Article 7: Elections, Campaign Finance and Lobbying

Division 2: Nominations
(Renumbered from Division 21 on 7-26-1999 by O-18665 N.S.)

§27.0201 Nomination Procedure

Nominations of candidates for all elective offices shall be made by submitting nomination papers for filing in the Office of the City Clerk on forms provided by that office.

(Renumbered from Sec. 27.2101, retitled to “Nomination Procedure” and amended 7-26-1999 by O-18665 N.S.)

§27.0202 Nomination Papers

Nomination papers required of candidates seeking nomination to municipal elective office are the Statement and Affidavit of Nominee and the nominating petition. Nomination papers may also include the candidate’s designation of principal profession, vocation or occupation; statement of qualifications; and photograph, as provided for by Division 6 of this article.

(“Nomination Papers” added 7-26-1999 by O-18665 N.S.)

§27.0203 Personal Appearance of Candidates

Candidates seeking nomination either by election or appointment shall appear personally before the City Clerk to obtain the nomination papers for filing, unless service with the United States Armed Forces or a physical disability prevents such an appearance.

(“Personal Appearance of Candidates” renumbered from Sec. 27.2102 and amended 7-26-1999 by O-18665 N.S.)

§27.0204 Time to Obtain Nomination Papers

(a) Nomination papers in connection with candidacy in District or City-wide Primary Elections that are consolidated with statewide primary elections may be obtained from the City Clerk not earlier than thirty calendar days prior to the date after which the Registrar of Voters may not accept nomination documents for the statewide primary election pursuant to California Elections Code Section 8020.
(b) In the case of a special election called to fill a vacated elective office, nomination papers may be obtained from the City Clerk and circulated not earlier than seventy-four days prior to the election; except that for special elections that would be consolidated with other statewide elections, the City Council shall adopt a schedule consistent with the filing of nomination documents for the statewide election.

(Renumbered from Sec. 27.2110, retitled to “Time to Obtain Nomination Papers” and amended 7-26-1999 by O-18665 N.S.)

§27.0205 Statement and Affidavit of Nominee

Candidates seeking nomination shall complete and sign under California perjury laws a Statement and Affidavit of Nominee at the time of obtaining nomination papers from the City Clerk pursuant to Section 27.0203. The Statement and Affidavit shall be countersigned by the City Clerk or an authorized deputy of the City Clerk, and shall be considered filed at the time of signing.

(“Statement and Affidavit of Nominee” added 7-26-1999 by O-18665 N.S.)

§27.0206 Form of Statement and Affidavit of Nominee

The Statement and Affidavit of Nominee shall state the name of the candidate, the candidate’s current residence, past residences for a period of four years, date and place of birth, the office for which he or she seeks nomination, the term for which he or she is running, occupation, a written acceptance of the nomination and the manner in which the candidate wishes his or her name to appear. The completed and signed Statement and Affidavit of theNominee shall be substantially in the following form:

STATEMENT AND AFFIDAVIT OF NOMINEE

STATE OF CALIFORNIA)     ss.
COUNTY OF SAN DIEGO)      □

Under penalty of perjury, I, ____________________________, say that I reside at ____________________________, in the City of San Diego, County of San Diego, State of California; that I am a resident and registered voter of the political district for which I seek nomination and shall have been such for at least thirty calendar days immediately preceding the submittal of my nominating petition for filing; that I am a candidate for the office of ____________________________ (include district designation, if appropriate) to be voted upon at the municipal primary election to be held ____________________________ (insert date); that I request my name be printed upon the official ballot for nomination by such primary election for such office; that I will accept such nomination; and that I will serve in such office if elected. I am a candidate for the _____ full/_____ unexpired term. I desire to have my name printed on the ballot as follows:
(Print)

Date of Birth ______________________ Place of Birth ________________

My occupation is ______________________.

All other places where I have resided in the past four years:

_________________________  ______________________

_________________________  ______________________

_________________________  ______________________

_________________________

(Signature)

Subscribed on: ______________________

(Date)

(SEAL)

(Signature of Clerk or Deputy)

(Official Title)

(Renumbered from Sec. 27.2103, retitled to “Form of Statement and Affidavit of Nominee” and amended 7-26-1999 by O-18665 N.S.)

§27.0207 Contents of Nominating Petition

(a) Nominating petition pages shall be furnished by the Office of the City Clerk.

(b) Nominating petition pages shall be printed on white paper, 8 1/2 by 11 inches in size.

(c) Each nominating petition page shall contain items (1) through (3) in the order specified:

(1) a statement which includes the name of the candidate, the office for which he or she seeks nomination, and the date of the pertinent District or City-wide Primary Election.
(2) space for signing voters’ information prepared in accordance with Sections 27.0208 and 27.0209.

(3) a circulator’s affidavit of authenticity prepared and signed in accordance with Sections 27.0208 and 27.0212.

(d) The nominating petition may consist of any number of petition pages.

(Renumbered from Sec. 27.2104, retitled to “Contents of Nominating Petition” and amended 7-26-1999 by O-18665 N.S.)

§27.0208 Form of Nominating Petition Page

(a) The following statement shall appear at the top of each nominating petition page and be in substantially the following form:

NOMINATING PETITION AND SIGNATURES IN LIEU OF FILING FEE

STATE OF CALIFORNIA)                COUNTY OF SAN DIEGO) ss.

We, the undersigned voters of ________________________________ (The City of San Diego, or City Council District, including district designation) hereby nominate ____________________ for the office of ________________________________ to be voted for at the Primary Election to be held ________________________________

(b) The following note shall appear on each nominating petition page, immediately below the statement required by Section 27.0208(a):

(NOIE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of at least 240 qualified voters. Nominating petitions for members of the Board of Education may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 200 qualified voters. Nominating petitions for members of the City Council may be signed only by voters residing within the home district of the candidate, and must contain the signatures of at least 120 qualified voters. Nominating petitions for appointment to City elective offices require the signatures of at least 50 qualified voters. It is unlawful for any voter to sign more than one nominating petition for any given office.)

(c) The voter signature portion of the nominating petition page shall appear immediately below the note required by Section 27.0208(b). On the right hand side of the voter signature portion of the petition page, a space at least
one inch wide shall be left blank for the City Clerk’s use in verifying the validity or invalidity of the signatures. The voter signature portion of the petition page shall be arranged and lined to provide space for each voter’s signature, each voter’s printed name, place of each voter’s residence, and date of each voter’s signature.

(d) The form and format of the voter signature portion of the nominating petition pages shall follow the guidelines for such pages in the City Clerk Administrative Guidelines, which shall be posted on the City website and made available to the public at the Office of the Clerk.

(e) The circulator’s affidavit of authenticity shall appear immediately below the voter signature portion required by Section 27.0208(c), and shall be signed by the circulator under California perjury laws.

(f) The circulator’s affidavit of authenticity shall be in substantially the following form:

AFFIDAVIT OF AUTHENTICITY

STATE OF CALIFORNIA )
COUNTY OF SAN DIEGO) ss.

Under penalty of perjury I, (printed name of circulator), declare: That all the signatures on this petition page were made in my presence and were observed by me, and that to the best of my knowledge and belief, such signatures are the genuine signatures of the individuals who signed the petition.

(Circulator’s Residence)                                                       (Circulator’s Signature)

(Amended 7-18-2000 by O-18826 N.S.)
(Amended 4-15-2019 by O-21063 N.S.; effective 5-15-2019.)
(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)

§27.0209 Signing Voter’s Information for Nomination Petition

Signatures on the voter signature portion of a nominating petition shall be executed by voters in their own handwriting, and each signer shall also affix his or her printed name, date of his or her signature, 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.

(“Signing Voter’s Information for Nomination Petition” added 7-26-1999 by O-18665 N.S.)
§27.0210 Required Number of Signatures on Nominating Petition

(a) Only voters may sign the voter signature portion of a nominating petition. Signatures of individuals who are not voters shall be invalid.

(b) Nominating petitions of candidates for the office of City Councilmember shall be signed by at least 120 voters registered in the district from which the candidate seeks nomination.

(c) Nominating petitions of candidates for the offices of Mayor and City Attorney shall be signed by at least 240 voters registered in the City.

(d) Nominating petitions of candidates for the office of member of the Board of Education shall be signed by at least two hundred voters registered in the district of the San Diego Unified School District from which the candidate seeks nomination.

(Renumbered from Sec. 27.2106, retitled to “Required Number of Signatures on Nominating Petition” and amended 7-26-1999 by O-18665 N.S.; amended 9-27-1999 by O-18690 N.S.)

(Amended 4-15-2019 by O-21063 N.S.; effective 5-15-2019.)

(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)

§27.0211 Candidacy Limited to One Office

A candidate may not submit for filing a nominating petition for more than one office at any election.

(“Candidacy Limited to One Office” renumbered from Sec. 27.2105 and amended 7-26-1999 by O-18665 N.S.)

§27.0212 Circulation of Nominating Petitions

It is unlawful for any individual to circulate a nominating petition unless he or she is a U.S. citizen at least 18 years of age.

(Amended 7-18-2000 by O-18826 N.S.)
§27.0213 Signing of Nominating Petitions

(a) It is unlawful for any individual to sign a candidate’s nominating petition more than one time.

(b) It is unlawful for any individual to sign more than one nominating petition for the same office and if he or she does so, his or her signature shall count only for the first nominating petition which is filed and in which the signature is used to qualify a candidate.

(Amended 9-10-2001 by O-18979 N.S.)

§27.0214 Time for Submitting Nomination Papers to Clerk

(a) Except for the Statement and Affidavit of Nominee filed pursuant to Section 27.0205, nomination papers for candidacy in District or City-wide Primary Elections that are consolidated with statewide primary elections shall be submitted for filing in the Office of the City Clerk not earlier than twenty-two calendar days nor later than the calendar day prior to the date after which the Registrar of Voters may not accept nomination documents for the statewide primary election pursuant to California Elections Code Section 8020.

(b) In the case of a special election called to fill a vacated elective office, nomination papers shall be submitted for filing in the Office of the City Clerk no earlier than the sixty-seventh calendar day prior to the District or City-wide Primary Election nor later than the close of business on the sixtieth calendar day prior to the District or City-wide Primary Election; except that for special elections that would be consolidated with other statewide elections, the City Council shall adopt a filing schedule consistent with the filing of nomination documents for statewide elections.

(c) Except for the Statement and Affidavit of Nominee filed pursuant to Section 27.0205, all nomination papers shall be submitted for filing at the same time; no supplemental filings are allowed.

(Renumbered from Sec. 27.2111, retitled to “Time for Submitting Nomination Papers to Clerk” and amended 7-26-1999 by O-18665 N.S.)

§27.0215 Acceptability of Nominating Petitions

To be acceptable for filing, a nominating petition must on its face purport to contain the signatures of the requisite number of voters.

(Renumbered from Sec. 27.2117, retitled to “Acceptability of Nominating Petitions” and amended 7-26-1999 by O-18665 N.S.)
§27.0216  Acceptance or Rejection of Nomination Papers as Filed

(a) If the City Clerk determines that a candidate’s nomination papers are in substantial compliance with this division and with the provisions of Division 6, the City Clerk shall accept the nomination papers as filed.

(b) If the City Clerk determines that a candidate’s nomination papers are not in substantial compliance with this division and with the provisions of Division 6, the City Clerk shall not accept the nomination papers as filed.

(“Acceptance or Rejection of Nomination Papers as Filed” added 7-26-1999 by O-18665 N.S.)

§27.0217  Verification of Nominating Petition Signatures; Time

(a) The City Clerk shall be allowed a period of twenty business days after a nominating petition has been accepted as filed to verify the validity or invalidity of signatures.

(b) To determine the sufficiency or insufficiency of a nominating petition, the City Clerk shall only count valid signatures.

(c) If the circulator’s affidavit of authenticity for any given petition page has not been signed by the circulator, the signatures on that petition page shall be invalid.

(Renumbered from Sec. 27.2112, retitled to “Verification of Nominating Petition Signatures; Time” and amended 7-26-1999 by O-18665 N.S.)

§27.0218  Notice of Sufficiency of Nominating Petition

If the City Clerk finds a nominating petition to be sufficient and in proper form, he or she shall so certify and shall send a notice of sufficiency to the candidate nominated.

(Renumbered from Sec. 27.2113, retitled to “Notice of Sufficiency of Nominating Petition” and amended 7-26-1999 by O-18665 N.S.)

§27.0219  Notice of Insufficiency of Nominating Petition

If the City Clerk finds a nominating petition to be in insufficient or improper form, he or she shall so certify and shall send a notice of insufficiency to the candidate seeking nomination.

(Renumbered from Sec. 27.2114, retitled to “Notice of Insufficiency of Nominating Petition” and amended 7-26-1999 by O-18665 N.S.)
§27.0220 Nominating Fee

The election nominating fee for the offices of City Councilmember, Mayor, and City Attorney shall be established according to the City Council's User Fee Policy. The fee schedule shall be filed in the Ratebook of City Fees and Charges in the Office of the Clerk. The nominating fee is non-refundable and shall be paid when nomination papers are submitted for filing.

(Amended 7-18-2000 by O-18826 N.S.)
(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)

§27.0221 Signatures Used to Offset Nominating Fee

(a) Notwithstanding any other provision of this division, a candidate may submit signatures of registered voters above the number required pursuant to Section 27.0210 to fully or partially offset the nominating fee.

(b) If signatures of registered voters above the number required pursuant to Section 27.0210 are to be used to reduce the nominating fee, the candidate shall give notice to the City Clerk at the time of submitting his or her nomination papers for filing pursuant to Section 27.0214.

(c) Signatures submitted for the purpose of reducing the nominating fee shall be executed by voters on the nominating petition, and are subject to the provisions of Section 27.0209 and Section 27.0210.

(d) No signature used to determine the sufficiency of the nominating petition may be used for the purpose of reducing the nominating fee.

(e) Every three valid signatures in excess of the number required pursuant to Section 27.0210 that are obtained and submitted for filing on the nominating petition within the prescribed nomination period for the purpose of reducing the nominating fee shall be valued at one dollar toward reduction of the nominating fee.

(f) The candidate shall be reimbursed at the rate prescribed in Section 27.0221(e) up to the deposited amount of the nominating fee.

(Renumbered from Sec. 27.2120, retitled to “Signatures Used to Offset Nominating Fee” and amended 7-26-1999 by O-18665 N.S.)
(Amended 1-30-2020 by O-21173 N.S.; effective 2-29-2020.)
§27.0222 Withdrawal of Nomination

Not later than five days after the expiration of the time for submitting nomination papers for filing, any individual for whom nomination papers have been filed may file a written withdrawal from nomination in the Office of the City Clerk.

("Withdrawal of Nomination" renumbered from Sec. 27.2118 and amended 7-26-1999 by O-18665 N.S.)