

Interactions with The San Diego Union-Tribune

“Opinion: San Diego leaders shouldn’t use misleading language to win approval of ballot measures”

Nov. 27, 2022

Question:

The edit board is planning to do two editorials on which we hope to have the city attorney's input.

The first is on the accusation from Hal Valderhaug and some letter writers that ballot language for some city measures is misleading and designed to lead to certain votes. That is planned for coming days.

Response:

With respect to Measure H, the City Charter specifies acceptable uses of City parkland; Measure H added child care facilities to that list. As with any park use, City policies must be followed.

Leasing policies are not part of the Charter, but rather are found in San Diego Municipal Code Section 22.0901 Leases of Real Property, which describes the process for leasing City property, including leases on parkland. These are the leasing processes the City followed before Measure H added child care facilities to the list of acceptable parkland uses, and they were not changed by Measure H.

City ballot measures follow a democratic process that interested citizens can observe and participate in.

Any city voter could have taken a position against Measure H and had their Ballot Measure Argument presented to voters. This happened with other ballot measures.

Also, any City voter could have challenged what the ballot language said and put the question before a judge. That happened with Measure D.

Here are some links and language relevant to these last two points:

<https://www.sandiego.gov/city-clerk/elections/process/ballot>:

§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.



[Ballot Measure Arguments | Office of the City Clerk - San Diego](#)

A Basic Guide to Writing and Filing Ballot Arguments For or Against City of San Diego Ballot Measures San Diego Municipal Code (SDMC) Sections 27.0508-27.0514 (PDF) provide guidelines for ballot arguments concerning City measures. These

arguments are printed in the sample ballot, following the appropriate measure (and the City Attorney's impartial analysis applicable).

www.sandiego.gov



§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.)

Per the City Clerk's website:

The City Clerk cannot provide administrative relief for making substantive changes to a ballot argument. However, immediately following the filing deadline, there is a required 10-day public review period prior to the arguments being included for printing in the sample ballot. During this time, any voter registered in the City may seek a writ of mandate or an injunction requiring any or all of the argument materials to be amended or deleted.
