

Article 7: Elections, Campaign Finance and Lobbying

Division 5: Ballots for Measures

(“Ballots for Measures” added 7-26-1999 by O-18664 N.S.)

§27.0501 Purpose and Intent

The purpose and intent of this division is to clarify and consolidate all provisions for ballot *measures* in one division to better enable administration of these procedures and to provide for public participation in the process.

(“Purpose and Intent” added 7-26-1999 by O-18664 N.S.)

§27.0502 Submission of Ballot Measures at City-wide Elections

(a) Initiative *measures* and referendum *measures* that qualify for the ballot after the people’s *petition* process, and in compliance with the San Diego Charter and the Election Code, shall be submitted to the electorate at:

- (1) a *special election* consolidated with the next *City-wide General Election* ballot on which the *measures* legally can be placed, or
- (2) a *special election* held prior to the next *City-wide General Election*. The *special election* may be consolidated with the next *City-wide Primary Election* or may be held as a separate *special election* called for the purpose of voting on the matter.

(b) All other municipal ballot *measures* may be submitted to the electorate at a *special election* that may be consolidated with the next *City-wide Primary Election* or *City-wide General Election*, or may be held as a separate *special election* held for that purpose.

(“Submission of Ballot Measures at City-wide Elections” added 7-26-1999 by O-18664 N.S.)

(Amended 5-5-2017 by O-20820 N.S.; effective 6-4-2017.)

§27.0503 Ballot Question Adopted by Council

The *City Council* shall decide by ordinance the content of the *ballot question* for each *ballot measure*, within the word limit prescribed by the California Elections Code.

(“Ballot Question Adopted by Council” added 7-26-1999 by O-18664 N.S.)

§27.0504 Preparation of Ballot Title and Summary

- (a) The City *Council* may direct the City Attorney to prepare a ballot title and summary of any proposed *measure*. If so directed, the City Attorney shall place the title and summary on file in the Office of the City *Clerk* 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 *measure*.
- (b) The title and summary shall not exceed 500 words in length. The ballot title may differ from any other title of the proposed *measure*.
- (c) In providing the ballot title and summary, the City Attorney shall give a true and impartial statement of the proposed *measure* in language that shall not be an argument, or likely to create prejudice, for or against the proposed *measure*.
- (d) The title and summary shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed *measure*.
- (e) The ballot title and summary constitute *ballot materials* within the meaning of Section 27.0103.

("Preparation of Ballot Title and Summary" added 7-26-1999 by O-18664 N.S.)

§27.0505 Preparation of Impartial Analysis

- (a) The City *Council* may direct the City Attorney to prepare an impartial analysis of any proposed *measure*. If so directed, the City Attorney shall place the impartial analysis on file in the Office of the City *Clerk* 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 *measure*.
- (b) The analysis shall not exceed 500 words in length.
- (c) The City Attorney shall prepare the analysis to show the effect of the *measure* on existing law and what the *measure* would do.
- (d) If the *measure* affects the organization or salaries of the Office of the City Attorney, the City *Council* may direct an appropriate official to prepare the analysis.
- (e) The analysis shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed *measure*.

- (f) The impartial analysis constitutes *ballot materials* within the meaning of Section 27.0103.

(“*Preparation of Impartial Analysis*” added 7-26-1999 by O-18664 N.S.)
(Amended 6-15-2017 by O-20833 N.S.; effective 7-15-2017.)

§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 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 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) The analysis shall not exceed 500 words in length.
- (c) The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an option as to whether or not significant change in City finances would result if the proposed *measure* is adopted. If it is estimated that a *measure* would result in an increased cost to the City, the estimate shall be set out in boldface print in the *voter pamphlet*.
- (d) The fiscal impact analysis must reasonably inform the voters of the proposed *measure's* fiscal impact, if any, and be true, impartial and not argumentative.
- (e) The analysis shall be printed in the *voter pamphlet* preceding any arguments for and against the proposed legislative act.
- (f) The fiscal impact analysis constitutes *ballot materials* within the meaning of Section 27.0103.

(“*Preparation of Fiscal Impact Analysis*” added 7-26-1999 by O-18664 N.S.)
(Amended 9-14-2010 by O-19989 N.S.; effective 10-14-2010.)
(Amended 6-15-2017 by O-20833 N.S.; effective 7-15-2017.)

§27.0507 Order of Measures on Ballot

The City *Council* may by ordinance prescribe the order of *measures* placed on the ballot. Unless the City *Council* prescribes otherwise, the order shall be as follows:

- (a) Initiative *measures*, including both *measures* placed on the ballot by *petition* and *measures* placed on the ballot by action of the City *Council* pursuant to Section 27.1001, in the order in which the ordinances placing the initiative *measures* on the ballot are adopted by the City *Council*;
- (b) Bond *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;
- (c) Charter amendments in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;
- (d) Other legislative *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*;
- (e) Referendum *measures* in the order in which the ordinances placing them on the ballot are adopted by the City *Council*; and
- (f) Advisory matters in the order in which the ordinances placing them on the ballot are adopted by the City *Council*.

(“Order of Measures on Ballot” added 7-26-1999 by O-18664 N.S.)

§27.0508 Written Arguments

- (a) The City *Council*, or any member or members of the City *Council* authorized by that body, or any individual *voter* who is eligible to vote on the *measure*, or bona fide association of citizens, or any combination of *voters* and associations, may file a written argument for or against any City *measure*.
- (b) The argument shall not exceed 300 words in length.
- (c) The argument for and the argument against each *measure* shall be printed in the *voter pamphlet* provided with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed in the *voter pamphlet* and included with the sample ballot. The printed arguments are *ballot materials* within the meaning of Section 27.0103.

- (d) Printed arguments submitted to *voters* in accordance with this section shall be titled either “Argument in Favor of Proposition _____” or “Argument Against Proposition _____,” accordingly, the blank spaces being filled in only with the letter or number, if any, designating the *measure*. The word “*Measure*” may be substituted for the word “Proposition” in such titles. Words used in the title shall not be counted when determining the length of any argument.
- (e) A ballot argument shall not be false, misleading, or inconsistent with the requirements of this article.

(“*Written Arguments*” added 7-26-1999 by O-18664 N.S.)

§27.0509 Argument Not Accepted without Names

- (a) The City *Clerk* shall not accept a ballot argument for publication in the *voter pamphlet* unless it is accompanied by the name and signature of the individual submitting it, or, if submitted on behalf of an organization, the name of the organization and the name and signature of at least one of its principal officers.
- (b) The *voter pamphlet* shall contain a maximum of five signatures with any argument submitted under this division. In case any argument is signed by more than five *persons*, the signatures of the first five shall be printed.
- (c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.

(*Amended 7-18-2000 by O-18826 N.S.*)

§27.0511 Final Date for Arguments

The City *Clerk* shall determine and fix a reasonable date prior to each *election* after which no arguments for or against any *measure* may be submitted for printing and distribution to the *voters*. This deadline shall be based on the time reasonably necessary to prepare and print the arguments and sample ballots, and to permit the ten-calendar-day public examination as provided for in Sections 27.0402 and 27.0403. Arguments may be changed or withdrawn by their *proponents* until and including the date fixed by the City *Clerk*.

(“*Final Date for Arguments*” added 7-26-1999 by O-18664 N.S.)

§27.0512 Priority for Selection if More than One Argument Submitted

If more than one argument for, or more than one argument against, any *measure* is submitted to the City *Clerk* within the time prescribed, the City *Clerk* shall select one of the arguments in favor, and one of the arguments against, the *measure* for printing and distribution to the *voters*. In selecting the argument the City *Clerk* shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City *Council*, or member or members of the City *Council*, including the Mayor, authorized by that body.
- (b) The individual *voter*, or bona fide association of citizens, or combination or *voters* and associations, who are the bona fide sponsors or *proponents* of the *measure*.
- (c) Bona fide associations of citizens.
- (d) Individual *voters* who are eligible to vote on the *measure*.

(“Priority for Selection if More than One Argument Submitted” added 7-26-1999 by O-18664 N.S.)

§27.0513 Council Authorization of Ballot Arguments

- (a) The City *Council* may by resolution authorize itself or individual members, including the Mayor, to sign a ballot argument in support of or in opposition to any *measure* placed on the ballot.
 - (1) The City *Council* may designate the Mayor to sign the argument on behalf of the Mayor and City *Council*;
 - (2) The City *Council* may designate the Mayor and individual members of the City *Council* to sign the argument; or
 - (3) The City *Council* may designate individual members of the City *Council* to sign the argument.
- (b) Ballot arguments submitted and signed by individual members of the City *Council*, including the Mayor, but not authorized by resolution of the City *Council*, will be considered as submitted by individual *voters* for the purpose of selecting an argument for the sample ballot.

(“Council Authorization of Ballot Arguments” added 7-26-1999 by O-18664 N.S.)

§27.0514 No Rebuttal Arguments to be Published

Rebuttal arguments shall not be published in the *voter pamphlet* and the *City Clerk* may not accept a rebuttal argument for any *City measure*.
(“*No Rebuttal Arguments to be Published*” added 7-26-1999 by O-18664 N.S.)

§27.0515 Examination Period for Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the *City Clerk* for any *measure* to be submitted to the *voters* pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.
(“*Examination Period for Ballot Materials*” added 7-26-1999 by O-18664 N.S.)

§ 27.0516 Publication of Ballot Measures

- (a) The full text of each Charter amendment *measure* to be voted upon at the *election* shall be published in the *voter pamphlet*. For each Charter amendment, the *voter pamphlet* shall include, in no less than 10-point bold type, after the fiscal impact analysis, a statement substantially as follows: “The full text of this measure is included in this voter pamphlet.”
- (b) The full text of each *measure* other than a Charter amendment *measure* to be voted upon at the *election* shall be published in the *voter pamphlet*, unless the text as submitted to the *Clerk* exceeds 50 pages. In that event, the *voter pamphlet* shall contain the first 20 pages of the text of the *measure* as submitted to the *Clerk*, provided that the Council will have the discretion to adopt a resolution, effective no later than the 94th day prior to the date of the *election*, requiring the *Clerk* to include the full text of the *measure* in the *voter pamphlet*.
 - (1) If the full text of the *measure* is printed in the *voter pamphlet*, the *Clerk* shall cause to be printed immediately below the fiscal impact analysis, in no less than 10-point bold type, a statement substantially as follows: “The full text of this measure is included in this voter pamphlet.”
 - (2) If less than the full legal text of a *measure* is printed in the voter information pamphlet, the *Clerk* shall cause or direct the following actions:

- a. Post the full text of the *measure* on the City’s website;
- b. Provide a printed copy of the full text of the *measure* to the Main Library and branch libraries of the San Diego Library for access by the public;
- c. Mail a printed copy of the full text of the *measure* to any *voter* upon request made to the Office of the *Clerk*, at no cost to the *voter*;
- d. Cause to be printed in the *voter pamphlet*, immediately below the fiscal impact analysis for the *measure*, in no less than 10-point bold type, a statement substantially as follows: “The above statement is a fiscal impact analysis of Measure _____. An excerpt of the text of this measure is included in this voter pamphlet. The full text of this measure is available online at (insert website address) and in the City’s public libraries. If you would like a copy of the full text of the measure to be mailed to you, please contact the Office of the City Clerk at (insert telephone number and email address) and a copy will be mailed at no cost to you.”; and
- e. Cause to be printed in the *voter pamphlet*, immediately below the excerpt of text, in no less than 10-point bold type, a statement substantially as follows: “The text above contains the first 20 pages of Measure_____ but does not include the remaining pages of the Measure. The pages that have been excluded may include important information that could be useful to voters, and the City Clerk encourages voters to review those pages as well. The full text of this measure is available online at (insert website address) and in the City’s public libraries. If you would like a copy of the full text of the measure to be mailed to you, please contact the Office of the City Clerk at (insert telephone number and email address) and a copy will be mailed at no cost to you.”

(“Publication of Ballot Measures” added 6-15-2017 by O-20833 N.S.; effective 7-15-2017.)

§ 27.0517 Proponents' Responsibility for Submission of Electronic Text

- (a) Proponents of any *measure* provided to the *Clerk* to be voted upon at an *election* shall provide the *Clerk* with an exact electronic copy of the text of the *measure*, sufficient to allow the *Clerk* to provide for any required online publication. The specifications for such text must follow the requirements of the City Clerk Administrative Guidelines, a copy of which can be obtained from the *Clerk's* website.
- (b) The required electronic text must be provided to the *Clerk* no later than five business days after the Council has approved the ordinance placing the *measure* on a ballot or five business days before the deadline to submit *ballot materials* for publication in the *voter pamphlet*, whichever is earlier.

("Proponents' Responsibility for Submission of Electronic Text" added 6-15-2017 by O-20833 N.S.; effective 7-15-2017.)