

DATE: December 10, 1987

TO: Mayor Maureen O'Connor

FROM: City Attorney

SUBJECT: Election Issues

Prior to the November election, you made several inquiries of the City Manager aimed at increasing voter registration and voter turnout. Included in your inquiry and addressed to us was the "possibility" of changing the voting days to weekends and using mail-in ballots.

As to changing the voting days to weekends, Section 10 of the San Diego City Charter prevents such a change for the general and primary elections. The Charter expressly requires election day to be on specified Tuesdays in odd-numbered years and to coincide with the California State primary and general election for the offices of Mayor and City Attorney.

As to mail-in ballots, the California Supreme Court has approved the use of mail-in ballots ruling that such ballots did not violate the constitutional provision for voting secrecy. *Peterson v. City of San Diego*, 34 Cal.3d 225 (1983); *Wilks v. Mouton*, 42 Cal.3d 400 (1986).

JOHN W. WITT, City Attorney

By

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