

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 the Nominee 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):

(NOTE: Nominating petitions for Mayor and City Attorney may be signed at large throughout the City and must contain the signatures of at least 200 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 100 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.)

§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 one hundred *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 two hundred *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.)*

§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 shall be two hundred dollars (\$200) for the office of City Councilmember and five hundred dollars (\$500) for the offices of Mayor and City Attorney. 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.)

§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) Each valid signature in excess of the number required pursuant to Section 27.0210 that is 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 \$0.25 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.)

§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.)