



City of San Diego City Clerk Administrative Guidelines

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Updated 11/2017

CITY CLERK’S ADMINISTRATIVE GUIDELINES

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CITY CLERK'S ADMINISTRATIVE GUIDELINES

SECTION 1 – DESIGNATION OF PRINCIPAL PROFESSION, VOCATION OR OCCUPATION

100. GENERAL PROVISIONS

(a) The purpose of these guidelines is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.

(b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) §27.0604 and the guidelines included here in a manner consistent with the regulatory purpose of these guidelines.

(c) Candidates are not required to use a ballot designation pursuant to SDMC §27.0604, and may opt to leave the space for such a designation on the ballot blank. In order to notify the City Clerk as to whether he or she will use a ballot designation or will opt to leave the ballot designation space blank, the candidate must file a designation of principal profession or occupation, on the form provided by the City Clerk, at the same time that all other nomination papers are submitted for filing.

(d) Pursuant to SDMC §27.0604, a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in SDMC §27.0604(c)(1) through §27.0604(c)(4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.

(e) The guidelines set forth here shall apply only to elections held for elective offices in the City of San Diego.

(f) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

101. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO SAN DIEGO MUNICIPAL CODE §27.0604(C)(1)

Proposed ballot designations shall be subject to the following provisions:

(a) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:

(1) The proposed ballot designation must comply with the four-word limitation specified in SDMC §27.0604(b), and as implemented pursuant to subdivision (g) herein.

(2) Each such proposed profession, vocation or occupation shall be separately considered by the City Clerk and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.

(3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."

(b) The terms "profession," "vocation," or "occupation," as those terms are used in SDMC §27.0604(c)(1), are defined as follows:

(1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as used in SDMC §27.0604(a), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."

(2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as used in SDMC §27.0604(a), include, but are not limited to, "minister," "priest," "mother," father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."

(3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as used in SDMC §27.0604(a), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."

(c) "Principal," as that term is used in SDMC §27.0604(c)(1), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

(1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or her nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable license fees, and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination papers.

(2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if (i) the candidate's licensure status is "inactive" at the time the candidate files his or her nomination papers, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination papers.

(d) State election law provides for a designation of "community volunteer" as a valid principal vocation or occupation. In accordance with Municipal Code Section 27.0106, which provides that the City Clerk may rely on state election law for guidance, a ballot designation of "Community Volunteer" shall constitute a valid principal vocation or occupation for purposes of Municipal Code Section 27.0604, if not otherwise in violation of any of the restrictions set forth in that section. "Community Volunteer" means a person who engages in an activity or performs a service for or on behalf of, without profiting monetarily, one or more of the following:

(1) A charitable, educational, or religious organization as defined by the United States Internal Revenue Code section 501(c)(3);

(2) A governmental agency; or

(3) An educational institution.

The activity or service must constitute substantial involvement of the candidate's time and effort such that the activity or service is the sole, primary, main or leading professional, vocational or occupational endeavor of the candidate.

(e) In order for a ballot designation submitted pursuant to SDMC §27.0604(c)(1) to be deemed acceptable by the City Clerk, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (b) and (c) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with SDMC §27.0604 and the guidelines included here.

(f) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination papers, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination papers, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

(g) Pursuant to SDMC §27.0604(b), the candidate's ballot designation shall be limited to not more than four words. The following rules shall govern the application of the four-word limitation:

(1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.

(2) Punctuation shall be limited to the use of a comma (e.g., Mayor, City of San Diego) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (a) of this section. A hyphen (-) may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language, which was published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted.

(3) An acronym shall be counted as one word.

(4) A candidate may engage in multiple principal professions, vocations or occupations, as described in Section 101(a)(1) – 101(a)(3).

102. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO SAN DIEGO MUNICIPAL CODE §27.0604(C)(2)

Proposed ballot designations submitted pursuant to SDMC §27.0604(c)(2) shall be subject to the following provisions:

(a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing his or her nomination papers.

(b) In the case of judicial officers, the candidate's ballot designation shall be the office which the candidate holds at the time of filing his or her nomination papers.

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to SDMC §27.0604(c)(2).

(d) Proposed ballot designations indicating a position of legislative leadership, such as "Deputy Mayor," "Majority Leader, California Senate," "Minority Leader, State Assembly," "Speaker, California State Assembly," "President Pro Tempore, Senate," and the like, are not elective offices described in SDMC §27.0604(c)(2). Such ballot designations are improper, pursuant to SDMC §27.0604(c)(2). They may, however, be considered under the provisions of SDMC §27.0604(c)(1).

(e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective state or county offices as specified in SDMC §27.0604(c)(2).

(f) A candidate who chooses to include the name of his or her elective office with another profession, vocation, or occupation may do so pursuant to Elections Code section 13107(a)(3), but that ballot designation shall be limited to no more than four words.

103. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO
SAN DIEGO MUNICIPAL CODE §27.0604(C)(3)

Proposed ballot designations submitted pursuant to SDMC §27.0604(c)(3) shall be subject to the following provisions:

- (a) A proposed ballot designation submitted pursuant to SDMC §27.0604(c)(3) is limited to the word "incumbent," as that term is used in SDMC §27.0604(c)(3).
- (b) The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to SDMC §27.0604(c)(3) shall be entitled to use the ballot designation "Incumbent."
- (c) The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to SDMC §27.0604(c)(3), and may not be used as an adjective in any other ballot designation.

104. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO
SAN DIEGO MUNICIPAL CODE §27.0604(C)(4)

- (a) Pursuant to SDMC §27.0604(c)(4), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds the office of Mayor or City Attorney, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
- (b) Pursuant to SDMC §27.0604(c)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."

105. UNACCEPTABLE BALLOT DESIGNATIONS

(a) The City Clerk shall reject as unacceptable any proposed ballot designation which fails to comply with or is otherwise inappropriate pursuant to SDMC §27.0604, is prohibited pursuant to SDMC §27.0605, is misleading, or is otherwise improper pursuant to the guidelines set forth here.

(b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to SDMC §27.0604(b):

(1) *Avocations*: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work (except for the designation of "Community Volunteer" as discussed above), and matters pursued as an amateur.

(2) *Pro Forma Professions, Vocations and Occupations*: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated.

Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess, and the like.

(3) *Statuses*: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, veteran, proponent, reformer, scholar, founder, philosopher, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.

(c) Pursuant to SDMC §27.0605(a), the City Clerk shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the City Clerk shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based on supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation upon request of the City Clerk.

(d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, trade name, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widgets Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.

(e) Pursuant to SDMC §27.0605(b), the City Clerk shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity,

leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include but are not limited to, "senior," "emeritus," "specialist," "magnate," "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.

(f) Pursuant to SDMC §27.0605(c), the City Clerk shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."

Subject to the provisions of SDMC §27.0605(c), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word "retired," the City Clerk will consider the following factors in making a determination as to the propriety of the use of the term "retired":

- (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
- (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
- (3) The candidate has reached at least the age of 55 years;
- (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
- (5) If the candidate is requesting a ballot designation indicating that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office. If such a candidate did not voluntarily retire from public office, he or she may not use the word "retired" in his or her ballot designation;
- (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
- (7) The candidate's retirement benefits are providing him or her with a principal source of income.

(g) Pursuant to SDMC §27.0605(d), the City Clerk shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation, or elected or appointed or judicial office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Councilmember," "Ex-Mayor," and "Former Educator."

(h) Pursuant to SDMC §27.0605(e), the City Clerk shall reject as unacceptable any proposed ballot designation which uses the name of any political party, ~~whether or not it has qualified for recognized ballot status.~~

(i) Pursuant to SDMC §27.0605(f), the City Clerk shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.

(1) The City Clerk shall reject as unacceptable any ballot designation which implies or expressly contains any ethnic or racial slurs or ethnically or racially derogatory language.

(2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)

(j) Pursuant to SDMC §27.0605(g), the City Clerk shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

106. REQUESTS FOR SUPPORTING DOCUMENTATION

The City Clerk may request that a candidate submit supporting documentation or other evidence to support the proposed ballot designation.

(a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials in the final decision on the candidate's proposed ballot designation.

(b) The City Clerk will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate.

When the candidate does not have reasonable access to a facsimile machine or electronic mail, the City Clerk will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.

(c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of SDMC §27.0604 and these guidelines.

107. SERVICE OF LEGAL PROCESS REGARDING BALLOT DESIGNATIONS

(a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the City Clerk of the City of San Diego, 202 "C" Street, Second Floor, San Diego, California 92101.

(b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the San Diego City Attorney at (619) 236-6220.

CITY CLERK'S ADMINISTRATIVE GUIDELINES

SECTION 2 - STATEMENT OF QUALIFICATIONS

200. GENERAL PROVISIONS

- (a) The purpose of these guidelines is to provide the candidate with instructions on what is included as part a candidate statement of qualifications.
- (b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) §27.0620 - 27.0621 and the guidelines included here in a manner consistent with the regulatory purpose.
- (c) Candidates are not required to submit a Statement of Qualifications pursuant to SDMC §27.0620. If a candidate opts to not have a candidate statement printed in the sample ballot, the candidate must file the form provided by the City Clerk stating there will be no candidate statement at the same time that all other nomination papers are submitted for filing.
- (d) The guidelines set forth here shall apply only to elections held for elective offices in the City of San Diego.
- (e) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

201. STATEMENT OF CANDIDATE'S QUALIFICATIONS PURSUANT TO SAN DIEGO MUNICIPAL CODE §27.0620

- (a) The *candidate's* statement of qualifications constitutes *ballot materials* within the meaning of Section 27.0103.
- (b) *Candidates for elective office* may prepare a statement of qualifications on a form provided by the *City Clerk*. Such statements may include the name, age, occupation and education of the *candidate* and a brief description of the *candidate's* qualifications expressed by the *candidate* and are limited to matters concerning only the *candidate*.
- (c) Candidates are required to TYPE their statement SINGLE SPACED in JUSTIFIED BLOCK PARAGRAPHS. Candidates are required to submit their statement via email on the day the candidate is to arrive to file his or her nomination papers. Candidates are encouraged to submit their statement early for review and feedback and will be provided with an email address when the candidate takes out nomination papers to ensure confidentiality of the material.

The City Clerk will print out the document for the candidate/or the candidate's representative to review and sign when all nomination papers are filed. Please note the statement is CONFIDENTIAL

UNTIL THE FILING DEADLINE of E-88 from the election date, at which point they are submitted for publishing to the Registrar of Voters.

The following formatted statements WILL NOT be permitted:

1. Handwritten statement
2. Copy from a fax machine
3. Hard copy electronic submission

STATEMENTS WILL BE PRINTED EXACTLY AS SUBMITTED; candidates are therefore advised to carefully check their statements for errors in spelling, punctuation and grammar. The elections official is authorized to make corrections only to the format of the statement.

The guidelines intends uniformity of appearance of the candidate statements. By preparing a candidate statement in accordance with the guidelines, each statement will be uniformly printed and allowed the same amount of space in the Voter Information Pamphlet. This avoids favored composition or printing of one candidate's statement over another.

The statement will be printed in 8-point type in the Voter Information Pamphlet. Only the candidate's name, age and occupation will be printed in 10-point type.

(d) Limited use of characters and symbols, see specific allowable use of characters and symbols.

Example:

Standard circular bullet point for itemized lists. (·)

The use of the dollar sign when referencing currency (\$)

The use of the @ when referencing an email or other electronic addresses.

The use of the ampersand character when referencing a name of a business which has the character in the name (&) or replacing the word "and." The use of the ampersand in this way would still add to the total word count for the 200 word candidate statement.

(e) The use of tables, special formatting as described below, and all other characters and symbols are not allowed:

Example:

Tables

Extra exclamation points (!!!)

Multiple punctuation (!?!?)

Asterisk (*)

Non-standard Bullets (➤◆■)

Graphics (☺, ☹, ☹)

(f) The statement may include the name of any other individual, organization, or quotations from individuals or organizations. A quote from an individual or use of an individual's name included in the statement must be authorized in writing by the individual. A quote or endorsement from an organization included in the statement must be authorized in writing by the organization. The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. If a quotation is from a publication, a copy of the publication may be provided instead of a letter. Such authorization must be filed at the same time as the statement of qualifications, or the quotation will not be permitted in the statement. An organizational reference used as part of the candidate's biographical information is permitted without authorization from the organization.

Authorization Letter requests:

- If anyone other than the candidate filing the SOQ is mentioned in the statement, by quote or reference, a written authorization (original signature required) for the individual's name to be used must be filed at the time the SOQ is filed with the Office of the City Clerk.

Past Examples include, but are not limited to the following:

- A candidate referenced a Senate Bill by the name of the Author (current senator). The candidate needed to have a letter of authorization from the Senator in order to have the Senator's name remain in the SOQ.
- A candidate listed being appointed to a board by a County Supervisor (listing the Supervisor by name). The candidate was required to include an authorization letter from the supervisor.
- A candidate listed being appointed by a legislative body to a board, authorization letter **was not required** because it was a matter of public record and no individual was listed.
- A candidate referenced the name of a family (not his own) based on work done to author a Senate bill in memory of the individual. The candidate at first wanted to use a newspaper article to support the use of the name. The article did not reference the support of the candidate in the family's name, the candidate was given a choice to change the SOQ to reflect what the newspaper article stated or get an authorization letter from the family.

- A press release from the candidate’s office including a quote from a third-party is insufficient to support use of the quote in an SOQ. An actual publication is required or letter of authorization is required.

(f) The statement may include the names of family members.

202. CERTAIN CONTENT PROHIBITED IN STATEMENT OF QUALIFICATIONS

A proposed statement of qualifications shall be subject to the following provisions:

(a) The statement of qualifications shall not refer, either directly by name, or indirectly by title or description to any other *candidate* or officeholder or to any other *candidate’s* or officeholder’s qualifications, character or activities, unless such reference is authorized pursuant to Section 27.0620(d).

(b) The statement of qualifications shall not refer, either directly by name, or indirectly by title or description to any City employee or to a City employee’s character or activities unless such reference is authorized pursuant to Section 27.0620(d).

Examples of terms the City Clerk would not allow which referenced City employees/ City officeholders:

- Reference to the “City” (capital C) is not acceptable. In most circumstances it must be a lower case “c “ or the word “city” must be removed. Further examples include, but are not limited to the following:
 - Elected Officials/Bodies
 - City Officials
 - City/Government employees
 - “City” representatives (City should not be capitalized)
 - City Hall
 - Government employee unions
 - Council
 - City Departments (Wastewater, General Services, etc.)
 - Any reference to past or current city employees (including elected individuals) where individual identification is possible
 - City police, firefighters, lifeguards support ... (City Clerk had candidate remove City)

(c) The statement of qualifications shall not include the party affiliation of the *candidate* or membership or activity in partisan political organizations. Please note: No reference to any political party is acceptable as this is a nonpartisan election process.

Past examples include, but are not limited to the following: Use of “independent” in the SOQ within the following statement:

“Elect a fiscally responsible ‘independent’ to City Council.”

The word “independent”, in this context, could be interpreted as the partisan party “American Independent” Party. Candidate was offered the opportunity to re-word the statement so the word “independent” is not used as a noun. The acceptable sentence was:

“Elect an ‘independent’, fiscally responsible leader to City Council.”

Another candidate used the word “independent” in the SOQ, in the following manner: “Independent, Nonpartisan, Free from Improper Influence.” This use of “independent” did require re-writing. Since the word is followed by nonpartisan, etc. it clearly denotes the meaning of “independent” and not a reference to the political party.

(d) The statement of qualifications shall not contain language which is prohibited by law to be sent through the mail.

(e) The statement of qualifications shall not contain matter that is unrelated to the *candidate*.

(f) The statement of qualifications shall not contain obscene, vulgar, or profane language.

202. WORD COUNT GUIDELINES

The following are guidelines for computing word count:

a. All words are counted, including candidate’s name.

b. Punctuation - ‘free’

c. Dictionary words - 1 word

d. Place names - 1 word

Examples: San Diego; City of San Diego; Cardiff by the Sea

e. Abbreviations and Acronyms - 1 word

Examples: NAACP; U.C.L.A.; PTA; PhD

f. Whole numbers - digits (“1” or “10” or “100,” etc.) - 1 word

g. Spelled-Out Numbers = 1 word for each word

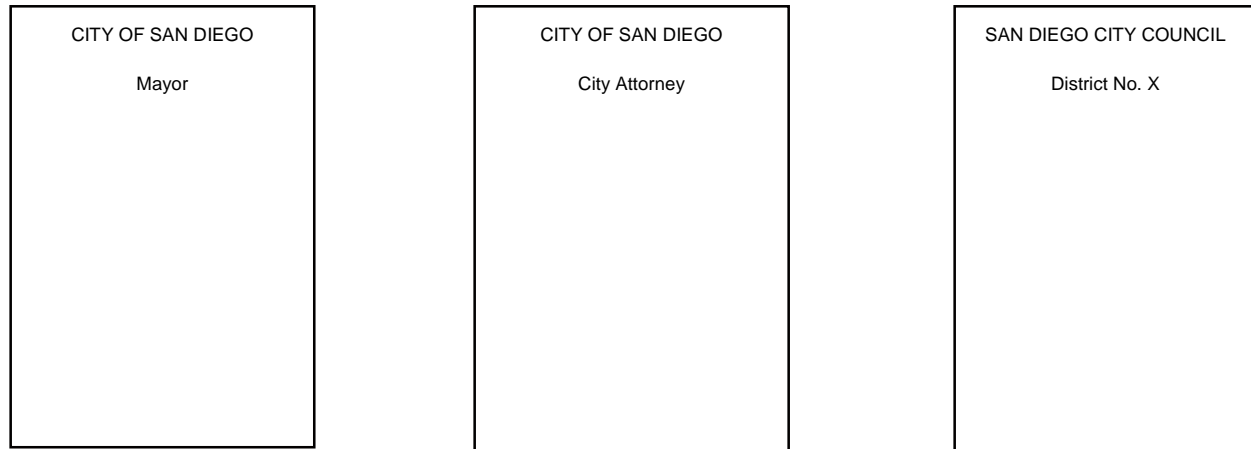
Examples: One – 1 word

One Hundred – 2 words
One Hundred Thousand – 3 words

- h. Numeric combinations (“1973,” “13-1/2,” “1991-1993,” “5%”) - 1 word
- i. Dates - all digits (“4/10/64”) - 1 word
- j. Dates - words and digits (“April 10, 1964”) - 2 words
- k. Monetary amounts (if the dollar sign is used - “\$1,000,000,” \$1.50”) - 1 word
- l. Telephone numbers [(619) 555-1212; 619/533-4000] = 1 word
- m. Internet Website Addresses (www.sandiego.gov/city-clerk) = 1 word
- n. Hyphenated words, unless the dictionary shows it as 1 word -1 word for each word

NOTE: All words and numbers except those shown on the mock-up Voter Information Pamphlet pages below will be included in the word count.

NOTE: These guidelines do not apply to counting words for ballot designations.



203. CANDIDATE'S PHOTOGRAPH

Candidate's Photograph

If the *candidate* desires to have his or her photograph appear with the statement of qualifications, the *candidate* shall submit an electronic photograph. Only the head and shoulders portion of the

photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All photographs in the *voter pamphlet* containing *candidates'* statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a *candidate's* format for his or her statement of qualifications.

The Candidate Photograph requirement for submission shall follow the below guidelines to keep the photograph uniform with other photo submissions:

1. Photo size should be 1 ½ x 2 inches and 300 dpi, head shot only
 2. Preferred photo color is Black & White instead of color
- Photo file format: High Quality TIFF, JPG, and PNG.

107. SERVICE OF LEGAL PROCESS REGARDING BALLOT DESIGNATIONS

(a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the City Clerk of the City of San Diego, 202 "C" Street, Second Floor, San Diego, California 92101.

(b) Telephone notice pertaining to any *ex parte* applications filed with the court by any candidate or other interested party should be directed to the attention of the San Diego City Attorney at (619) 236-6220.

SECTION 3 – RECALL PETITIONS

300. GENERAL PROVISIONS

(a) The purpose of these guidelines is to provide procedures and specifications of Recall Petitions circulated by proponents for submission to the City Clerk.

(b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) and the guidelines included here in a manner consistent with the regulatory purpose of these guidelines.

(c) The guidelines set forth here shall apply only to Recall Petitions being circulated for elective offices in the City of San Diego.

(d) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

301. RECALL PETITION

The petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches or greater than 8-1/2 by 14 inches. If the petition contains more than one sheet of paper, it shall be fastened together securely. The recall petition shall be in the following form:

RECALL PETITION

PETITION FOR THE RECALL OF _____

FROM THE OFFICE OF _____

(The title in the form prescribed above with the blank spaces filled in must be set forth in full at the top of each page of the petition.)

We, the undersigned registered voters of (The City of San Diego, California) (Council District _____) demand the recall of _____ from the office of _____.

The following are the reasons for demanding such recall:

(Insert a copy of the published notice of intention, statement and answer here. If the officer did not answer, insert a statement to that effect here.)

Signature of Proponents Residence Date

302. FORM OF VOTER SIGNATURE SHEETS FOR RECALL PETITION

(a) On the right hand side of each *voter* signature sheet, 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. *Voter* signature sheets 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.

(b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

"NOTICE TO THE PUBLIC THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK."

(c) The signature portion of the sheet shall be in substantially the following form:

Name		Residence	Date	Clerk's Use Only
1	Sign			
	Print			

2	Sign			
	Print			

(NOTE: Recall Petitions for Mayor, City Attorney and those Councilmembers elected by City- wide vote may be signed by any voter of the City. Recall Petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember.)

**303. FORM OF AFFIDAVIT OF AUTHENTICITY FOR RECALL PETITION
SAN DIEGO MUNICIPAL CODE 27.2713**

(a) The circulator’s affidavit of authenticity shall have the form as specified in San Diego Municipal Code Section 27.2713.

(b) The circulator's affidavit of authenticity must be signed by the circulator in order for the signatures on that petition section to be considered valid.

SECTION 4 - REFERENDUM PETITIONS

400. GENERAL PROVISIONS

- (a) The purpose of these guidelines is to provide procedures and specifications of Referendum Petitions circulated by proponents for submission to the City Clerk.
- (b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) and the guidelines included here in a manner consistent with the regulatory purpose of these guidelines.
- (c) The guidelines set forth here shall apply only to Referendum Petitions being circulated for the City of San Diego.
- (d) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

401. CONTENTS OF REFERENDARY PETITION

- (a) Referendary *petition* forms shall be furnished by the *proponent*.
- (b) The referendary *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no greater than 8-1/2 by 14 inches.
- (c) The referendary *petition* may consist of any number of sections. Each section shall contain items specified in Section 301(c)(1) through (4) in the order specified:
 - (1) One or more sheets setting forth the questioned legislative act in full, prepared in accordance with Section 302.
 - (2) A statement of reasons for the *petition*, prepared in accordance with Section 303.
 - (3) One or more *voter* signature sheets, prepared in accordance with Section 304. Any number of *voter* signature sheets may be incorporated into a *petition* section.
 - (4) A *circulator's* affidavit of authenticity, prepared and signed in accordance with SDMC §27.1112,
- (d) The sheets comprising each referendary *petition* section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.

402. FORM OF REFERENDARY PETITION

Any referendary *petition* shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

REFERENDARY PETITION
REFERENDUM AGAINST A LEGISLATIVE ACT ADOPTED BY
THE CITY COUNCIL OF THE CITY OF SAN DIEGO.
TO THE HONORABLE CITY COUNCIL OF THE CITY OF SAN DIEGO:

We, the undersigned registered voters of The City of San Diego, California, hereby present this petition to the City Council of The City of San Diego, California, and ask that the City Council repeal, or submit to the registered voters of the City for their adoption or rejection that legislative act adopted by the City Council, on the _____ day of _____, of which the following is a full and correct copy:

(NOTE: Here insert full title and text of the legislative act to be referred, the statement of reasons prepared in accordance with Section 303 and SDMC Section 27.1108; the *voter* signature sheets prepared in accordance with Section 304; and the *circulator's* affidavit of authenticity prepared in accordance with SDMC Section 27.1112)

403. FORM OF 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. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. 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.

404. FORM OF VOTER SIGNATURE SHEETS FOR REFERENDARY PETITION

(a) On the right hand side of each *voter* signature sheet, 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. *Voter* signature sheets 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.

(b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

“NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER
OR BY A VOLUNTEER.

INFORMATION REGARDING PERSONS AND ENTITIES FINANCING THIS PETITION
SHALL BE MADE AVAILABLE TO ANYONE WHO IS ASKED TO SIGN THIS PETITION.

YOU HAVE THE RIGHT TO ASK.

THE MOST UP-TO-DATE DISCLOSURE INFORMATION IS AVAILABLE ON THE CITY
CLERK'S WEBSITE PAGE AT WWW.SANDIEGO.GOV/CITY-CLERK.”

(c) The signature portion of the sheet shall be in substantially the following form:

Name		Residence	Date	Clerk's Use Only
1	Sign			
	Print			
2	Sign			
	Print			

405. CIRCULATOR'S AFFIDAVIT OF AUTHENTICITY FOR REFERENDARY
PETITION

(a) Each referendary *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws.

(b) The circulator's affidavit of authenticity shall have the form as specified in SDMC Section 27.1112.

(c) The circulator's affidavit of authenticity must be signed by the circulator in order for the signatures on that petition section to be considered valid.

SECTION 5 - INITIATIVE PETITIONS

500. GENERAL PROVISIONS

- (a) The purpose of these guidelines is to provide procedures and specifications of Initiative Petitions circulated by proponents for submission to the City Clerk.
- (b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) and the guidelines included here in a manner consistent with the regulatory purpose of these guidelines.
- (c) The guidelines set forth here shall apply only to Initiative Petitions being circulated for the City of San Diego.
- (d) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

501. CONTENTS OF INITIATIVE PETITION

- (a) Initiative *petition* forms shall be furnished by the *proponent*.
- (b) The initiative *petition* shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches and no greater than 8-1/2 by 14 inches.
- (c) The initiative *petition* may consist of any number of sections. Each section shall contain items Section 401(c) (1) through (4) in the order specified:
 - (1) One or more sheets setting forth the proposed legislative act in full, prepared in accordance with City Clerk Administrative Guidelines.
 - (2) A statement of reasons for the *petition*, prepared in accordance with SDMC Section 27.1010.
 - (3) One or more *voter* signature sheets, prepared in accordance with SDMC Section 27.1011(b). Any number of *voter* signature sheets may be incorporated into a *petition* section.
 - (4) A *circulator's* affidavit of authenticity, prepared and signed in accordance with Section 27.1013.
- (d) The sheets comprising each initiative *petition* section shall be fastened together securely and remain so during circulation for signatures and submittal to the City Clerk.

502. FORM OF INITIATIVE PETITION

Any *petition* initiating a proposed legislative act shall be in substantially the following form, and printed in clear, readable type no smaller than 10-point in size:

INITIATIVE PETITION

To the Honorable City Council of The City of San Diego:

We, the undersigned registered voters of The City of San Diego, California, by this petition hereby respectfully propose the following legislative act be adopted by the City Council or submitted to the registered voters of The City of San Diego for their adoption or rejection:

(NOTE: Here insert a copy of the published notice of intention containing the proposed legislative act in full and the statement of reasons prepared in accordance with Section 403 and San Diego Municipal Code Section 27.1010; the *voter* signature sheets prepared in accordance with Section 404; and the *circulator's* affidavit of authenticity prepared in accordance with Section 27.1013.)

503. FORM OF STATEMENT OF REASONS FOR INITIATIVE PETITION

The statement of reasons shall set forth the reasons for the initiative *petition*. It shall contain no more than 300 words. The statement of reasons shall be printed in clear, readable type no smaller than 10-point in size. It shall be signed by the individual initiating the proposed legislative act 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.

504. FORM OF VOTER SIGNATURE SHEETS FOR INITIATIVE PETITION

(a) On the right hand of each *voter* signature sheet, 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. *Voter* signature sheets 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.

(b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

“NOTICE TO THE PUBLIC

THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER
OR BY A VOLUNTEER.

INFORMATION REGARDING PERSONS AND ENTITIES FINANCING THIS PETITION
SHALL BE MADE AVAILABLE TO ANYONE WHO IS ASKED TO SIGN THIS PETITION.

YOU HAVE THE RIGHT TO ASK.

THE MOST UP-TO-DATE DISCLOSURE INFORMATION IS AVAILABLE ON THE CITY
CLERK'S WEBSITE PAGE AT WWW.SANDIEGO.GOV/CITY-CLERK.”

(c) The signature portion of the sheet shall be in substantially the following form:

Name		Residence	Date	Clerk's Use Only
1	Sign			
	Print			
2	Sign			
	Print			

505. CIRCULATOR'S AFFIDAVIT OF AUTHENTICITY FOR INITIATIVE PETITION

(a) Each initiative *petition* section shall have attached to it an affidavit of authenticity of the *circulator*, signed by the *circulator* under California perjury laws.

(b) The circulator's affidavit of authenticity shall have the form as specified in SDMC Section 27.1013.

(c) The circulator's affidavit of authenticity must be signed by the circulator in order for the signatures on that petition section to be considered valid.

506. CONSIDERATION OF ELECTRONIC PUBLICATION OF BALLOT LANGUAGE

At the time the Legislative Body is considering placing a measure on the ballot, and directing the City Attorney to prepare a ballot title and summary, an impartial analysis, directing the IBA to prepare a fiscal impact analysis of the proposed ballot measure, and deliver these to the Office of the City Clerk; and authorizing whom if anyone shall sign and file a written ballot argument in favor/opposition to the ballot measure, the City Clerk will bring forward his/her intention of electronically publishing part of the measure's language. That intention shall be made clear within the resolution providing direction regarding the ballot measure and if the Council so chooses to direct the City Clerk to hard copy publish, that direction shall be given at that time and be included in the resolution.

507. ELECTRONIC FORMAT SPECIFICATIONS

- (a) Proponent is required to provide to the City Clerk the entire petition language as circulated in an electronic format.
- (b) The electronic format must be in either:
 - a. Microsoft Word
 - b. In Design
- (c) The proponent will be required to sign that the electronic format is the exact language of the petition as circulated and filed with the City Clerk.