

ORDINANCE NUMBER O- 21667 (NEW SERIES)

DATE OF FINAL PASSAGE JUN 27 2023

AN ORDINANCE AMENDING CHAPTER 2, ARTICLE 7, DIVISION 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.0103 AND 27.0106; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 2 BY AMENDING SECTIONS 27.0206, 27.0207, 27.0209, 27.0212, 27.0213, 27.0218, 27.0219, AND 27.0221; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 3 BY AMENDING SECTIONS 27.0307, 27.0308, 27.0310, 27.0313, 27.0315, 27.0319, AND 27.0320; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 5 BY AMENDING SECTION 27.0506; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 6 BY AMENDING SECTIONS 27.0604, 27.0607, 27.0608, 27.0620, 27.0624, AND 27.0635; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 8 BY AMENDING SECTION 27.0804; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 9 BY AMENDING SECTION 27.0907; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 11 BY AMENDING SECTIONS 27.1110 AND 27.1116; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 14 BY AMENDING SECTIONS 27.1406 AND 27.1413; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 BY AMENDING SECTIONS 27.2714, 27.2715, 27.2719, AND 27.2726; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 29 BY AMENDING SECTIONS 27.2903, 27.2911, 27.2922, 27.2924, 27.2930, 27.2935, 27.2938, 27.2943, 27.2944, 27.2951, 27.2955, AND 27.2965; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 30 BY AMENDING SECTION 27.3010, ALL RELATING TO REVISIONS TO THE ELECTIONS CODE.

WHEREAS, San Diego Charter section 8 requires the City of San Diego (City) to have an election code ordinance, providing an adequate and complete procedure to govern the City's municipal elections, including the nominations 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, several provisions of the election code ordinance require updates to reflect changes in the law, revise provisions that are no longer accurate, and to avoid the use of

gendered or binary pronouns when referring to a person or a group of people as required by San Diego Municipal Code section 11.0211; and

WHEREAS, San Diego Municipal Code section 27.0106, relating to the recall of members of the governing board of the San Diego Unified School District, is being amended to comply with San Diego Charter section 301; and

WHEREAS, San Diego Municipal Code section 27.0604, relating to the designation of a candidate's principal profession, vocation, or occupation, is being amended to reflect the correct San Diego Municipal Code citation; and

WHEREAS, San Diego Municipal Code section 27.0608 is being revised to change the deadline for a candidate to change their designated principal profession, vocation, or occupation between elections to one hundred calendar days prior to a district or city-wide election to align with the timeline for submittal to the San Diego County Registrar of Voters; and

WHEREAS, San Diego Municipal Code section 27.0620 is being revised to change the deadline for a candidate to submit their statement of qualifications to one hundred calendar days prior to a district or city-wide general election to align with the timeline for submittal to the San Diego County Registrar of Voters; and

WHEREAS, San Diego Municipal Code section 27.0624 is being revised to provide a candidate with the option of changing photographs between elections if the candidate submits a written request one hundred calendar days prior to a district or city-wide election and provides a new photograph; and

WHEREAS, San Diego Municipal Code section 27.2715 is being revised to require that all sections of a recall petition be submitted at the same time to be consistent with how the City addresses other petitions; and

WHEREAS, other sections of San Diego Municipal Code, Chapter 2, Article 7, are being amended to remove gendered or binary pronouns; and

WHEREAS, the Council of the City of San Diego's Rules Committee reviewed these proposed amendments on March 15, 2023, and forwarded the amendments to Council by unanimous vote; and

WHEREAS, any adopted amendments would be effective before upcoming deadlines for the 2024 elections for certain municipal offices; 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 1 of the San Diego Municipal Code is amended by amending sections 27.0103 and 27.0106, to read as follows:

§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) through (b) [No change in text.]

Ballot Question means the condensed statement of a measure being submitted to the voters, as that statement appears on the ballot. The ballot question may or

may not be phrased as a question.

Board of Supervisors means the Board of Supervisors of the County of San Diego.

Candidate means any individual who:

- (a) [No change in text.]
- (b) has begun to circulate nominating *petitions* or authorized others to do so on their behalf for nomination for or election to a City office; or
- (c) has received a contribution or made an expenditure or authorized another person to receive a contribution or make an expenditure with the intent to bring about their nomination for or *election* to any City office; or
- (d) [No change in text.]

City-wide General Election means either of the following:

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

City-wide Primary Election means the *election* at which the Mayor and City Attorney are nominated, or elected if a *candidate* was the sole qualified *candidate* for the office in the *City-wide Primary Election*.

Circulator is an individual who gathers signatures on a nominating, initiative, referendary or recall *petition*. It includes an individual who gathers signatures on a Charter amendment *petition*.

Clerk means the City Clerk of the City of San Diego.

Council means the City Council of the City of San Diego.

District General Election means an *election* at which *Council candidates* are elected, unless such officers are elected at the *District Primary Election* because a *candidate* was the sole qualified *candidate* for the office in the *District Primary*

Election.

District Primary Election means an *election* at which *Council candidates* are nominated, or elected if a *candidate* was the sole qualified *candidate* for the office in the *District Primary Election*.

Election means a *District* or *City-wide Primary Election*, a *District* or *City-wide General Election*, or a *special municipal election* held in the City of San Diego. It may also mean an *election* of the San Diego Unified School District.

Elective Office or *Elective Officer* includes the office of the Mayor, Councilmember, or City Attorney of the City of San Diego. It may include the office of a member of the governing board of the San Diego Unified School District.

Enforcement Authority means the City of San Diego Ethics Commission. Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this Article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.

Measure means any City Charter amendment or proposition which is:

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

Person has the same meaning as that term is defined in San Diego Municipal Code section 11.0210.

Petition means one or more documents seeking action by the City *Council* or some officer. It includes a nominating, initiative, referendary or recall *petition*.

Proponent means the *person* who proposes an initiative, referendary or recall *petition* and who has control of the circulation and filing of the *petition* with the *City Clerk*. It includes a *person* who proposes a Charter amendment *petition*.

Registrar means the Registrar of Voters of the County of San Diego, or a duly appointed deputy.

Special Election means any *election* other than a *District* or *City-wide Primary Election*, or *District* or *City-wide General Election*. It includes all *elections* to consider ballot *measures* as well as *elections* to fill vacancies in *elective office* and recall and removal *elections*.

Voter means an elector who is qualified and entitled to vote under general law in San Diego City *elections* and who is validly registered at the time ~~he or she~~ they seeks to exercise the right to vote.

Voter Pamphlet means the voter information pamphlet compiled and distributed with the sample ballot for each *election*.

§27.0106 Elections to be Conducted under this Article; Effect of State Law

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

(c) The procedures for the recall or removal for cause of members of the governing board of the San Diego Unified School District shall be the same as those for the recall or removal for cause of members of the City *Council* provided by this article, unless the governing board, at its option, adopts a resolution to have recall *elections* conducted pursuant to other law.

(d) [No change in text.]

Section 2. That Chapter 2, Article 7, Division 2 of the San Diego Municipal Code is amended by amending sections 27.0206, 27.0207, 27.0209, 27.0212, 27.0213, 27.0218, 27.0219, and 27.0221, to read as follows:

§27.0206 Form of Statement and Affidavit of Nominee

The Statement and Affidavit of Nominee shall state the name of the *candidate*, the *candidate's* current residence, their past residences for a period of four years, the date and place of their birth, the office for which they seek nomination, the term for which they are running, their occupation, a written acceptance of the nomination, and the manner in which the *candidate* wishes their name to appear. The completed and signed Statement and Affidavit of the Nominee shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF NOMINEE

STATE OF CALIFORNIA) ss.
COUNTY OF SAN DIEGO)

Under penalty of perjury, I, _____, say that I reside at _____ in the City of San Diego, County of San Diego, State of California; that I am a resident and registered voter of the political district for which I seek nomination and shall have been such for at least thirty calendar days immediately preceding the submittal of my nominating petition for filing; that I am a candidate for the office of _____ (include district designation, if appropriate) to be voted upon at the municipal primary election to be held _____ (insert date); that I request my name be printed upon the

official ballot for nomination by such primary election for such office; that I will accept such nomination; and that I will serve in such office if elected. I am a candidate for the ____ full/ ____ unexpired term. I desire to have my name printed on the ballot as follows:

(Print)

Date of Birth _____ Place of Birth _____

My occupation is _____.

All other places where I have resided in the past four years:

(Signature)

Subscribed on:

(Date)

(SEAL)

(Signature of Clerk or Deputy)

(Official Title)

§27.0207 Contents of Nominating Petition

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

(c) Each nominating *petition* page shall contain items (1) through (3) in the order specified:

- (1) a statement which includes the name of the *candidate*, the office for which they seek nomination, and the date of the pertinent *District or City-wide Primary Election*.

(2) through (3) [No change in text.]

(d) [No change in text.]

§27.0209 Signing Voter's Information for Nomination Petition

Signatures on the *voter* signature portion of a nominating *petition* shall be executed by *voters* in their own handwriting, and each signer shall also affix their printed name, date of their signature, and their place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained.

§27.0212 Circulation of Nominating Petitions

It is unlawful for any individual to circulate a nominating *petition* unless they are a U.S. citizen and at least 18 years of age.

§27.0213 Signing of Nominating Petitions

- (a) [No change in text.]
- (b) It is unlawful for any individual to sign more than one nominating *petition* for the same office and if they do, their signature shall count only for the first nominating *petition* which is filed and in which the signature is used to qualify a candidate.

§27.0218 Notice of Sufficiency of Nominating Petition

If the *City Clerk* finds a nominating *petition* to be sufficient and in proper form, the *City Clerk* shall so certify and shall send a notice of sufficiency to the *candidate* nominated.

§27.0219 Notice of Insufficiency of Nominating Petition

If the City *Clerk* finds a nominating *petition* to be in insufficient or improper form, the City *Clerk* shall so certify and shall send a notice of insufficiency to the *candidate* seeking nomination.

§27.0221 Signatures Used to Offset Nominating Fee

- (a) [No change in text.]
- (b) If signatures of registered *voters* above the number required pursuant to Section 27.0210 are to be used to reduce the nominating fee, the *candidate* shall give notice to the City *Clerk* at the time of submitting nomination papers for filing pursuant to Section 27.0214.
- (c) through (f) [No change in text.]

Section 3. That Chapter 2, Article 7, Division 3 of the San Diego Municipal Code is amended by amending sections 27.0307, 27.0308, 27.0310, 27.0313, 27.0315, 27.0319, and 27.0320, to read as follows:

§27.0307 Form of Statement and Affidavit of Write-in Candidates

The Statement and Affidavit of Write-in Nominee shall state the name of the write-in *candidate*, the write-in *candidate's* current residence, their past residences for a period of four years, the date and place of their birth, the office for which they seek nomination, the term for which they are running, their occupation, and a written acceptance of the nomination. The completed and signed Statement and Affidavit of Write-in Nominee shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF WRITE-IN NOMINEE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

Under penalty of perjury, I, _____ (printed name of
candidate), say that I reside at _____ in the City of San
Diego, County of San Diego, State of California; that I am a resident and registered voter
of the political district for which I seek nomination and shall have been such for at least
thirty calendar days immediately preceding the submittal of my nominating petition for
filing; that I am a write-in candidate for the office of _____ (include
district designation, if appropriate) to be voted upon at the municipal election to be held
_____ (insert date); that I will accept such nomination; and that I
will serve in such office if elected. I am a write-in candidate for the
___ full/ ___ unexpired term.

Date of Birth _____ Place of Birth _____

My occupation is _____.

All other places where I have resided in the past four years:

Subscribed on:

(Signature)

(Date)

(SEAL)

(Signature of Clerk or Deputy)

(Official Title)

§27.0308 Contents of Nominating Petition for Write-in Candidates

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

(c) Each nominating *petition* page for a write-in *candidate* shall contain items 1 through 3 in the order specified:

(1) A statement that includes the name of the write-in *candidate*, the office for which they seek nomination, and the date of the pertinent *election*.

(2) through (3) [No change in text.]

(d) [No change in text.]

§27.0310 Signing Voter's Information for Nominating Petition for Write-in Candidates

Signatures on the *voter* signature portion of a nominating *petition* for a write-in *candidate* shall be executed by *voters* in their own handwriting, and each signer shall also affix their printed name, the date of their signature, and their place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained.

§27.0313 Circulation of Nominating Petitions for Write-in Candidates

It is unlawful for any individual to circulate a nominating *petition* for a write-in *candidate* unless they are a U.S. citizen and at least 18 years of age.

§27.0315 Time for Submitting Nomination Papers of Write-in Candidates to Clerk

(a) Except for the Statement and Affidavit of Write-in Nominee filed pursuant to section 27.0306, nomination papers for a write-in candidate in a *District Primary Election*, *City-wide Primary Election*, *primary special election*, *recall election*, or *removal election* shall be submitted for filing in the

Office of the *Clerk* not later than fourteen calendar days prior to the date of the *election*.

(b) [No change in text.]

§27.0319 Notification of Sufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be sufficient and in proper form, the City *Clerk* shall so certify and shall send a notice of sufficiency to the write-in *candidate* nominated.

§27.0320 Notice of Insufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be in insufficient or improper form, the City *Clerk* shall so certify and shall send a notice of insufficiency to the write-in *candidate* seeking nomination.

Section 4. That Chapter 2, Article 7, Division 5 of the San Diego Municipal Code is amended by amending section 27.0506, to read as follows:

§27.0506 Preparation of Fiscal Impact Analysis

- (a) Three people shall be involved in the preparation and filing of a fiscal impact analysis of a proposed legislative act: the Mayor, or the Mayor's designee; the Independent Budget Analyst; and the City Auditor. The Independent Budget Analyst shall prepare a draft of the fiscal impact analysis and provide it to the Mayor and City Auditor at least 10 calendar days prior to the City *Clerk's* filing deadline. If there is disagreement about the wording of the fiscal impact analysis, the decision of any two of the three designated parties (the Mayor, or their designee; the

Independent Budget Analyst; and the City Auditor) shall prevail. The fiscal impact analysis shall be placed on file in the Office of the City *Clerk* by the Independent Budget Analyst no later than 5:00 p.m. on the date established in accordance with the City *Clerk's* administrative calendar for the *election* on the proposed legislative act.

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

Section 5. That Chapter 2, Article 7, Division 6 of the San Diego Municipal Code is amended by amending sections 27.0604, 27.0607; 27.0608, 27.0620, 27.0624, and 27.0635, to read as follows:

§27.0604 Designation of Principal Profession, Vocation, or Occupation

- (a) [No change in text.]
- (b) If a *candidate* desires their principal profession, vocation, or occupation to be printed on the ballot, the *candidate* shall file with the City *Clerk*, a statement indicating their designation of principal profession, vocation, or occupation. Except as provided in Section 27.0604(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 their principal profession, vocation, or occupation during the calendar year immediately preceding the filing of nomination papers.
- (2) The *candidate* may use words designating the same city, county, district, state or federal office the *candidate* holds at the time of filing nomination papers, if the *candidate* has been elected to that public office, or elected or appointed to that judgeship. There shall be no word count limitation applicable to ballot designations submitted pursuant to section 27.0603(c)(2).
- (3) The *candidate* may use the word “Incumbent” if the *candidate* is a *candidate* for the same office which they hold at the time of filing the nomination papers, and was elected to that office.
- (4) [No change in text.]

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

A *candidate* may not change their 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 one hundred calendar days prior to the *District* or *City-wide*

General Election, requests in writing a different designation which the *candidate* is entitled to use at the time of the request.

(b) [No change in text.]

§27.0620 Statement of Candidates' Qualifications

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

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

(1) [No change in text.]

(2) One hundred 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) [No change in text.]

§27.0624 Candidate's Photograph

(a) If the *candidate* desires to have their 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 their statement of qualifications.

- (b) The photograph 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 one hundred calendar days prior to the *District* or *City-wide General Election*, requests in writing to use a different photograph which the candidate provides and is entitled to use at the time of the request.

§27.0635 Disqualification of Candidates between Primary and General Election

If a *candidate* whose name would appear on the ballot for any *District* or *City-wide General Election* or *special election* dies, withdraws or is disqualified, and if proof is presented to the *City Clerk* prior to the time the ballots for the *District* or *City-wide General Election* or *special election* are printed, the individual who received the next highest number of votes of those who were *candidates* for such office in the *District* or *City-wide Primary Election*, shall be deemed a *candidate*, and their name shall be printed on the ballot for use at the *District* or *City-wide General Election* or *special election*.

Section 6. That Chapter 2, Article 7, Division 8 of the San Diego Municipal Code is amended by amending section 27.0804, to read as follows:

§27.0804 Application Forms and Requirements

Applicants for appointment to *elective office* shall file with the *City Clerk* on or before the date for return of applications as published by the *City Clerk* under Section 27.0803, the following:

- (a) [No change in text.]

- (b) A statement of qualifications not longer than 500 words expressing in the applicant's own words the reasons why the applicant believes they are qualified for the office.

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

Section 7. That Chapter 2, Article 7, Division 9 of the San Diego Municipal Code is amended by amending section 27.0907, to read as follows:

§27.0907 Date to Assume Office

A candidate elected to the office of the Mayor, City Attorney, or a *Council* district, at either the *special election* or at the special run-off *election* called by the *Council* to fill a vacant *elective office*, shall be declared elected for the unexpired term of their predecessor and shall assume their office at the time the *Council* adopts the resolution declaring the results of such *election* to the vacant office.

Section 8. That Chapter 2, Article 7, Division 11 of the San Diego Municipal Code is amended by amending sections 27.1110 and 27.1116, to read as follows:

§27.1110 Signing Voter's Information for Referendary Petition

- (a) Signatures on the *voter* signature sheets shall be executed by *voters* in their own handwriting and each signer shall also affix their printed name and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses that are not residence addresses are not permitted and, if used, shall make that *voter's* signature invalid. *Voters* shall also affix the date of their signature.

(b) [No change in text.]

§27.1116 Withdrawal of Signature from Referendary Petition

Any *voter* signing a *petition* shall have their signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, with their name, address, and signature, before the *petition* is filed with the *Clerk*. In order to be valid, the withdrawal request must also be received by the *Clerk* on or after the date the *voter* signed the *petition*. Once the *petition* is filed with the *Clerk*, no signatures may be withdrawn.

Section 9. That Chapter 2, Article 7, Division 14 of the San Diego Municipal Code is amended by amending sections 27.1406 and 27.1413, to read as follows:

§27.1406 Application Forms and Requirements

No earlier than May 1 and no later than the date for return of applications as published by the *Clerk* under Section 27.1405, applicants and individuals or organizations desiring to nominate individuals for appointment to the Redistricting Commission shall file the following with the *Clerk*:

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

(c) A statement of qualifications not longer than 300 words expressing in the applicant's own words the reasons why the applicant believes they are qualified for the office, and signed by the applicant; or in the case of an individual nominated by another individual or an organization, a statement of qualifications not longer than 300 words expressing the reasons why the nominating individual or organization believes the nominee is qualified for the office. In the case of an individual nominated by another individual, the

statement of qualifications shall be signed by the nominating individual. In the case of an individual nominated by an organization, the statement of qualifications shall be signed by an officer of the organization. The statement of qualifications should include discussion of the applicant's or nominee's knowledge of the neighborhoods and geography of the *City*, which is material to the redistricting process. Anyone submitting a statement of qualifications for appointment to the Redistricting Commission must submit a typed form, or a form in an otherwise approved alternative format.

- (d) On forms provided by the *Clerk*, a statement signed by the applicant or nominee acknowledging that they must be a registered *voter* of the *City* in order to serve as a Redistricting Commission member or alternate.
- (e) In the case of an individual nominated by another individual or an organization, on forms provided by the *Clerk* and signed by the nominee, a statement that they accept the nomination.
- (f) through (g) [No change in text.]

§27.1413 Election of Redistricting Commissioner Prohibited

When an applicant, nominee, or alternate accepts an appointment as a member of the Redistricting Commission, the individual shall, at the time of their appointment, file a written declaration with the *Clerk* that they will not seek election to a *City elective office* within five years of the Redistricting Commission's adoption of a Final Redistricting Plan.

Section 10. That Chapter 2, Article 7, Division 27 of the San Diego Municipal Code is amended by amending sections 27.2714, 27.2715, 27.2719, and 27.2726, to read as follows:

§27.2714 Signing Voter's Information for Recall Petition

Signatures shall be executed by *voters* in their own handwriting and each signer shall also affix their printed name and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses that are not residence addresses are not permitted and, if used, shall make that *voter's* signature invalid. *Voters* shall also affix the date of their signature.

§27.2715 Time for Filing Petition

- (a) A recall *petition* shall be filed in the office of the *Clerk* within 120 days after the publication of the notice of intention to circulate a recall *petition*.
- (b) The recall *petition* shall be submitted to the office of the *Clerk* by the *proponent* of the recall or by any individual authorized in writing by the *proponent*. All sections of the petition shall be submitted at one time.
- (c) Six copies of the recall *petition* along with any unsigned *voter* signature sheets shall be submitted to the office of the *Clerk* at the same time as the *petition* is submitted pursuant to section 27.2715.

§27.2719 Withdrawal of Signature

Any *voter* signing a *petition* shall have their signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, with their name, address, and signature, before the *petition* is filed with the *Clerk*. In

order to be valid, the withdrawal request must also be received by the *Clerk* on or after the date the *voter* signed the *petition*. Once the *petition* is filed with the *Clerk*, no signatures may be withdrawn.

§27.2726 Officer to Serve Until Declaration of Results

Any officer whose recall is sought shall continue to perform the duties of their office until the *Council* has adopted its resolution declaring the results of the *election* which shows, and follows the *Clerk's* certification that, a majority of the qualified *voters* has voted in favor of such officer's recall.

Section 11. That Chapter 2, Article 7, Division 29 of the San Diego Municipal Code is amended by amending sections 27.2903, 27.2911, 27.2922, 27.2924, 27.2930, 27.2935, 27.2938, 27.2943, 27.2944, 27.2951, 27.2955, and 27.2965, to read as follows:

§27.2903 Definitions

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions of the Political Reform Act of 1974 (Government Code sections 81000 *et seq.*) and the definitions contained in the regulations adopted by the Fair Political Practices Commission shall govern the interpretation of this division.

Agent through Campaign literature [No change in text.]

Candidate means any individual who:

- (a) [No change in text.]
- (b) has begun to circulate nominating *petitions* or authorized others to do so on their behalf for nomination for or election to a *City* office; or
- (c) has received a *contribution* or made an *expenditure* or authorized another

person to receive a *contribution* or make an *expenditure* with the intent to bring about their nomination for or *election* to any *City* office; or

(d) [No change in text.]

City through *Treasurer* [No change in text.]

Voter means an elector who is qualified and entitled to vote under general law in *City elections* and who is validly registered at the time they seek to exercise the right to vote.

Vendor [No change in text.]

§27.2911 Duty to Have Campaign Treasurer

Every *candidate* and every recipient *committee* shall have a *treasurer*. A *candidate* may designate themselves as *treasurer*. A committee may designate an *assistant treasurer* to perform the duties and responsibilities of the *treasurer* in the event of a temporary vacancy in the office of the *treasurer* or in the event the *treasurer* is unavailable. Only an individual may be designated as a *treasurer* or *assistant treasurer*.

§27.2922 Loans

- (a) It is unlawful for any *candidate* to personally make outstanding loans to their campaign or *controlled committee* that total at any one time more than \$100,000. Nothing in this section shall prohibit a *candidate* from making unlimited *contributions* to their own campaign.
- (b) It is unlawful for any *candidate* who makes a loan to their *committee* from their personal funds to charge interest on that loan.
- (c) through (d) [No change in text.]

§27.2924 Surplus Campaign Funds

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

(c) Surplus campaign funds shall be used only for the following purposes:

(1) through (2) [No change in text.]

(3) To make a donation to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the *candidate*, any member of their immediate family, or their campaign *treasurer*.

(4) through (5) [No change in text.]

(6) To pay for professional services reasonably required by the *candidate* or *committee* to assist in the performance of its administrative functions, including *payment* for attorney's fees for litigation that arises directly out of a *candidate's* activities or their status as a *candidate*, including, but not limited to, an action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.

§27.2930 Base Level of Campaign Statements and Disclosures

Each *candidate* and *committee* shall file campaign statements in the time and manner required by California Government Code sections 81000 *et seq.* and title 2 of the California Code of Regulations with the following additional requirements:

- (a) [No change in text.]
- (b) When reporting *contributions* for regularly scheduled *City candidate elections, candidates and committees* shall include the notation “(P)” for all *contributions* that the contributor has designated for a primary *election*, and shall include the notation “(G)” for all *contributions* that the contributor has designated for a general *election*. In instances where the contributor has not designated their *contribution* for a particular *election*, the *candidate or committee* shall include the notation “(P)” for all *contributions* the *candidate or committee* has allocated for the primary *election*, and shall include the notation “(G)” for all *contributions* the *candidate or committee* has allocated for the general *election*.
- (c) When reporting *contributions* for specially scheduled *City candidate elections, candidates and committees* shall include the notation “(S)” for all *contributions* that the contributor has designated for a *special election*, and shall include the notation “(R)” for all *contributions* that the contributor has designated for a *special run-off election*. In instances where the contributor has not designated their *contribution* for a particular *election*, the *candidate or committee* shall include the notation “(S)” for all *contributions* the *candidate or committee* has allocated for the *special election*, and shall include the notation “(R)” for all *contributions* the *candidate or committee* has allocated for the *special run-off election*.
- (d) through (h) [No change in text.]

§27.2935 Contribution Limitations

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

(c) Nothing in this section is intended to limit the amount of their own money or property that a *candidate* may contribute to, or expend on behalf of, the *candidate's* own campaign.

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

§27.2938 Restrictions on Time Period of Contributions

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

(d) The restrictions set forth in this section do not apply to:

(1) *contributions* made by a *candidate* to their *controlled committee*;

or,

(2) [No change in text.]

(e) [No change in text.]

§27.2943 Prohibition of Contributions in the Name of Another Person

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

(c) It is unlawful for any *person* to make directly or indirectly a *contribution* in their name or in the name of:

(1) through (2) [No change in text.]

(d) [No change in text.]

§27.2944 Intermediaries

(a) No *person* shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the *contribution* both their own full name and street address,

occupation, and the name of their employer, if any, or their principal place of business if they are self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other *person*.

- (b) [No change in text.]
- (c) The recipient of the *contribution* shall include in their campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

§27.2951 Prohibition on Contributions From Organization Bank Accounts

For purposes of a *City candidate election*, including a *City recall election*:

- (a) through (b) [No change in text.]
- (c) For purposes of this section, a *contribution* made from a personal or family trust account is considered a *contribution* made by an individual in their individual capacity.

§27.2955 Obligations Regarding Unlawful Contributions

- (a) through (c) [No change in text.]
- (d) The *candidate* or *committee treasurer* shall promptly deliver from available funds, if any, an amount equal to any monetary *contribution* constituting a violation of this division that has been deposited into the campaign *contribution* checking account. Such amount shall be made payable to the *City Treasurer* and delivered to the *City Clerk*. The City

Treasurer shall deposit into the *City's* General Fund any amount they receive under this section.

§27.2965 Professional Expense Funds

- (a) [No change in text.]
- (b) In addition to *contributions* received in connection with seeking an elective *City* office, any elected *City Official* or *candidate* for *elective City office* may receive professional expense fund *contributions* from individuals and may use such *contributions* solely for the following purposes:
 - (1) to defray *professional fees and costs* incurred in the *City Official's* or *candidate's* response to an audit of their campaign activity conducted by the City of San Diego Ethics Commission, the California Fair Political Practices Commission, or the California Franchise Tax Board; or
 - (2) [No change in text.]
- (c) through (d) [No change in text.]
- (e) Every individual making a *contribution* to a *professional expense committee* shall accompany such *contribution* with a signed disclosure form indicating whether the individual has a financial interest in any *municipal decisions* pending before the applicable *City Official* or *candidate*. If the individual has such a financial interest, they shall identify the *municipal decision* and describe the nature of the interest on the disclosure form.

(1) For purposes of this subsection:

(A) through (B) [No change in text.]

(C) an individual has a financial interest in a *municipal decision* if:

(i) through (iv) [No change in text.]

(v) Notwithstanding subsections (e)(1)(C)(i) through (e)(1)(C)(iv), an individual does not have a financial interest in a *municipal decision* that will have only a nominal, inconsequential, or insignificant financial effect on the individual's financial interests or those of their immediate family.

(D) [No change in text.]

(2) through (4) [No change in text.]

(f) [No change in text.]

Section 12. That Chapter 2, Article 7, Division 30 of the San Diego Municipal Code is amended by amending section 27.3010, to read as follows:

§27.3010 Elective Officer to Serve Until Declaration of Results

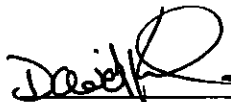
Any *elective officer* whose removal is sought shall continue to perform the duties of their office until the *Council* has adopted its resolution declaring the results of the *election* which shows, and follows the *Clerk's* certification that, a majority of the qualified *voters* has voted in favor of the *elective officer's* removal.

Section 13. 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 14. 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



David J. Karlin
Senior Deputy City Attorney

DJK:nja
03/27/2023
Or. Dept: City Clerk
Doc. No.: 3260942

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of JUN 20 2023.

DIANA J.S. FUENTES
City Clerk

By



Deputy City Clerk

Approved: _____

6/27/23
(date)



TODD GLORIA, Mayor

Vetoed: _____

(date)

TODD GLORIA, 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 1 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 27.0103 AND 27.0106; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 2 BY AMENDING SECTIONS 27.0206, 27.0207, 27.0209, 27.0212, 27.0213, 27.0218, 27.0219, AND 27.0221; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 3 BY AMENDING SECTIONS 27.0307, 27.0308, 27.0310, 27.0313, 27.0315, 27.0319, AND 27.0320; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 5 BY AMENDING SECTION 27.0506; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 6 BY AMENDING SECTIONS 27.0604, 27.0607, 27.0608, 27.0620, 27.0624, AND 27.0635; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 8 BY AMENDING SECTION 27.0804; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 9 BY AMENDING SECTION 27.0907; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 11 BY AMENDING SECTIONS 27.1110 AND 27.1116; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 14 BY AMENDING SECTIONS 27.1406 AND 27.1413; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 27 BY AMENDING SECTIONS 27.2714, 27.2715, 27.2719, AND 27.2726; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 29 BY AMENDING SECTIONS 27.2903, 27.2911, 27.2922, 27.2924, 27.2930, 27.2935, 27.2938, 27.2943, 27.2944, 27.2951, 27.2955, AND 27.2965; AMENDING CHAPTER 2, ARTICLE 7, DIVISION 30 BY AMENDING SECTION 27.3010, ALL RELATING TO REVISIONS TO THE ELECTIONS CODE.

§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) through (b) [No change in text.]

“*Ballot Question*” means the condensed statement of a measure being submitted to the voters, as that statement appears on the ballot. The ballot question may or may not be phrased as a question.

“*Board of Supervisors*” means the Board of Supervisors of the County of San Diego.

“*Candidate*” means any individual who:

(a) [No change in text.]

(b) has begun to circulate nominating *petitions* or authorized others to do so on ~~his or her~~ their behalf for nomination for or election to a City office; or

(c) has received a contribution or made an expenditure or authorized another person to receive a contribution or make an expenditure with the intent to bring about ~~his or her~~ their nomination for or *election* to any City office; or

(d) [No change in text.]

“*City-wide General Election*” means either of the following:

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

“*City-wide Primary Election*” means the *election* at which the Mayor and City Attorney are nominated, or elected if a *candidate* was the sole qualified *candidate* for the office in the *City-wide Primary Election*.

“*Circulator*” is an individual who gathers signatures on a nominating, initiative, referendary or recall *petition*. It includes an individual who gathers signatures on a Charter amendment *petition*.

“*Clerk*” means the City Clerk of the City of San Diego.

“*Council*” means the City Council of the City of San Diego.

“*District General Election*” means an *election* at which *Council candidates* are elected, unless such officers are elected at the *District Primary Election* because a *candidate* was the sole qualified *candidate* for the office in the *District Primary Election*.

“*District Primary Election*” means an *election* at which *Council candidates* are nominated, or elected if a *candidate* was the sole qualified *candidate* for the office in the *District Primary Election*.

“*Election*” means a *District* or *City-wide Primary Election*, a *District* or *City-wide General Election*, or a *special municipal election* held in the City of San Diego. It may also mean an *election* of the San Diego Unified School District.

“*Elective Office*” or “*Elective Officer*” includes the office of the Mayor, Councilmember, or City Attorney of the City of San Diego. It may include the office of a member of the governing board of the San Diego Unified School District.

“*Enforcement Authority*” means the City of San Diego Ethics Commission.

Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this

Article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.

“Measure” means any City Charter amendment or proposition which is:

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

“Person” has the same meaning as that term is defined in San Diego Municipal Code section 11.0210.

“Petition” means one or more documents seeking action by the City Council or some officer. It includes a nominating, initiative, referendary or recall *petition*.

“Proponent” means the *person* who proposes an initiative, referendary or recall *petition* and who has control of the circulation and filing of the *petition* with the City Clerk. It includes a *person* who proposes a Charter amendment *petition*.

“Registrar” means the Registrar of Voters of the County of San Diego, or a duly appointed deputy.

“Special Election” means any *election* other than a *District* or *City-wide Primary Election*, or *District* or *City-wide General Election*. It includes all *elections* to consider ballot *measures* as well as *elections* to fill vacancies in *elective office* and recall and removal *elections*.

“Voter” means an elector who is qualified and entitled to vote under general law in San Diego City *elections* and who is validly registered at the time ~~he or she~~ they seeks to exercise the right to vote.

“Voter Pamphlet” means the voter information pamphlet compiled and distributed with the sample ballot for each *election*.

§27.0106 Elections to be Conducted under this Article; Effect of State Law

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

(c) The procedures for the recall or removal for cause of members of the governing board of the San Diego Unified School District shall be the same as those for the recall or removal for cause of members of the City *Council* provided by this article, unless the governing board, at its option, adopts a resolution to have recall *elections* conducted pursuant to other law.

(d) [No change in text.]

§27.0206 Form of Statement and Affidavit of Nominee

The Statement and Affidavit of Nominee shall state the name of the *candidate*, the *candidate's* current residence, their past residences for a period of four years, the date and place of their birth, the office for which ~~he or she~~ they seeks nomination, the term for which ~~he or she is~~ they are running, their occupation, a written acceptance of the nomination, and the manner in which the *candidate* wishes ~~his or her~~ their name to appear. The completed and signed Statement and Affidavit of the Nominee shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF NOMINEE

STATE OF CALIFORNIA) ss.
COUNTY OF SAN DIEGO)

Under penalty of perjury, I, _____, say that I reside at
_____ in the City of San Diego, County of
San Diego, State of California; that I am a resident and registered voter of the

political district for which I seek nomination and shall have been such for at least
thirty calendar days immediately preceding the submittal of my nominating
petition for filing; that I am a candidate for the office
of _____ (include district designation, if
appropriate) to be voted upon at the municipal primary election to be
held _____ (insert date); that I request my name be printed upon the
official ballot for nomination by such primary election for such office; that I will
accept such nomination; and that I will serve in such office if elected. I am a
candidate for the ____ full/____ unexpired term. I desire to have my name
printed on the ballot as follows:

(Print)

Date of Birth _____ Place of Birth _____

My occupation is _____.

All other places where I have resided in the past four years:

(Signature)

Subscribed on:

(Date)

(SEAL)

(Signature of Clerk or Deputy)

(Official Title)

§27.0207 Contents of Nominating Petition

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

(c) Each nominating *petition* page shall contain items (1) through (3) in the order specified:

(1) a statement which includes the name of the *candidate*, the office for which ~~he or she~~ they seeks nomination, and the date of the pertinent *District* or *City-wide Primary Election*.

(2) through (3) [No change in text.]

(d) [No change in text.]

§27.0209 Signing Voter's Information for Nomination Petition

Signatures on the *voter* signature portion of a nominating *petition* shall be executed by *voters* in their own handwriting, and each signer shall also affix ~~his or her~~ their printed name, date of ~~his or her~~ their signature, and their place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained.

§27.0212 Circulation of Nominating Petitions

It is unlawful for any individual to circulate a nominating *petition* unless ~~he or she~~ is they are a U.S. citizen and at least 18 years of age.

§27.0213 Signing of Nominating Petitions

(a) [No change in text.]

(b) It is unlawful for any individual to sign more than one nominating *petition* for the same office and if ~~he or she~~ they does so, ~~his or her~~ their signature shall count only for the first nominating *petition* which is filed and in which the signature is used to qualify a candidate.

§27.0218 Notice of Sufficiency of Nominating Petition

If the City *Clerk* finds a nominating *petition* to be sufficient and in proper form, ~~he or she~~ the City Clerk shall so certify and shall send a notice of sufficiency to the *candidate* nominated.

§27.0219 Notice of Insufficiency of Nominating Petition

If the City *Clerk* finds a nominating *petition* to be in insufficient or improper form, ~~he or she~~ the City Clerk shall so certify and shall send a notice of insufficiency to the *candidate* seeking nomination.

§27.0221 Signatures Used to Offset Nominating Fee

- (a) [No change in text.]
- (b) If signatures of registered *voters* above the number required pursuant to Section 27.0210 are to be used to reduce the nominating fee, the *candidate* shall give notice to the City *Clerk* at the time of submitting ~~his or her~~ nomination papers for filing pursuant to Section 27.0214.
- (c) through (f) [No change in text.]

§27.0307 Form of Statement and Affidavit of Write-in Candidates

The Statement and Affidavit of Write-in Nominee shall state the name of the write-in *candidate*, the write-in *candidate's* current residence, their past residences for a period of four years, the date and place of their birth, the office for which ~~he or she~~ they seeks nomination, the term for which ~~he or she is~~ they are running, their occupation, and a written acceptance of the nomination. The completed and signed Statement and Affidavit of Write-in Nominee shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF WRITE-IN NOMINEE

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.

Under penalty of perjury, I, _____ (printed name of
candidate), say that I reside at _____ in the City of San
Diego, County of San Diego, State of California; that I am a resident and registered voter
of the political district for which I seek nomination and shall have been such for at least
thirty calendar days immediately preceding the submittal of my nominating petition for
filing; that I am a write-in candidate for the office of _____ (include
district designation, if appropriate) to be voted upon at the municipal election to be held
_____ (insert date); that I will accept such nomination; and that I
will serve in such office if elected. I am a write-in candidate for the
___ full/ ___ unexpired term.

Date of Birth _____ Place of Birth _____

My occupation is _____.

All other places where I have resided in the past four years:

Subscribed on:

(Signature)

(Date)

(SEAL)

(Signature of Clerk or Deputy)

(Official Title)

§27.0308 Contents of Nominating Petition for Write-in Candidates

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

(c) Each nominating *petition* page for a write-in *candidate* shall contain items 1 through 3 in the order specified:

(1) A statement that includes the name of the write-in *candidate*, the office for which ~~he or she~~ they seeks nomination, and the date of the pertinent *election*.

(2) through (3) [No change in text.]

(d) [No change in text.]

§27.0310 Signing Voter's Information for Nominating Petition for Write-in Candidates

Signatures on the *voter* signature portion of a nominating *petition* for a write-in *candidate* shall be executed by *voters* in their own handwriting, and each signer shall also affix ~~his or her~~ their printed name, the date of ~~his or her~~ their signature, and their place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained.

§27.0313 Circulation of Nominating Petitions for Write-in Candidates

It is unlawful for any individual to circulate a nominating *petition* for a write-in *candidate* unless ~~he or she is~~ they are a U.S. citizen and at least 18 years of age.

§27.0315 Time for Submitting Nomination Papers of Write-in Candidates to Clerk

(a) Except for the Statement and Affidavit of Write-in Nominee filed pursuant to section 27.0306, nomination papers for a write-in candidate in a *District Primary Election, City-wide Primary Election, primary special election,*

recall *election*, or removal *election* shall be submitted for filing in the Office of the *Clerk* not later than fourteen calendar days prior to the date of the *election*.

(b) [No change in text.]

§27.0319 Notification of Sufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be sufficient and in proper form, ~~he or she~~ the City Clerk shall so certify and shall send a notice of sufficiency to the write-in *candidate* nominated.

§27.0320 Notice of Insufficiency of Nominating Petition for Write-in Candidates

If the City *Clerk* finds a nominating *petition* for a write-in *candidate* to be in insufficient or improper form, ~~he or she~~ the City Clerk shall so certify and shall send a notice of insufficiency to the write-in *candidate* seeking nomination.

§27.0506 Preparation of Fiscal Impact Analysis

(a) Three people shall be involved in the preparation and filing of a fiscal impact analysis of a proposed legislative act: the Mayor, or ~~his or her~~ the Mayor's designee; the Independent Budget Analyst; and the City Auditor. The Independent Budget Analyst shall prepare a draft of the fiscal impact analysis and provide it to the Mayor and City Auditor at least 10 calendar days prior to the City *Clerk's* filing deadline. If there is disagreement about the wording of the fiscal impact analysis, the decision of any two of the three designated parties (the Mayor, or ~~his or her~~ their designee; the Independent Budget Analyst; and the City

Auditor) shall prevail. The fiscal impact analysis shall be placed on file in the Office of the City *Clerk* by the Independent Budget Analyst no later than 5:00 p.m. on the date established in accordance with the City *Clerk's* administrative calendar for the *election* on the proposed legislative act.

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

§27.0604 Designation of Principal Profession, Vocation, or Occupation

(a) [No change in text.]

(b) If a *candidate* desires ~~his or her~~ their 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~~ their designation of principal profession, vocation, or occupation. Except as provided in Section 27.06034(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~~ their principal profession, vocation, or occupation during the calendar year immediately preceding the filing of nomination papers.
- (2) The *candidate* may use words designating the same city, county, district, state or federal office the *candidate* holds at the time of

filing nomination papers, if the *candidate* has been elected to that public office, or elected or appointed to that judgeship. There shall be no word count limitation applicable to ballot designations submitted pursuant to ~~S~~section 27.0603(c)(2).

- (3) The *candidate* may use the word “Incumbent” if the *candidate* is a *candidate* for the same office which ~~he or she~~ they holds at the time of filing the nomination papers, and was elected to that office.

- (4) [No change in text.]

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

A *candidate* may not change ~~his or her~~ their 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~~ one hundred calendar days prior to the *District* or *City-wide General Election*, requests in writing a different designation which the *candidate* is entitled to use at the time of the request.

- (b) [No change in text.]

§27.0620 Statement of Candidates’ Qualifications

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

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

(1) [No change in text.]

(2) ~~Ninety-eight~~ One hundred 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) [No change in text.]

§27.0624 Candidate's Photograph

(a) If the *candidate* desires to have ~~his or her~~ their 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~~ their statement of qualifications.

(b) The photograph 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 one hundred calendar days prior to the *District* or *City-wide General Election*, requests in writing to use a different photograph which the candidate provides and is entitled to use at the time of the request.

§27.0635 Disqualification of Candidates between Primary and General Election

If a *candidate* whose name would appear on the ballot for any *District* or *City-wide General Election* or *special election* dies, withdraws or is disqualified, and if proof is presented to the *City Clerk* prior to the time the ballots for the *District* or *City-wide General Election* or *special election* are printed, the individual who received the next highest number of votes of those who were *candidates* for such office in the *District* or *City-wide Primary Election*, shall be deemed a *candidate*, and ~~his or her~~ their name shall be printed on the ballot for use at the *District* or *City-wide General Election* or *special election*.

§27.0804 Application Forms and Requirements

Applicants for appointment to *elective office* shall file with the *City Clerk* on or before the date for return of applications as published by the *City Clerk* under Section 27.0803, the following:

- (a) [No change in text.]
- (b) A statement of qualifications not longer than 500 words expressing in the applicant's own words the reasons why the applicant believes ~~he or she~~ is they are qualified for the office.
- (c) through (d) [No change in text.]

§27.0907 Date to Assume Office

A *candidate* elected to the office of the Mayor, City Attorney, or a *Council* district, at either the *special election* or at the special run-off *election* called by the *Council* to fill a vacant *elective office*, shall be declared elected for the unexpired term of ~~his or her~~ their predecessor and shall assume ~~his or her~~ their office at the

time the *Council* adopts the resolution declaring the results of such *election* to the vacant office.

§27.1110 Signing Voter's Information for Referendary Petition

- (a) Signatures on the *voter* signature sheets shall be executed by *voters* in their own handwriting and each signer shall also affix ~~his or her~~ their printed name and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses that are not residence addresses are not permitted and, if used, shall make that *voter's* signature invalid. *Voters* shall also affix the date of their signature.
- (b) [No change in text.]

§27.1116 Withdrawal of Signature from Referendary Petition

Any *voter* signing a *petition* shall have ~~his or her~~ their signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, ~~bearing his or her~~ with their name, address, and signature, before the *petition* is filed with the *Clerk*. In order to be valid, the withdrawal request must also be received by the *Clerk* on or after the date the *voter* signed the *petition*. Once the *petition* is filed with the *Clerk*, no signatures may be withdrawn.

§27.1406 Application Forms and Requirements

No earlier than May 1 and no later than the date for return of applications as published by the *Clerk* under Section 27.1405, applicants and individuals or

organizations desiring to nominate individuals for appointment to the Redistricting Commission shall file the following with the *Clerk*:

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

- (c) A statement of qualifications not longer than 300 words expressing in the applicant's own words the reasons why the applicant believes ~~he or she is~~ they are qualified for the office, and signed by the applicant; or in the case of an individual nominated by another individual or an organization, a statement of qualifications not longer than 300 words expressing the reasons why the nominating individual or organization believes the nominee is qualified for the office. In the case of an individual nominated by another individual, the statement of qualifications shall be signed by the nominating individual. In the case of an individual nominated by an organization, the statement of qualifications shall be signed by an officer of the organization. The statement of qualifications should include discussion of the applicant's or nominee's knowledge of the neighborhoods and geography of the *City*, which is material to the redistricting process. Anyone submitting a statement of qualifications for appointment to the Redistricting Commission must submit a typed form, or a form in an otherwise approved alternative format.
- (d) On forms provided by the *Clerk*, a statement signed by the applicant or nominee acknowledging that ~~he or she~~ they must be a registered voter of the *City* in order to serve as a Redistricting Commission member or alternate.

(e) In the case of an individual nominated by another individual or an organization, on forms provided by the *Clerk* and signed by the nominee, a statement that ~~he or she~~ they accepts the nomination.

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

§27.1413 Election of Redistricting Commissioner Prohibited

When an applicant, nominee, or alternate accepts an appointment as a member of the Redistricting Commission, the individual shall, at the time of ~~his or her~~ their appointment, file a written declaration with the *Clerk* that ~~he or she~~ they will not seek election to a *City elective office* within five years of the Redistricting Commission's adoption of a Final Redistricting Plan.

§27.2714 Signing Voter's Information for Recall Petition

Signatures shall be executed by *voters* in their own handwriting and each signer shall also affix ~~his or her~~ their printed name and place of residence, including street and house number, or other designation from which the location of the place of residence may be readily ascertained. Post office box numbers, business addresses, or mailing addresses that are not residence addresses are not permitted and, if used, shall make that *voter's* signature invalid. *Voters* shall also affix the date of their signature.

§27.2715 Time for Filing Petition

(a) A recall *petition* shall be filed in the office of the *Clerk* within 120 days after the publication of the notice of intention to circulate a recall *petition*.

- (b) The recall *petition* shall be submitted to the office of the *Clerk* by the *proponent* of the recall or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.
- (c) Six copies of the recall *petition* along with any unsigned *voter* signature sheets shall be submitted to the office of the *Clerk* at the same time as the *petition* is submitted pursuant to section 27.2715.

§27.2719 Withdrawal of Signature

Any *voter* signing a *petition* shall have ~~his or her~~ their signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, ~~bearing his or her~~ with their name, address, and signature, before the *petition* is filed with the *Clerk*. In order to be valid, the withdrawal request must also be received by the *Clerk* on or after the date the *voter* signed the *petition*. Once the *petition* is filed with the *Clerk*, no signatures may be withdrawn.

§27.2726 Officer to Serve Until Declaration of Results

Any officer whose recall is sought shall continue to perform the duties of ~~his or her~~ their office until the *Council* has adopted its resolution declaring the results of the *election* which shows, and follows the *Clerk's* certification that, a majority of the qualified *voters* has voted in favor of such officer's recall.

§27.2903 Definitions

Unless otherwise defined in this section, or the contrary is stated or clearly appears from the context, the definitions of the Political Reform Act of 1974 (Government Code sections 81000 *et seq.*) and the definitions contained in the regulations adopted by the Fair Political Practices Commission shall govern the

interpretation of this division.

Agent through Campaign literature [No change in text.]

Candidate means any individual who:

- (a) [No change in text.]
- (b) has begun to circulate nominating *petitions* or authorized others to do so on ~~his or her~~ their behalf for nomination for or election to a *City* office; or
- (c) has received a *contribution* or made an *expenditure* or authorized another *person* to receive a *contribution* or make an *expenditure* with the intent to bring about ~~his or her~~ their nomination for or *election* to any *City* office; or
- (d) [No change in text.]

City through Treasurer [No change in text.]

Voter means an elector who is qualified and entitled to vote under general law in *City elections* and who is validly registered at the time ~~he or she~~ they seeks to exercise the right to vote.

Vendor [No change in text.]

§27.2911 Duty to Have Campaign Treasurer

Every *candidate* and every recipient *committee* shall have a *treasurer*. A *candidate* may designate ~~himself or herself~~ themselves as *treasurer*. A *committee* may designate an *assistant treasurer* to perform the duties and responsibilities of the *treasurer* in the event of a temporary vacancy in the office of the *treasurer* or in the event the *treasurer* is unavailable. Only an individual may be designated as a *treasurer* or *assistant treasurer*.

§27.2922 Loans

- (a) It is unlawful for any *candidate* to personally make outstanding loans to ~~his or her~~ their campaign or *controlled committee* that total at any one time more than \$100,000. Nothing in this section shall prohibit a *candidate* from making unlimited *contributions* to ~~his or her~~ their own campaign.
- (b) It is unlawful for any *candidate* who makes a loan to ~~his or her~~ their *committee* from ~~his or her~~ their personal funds to charge interest on that loan.

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

§27.2924 Surplus Campaign Funds

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

(c) Surplus campaign funds shall be used only for the following purposes:

(1) through (2) [No change in text.]

- (3) To make a donation to any bona fide charitable, educational, civic, religious, or similar tax-exempt, nonprofit organization, where no substantial part of the proceeds will have a material financial effect on the *candidate*, any member of ~~his or her~~ their immediate family, or ~~his or her~~ their campaign *treasurer*.

(4) through (5) [No change in text.]

- (6) To pay for professional services reasonably required by the *candidate* or *committee* to assist in the performance of its administrative functions, including *payment* for attorney's fees for litigation that arises directly out of a *candidate's* activities or ~~his or her~~ their status as a *candidate*, including, but not limited to, an

action to enjoin defamation, defense of an action brought for a violation of state or local campaign, disclosure, or election laws, and an action from an election contest or recount.

§27.2930 Base Level of Campaign Statements and Disclosures

Each *candidate* and *committee* shall file campaign statements in the time and manner required by California Government Code sections 81000 *et seq.* and title 2 of the California Code of Regulations with the following additional requirements:

- (a) [No change in text.]
- (b) When reporting *contributions* for regularly scheduled *City candidate elections*, *candidates* and *committees* shall include the notation “(P)” for all *contributions* that the contributor has designated for a *primary election*, and shall include the notation “(G)” for all *contributions* that the contributor has designated for a *general election*. In instances where the contributor has not designated ~~his or her~~ their *contribution* for a particular *election*, the *candidate* or *committee* shall include the notation “(P)” for all *contributions* the *candidate* or *committee* has allocated for the *primary election*, and shall include the notation “(G)” for all *contributions* the *candidate* or *committee* has allocated for the *general election*.
- (c) When reporting *contributions* for specially scheduled *City candidate elections*, *candidates* and *committees* shall include the notation “(S)” for all *contributions* that the contributor has designated for a *special election*, and shall include the notation “(R)” for all *contributions* that the

contributor has designated for a *special run-off election*. In instances where the contributor has not designated ~~his or her~~ their *contribution* for a particular *election*, the *candidate* or *committee* shall include the notation “(S)” for all *contributions* the *candidate* or *committee* has allocated for the *special election*, and shall include the notation “(R)” for all *contributions* the *candidate* or *committee* has allocated for the *special run-off election*.

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

§27.2935 Contribution Limitations

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

(c) Nothing in this section is intended to limit the amount of ~~his or her~~ their own money or property that a *candidate* may contribute to, or expend on behalf of, the *candidate's* own campaign.

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

§27.2938 Restrictions on Time Period of Contributions

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

(d) The restrictions set forth in this section do not apply to:

(1) *contributions* made by a *candidate* to ~~his or her~~ their *controlled committee*; or,

(2) [No change in text.]

(e) [No change in text.]

§27.2943 Prohibition of Contributions in the Name of Another Person

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

(c) It is unlawful for any *person* to make directly or indirectly a *contribution*

in ~~his or her~~ their name or its in the name of:

(1) through (2) [No change in text.]

(d) [No change in text.]

§27.2944 Intermediaries

- (a) No *person* shall make a contribution on behalf of another, or while acting as the intermediary or agent of another, without disclosing to the recipient of the *contribution* both ~~his or her~~ their own full name and street address, occupation, and the name of ~~his or her~~ their employer, if any, or ~~his or her~~ their principal place of business if ~~he or she is~~ they are self-employed, and the full name and street address, occupation, and the name of employer, if any, or principal place of business if self-employed, of the other *person*.
- (b) [No change in text.]
- (c) The recipient of the *contribution* shall include in ~~his or her~~ their campaign statement the full name and street address, occupation, and the name of the employer, if any, or the principal place of business if self-employed, of both the intermediary and the contributor.

§27.2951 Prohibition on Contributions From Organization Bank Accounts

For purposes of a *City candidate election*, including a *City recall election*:

- (a) through (b) [No change in text.]
- (c) For purposes of this section, a *contribution* made from a personal or family trust account is considered a *contribution* made by an individual in ~~his or her~~ their individual capacity.

§27.2955 Obligations Regarding Unlawful Contributions

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

(d) The *candidate or committee treasurer* shall promptly deliver from available funds, if any, an amount equal to any monetary *contribution* constituting a violation of this division that has been deposited into the campaign *contribution* checking account. Such amount shall be made payable to the *City Treasurer* and delivered to the *City Clerk*. The *City Treasurer* shall deposit into the *City's* General Fund any amount ~~he or she~~ they receives under this section.

§27.2965 Professional Expense Funds

(a) [No change in text.]

(b) In addition to *contributions* received in connection with seeking an elective *City* office, any elected *City Official* or *candidate* for *elective City office* may receive professional expense fund *contributions* from individuals and may use such *contributions* solely for the following purposes:

(1) to defray *professional fees and costs* incurred in the *City Official's* or *candidate's* response to an audit of ~~his or her~~ their campaign activity conducted by the City of San Diego Ethics Commission, the California Fair Political Practices Commission, or the California Franchise Tax Board; or

(2) [No change in text.]

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

- (e) Every individual making a *contribution* to a *professional expense committee* shall accompany such *contribution* with a signed disclosure form indicating whether the individual has a financial interest in any *municipal decisions* pending before the applicable *City Official* or *candidate*. If the individual has such a financial interest, ~~he or she~~ they shall identify the *municipal decision* and describe the nature of the interest on the disclosure form.
- (1) For purposes of this subsection:
- (A) through (B) [No change in text.]
- (C) an individual has a financial interest in a *municipal decision* if:
- (i) through (iv) [No change in text.]
- (v) Notwithstanding subsections (e)(1)(C)(i) through (e)(1)(C)(iv), an individual does not have a financial interest in a *municipal decision* that will have only a nominal, inconsequential, or insignificant financial effect on the individual's financial interests or those of ~~his or her~~ their immediate family.
- (D) [No change in text.]
- (2) through (4) [No change in text.]
- (f) [No change in text.]

§27.3010 Elective Officer to Serve Until Declaration of Results

Any *elective officer* whose removal is sought shall continue to perform the duties of ~~his or her~~ their office until the *Council* has adopted its resolution declaring the results of the *election* which shows, and follows the *Clerk's* certification that, a majority of the qualified *voters* has voted in favor of the *elective officer's* removal.

DJK:nja
03/27/2023
Or. Dept: City Clerk
Doc. No.: 3260941

Passed by the Council of The City of San Diego on JUN 20 2023, 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 type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage JUN 27 2023.

AUTHENTICATED BY:

TODD GLORIA

Mayor of The City of San Diego, California.

(Seal)

DIANA J.S. FUENTES

Interim City Clerk of The City of San Diego, California.

By Connie Patterson 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

JUN 06 2023, and on JUN 27 2023.

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)

DIANA J.S. FUENTES

Interim City Clerk of The City of San Diego, California.

By Connie Patterson Deputy

Office of the City Clerk, San Diego, California

Ordinance Number O- 21667