

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. For purposes of this division, a *measure* does not include a measure to recall or remove an *elective officer*.

*(“Purpose and Intent” added 7-26-1999 by O-18664 N.S.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)*

§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 *Council*, or any member or members of the *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*. Bona fide associations of citizens shall submit one of the documents listed in section 27.0512(b) along with the argument.

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

§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

- (a) If more than one argument for, or more than one argument against, any *measure* is submitted to the *Clerk* within the time prescribed, the *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 *Clerk* shall give preference and priority, in the order named, to the arguments of the following:
 - (1) The *Council*, or member or members of the *Council*, including the Mayor, authorized by that body.
 - (2) The individual *voter*, or bona fide association of citizens, or combination of *voters* and associations, who are the bona fide sponsors or *proponents* of the *measure*.
 - (3) Bona fide associations of citizens.
 - (4) Individual *voters* who are eligible to vote on the *measure*.
- (b) To enable the *Clerk* to determine whether an entity qualifies as a bona fide association of citizens under sections 27.0508 and 27.0512, an organization or association submitting an argument for or against a *measure* shall submit with the argument a copy of one of the following:
 - (1) Its articles of incorporation, articles of association, partnership documents, bylaws, or similar documents;
 - (2) Letterhead containing the name of the organization and its principal officers; or

- (3) If the organization or association is a primarily formed committee established to support or oppose the *measure*, its statement of organization filed pursuant to California Government Code section 84101, or any subsequent amendment to that section.
- (c) In selecting an argument from among bona fide associations of citizens, the *Clerk* shall not consider the type of documentation submitted in compliance with section 27.0512(b), and shall not consider the form of the association.

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

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

§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 Clerk shall publish a notice or heading in the *voter pamphlet* for each ballot *measure* indicating whether the full text of the *measure*, or the partial text of the *measure*, is published in the *voter pamphlet*.
- (b) The full text of each Charter amendment *measure* to be voted upon at the *election* shall be published in the *voter pamphlet*.
- (c) 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 Clerk determines that factors such as the length of the measure, printing logistics, timing constraints, postage or mailing concerns, or the presence of special graphics or attachments, may present problems for *voters* or the Clerk, including issues related to *voter* access to a printed *voter pamphlet*. In that event, the Clerk may direct that no more than the first 20 pages of the text of the ballot *measure* shall be published in the *voter pamphlet*.
- (d) All supplemental materials, including the ballot title and summary, the impartial analysis (if any), the fiscal impact analysis, and the arguments for or against the *measure* (if any), shall be published in the *voter pamphlet*, regardless of whether the full text or partial text of the *measure* is published in the *voter pamphlet*.

- (e) If less than the full legal text of a *measure* is printed in the *voter pamphlet*, the *Clerk* shall cause or direct all of the following actions:
- (1) Post the full text of the *measure* on the City’s website;
 - (2) Provide a printed copy of the full text of the *measure* to the San Diego main library and branch libraries for access by the public;
 - (3) 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*;
 - (4) Print 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
 - (5) Print 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 ___ 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.)

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

§ 27.0517 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.
- (b) The required electronic text of a *measure* 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.
- (c) Any person or entity submitting an argument for or against a *measure* in compliance with section 27.0508 shall file with the *Clerk* an exact electronic copy of the text of the argument when the argument is filed with the *Clerk*.
- (d) The electronic format required to be used for submissions under this section shall be designated in the City Clerk Administrative Guidelines, which shall be posted on the City website and made available in the Office of the *Clerk*.

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

(Retitled to “Responsibility for Submission of Electronic Text” and amended 4-15-2019 by O-21063 N.S.; effective 5-15-2019.)