Article 7: Elections, Campaign Finance and Lobbying

Division 11: Referendum

("Referendum" renumbered from Division 26 on 7-26-1999 by O-18664 N.S.)

§27.1101 Subjects of Referendum

Any legislative act, except acts making the annual tax levy, making the annual appropriations, calling or relating to elections, or relating to emergency measures, shall be subject to the referendum process.

("Subjects of Referendum" renumbered from Sec. 27.2601 and amended 7-26-1999 by O-18664 N.S.)

§27.1102 Referendary Petition Circulators

A referendary *petition* may be circulated for signatures by a paid signature gatherer or by a volunteer. A circulator must be a U.S. citizen and at least 18 years old.

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

§27.1103 Time to Begin Circulating Referendary Petition

A referendary *petition* may not be circulated for signatures until the first calendar day following the date of final passage of the legislative act by the *Council*.

("Time to Begin Circulating Referendary Petition" renumbered from Sec. 27.2603 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1106 Contents of Referendary Petition

A referendary *petition* shall include the questioned legislative act in full, a statement of reasons for the *petition*, one or more *voter* signature sheets, and a *circulator's* affidavit of authenticity, all of which shall be prepared in accordance with this Division and the form specified in Section 27.1107.

("Contents of Referendary Petition" renumbered from Sec. 27.2604 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1107 Form of Referendary Petition

(a) Referendary petition forms shall be furnished by the proponent.

(b) The form and format of the referendary petition, including the form of voter signature sheets and information to be included on such sheets, shall follow the guidelines as outlined in the City Clerk Administrative Guidelines, available to the public at the office of the Clerk and on the City's website.

("Form of Referendary Petition" renumbered from Sec. 27.2605 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1108 Statement of Reasons for Referendary Petition

The statement of reasons shall set forth the reasons for the referendary *petition*. It shall contain no more than 300 words. It shall be signed by the individual proposing the *petition* or, if the *proponent* is an organization, by two officers of the organization. The individual or officers signing the statement shall also affix the date of signing, and a residence, business or mailing address at which the *proponent* may be reached.

("Form of Statement of Reasons for Referendary Petition" renumbered from Sec. 27.2606 and amended 7-26-1999 by O-18664 N.S.)
(Retitled to "Statement of Reasons for Referendary Petition" and amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§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 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) The form of the voter signature sheets shall follow the guidelines as outlined in the City Clerk Administrative Guidelines, available to the public at the office of the Clerk and on the City's website, as stated in section 27.1107.

("Signing Voter's Information for Referendary Petition" renumbered from Sec. 27.2608 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1111 Information Provided to Voters by Circulators

(a) *Voters* have the right to ask *petition circulators* for information regarding the persons and entities financing the referendary *petition*. Such information shall be made available to *voters* when *voters* are asked to sign the *petition*.

(b) Information shown to *voters* by *circulators* shall include a list of donors to the referendary *petition*, which must be conspicuous and include the identities of at least the top two donors that contributed cumulative amounts of $1,000 or more, the amounts contributed, and the date the list was compiled. *Circulators* shall provide *voters* with the address of a website where *voters* can find current donor information. The disclosure statement shall be updated within 48 hours of any change to the list of the five largest contributors.

("Information Provided to Voters by Circulators" added 1-28-2016 by O-20591 N.S.; effective 2-27-2016. Former Section 27.1111 "Circulator's Affidavit of Authenticity for Referendary Petition" renumbered to Section 27.1112.)

§27.1112 Circulator's Affidavit of Authenticity for Referendary Petition

Each referendary *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws, of the following form:

AFFIDAVIT

COUNTY OF SAN DIEGO) } ss.

STATE OF CALIFORNIA)

Under penalty of perjury under the laws of the State of California, I, (printed name of *circulator*), declare: That all of the signatures on the voter signature sheets of this petition section were made in my presence and were observed by me; that all of the sheets constituting this petition section were fastened together at the time such signatures were made; and that, to the best of my knowledge and belief, such signatures are the genuine signatures of the persons who have signed the petition; and that the signatures were obtained between:

_____ and _____
(Beginning date of Circulation) (Final date of circulation)

_____ _____
(Circulator's Printed Name) (Circulator's Signature)

_____
(Date and Place of Signing by Circulator)

("Circulator's Affidavit of Authenticity for Referendary Petition" added 7-26-1999 by O-18664 N.S.)
(Renumbered from former Section 27.1111 and amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1115 Signatures on Referendary Petition

(a) A referendary *petition* may be signed by any *voter* of the City of San Diego.

(b) Signatures of individuals who are not *voters* shall be invalid and shall not be counted.

("Signatures on Referendary Petition" renumbered from Sec. 27.2610 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1116 Withdrawal of Signature from Referendary Petition

Any *voter* signing a *petition* shall have his or her signature withdrawn from the *petition* if the *voter* files with the *Clerk* a written request to withdraw the signature, bearing his or her 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.

("Withdrawal of Signature from Referendary Petition" renumbered from Sec. 27.2611 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1117 Time for Submitting Referendary Petition to Clerk

A referendary *petition* shall be submitted to the *Clerk* within thirty calendar days after the date of final passage of the legislative act by the *Council*.

(Renumbered from Sec. 27.2612, retitled to "Time for Submitting Referendary Petition to Clerk" and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1118 Submitting Referendary Petition to Clerk

(a) The referendary *petition* shall be submitted to the *Clerk* by the *proponent* of the referendum or by any individual authorized in writing by the *proponent*. All sections of the *petition* shall be submitted at one time.

(b) The statement of reasons shall be submitted to the *Clerk* at the same time as the referendary *petition* is submitted pursuant to this section. The statement of reasons shall include the original signature of the individual initiating the proposed legislative act, or, if the *proponent* is an organization, the original signatures of two officers of the organization.

(c) Six copies of the referendary *petition* with unsigned *voter* signature sheets shall be submitted to the *Clerk* at the same time as the *petition* is submitted pursuant to this section.

(Renumbered from Sec. 27.2613, retitled to "Submitting Referendary Petition to Clerk" and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1119 Acceptance or Rejection of Referendary Petition as Filed

(a) The *Clerk* shall not accept a referendary *petition* that is not in substantial compliance with this Division and with the City Clerk Administrative Guidelines for forms of petitions.

(b) When the referendary *petition* is submitted, the *Clerk* shall determine that calendar day the number of signatures affixed prima facie to the *petition*.

(1) If the *Clerk* determines that the number of signatures, prima facie, equals or is greater than the minimum number required, the *Clerk* shall accept the *petition* as filed.

(2) If the *Clerk* determines that the number of signatures, prima facie, is fewer than the minimum number required, the *Clerk* shall reject the *petition* and treat it as not filed.

(c) Any referendary *petition* sections not accepted as filed in accordance with Section 27.1119 shall be void for all purposes.

("Acceptance or Rejection of Referendary Petition as Filed" added 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1120 Verification of Referendary Petition Signatures; Time; Random Sampling

(a) The *Clerk* shall be allowed thirty calendar days after a referendary *petition* has been accepted as filed to examine and verify signatures.

(b) Signatures may be verified by use of the random sampling method set forth in the California Elections Code to govern the verification of referendary petitions.

(c) To determine the sufficiency or insufficiency of a referendary *petition*, the *Clerk* shall only count valid signatures.

(d) If the *circulator's* affidavit of authenticity for any given referendary *petition* section has not been signed by the *circulator*, the signatures on that *petition* section shall be invalid.

(Renumbered from Sec. 27.2614, retitled to "Verification of Referendary Petition Signatures; Time; Random Sampling" and amended 7-26-1999 by O-18664 N.S.) (Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1123 Challenges to Verification of Random Sampling of Referendary Petition Signatures

(a) If random sampling is used, any *voter* of the City of San Diego may submit a written request to the *Clerk* to challenge the determination of the sufficiency or insufficiency of a referendary *petition* for which signatures were verified by the random sampling method.

(b) Any *voter* making a challenge under Section 27.1123(a) must post with the *Clerk* such amount of money as is required to fully pay the cost of further verification.

(c) Any challenge and posting of the required payment shall be made no later than the close of business on the fourth calendar day following the *Clerk's* certification of the sufficiency or insufficiency of the referendary *petition* determined in accordance with Section 27.1124.

(d) If the challenge is received and the required payment is made within the time specified, the *Clerk* shall proceed to verify the validity or invalidity of each signature on the referendary *petition*.

(Renumbered from Sec. 27.2617, retitled to "Challenges to Verification of Referendary Petition Signatures" and amended 7-26-1999 by O-18664 N.S.) (Retitled to "Challenges to Verification of Random Sampling of Referendary Petition Signatures" and amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1124 Clerk's Certification of Sufficiency or Insufficiency of Referendary Petition

(a) If the *Clerk* finds a referendary *petition* to contain the requisite number of valid signatures and to be substantial compliance with this Division, the *Clerk* shall certify that the *petition* is sufficient, and qualifies for submittal to the *voters*.

(b) If the *Clerk* finds a referendary *petition* to contain fewer than the requisite number of valid signatures or not to be in substantial compliance with this Division, the *Clerk* shall certify that the *petition* is insufficient, and does not qualify for submittal to the *voters*.

("Clerk's Certification of Sufficiency or Insufficiency of Referendary Petition" added 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1125 Notice of Sufficiency of Referendary Petition

If the *Clerk* finds a referendary *petition* to contain the number of valid signatures required by the City Charter, the *Clerk* shall so certify and shall send a notice of sufficiency to the *proponent* of the referendum. Without delay, the *Clerk* shall then present the *petition*, with the *Clerk's* certification attached, to the *Council* at the next regular *Council* meeting at which the matter can be placed on the docket.

("Notice of Sufficiency of Referendary Petition" renumbered from Sec. 27.2615 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1126 Notice of Insufficiency of Referendary Petition

If the *Clerk* finds a referendary *petition* to contain less than the number of valid signatures required by the City Charter, the *Clerk* shall so certify and shall send a notice of insufficiency to the *proponent* of the referendum.

("Notice of Insufficiency of Referendary Petition" renumbered from Sec. 27.2616 and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1129 Number of Referendary Petition Signatures Required for Presentation to City Council

A referendary *petition* may not be presented to the *Council* unless it contains the valid signatures of at least five percent of the *voters* of the City at the last general City *election*.

(Renumbered from Sec. 27.2602, retitled to "Number of Referendary Petition Signatures Required for Presentation to City Council" and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1130 Suspension of Referended Legislative Act

(a) If a referendary *petition* has been accepted as filed, the referended legislative act shall be suspended until the date on which the *Clerk* issues a certification of the *petition's* insufficiency; or, if the *petition* is found to be sufficient, the legislative act shall be suspended until it is adopted by the *voters* and becomes effective in accordance with Sections 27.1139 and 27.1140.

(b) If the *Clerk* issues a certification of the referendary *petition's* insufficiency, the referended legislative act shall become effective immediately; or, if the legislative act is an ordinance, it shall become effective a minimum of thirty calendar days after its adoption by the *Council*.

(c) If the *Clerk* issues a certification of the referendary *petition's* sufficiency, the referended legislative act shall become effective in accordance with Sections 27.1139 and 27.1140.

(Renumbered from Sec. 27.2618, retitled to "Suspension of Referended Legislative Act" and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1131 Action by Council on Referendary Petition

If the referendary *petition* is presented to the *Council* by the *Clerk* at a *Council* meeting held in accordance with Section 27.1125, then the *Council* shall within ten business days reconsider the legislative act in question.

(Renumbered from Sec. 27.2619, retitled to "Action by City Council on Referendary Petition" and amended 7-26-1999 by O-18664 N.S.)
(Retitled to "Action by Council on Referendary Petition" and amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1132 Referended Legislative Act to be Submitted to Voters

(a) When the *Council* reconsiders the legislative act in accordance with Section 27.1131, it shall either:

(1) repeal the legislative act in question, or

(2) adopt a resolution of intention to submit the matter to the *voters* at a *special election,* and direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

(b) If the *Council* fails to reconsider the act within the time prescribed by Section 27.1131, the City *Council* shall, within ten business days of the deadline for action prescribed by Section 27.1131:

(1) adopt a resolution of intention to submit the matter to the *voters* at a *special election,* and

(2) direct the City Attorney to prepare an ordinance calling a *special election* to place the matter on the ballot.

(Renumbered from Sec. 27.2620, retitled to "Referended Legislative Act to be Submitted to Voters" and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1133 Time for Special Election for Referended Legislative Act

A *special election* for a referended legislative act shall be consolidated with the next *City-wide Primary* or *City-wide General Election* at which the matter can be placed on the ballot; or at a separate *special election* called prior to that time for the purpose of voting on the matter.

(Renumbered from Sec. 27.2621, retitled to "Time for Special Election for Referended Legislative Act" and amended 7-26-1999 by O-18664 N.S.)
(Amended 8-4-2011 by O-20075 N.S.; effective 9-3-2011.)

§27.1136 Examination Period for Referendary Ballot Materials

There shall be a public examination period for all *ballot materials* filed with the *Clerk* for any *measure* to be submitted to the *voters* pursuant to this Division. The examination period shall conform to the provisions of Section 27.0402 of this article.

("Examination Period for Referendary Ballot Materials" added 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1137 Special Election for Referended Legislative Act to Conform to Other Elections

To the extent practicable, when a referended legislative act is submitted to the *voters*, the *Clerk* shall conduct the *special election* in a manner conforming with other *elections*.

(Renumbered from Sec. 27.2624, retitled to "Special Election for Referended Legislative Act to Conform to Other Elections" and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)

§27.1138 Special Election Not Limited to One Referended Legislative Act

Any number of legislative acts may be submitted to the *voters* at a single *special election* by the referendary process.

(Renumbered from Sec. 27.2623, retitled to "Special Election Not Limited to One Referended Legislative Act" and amended 7-26-1999 by O-18664 N.S.)

§27.1139 Voter Adoption of a Referended Legislative Act

Except as provided in the California Constitution or the San Diego City Charter, a referended legislative act shall be adopted by majority vote.

("Voter Adoption of a Referended Legislative Act" added 7-26-1999 by O-18664 N.S.)

§27.1140 Effective Date of Referended Legislative Act Following Special Election

A referended legislative act which has received the requisite number of affirmative votes for adoption shall be deemed adopted on the date the *Council* adopts its resolution declaring the results of the *election*. The legislative act shall be effective on that date unless an earlier date is specified in the resolution.

(Renumbered from Sec. 27.2622, retitled to "Effective Date of Referended Legislative Act Following Special Election" and amended 7-26-1999 by O-18664 N.S.)
(Amended 1-28-2016 by O-20591 N.S.; effective 2-27-2016.)