

CITY OF SAN DIEGO, CALIFORNIA
COUNCIL POLICY

CURRENT

SUBJECT: SUBMISSION OF BALLOT PROPOSALS
POLICY NO.: 000-21
EFFECTIVE DATE: November 8, 2021

PURPOSE:

The San Diego Municipal Code authorizes the City Clerk to oversee the conduct of elections within the City of San Diego. This policy establishes procedures for the submittal of ballot proposals to the City Council, by members of the public, Councilmembers, the Mayor, or mayoral departments, independent department directors, or a public agency. The procedures are intended to provide sufficient time for consideration of proposals by the Council Standing Committee chaired by the Council President, or other Committee designated by the Council President, prior to Council consideration.

This policy addresses the submission of ballot proposals for measures to be placed on a regularly scheduled election ballot and does not apply to ballot measures that are the result of a citizen's initiative or referendum.

Ballot measures can be placed on a ballot only by an ordinance adopted by the Council and only after the particular election has been called by separate ordinance.

DEFINITIONS:

For the purpose of this Council Policy, "public agency" includes any City-related entity, the San Diego Unified School District, and any similar public entity.

POLICY:

- I. This policy encourages early submission of ballot proposals. This policy involves the submittal of ballot proposals by members of the public, Councilmembers, the Mayor, or mayoral department directors, independent department directors, or a public agency, as follows:
 - A. Ballot proposals may be submitted at any time to the office of the City Clerk and should be submitted as far as possible in advance of a regularly scheduled election to ensure such measures have adequate time for legal review, drafting, and consideration in accordance with the City's election laws. Late-submitted proposals may not have sufficient time to be prepared for the next regularly scheduled election.
 - B. The City Clerk shall transmit promptly such submitted proposals to the appropriate Committee Consultant.

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- C. The Committee Consultant shall place the proposals on the Committee meeting agenda for subsequent review and comment by the Committee.
1. The Committee may request that proponents of a proposal or a City Department furnish background information, provide an analysis of the proposal, and report back to the Committee. The Committee may request a staff report that includes a fiscal analysis and operational analysis of the potential measure in accordance with the Rules of the Council before completing its consideration of the proposal.
 2. A proposal that has received Committee review and comment may be referred to the appropriate department to work with the City Attorney to prepare a ballot measure. Once the ballot measure has been drafted, the measure will return to the Committee for a second discussion, including any additional policy direction necessary to complete a draft of the measure, before the measure is forwarded to the Council for consideration. Background information and report materials shall be transmitted to the City Clerk for inclusion with Council materials when the item appears on the Council Docket.
- D. The Committee may approve or reject proposals submitted for review. Only proposals approved or forwarded to the full Council by the Committee may be acted upon by Council.
- E. Ballot measures shall be placed before the electorate only at elections which are conducted throughout the entire City and in compliance with laws governing when certain ballot measures can be placed before the voters. Prior to each regularly scheduled city-wide election, the City Clerk shall prepare a calendar for the submission of ballot proposals, which will include the deadlines established by this policy.
1. Prior to any regularly scheduled city-wide election, the City Clerk shall place on the docket a notice of Council consideration of ballot proposals and a notice of the last date for submittal of ballot proposals to the City Clerk to enable required review by the Committee twice prior to Council consideration for the upcoming election.
 2. The City Clerk shall list on the Council docket under PUBLIC NOTICE the ballot proposals that have been referred for a second hearing by the Committee and those referred back to the Clerk by the Committee to be forwarded to the Council following the completion of Committee review.

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3. Proposals will be sent to the City Attorney for legal review and analysis and to draft legally appropriate language for the ballot. Measures should be submitted with at least 120 days for such review. The City Attorney must be provided sufficient time, given the subject matter of the measure, the date of the upcoming regularly scheduled election, and the number of measures under consideration, to complete such review. If the time provided is not sufficient, the measure could be considered for a later election. Draft ballot measures are expected to be heard twice by the appropriate Committee before being considered for Council approval, to ensure Councilmembers have provided all policy direction necessary for the City Attorney to prepare the measure.
4. All ballot proposals must be adopted by the Council and election-related material ready for delivery by the City Clerk to the Registrar of Voters no later than noon, 88 days prior to the election.

II. Council adoption of ballot measures:

- A. Ballot measures can only be placed on a ballot by an ordinance adopted by the City Council and only after the particular election has been called by separate ordinance.
- B. Notwithstanding the procedures outlined above, the City Council may at any time adopt ballot measures to be placed before the electorate after an election has been called, as long as the adoption occurs in compliance with legal deadlines and applicable election laws, including Charter section 23 and the Election Code found in the San Diego Municipal Code.

III. General Plan amendments to shift land from Proposition A lands to Urbanized lands:

- A. Proposed amendments to the General Plan in connection with redesignations of land areas that are currently designated as “Proposition A lands” shall use the following procedure instead of Council Policy 600-30, Section F.
- B. Following City Council approval of said application, the General Plan Amendment shall be brought before the voters for final action. The election procedure for the General Plan Amendment shall be referred to the Council Standing Committee chaired by the Council President, or other Committee as directed by the Council President, for review and comment prior to City Council action to place the Amendment on the ballot of a city- wide election. The General Plan Amendment shall be effective only after it is approved by majority vote of the people voting.

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- C. The cost of placing an applicant’s measure on the ballot for voter approval shall be borne by the applicant, including any post-election services requested by the applicant. This requirement may be waived if the Council determines that it is in the public interest to do so.
- D. The applicant shall deposit the estimated cost with the City at least 5 business days before the date on which the Council is scheduled to adopt the ordinance calling the election on which the measure is to appear. The City shall apply the funds as necessary in making payments to the Registrar of Voters in compliance with the Board of Supervisors’ payment policy for elections. If actual costs exceed the estimate, the applicant shall pay the difference within 30 days after the Clerk sends notice of the deficiency. Any deposited amounts that exceed actual costs shall be reimbursed to the applicant within 30 days of the final bill from the Registrar of Voters.

IV. Proposals to amend the City Charter:

Ballot measures to amend the San Diego City Charter are governed by California law. All proposals to amend the City Charter shall be in writing with old language to be removed in strike-out and new language to be added underlined. Unless otherwise required by law, all proposals to amend the City Charter shall be drafted using gender-neutral pronouns or reusing nouns to avoid the use of gendered or binary pronouns when referring to a person or group of people.

V. Election costs for ballot proposals submitted by members of the public, Councilmembers, the Mayor or mayoral departments, independent department directors, or a public agency, adopted by the City Council:

The Mayor will recommend the source of funding for individual ballot proposals, which may include, but is not limited to, the Citywide Program Expenditures-Citywide Elections budget, non-general fund budget, or public agency budget. In general, ballot proposals should be funded by the department, fund, or public agency deriving the greatest benefit from the passage of said proposal.

HISTORY:

Adopted by Resolution R-216008 – 05/19/1976
Amended by Resolution R-258191 – 04/04/1983
Amended by Resolution R-260437 – 04/09/1984
Amended by Resolution R-264709 – 12/16/1985
Amended by Resolution R-286447 – 10/16/1995
Amended by Resolution R-308730 – 02/20/2014
Amended by Resolution R-311383 – 10/31/2017
Amended by Resolution R-313771 – 11/08/2021