

MEMORANDUM OF LAW

DATE: August 4, 1987

TO: Charles G. Abdelnour, City Clerk

FROM: City Attorney

SUBJECT: Candidate Petition Signatures

You have inquired as to the validity of signatures where wrong addresses are written in the petition.

We believe the answer is clear from San Diego Municipal Code section 27.2104 which requires signatures and residence as two distinct requirements.

SEC. 27.2104 PETITION SIGNATURES AND AFFIDAVIT
OF AUTHENTICITY

Signatures shall be executed by voters in their own handwriting. Voters must also print their names and indicate place of residence, including street and house number, or other designation from which the location can be readily ascertained. Emphasis added. The date of execution must also be indicated by voters.

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(NOTE: Petitions for Candidacy for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of at least 300 qualified voters. Petitions for Candidacy for Members of the Council and Board of Education may be signed only by voters within the home district of the Candidate and must contain the signatures of at least 200 qualified voters. Emphasis added. No person shall sign petitions of nomination for elective officers for a greater number of candidates than are to be elected.)

The registered voter requirement is echoed in Section 27.2106 which also imposes a minimum thirty (30) day requirement on such registration.

The purposes of this requirement are obvious. First, only registered voters are permitted to sign the nomination petition and the place of residence is a significant factor in validating signatures. Secondly, in the case of Councilmembers, only registered voters within their home district are permitted to sign. Again, residence becomes a significant validating factor.

The above two important reasons support the explicit requirement of section 27.2104 that both name and proper

residence must be furnished to ascertain the validity of the signature.

JOHN W. WITT, City Attorney

By

Ted Bromfield, Chief Deputy

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