

ARTICLE II

NOMINATIONS AND ELECTIONS

SECTION 4: DISTRICTS ESTABLISHED

For the purpose of electing members of the Council, the City shall be divided into nine Council districts as nearly equal in population as practicable. The boundaries of such districts shall be subject to alteration and change under the provisions of this Charter.

In any redistricting plan adopted by the Redistricting Commission pursuant to Section 5.1 or ordinance adopted by the Council establishing, changing or altering the boundaries of any Council district, the redistricting plan or ordinance may describe the new boundaries by reference to a map on file in the office of the City Clerk; a metes and bounds description of the new boundaries need not be contained in the redistricting plan or ordinance.

(Amendment voted 03-10-1953; effective 04-20-1953.)
(Amendment voted 09-17-1963; effective 02-11-1964.)
(Amendment voted 11-06-1990; effective 02-19-1991.)
(Amendment voted 06-02-1992; effective 07-13-1992.)
(Amendment voted 06-08-2010; effective 07-30-2010.)
(Amendment voted 06-07-2016; effective 07-18-2016.)

SECTION 5: REDISTRICTING

In the event that any voting precinct established is located partly within two or more Council districts, the precinct shall be allocated to the Council district in which a majority of the voters within the precinct resides, and the district boundaries shall be changed accordingly.

The City shall be redistricted pursuant to Section 5.1 of this Charter at least once in every ten years, but no later than nine months following the City's receipt of the final Federal-Decennial Census information. The term "Federal Decennial Census," as used in this Charter, shall mean the national decennial census taken under the direction of the United States Congress at the beginning of each decade.

Any territory hereafter annexed to or consolidated with The City of San Diego shall at the time of such annexation or consolidation be added to an adjacent district or districts by an ordinance of the Council. However, if any territory annexed, deannexed or consolidated upsets the approximate equality of the populations of the established districts, a redistricting shall be conducted pursuant to Section 5.1 of this Charter, except that the nomination period for appointment to the Redistricting Commission shall commence on the May 1 immediately succeeding the annexation, deannexation or consolidation and the Redistricting Commission shall be constituted no later than the next November 1.

In any redistricting, the districts shall be comprised of contiguous territory and made as equal in population as shown by the census reports, and as geographically compact as possible, and the

districts formed shall, as far as possible, be bounded by natural boundaries, by street lines and/or by City boundary lines.

(Amendment voted 06-02-1992; effective 07-13-1992.)
(Amendment voted 06-07-2016; effective 07-18-2016.)

SECTION 5.1: REDISTRICTING COMMISSION

The members of the City Council shall be elected by districts.

Subject to the provisions of the City Charter relating to referendum and initiative powers of the people, the sole and exclusive authority to adopt plans which specify the boundaries of districts for the City Council is vested in the Redistricting Commission, to be established by this Section.

Commencing in the year following the year in which the Federal Decennial Census is taken at the beginning of each decade, the Redistricting Commission shall adopt plans that redistrict the City into nine Council districts designated by numbers 1 to 9, inclusive. Those districts shall be used for all elections of Council members, including their recall, and for filling any vacancy in the office of member of the Council (and until new districts are established).

No change in the boundary or location of any district by redistricting as herein provided shall operate to abolish or terminate the term of office of any member of the Council prior to the expiration of the term of office for which such member was elected. Districts formed by the Redistricting Commission shall each contain, as nearly as practicable, one-ninth of the total population of the City as shown by the Federal Decennial Census immediately preceding such formation of districts.

Each redistricting plan shall provide fair and effective representation for all citizens of the City, including racial, ethnic, and language minorities, and be in conformance with the requirements of the United States Constitution and federal statutes.

To the extent it is practical to do so, districts shall: preserve identifiable communities of interest; be geographically compact - populous contiguous territory shall not be bypassed to reach distant populous areas; be composed of whole census units as developed by the United States Bureau of the Census; be composed of contiguous territory with reasonable access between population centers in the district; and not be drawn for the purpose of advantaging or protecting incumbents.

The Redistricting Commission shall be composed of nine members who shall be appointed by a panel of three retired judges who served in any of the following courts: the Superior Court of the State of California, an appellate court of the State of California, or a U.S. District Court located within California. Names of the retired judges willing to serve will be submitted to the City Clerk and drawn at random by the City Clerk, using procedures for judicial nominees and appointees as set forth in the San Diego Municipal Code. The City Clerk shall also draw at random the name of one additional retired judge to be designated as an alternate, who will be appointed to serve on the

panel if another member is unable or unwilling to serve. The term “Appointing Authority,” as used herein below, shall refer to the panel of retired judges acting to appoint the Redistricting Commission pursuant to the provisions of this paragraph.

The City Clerk shall solicit nominations for appointment to the Redistricting Commission in accordance with this Section and shall distribute to the news media the announcement of a sixty-day nomination period (which shall commence on May 1 of every year in which a Federal Decennial Census is taken) and the guidelines for selection of Commission members.

Individuals or organizations desiring to nominate persons for appointment to the Commission shall submit application materials to the City Clerk within the nominating period, using procedures set forth in the San Diego Municipal Code.

The City Clerk shall transmit the names and information regarding all nominees with the names of nominating individuals and organizations to the Appointing Authority immediately upon the close of nominations.

After receiving Commission member applications from the City Clerk, the three members of the Appointing Authority shall hold a public meeting to appoint the nine Commission members and two alternates. The public meeting shall be held as promptly as possible to ensure the appointments are timely made. The Appointing Authority shall appoint the members constituting the Commission no later than November 1 of every year in which a Federal Decennial Census is taken.

In the event that a complete panel of three retired judges is unable or unwilling to serve as the Appointing Authority, the City Clerk will serve as the Appointing Authority. The City Clerk will conduct a ministerial review of Commission member applications to determine which persons are qualified to serve, using the requirements of this Charter and procedures set forth in the San Diego Municipal Code. After all qualified applicants are identified and notified, the City Clerk will randomly select the Commission members and alternates from the pool of qualified applications in a public place.

The Appointing Authority shall appoint members who will give the Redistricting Commission geographic, social and ethnic diversity, and who, in the Appointment Authority’s judgement, have a high degree of competency to carry out the responsibilities of the Commission. The appointees shall include individuals with a demonstrated capacity to serve with impartiality in a nonpartisan role.

The Appointing Authority shall attempt to appoint one Commission member from each of the nine Council districts to the extent practicable, given the other requirements of this Charter Section, and considering the extent of the applicant pool and an individual’s qualifications to serve. The Appointing Authority shall also attempt to appoint Commission members who possess working knowledge of the geography and neighborhoods of The City of San Diego.

Each member of the Commission shall be registered to vote in The City of San Diego.

The Appointing Authority shall also appoint two alternate Commission members from the same applicant pool, who will be available to serve if a Commission member cannot serve or resigns. The alternates shall have a duty to remain informed of Commission business so they are prepared to serve if called upon to do so.

Persons who accept appointment as members of the Commission, at the time of their appointment, shall file a written declaration with the City Clerk stating that within five years of the Commission's adoption of a final redistricting plan, they will not seek election to a San Diego City public office. Alternates shall sign the declaration if and when they become members of the Commission.

The members of the Redistricting Commission, and the alternates, shall serve until the redistricting plan adopted by the Commission becomes effective and the referendary deadline for the Final Redistricting Plan has passed. If the Final Redistricting Plan is rejected by referendum or by a legal challenge, members of the Commission shall resume their service and shall create a new plan pursuant to the criteria set forth in Sections 5 and 5.1.

Within thirty days after the Commission members are appointed, the Commission shall hold its first meeting at a time and place designated by the City Clerk.

Within sixty days after the Commission members are appointed, the Commission shall adopt a budget and submit it to the Appointing Authority. If approved, the budget shall be forwarded to the City Council for its prompt consideration. The City Council shall appropriate funds to the Commission and to the City Clerk adequate to carry out their duties under this Section.

All Commission meetings shall be open to the public and Commission records, data and plans shall be available, at no charge, for public inspection during normal business hours in the office of the City Clerk. Copies of records and plans shall be provided, for a reasonable fee, to any interested person.

The Commission shall elect a chair and a vice chair and shall employ a chief of staff, who shall serve at the Commission's pleasure, exempt from Civil Service, and shall contract for needed staff, technical consultants and services, using existing City staff to the extent possible.

Aye votes by six members of the Commission shall be required for the appointment of its chief of staff, the election of its chair, and the adoption of the Final Redistricting Plan. A majority vote of the Commission shall be required for all other actions. A majority of the entire Commission shall constitute a quorum for the transaction of business or exercise of any power of the Commission.

The Commission shall make every reasonable effort to afford maximum public access to its proceedings. It shall solicit public comment and shall hold at least nine public hearings in various geographic areas of the City before the preparation of a preliminary redistricting plan.

At least thirty days prior to the adoption of a final plan, the Commission shall file a preliminary plan with the City Clerk, along with a written statement of findings and reasons for adoption, which shall include the criteria employed in the process and a full analysis and explanation of decisions made by the Commission.

During the thirty day period after such filing, the Commission shall hold at least five public hearings in various geographic areas of the City before it adopts a final plan. The Final Redistricting Plan shall be effective thirty days after adoption by the Commission and shall be subject to the right of referendum in the same manner as are ordinances of the City Council. If rejected by referendum, the same Commission shall be empaneled to create a new plan pursuant to the criteria set forth in Sections 5 and 5.1.

The Final Redistricting Plan document, including all maps, will be final as set forth herein; however, the boundaries of the Council districts in the Final Redistricting Plan shall not be adjusted and effective until after the next regularly scheduled general election for Council seats following the redistricting.

If any part of these amendments to Sections 4, 5, or 5.1 of the Charter or their application to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications which reasonably can be given effect without the invalid provision or application.

(Addition voted 06-02-1992; effective 07-13-1992.)

(Amendment voted 06-08-2010; effective 07-30-2010.)

(Amendment voted 06-07-2016; effective 07-18-2016.)

SECTION 6: QUALIFIED ELECTORS

The qualifications of an elector at any election held in the City under the provisions of this Charter shall be the same as those prescribed by the general law of the State for the qualification of electors at General State Elections. No person shall be eligible to vote at such City election until he has conformed to the general State law governing the registration of voters.

SECTION 7: ELECTIVE OFFICERS RESIDENCY REQUIREMENT

An elective officer of the City shall be a resident and elector of the City.

In addition, every Council-member shall be an actual resident and elector of the district from which the Council-member is nominated. The office of a Councilmember shall be vacated if he or she moves from the district from which the Councilmember was elected. Redistricting that occurs during a Councilmember's term shall not operate to create a vacancy. The Council shall establish

by ordinance minimum length of residency requirements for candidacy to elective office, whether by appointment or election.

(Amendment voted 09-17-1963; effective 02-11-1964.)

(Amendment voted 11-04-1969; effective 01-29-1970.)

(Amendment voted 11-06-1979; effective 12-17-1979.)

(Amendment voted 11-08-2016; effective 12-19-2016.)

SECTION 8: ELECTION CODE

Within ninety (90) days after this amendment has been ratified by the State Legislature the Council shall adopt an election code ordinance, providing an adequate and complete procedure to govern municipal elections, including the nomination of candidates for all elective offices. All elections provided for by this charter, whether for choice of officers or submission of questions to the voters, shall be conducted in the manner prescribed by said election code ordinance.

(Amendment voted 04-22-1941; effective 05-08-1941.)

SECTION 9: NOMINATIONS

Nominations of candidates for all elective offices shall be made in the manner prescribed by the election code ordinance provided for in Section 8 of this article.

(Amendment voted 04-22-1941; effective 05-08-1941.)

SECTION 10: ELECTIONS

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members shall be nominated and elected by the electors of the district for which elective office they are a candidate.

Commencing with the year 1996, the municipal primary elections to the office of Council member for Districts 1, 3, 5, and 7 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. Commencing with the year 2012, the election to the office of Council member for District 9 shall be held on the same date as the election to the office of Council member for Districts 1, 3, 5, and 7.

Commencing with the year 1998, the municipal primary elections to the offices of Council member for Districts 2, 4, 6, and 8 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year.

Commencing with the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census, and every four years thereafter, the municipal primary and general elections to the office of Council District 9 shall be held.

Commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for the offices of Mayor and City Attorney shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election. The two candidates receiving the highest number of votes for a particular elective office at the primary shall be the candidates, and only candidates, for such office and the names of only those two candidates shall be printed upon the ballots to be used at the general municipal election. In the event only one candidate has qualified for the ballot in the municipal primary election for a particular elective office, the sole qualified candidate receiving votes in the municipal primary election shall be deemed to be, and declared by the Council to be, elected to such office after the primary election results are certified.

At the general municipal election held for the purpose of electing Council members, the electors of each Council district shall select from among the candidates chosen at the primary election in that district one candidate for the office of the Council member whose term expires the succeeding December. At the general municipal election held for the purpose of electing any other elective officer, there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his or her hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

(Amendment voted 04-22-1941; effective 05-08-1941.)

(Amendment voted 06-05-1956; effective 01-10-1957.)

(Amendment voted 11-06-1962; effective 01-21-1963.)

(Amendment voted 11-04-1975; effective 12-01-1975.)

(Amendment voted 11-08-1988; effective 04-03-1989.)

(Amendment voted 11-03-1992; effective 12-18-1992.)

(Amendment voted 06-08-2010; effective 07-30-2010.)

(Amendment voted 06-03-2014; effective 07-24-2014.)

(Amendment voted 11-08-2016; effective 12-19-2016.)