



## OFFICE OF THE CITY CLERK

# REPORT

## TO THE CITY COUNCIL

**DATE:** May 9, 2017

**REPORT NO.:** CC-17-02

**SUBJECT:** San Diego Municipal Code Updates Pertaining to Electronic Publishing of Ballot Materials

### Introduction

In 2004, the California Elections Code was updated to provide the county elections official the flexibility to electronically publish a measure:

*In the event the entire text of a measure is not printed on the ballot, nor in the voter information portion of the sample ballot, there shall be printed immediately below the impartial analysis, in no less than 10-point boldface type, a legend substantially as follows:*

*'The above statement is an impartial analysis of Ordinance or Measure \_\_\_\_\_. If you desire a copy of the ordinance or measure, please call the election official's office at (insert telephone number) and a copy will be mailed at no cost to you.'*

*The elections official may, at his or her discretion, add the following message: 'You may also access the full text of the measure on the county Website at the following Web site address (insert Web site address).'* (California Elections Code §9160(b))

During the November 2016 General Election, the county elections official, the Registrar of Voters, opted to electronically publish a ballot measure that was over 600 pages in length. The decision to publish electronically was based on both logistical and cost-saving factors. Only 1 registered voter in the County of San Diego requested a hard-copy printed version.

In 2013, the City and County of San Francisco updated their Municipal Elections Code to allow for the electronic publication of measures where the text exceeds 100 pages. If the Department of Elections opts for electronic publication in this instance, the first 20 pages of the legal text of the measure shall be hard-copy printed in the voter pamphlet. The San Francisco Board of Supervisors can adopt a resolution requiring the Director of

Elections to include the full legal text of a measure in the voter information pamphlet. In addition, the full legal text is required to be posted on the Election Department's website, provided to the main library and every branch library of the San Francisco Public Library and mailed to any voter upon request.

The proposed update to the City's Municipal Code has taken elements from both the California Elections Code and San Francisco's Municipal Elections Code for your consideration.

The City Attorney has provided a strike-out ordinance, capturing the required changes to Chapter 2, Article 7, Division 1: Elections – General and Chapter 2, Article 7, Division 5: Ballots for Measures. Details related to these proposed changes are listed below:

### **Changes to Chapter 2, Article 7, Division 1: Elections – General**

#### **§27.0103: Definitions**

The definition of "Ballot Materials" has been updated to allow for online or electronic publishing of materials on either the City's website or the website of the San Diego County Registrar of Voters.

### **Changes to Chapter 2, Article 7, Division 5: Ballots for Measures**

#### **§27.0505: Preparation of Impartial Analysis**

Section (f) of this section has been removed since it provided incomplete language in the event that the entire text of a measure was not printed on the ballot.

#### **§27.0506: Preparation of Fiscal Impact Analysis**

Section (f) has been added to clarify that the fiscal analysis is part of "ballot materials" as defined in §27.0103 noted above.

#### **§27.0516: Publication of Ballot Measures**

This section has been added and clarifies:

- Any Charter Amendment would need to be published in the voter pamphlet.
- The City Clerk, as the City's election official, could consider electronically publishing any measure other than a Charter Amendment that exceeds 50 pages in length.
- In that instance, the first 20 pages of the measure would be published in the voter pamphlet along with the other ballot materials (ballot title and summary, impartial and fiscal analyses and arguments (if submitted)).

- The legislative body could pass a resolution requiring hard-copy publication within an established timeframe.
- The City Clerk would post the full text of the measure on the City's website.
- The City Clerk would also provide the full text of the measure to the Main Library and branch libraries of the San Diego Library.
- Any voter would be provided a hard-copy full text version of the measure upon request at no cost to the voter.

#### **§27.0517: Proponents' Responsibility for Submission of Electronic Text**

This section has been added to make it the responsibility of the proponent to submit to the City Clerk an exact electronic copy of the text of the measure in the format outlined in the City Clerk Administrative Guidelines within 5 business days after Council has approved the ordinance placing the measure on the ballot or five business days before the deadline to submit material for publication in the voter pamphlet, whichever is sooner.

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#### **Recommendation**

Introduce the ordinance, which contains amendments to the San Diego Municipal Code to allow the City's elections official the possibility of electronically publishing the full text of any measure other than a Charter Amendment, which exceeds 50 pages in length.

  
Elizabeth Maland  
City Clerk