OFFICE OF THE CITY CLERK

REPORT

DATE: May 1, 2015 **REPORT NO.**: 15-04

SUBJECT: Docketing of Referendary Petition –Resolution R-309505 (a resolution relating to One Paseo).

On March 25, 2015, Bradley W. Hertz on behalf of Kenneth W. Farinsky filed with my office a referendary petition to repeal Resolution R-309505 (a resolution relating to One Paseo). The petition was filed "within thirty calendar days after the exercise of the final legislative act by the City Council," as required by Municipal Code §27.1117.

Upon completion of a prima facie review, the petition was accepted as filed, in accordance with Municipal Code §27.1119, and delivered to the Registrar of Voters (ROV) for signature verification. From the point that the petition was accepted as filed, Resolution R-309505 was suspended per Municipal Code §27.1130(a).

On Friday, April 24, 2015, the Registrar of Voters completed its verification of the petition signatures and provided me with formal certification of the results. The Registrar of Voters found the petition contained the valid signatures of at least five percent of the City's registered voters at the last general election, as required by Charter Section 23. This qualified the legislative act for either: (1) repeal by the City Council, or (2) direct submission to the electorate at a special election.

The Council's possible actions on a referendary petition are set forth in Municipal Code §27.1131. That section states in part that if the petition is presented to the City Council by the City Clerk at a Council meeting, the City Council "shall within ten business days reconsider the legislative act in question." Municipal Code §27.1132 provides that if the City Council refuses to grant the referendary petition to repeal the legislative act, or fails to reconsider the act within the prescribed time frame, the Council shall, within ten business days of the date of refusal or of the deadline for action, whichever is earlier: (a) adopt a resolution of intention to submit the matter to the voters at a special election; and (b) direct the City Attorney to prepare an ordinance calling a special election to place the matter on the ballot. Note that it is a resolution of intention. The Council

would need to hold another hearing to call the election, which must be done at least three months prior to the election to comply with state law.

The timing of such a special election is discussed in Municipal Code §27.1133. That section specifies that, "A special election for a referended legislative act shall be consolidated with the next City-wide Primary or City-wide General Election at which the matter can be placed on the ballot; or at a separate special election called prior to that time for the purpose of voting on the matter." The next City-wide election is the June 7, 2016.

Cost Estimate

In early April, I requested updated estimates from the Registrar of Voters (ROV) related to the June 2016 Primary Election. Election estimates for ballot propositions are provided as a range based on the number of pages. This is because the number of pages impacts the overall cost due to translation, printing and mailing services. A five page ballot proposition is estimated to cost between $393,000 and $472,000. A ballot measure related to One Paseo would likely be closer to 50 pages, which would place the estimated cost between $814,000 and $914,000.

The ROV assigns election costs in a consolidated election through the use of a weighted average. This attributes costs to each jurisdiction based on the number of contests, the number of registered voters and the number of sample ballot pages. Estimates provided in advance of any particular election are based on past elections that were similar in size and scope and upon current information (e.g., the number of registered voters, the specific language translation requirements, etc.). The actual costs will likely vary given that so many factors are unknown until the 88th day prior to any given election, when state law requires that all material be submitted to the ROV (EC 1405).

I also requested estimate information from the ROV related to a City of San Diego stand-alone special election since that is an option as outlined in Municipal Code §27.1133. The estimated cost of a 50-page ballot measure placed on a stand-alone special polls election would be between $4.0 million and $4.5 million. The ROV would require 4-5 months of lead time to procure poll workers and meet all legal requirements associated with a special stand-alone election. The ROV would not be able to support a City of San Diego stand-alone special election after January 2016, since they would be gearing up for the June 7, 2016 Primary Election after that time.

Elizabeth Maland

Elizabeth Maland
City Clerk

Attachment (City Clerk's Certificate)