



City of San Diego  
**MARK KERSEY**  
CITY COUNCILMAN, FIFTH DISTRICT

For Immediate Release

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**City Council Repeals Unconstitutional Recall Code**

*Councilman Kersey recommends overhaul of recall rules to address other concerns*

SAN DIEGO, California, August, 28, 2013 – The San Diego City Council voted today to repeal a section of San Diego’s recall election code that would have been deemed unconstitutional if challenged in court.

San Diego Municipal code section 27.2726 would have prevented certain recall votes from being counted unless the voter also voted on the recall question. The City Attorney deemed the section unenforceable because a similar state law was determined unconstitutional nearly a decade ago.

Councilman Mark Kersey brought the issue to the attention of City Council in July when a recall effort was mounting against Mayor Bob Filner. Since then, Filner has issued his resignation.

**“Leaving a bad law on the books sets a dangerous precedent, especially when the law in question could disenfranchise voters and potentially leave the city liable,” said Kersey. “I am happy the Council acted now, to prevent this from becoming an issue in the future.”**

Councilman Kersey also recommended an overhaul of all San Diego’s laws related to recall elections in order to address other concerns within the current law that are contradictory, confusing or infeasible. For example, current law states that only residents of the City of San Diego can collect signatures on behalf of a recall effort which is contradicted by state law. Fixing contradictory provisions regarding the timeframe for gathering signatures will also be considered.

“San Diego’s recall election codes date back to the 1968 and 1989, they are desperate need of modernization,” said Kersey. “We need to make sure the rules are clear, fair and current.”

The motion was approved and the recommendation was docketed for the Rules and Economic Development Committee. The committee, of which Kersey is a member, will take up the issue before the end of the year.

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