OFFICE OF THE CITY CLERK

REPORT

REPORT TO THE RULES AND ECONOMIC DEVELOPMENT COMMITTEE

DATE: April 12, 2013 REPORT NO.: 13-02

SUBJECT: Timeline of Potential Updates to Elections-related San Diego Municipal Code and Charter Sections

ISSUE

A review of the various sections of the City Charter and the Municipal Code that address elections revealed some areas that would benefit from an in-depth examination by the City Clerk and City Attorney with the goal of bringing potential changes forward to the Legislative Body for consideration. A brief description of those elements follows, along with a broad timeframe to provide a structure for upcoming consideration by the Rules and Economic Development Committee.

Inauguration Date

Issue:
The City Charter requirement that the inauguration be held the first Monday after the first of December may not allow sufficient time for completion of the final canvass by the Registrar of Voters. The City Clerk and City Attorney will research and propose an appropriate Charter change to address this potential conflict.

This change requires a Charter update and must be approved by a vote of the people.

Suggested timeframe: To be brought to Rules in July 2013 with a goal of presenting a more final proposal in January 2014 as a potential ballot measure.

Special Election

Issue:
The requirement for a special run-off election to be held within 49 days of the special primary election conflicts with State law which allows the Registrar of Voters 28 days to certify the primary election results and also provides for absentee voting to begin 29 days before an election, potentially requiring at least 57 days between the primary and run-off elections. In addition, Assembly Bill 1805 went into effect in early 2013, and adds an additional requirement that ballots be mailed to military personnel serving overseas 45 days in advance of an election, which creates a potential conflict given the timeline for certification of results and approval of those results by the legislative body.

The City Clerk and City Attorney will research and propose an appropriate Charter change and Municipal Code changes to address this potential conflict.

This change requires both a Charter update (vote by the people) and then Municipal Code changes to reflect the Charter update (if appropriate).

Suggested timeframe: To be brought to Rules in July 2013 with a goal of presenting a more final proposal in January 2014 as a potential ballot measure – possibly combined with ballot measure related to Inauguration above.

Redistricting

In 1992, the City of San Diego voters approved a Charter amendment that empowered a citizen Redistricting Commission with sole authority for approving City Council boundaries. The City of San Diego has undergone two complete redistricting processes with little change to the 1992 Charter amendment. Changes were made in 2010 to accommodate Strong Mayor Form of Government and the addition of a 9th Council District, but there has never been a comprehensive review of the Charter and the reflective and more detailed local law in the Municipal Code that drive this process.

- Charter Sections 5 and 5.1 will be reviewed for legality, consistency and with an eye toward implementing any appropriate improvements suggested by the 2000 and 2010 Redistricting Commissions and the 2012 Grand Jury Report.
- Article 7: Elections, Campaign Finance and Lobbying, Division 14: Procedure for Making Appointments to the Redistricting Commission will be reviewed for legality, consistency and with an eye toward implementing any appropriate improvements suggested by the 2000 and 2010 Redistricting Commissions and the 2012 Grand Jury Report.
- Some examples of areas to be researched:
    - Changes to language regarding the Appointing Authority.
    - Potential changes to the period in which applications are accepted.

- Potential changes to the timeframe during which the City Clerk can advertise the commission nomination period.
- Potential changes to application information requirements (college transcripts, requesting Social Security #).
- Clarifying what information on the application is public record and when it can be made available to the public.

(Charter changes to be brought forward for placement on the June 2016 ballot; Municipal Code changes will be completed if appropriate following the election)

Review of Sections of the Municipal Code:

The following Divisions of the Municipal Code will be reviewed for internal consistency, with an eye toward updating requirements based on case law and/or technological changes and cleaning up language and/or creating clearer direction where appropriate:

Nominations (Article 7, Division 2)

Ballots for Candidates (Article7, Division 6)

Initiative Process (Article 7, Division 10)

Referendum Process (Article 7, Division 11)

Recall (Article 7, Division 27)

Each Division listed above has various elements that have either come to the attention of staff operationally, or have been suggested for review due to changes in the law or upgrades to technology.

As the Divisions are reviewed by the City Clerk and City Attorney, potential updates will be considered and any proposed changes will be brought forward to the Rules and Economic Development Committee for discussion and the possibility of forwarding them on to the full City Council for consideration.

A timeframe for this process is difficult to estimate since each Division must be considered within the context of the election calendar and current events that might make consideration less constructive at any given time.

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