



OFFICE OF THE CITY CLERK

REPORT

TO THE CITY COUNCIL

DATE: November 6, 2015

REPORT NO.: 15-07

SUBJECT: PROPOSED AMENDMENTS TO SAN DIEGO MUNICIPAL CODE
RELATED TO REFERENDUM, CHAPTER 2, ARTICLE 7, DIVISION 11

ISSUE

On January 8, 2015, Councilmember Gloria addressed a memo to the Council President entitled "Referendum Process Reform Measures," in which he requested that an informational item be brought to the Charter Review Committee to explore measures that the City Council could consider to reform the referendum process.

The Charter Review Committee took up the item in May 2015. At the meeting the City Attorney and City Clerk were directed to work with the District Three Office to draft an ordinance updating the Municipal Code to ensure consistency, clarity and correctness to reflect current law, including:

- a. General updates to the language;
- b. Moving the petition formatting section to the City Clerk Administrative Guidelines to be consistent with recent updates to the Municipal Code Recall section and to allow for easier and more timely updates to the material;
- c. Updates and clarification of language in Section 27.1116: Withdrawal of Signature from Referendary Petition;
- d. Clarification of language in Section 27.1117: Time for Submitting Referendary Petition to Clerk; and
- e. Clarification of timeline related to Council action on sufficient petitions.

Additionally, the Councilmember had requested that the current law requiring “paid for by” disclosures on local campaign advertisements be expanded to include petitions circulated for voter signatures. This was initially directed at the Ethics Commission for consideration as part of the City’s Election Campaign Control Ordinance; however, since specific formatting requirements related to petitions circulated for voter signatures is found in parts of the Municipal Code under the responsibility of the City Clerk, this proposal will be addressed as part of this report.

A summary of the substantive changes are discussed below:

Chapter 2, Article 7, Division 11: Referendum

- §27.1103 (Time to Begin Circulating Referendary Petition) has been updated to reflect that circulation of the referendary petition may occur on the first calendar day after the date of final passage.
- §27.1106 (Contents of Referendary Petition) has been clarified to outlined statutory requirements; formatting details have been moved to the City Clerk Administrative Guidelines.
- §27.1107 (Form of Referendary Petition) has been updated with a reference to the City Clerk Administrative Guidelines so that it is clear where the formatting details can be accessed.
- §27.1109 (Form of Voter Signature Sheets for Referendary Petition) has been removed from the Municipal Code to be placed in the City Clerk Administrative Guidelines.
- §27.1110 (Signing Voter’s Information for Referendary Petition) has been clarified regarding the requirement for a residence address and the date of signature. This section also refers to the City Clerk Administrative Guidelines so that it is clear where formatting details can be accessed.
- §27.1111 (Information Provided to Voters by Circulators) has been added with Councilmember Gloria’s “paid for by” disclosure proposal.
- §27.1112 (Circulator’s Affidavit of Authenticity for Referendary Petition) has been updated to reflect current law.
- §27.1116 (Withdrawal of Signature from Referendary Petition) has been clarified to reflect that any withdrawal request must be filed prior to the filing of the petition with the City Clerk. In addition, the request to withdraw must be received on or before the date the voter signed the petition. Once the petition has been filed with the City Clerk, no signatures may be withdrawn.
- §27.1117 (Time for Submitting Referendary Petition to Clerk) has been clarified to

note that the petition must be submitted to the Clerk within thirty calendar days after the date of final passage of the legislative act.

- §27.1119 (Acceptance or Rejection of Referendary Petition as Filed) has been updated to refer to the City Clerk Administrative Guidelines.
- §27.1123 (Challenges to Verification of Random Sampling of Referendary Petition Signatures) has been updated to reflect that a challenge is only appropriate in the event that a random sample is used to verify the signatures.
- §27.1125 (Notice of Sufficiency of Referendary Petition) has been clarified to indicate that the Clerk provides notice of sufficiency to the proponent “without delay.”
- §27.1129 (Number of Referendary Petition Signatures for Presentation to City Council) has been updated to clarify that the percentage of required signatures is calculated based on the number of voters of the City at the last general City election as required by §27.0104 (Computation of Qualified Voters).
- §27.1132 (Referended Legislative Act to be Submitted to Voters) has been clarified to specify possible actions and the timeline for the City Council to act on a sufficient petition.
- §27.1140 (Effective Date of Referended Legislative Act Following Special Election) has been updated to clarify the effective date of the legislative act.

Chapter 2, Article 7, Division 1: Elections- General

- §27.0121 (Filings Due to Clerk by Close of Business) has been clarified that “close of business” is 5 p.m. on the day a filing is due.

Chapter 2, Article 7, Division 10: Initiative

- §27.1008, §27.1009, §27.1010 and §27.1011 have all been updated and the portions related to form and content of the petition have been placed in the City Clerk Administrative Guidelines.
- §27.1012 (Information Provided to Voters by Circulators) has been added with Councilmember Gloria’s “paid for by” disclosure proposal.
- §27.1014 (Form of Circulator’s Affidavit of Authenticity for Initiative Petition) has been updated to reflect current law and has been combined with §27.1013 (Circulator’s Affidavit of Authenticity for Initiative Petition).

- §27.1018 (Withdrawal of Signature from Initiative Petition) has been updated with language consistent with what has been proposed for Division 11: Referendum.
- §27.1048 (Referendary Provisions Applicable to Initiated Legislative Acts) has been updated to clarify the referendary provisions that apply in the case of a legislative act proposed by an initiative petition.

Chapter 2, Article 7, Division 27: Recall

- §27.2719 (Withdrawal of Signatures) has been updated with language consistent with what has been proposed for Division 11: Referendum.

Recommendation

Introduce the Ordinance capturing the proposed updates to the language and creating consistency with the other Divisions related to petitions so that form and formatting issues are contained in the City Clerk Administrative Guidelines.


Elizabeth Maland
City Clerk

Attachments