OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE COUNCIL PRESIDENT AND COUNCILMEMBERS

DATE: June 30, 2016 REPORT NO.: CC-16-02

SUBJECT: SPECIAL PROVISIONS FOR BALLOT MEASURES FOR NOVEMBER 8, 2016

When the City Council votes to place an initiative or Charter amendment measure on a primary or general election ballot, the Council also considers the preparation of related materials to be published in the sample ballot pamphlet. This report addresses the ballot title and summary, impartial analysis, fiscal impact analysis and ballot arguments.

DEADLINES FOR BALLOT MATERIALS RELATED TO THE NOVEMBER 8, 2016 ELECTION

The deadlines for materials to be included in the sample ballot pamphlet for the November 8, 2016 Municipal Special Election, to be consolidated with the California State General Election, are as follows:

1. Ballot Titles and Summaries: Monday, August 22, 2016 by 5 p.m. (file with City Clerk)
2. Impartial Analysis: Monday, August 22, 2016 by 5 p.m. (file with City Clerk)
3. Fiscal Impact Analysis: Monday, August 22, 2016 by 5 p.m. (file with City Clerk)
4. Ballot Arguments: Thursday, August 25, 2016 by 5 p.m. (file with City Clerk)

All ballot measure material **must be emailed** to the City Clerk no later than 5:00 p.m. on the day of the deadline and the material must be in Microsoft Word format. Please email the information to cityclerk@sandiego.gov and cc emaland@sandiego.gov; bstone@sandiego.gov; djenkins@sandiego.gov.

BALLOT TITLE AND SUMMARY

Section 27.0504 of the Municipal Code states that the Council may direct the City Attorney to prepare a ballot title and summary of any proposed measure. The ballot title may differ from any other title of the proposed measure. The City Attorney shall give a true and impartial statement of the proposed measure in language that shall not be an argument, or likely to create prejudice, for or against the proposed measure. The title and summary, which shall not exceed 500 words, are printed in the voter pamphlet preceding any arguments for or against the measure.

IMPARTIAL ANALYSIS

Section 27.0505 of the Municipal Code states that the Council may direct the City Attorney to prepare an impartial analysis of any proposed measure. The impartial analysis is to show the effect of the measure on existing law and what the measure would do. The analysis shall not exceed 500 words and is published in the voter pamphlet preceding any arguments for or against the measure.

Section 27.0505(d) states that if the measure affects the organization or salaries of the Office of the City Attorney, the City Council may direct an appropriate official to prepare the analysis.

FISCAL IMPACT ANALYSIS

Section 27.0506 was amended in 2010 to change the process of preparing a Fiscal Impact Analysis and to make it mandatory.

San Diego Municipal Code §27.0506(a) requires the Mayor (or his or her designee), the Independent Budget Analyst (IBA), and the City Auditor to be involved in preparing and filing the Fiscal Impact Analysis. The IBA is to prepare the draft of the fiscal impact analysis and provide it to the Mayor's Office and the City Auditor for input at least 10 calendar days before the filing deadline. The code states that, if there is disagreement about the wording of the analysis, the decision of any two of the three designated parties shall prevail. The IBA is charged with filing the fiscal impact analysis with the City Clerk.

The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or whether or not significant change in City finances would result if the proposed measure is adopted. If it is estimated that a measure would result in an increased cost to the City, the estimate shall be set out in boldface print in the voter pamphlet.

The analysis, limited to 500 words, is to be printed in the ballot pamphlet preceding the arguments for and against a measure.

BALLOT ARGUMENTS

Municipal Code sections 27.0508 through 27.0514 provide requirements for ballot arguments. This Report does not summarize all of the sections, but provides highlights:

Section 27.0508 states that the Council, or any member of 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. Arguments are limited to 300 words.

Section 27.0513 states that the Council may by resolution authorize itself or individual members, including the Mayor, to sign a ballot argument in support of, or in opposition to, any measure placed on the ballot:

1. The Council may designate the Mayor to sign the argument on behalf of the Mayor and Council.
2. The Council may designate the Mayor and individual members of the Council to sign the argument.
3. The Council may designate individual members of the Council to sign the argument.

Section 27.0512 states that if more than one argument is submitted for, or against, any measure, the City Clerk selects the argument to be printed in the sample ballot pamphlet by priority of authorship as follows:

(a) the City Council; or member(s) of the Council, including the Mayor, authorized by the Council;
(b) the individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure;
(c) bona fide associations of citizens;
(d) individual voters who are eligible to vote on the measure.

Councilmembers must be considered as individual voters *unless designated by Council action to speak for the legislative body.* Thus, arguments submitted and signed by individual members of the Council, including the Mayor, *but not authorized by resolution of the City Council*, will be considered submitted by individual voters for the purpose of selecting an argument for the ballot pamphlet.

If you have procedural questions regarding these ballot materials, please contact my office. If you have legal questions regarding these materials, please contact Sharon Spivak of the City Attorney's Office.

Sincerely,

Elizabeth Maland
City Clerk