copy of the answer, if any, shall be published by the *proponents* at least once in a ~~daily~~ newspaper of general circulation no later than five calendar days before the *proponents* begin to circulate the *petition* for signatures. A published copy shall also be filed forthwith in the office of the *Clerk*.

HRM:nja
04/20/2022
Or. Dept: Office of the City Clerk
Doc. No.: 3040885

Passed by the Council of The City of San Diego on OCT 03 2022, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<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"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Chris Cate	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT 12 2022.

AUTHENTICATED BY:

TODD GLORIA
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

SEP 13 2022, and on OCT 12 2022.

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- 21542