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City of San Diego  
City Clerk  
Administrative  
Guidelines

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# CITY CLERK’S ADMINISTRATIVE GUIDELINES

## CONTENTS

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SECTION 1 – DESIGNATION OF PRINCIPAL PROFESSION OR OCCUPATION.....	1
100. GENERAL PROVISIONS.....	1
101 PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO SDMC §27.0603(C)(1), SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS: .....	1
102. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO.....	4
SAN DIEGO MUNICIPAL CODE §27.0603(C)(2). .....	4
103. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO.....	5
SAN DIEGO MUNICIPAL CODE §27.0603(C)(3). .....	5
104. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO.....	5
SAN DIEGO MUNICIPAL CODE §27.0603(C)(4). .....	5
105. UNACCEPTABLE BALLOT DESIGNATIONS.....	6
106. REQUESTS FOR SUPPORTING DOCUMENTATION. ....	8
107. SERVICE OF LEGAL PROCESS REGARDING BALLOT DESIGNATIONS.....	8
SECTION 2 – RECALL PETITIONS.....	9
200. GENERAL PROVISIONS.....	9
201. RECALL PETITION.....	9
202. FORM OF VOTER SIGNATURE SHEETS FOR RECALL PETITION.....	10
203. FORM OF AFFIDAVIT OF AUTHENTICITY FOR RECALL PETITION.....	10
SAN DIEGO MUNICIPAL CODE 27.2713 .....	10

# CITY CLERK'S ADMINISTRATIVE GUIDELINES

## SECTION 1 – DESIGNATION OF PRINCIPAL PROFESSION OR OCCUPATION

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### 100. GENERAL PROVISIONS.

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- (a) The purpose of these guidelines is to ensure the accurate designation of the candidate upon the ballot in order that an informed electorate may intelligently elect one of the candidates.
- (b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) §27.0603 and the guidelines included here in a manner consistent with the regulatory purpose of these guidelines.
- (c) Candidates are not required to use a ballot designation pursuant to SDMC §27.0603, and may opt to leave the space for such a designation on the ballot blank. In order to notify the City Clerk as to whether he or she will use a ballot designation, the candidate must file a designation of principal profession or occupation, on the form provided by the City Clerk, at the same time that all other nomination papers are submitted for filing.
- (d) Pursuant to SDMC §27.0603, a candidate may submit a proposed designation of principal profession or occupation pursuant to any one of the four provisions specified in SDMC §27.0603(c)(1) through §27.0603(c)(4), applicable to that candidate. The candidate shall be free to select from which of the applicable four subparts he or she is submitting his or her proposed ballot designation.
- (e) The guidelines set forth here shall apply only to elections held for elective offices in the City of San Diego.
- (f) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

### 101 PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO SDMC §27.0603(C)(1), SHALL BE SUBJECT TO THE FOLLOWING PROVISIONS:

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- (a) A candidate may engage in multiple principal professions, vocations or occupations. Accordingly, the candidate may designate multiple principal professions, vocations or occupations. If a candidate proposes a ballot designation including multiple principal professions, vocations or occupations, the proposed ballot designation must comply with the following provisions:

(1) The proposed ballot designation must comply with the four-word limitation specified in SDMC §27.0603(b), and as implemented pursuant to subdivision (f) herein.

(2) Each such proposed profession, vocation or occupation shall be separately considered by the City Clerk and must independently qualify as a "principal" profession, vocation or occupation, as that term is defined pursuant to subdivision (b) herein.

(3) When multiple professions, vocations or occupations are proposed as a ballot designation, they shall be separated by a slash ("/"). An example of an acceptable designation would be "Legislator/Rancher/Physician."

(b) The terms "profession," "vocation," or "occupation," as those terms are used in SDMC §27.0603(c)(1), are defined as follows:

(1) "Profession" means a field of employment requiring special education or skill and requiring specific knowledge of a particular discipline of learning or science. The labor and skill involved in a profession is predominantly mental or intellectual, rather than physical or manual. Recognized professions generally include, but are not limited to, law, medicine, education, engineering, accountancy, and journalism. Examples of an acceptable designation of a "profession," as used in SDMC §27.0603(a), include, but are not limited to, "attorney," "physician," "accountant," "architect," and "teacher."

(2) "Vocation" means a trade, a religious calling, or the work upon which a person, in most but not all cases, relies for his or her livelihood and spends a major portion of his or her time. As defined, vocations may include, but are not limited to, religious ministry, child rearing, homemaking, elderly and dependent care, and engaging in trades such as carpentry, cabinetmaking, plumbing, and the like. Examples of an acceptable designation of a "vocation," as used in SDMC §27.0603(a), include, but are not limited to, "minister," "priest," "mother," father," "homemaker," "dependent care provider," "carpenter," "plumber," "electrician," and "cabinetmaker."

(3) "Occupation" means the employment in which one regularly engages or follows as the means of making a livelihood. Examples of an acceptable designation of an "occupation," as used in SDMC §27.0603(a), include, but are not limited to, "rancher," "restaurateur," "retail salesperson," "manual laborer," "construction worker," "computer manufacturing executive," "military pilot," "secretary," and "police officer."

(c) "Principal," as that term is used in SDMC §27.0603(c)(1), means a substantial involvement of time and effort such that the activity is one of the primary, main or leading professional, vocational or occupational endeavors of the candidate. The term "principal" precludes any activity which does not entail a significant involvement on the part of the candidate. Involvement which is only nominal, pro forma, or titular in character does not meet the requirements of the statute.

(1) If a candidate is licensed by the State of California to engage in a profession, vocation or occupation, the candidate is entitled to consider it one of his or her "principal" professions, vocations or occupations if (i) the candidate has maintained his or her license current as of the date he or she filed his or her nomination documents by complying with all applicable requirements of the respective licensure, including the payment of all applicable

license fees, and (ii) the status of the candidate's license is active at the time he or she filed his or her nomination papers.

(2) A candidate who holds a professional, vocational or occupational license issued by the State of California may not claim such profession, vocation or occupation as one of his or her "principal" professions, vocations or occupations if (i) the candidate's licensure status is "inactive" at the time the candidate files his or her nomination papers, or (ii) the candidate's license has been suspended or revoked by the agency issuing the license at the time the candidate files his or her nomination papers.

(d) State election law provides for a designation of "community volunteer" as a valid principal vocation or occupation. In accordance with Municipal Code Section 27.0106, which provides that the City Clerk may rely on state election law for guidance, a ballot designation of "Community Volunteer" shall constitute a valid principal vocation or occupation for purposes of Municipal Code Section 27.0603, if not otherwise in violation of any of the restrictions set forth in Section 27.0603, if not otherwise in violation of any of the restrictions set forth in that section. Notwithstanding the four word allowance contained in Municipal Code Section 27.0603, the designation of "Community Volunteer" shall constitute the sole designation of the candidate and is subject to the following conditions:

(1) A candidate's community volunteer activities constitute his or her principal profession, vocation or occupation.

(2) A candidate is not engaged concurrently in another principal profession, vocation, or occupation.

(3) A candidate may not use the designation of "community volunteer" in combination with any other principal profession, vocation, or occupation designation.

(e) In order for a ballot designation submitted pursuant to SDMC §27.0603(c)(1) to be deemed acceptable by the City Clerk, it must accurately state the candidate's principal professions, vocations or occupations, as those terms are defined in subdivisions (b) and (c) herein. Each proposed principal profession, vocation or occupation submitted by the candidate must be factually accurate, descriptive of the candidate's principal profession, vocation or occupation, must be neither confusing nor misleading, and must be in full and complete compliance with SDMC §27.0603 and the guidelines included here.

(f) If the candidate is engaged in a profession, vocation or occupation at the time he or she files his or her nomination papers, the candidate's proposed ballot designation is entitled to consist of the candidate's current principal professions, vocations and occupations. In the event the candidate does not have a current principal profession, vocation or occupation at the time he or she files his or her nomination papers, the candidate may use a ballot designation consisting of his or her principal professions, vocations or occupations, which the candidate was principally engaged in during the calendar year immediately preceding the filing of the candidate's nomination papers.

(g) Pursuant to SDMC §27.0603(b), the candidate's ballot designation shall be limited to not more than four words. The following rules shall govern the application of the four word limitation:

(1) The proposed ballot designation shall be grammatically correct, generic, and all words must be spelled correctly.

(2) Punctuation shall be limited to the use of a comma (e.g., Mayor, City of San Diego) and a slash (e.g., Legislator/Rancher/Physician), pursuant to subdivision (a) of this section. A hyphen may be used if, and only if, the use of a hyphen is called for in the spelling of a word as it appears in a standard reference dictionary of the English language.

(3) An acronym shall be counted as one word.

## 102. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO SAN DIEGO MUNICIPAL CODE §27.0603(C)(2).

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Proposed ballot designations submitted pursuant to SDMC §27.0603(c)(2) shall be subject to the following provisions:

(a) In the case of candidates holding elective city, county, district, state, or federal office, the candidate's ballot designation shall be the elective office which the candidate holds at the time of filing his or her nomination papers.

(b) In the case of judicial officers, the candidate's ballot designation shall be the office which the candidate holds at the time of filing his or her nomination papers.

(c) There shall be no word count limitation applicable to ballot designations submitted pursuant to SDMC §27.0603(c)(2).

(d) Proposed ballot designations indicating a position of legislative leadership, such "Deputy Mayor," "Majority Leader, California Senate," "Minority Leader, State Assembly," "Speaker, California State Assembly," "President Pro Tempore, Senate," and the like, are not elective offices described in SDMC §27.0603(c)(2). Such ballot designations are improper, pursuant to SDMC §27.0603(c)(2). They may, however, be considered under the provisions of §27.0603(c)(1).

(e) Proposed ballot designations indicating that the candidate is a member of the state or county central committee of a political party, or an officer of a state or county central committee of a political party, are improper, as such positions do not constitute elective state or county offices as specified in SDMC §27.0603(c)(2).

103. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO  
SAN DIEGO MUNICIPAL CODE §27.0603(C)(3).

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Proposed ballot designations submitted pursuant to SDMC §27.0603(c)(3) shall be subject to the following provisions:

- (a) A proposed ballot designation submitted pursuant to SDMC §27.0603(c)(3) is limited to the word "incumbent," as that term is used in SDMC §27.0603(c)(3).
- (b) The term "incumbent" must be used as a noun. It shall not be used in conjunction with any other words, including any accompanying adjectives or modifiers, and must stand alone. A candidate qualified to use this designation pursuant to SDMC §27.0603(c)(3) shall be entitled to use the ballot designation "Incumbent."
- (c) The word "incumbent" is strictly limited for use in ballot designations submitted pursuant to SDMC §27.0603(c)(3), and may not be used as an adjective in any other ballot designation.

104. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO  
SAN DIEGO MUNICIPAL CODE §27.0603(C)(4).

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- (a) Pursuant to SDMC §27.0603(c)(4), a candidate may propose a ballot designation consisting of the phrase "appointed incumbent" if the candidate holds the office of Mayor or City Attorney, by virtue of appointment, and the candidate is a candidate for election to the same office. The candidate may not use the unmodified word "incumbent" or any words designating the office unmodified by the word "appointed."
- (b) Pursuant to SDMC §27.0603(c)(4), a candidate may propose a ballot designation consisting of the word "appointed" in conjunction with the elective office, if the candidate is a candidate for election to the same office or to some other office. The candidate may not use any words designating the office unmodified by the word "appointed."

## 105. UNACCEPTABLE BALLOT DESIGNATIONS.

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(a) The City Clerk shall reject as unacceptable any proposed ballot designation which fails to comply with or is otherwise inappropriate pursuant to SDMC §27.0603, is prohibited pursuant to SDMC §27.0605, is misleading, or is otherwise improper pursuant to the guidelines set forth here.

(b) The following types of activities are distinguished from professions, vocations and occupations and are not acceptable as ballot designations pursuant to SDMC §27.0603(b):

(1) *Avocations*: An avocation is a casual or occasional activity, diversion or hobby pursued principally for enjoyment and in addition to the candidate's principal profession, vocation or occupation. Avocations may include, but are not limited to, hobbies, social activities, volunteer work, and matters pursued as an amateur.

(2) *Pro Forma Professions, Vocations and Occupations*: Pro forma professions, vocations or occupations are positions held by the candidate which consume little or none of the candidate's time and which, by their nature, are voluntary or for which the candidate is not compensated.

Pro forma professions, vocations and occupations may include, but are not limited to, such pursuits as honorary peace officer, volunteer firefighter, honorary chairperson, honorary professor, goodwill ambassador, official host or hostess, and the like.

(3) *Statuses*: A status is a state, condition, social position or legal relation of the candidate to another person, persons or the community as a whole. A status is generic in nature and generally fails to identify with any particular specificity the manner by which the candidate earns his or her livelihood or spends the substantial majority of his or her time. Examples of a status include, but are not limited to, philanthropist, activist, patriot, taxpayer, concerned citizen, husband, wife, and the like.

(c) Pursuant to SDMC §27.0605(a), the City Clerk shall reject as unacceptable any proposed ballot designation which would mislead voters. In making this determination, the City Clerk shall determine whether there is a substantial likelihood that a reasonably prudent voter would be misled as to the candidate's principal profession, vocation or occupation by the candidate's proposed ballot designation. The determination shall take into account the plain meaning of the words constituting the proposed ballot designation and the factual accuracy of the proposed ballot designation based on supporting documents or other evidence submitted by the candidate in support of the proposed ballot designation upon request of the City Clerk.

(d) A ballot designation may not comprise or include commercial identification information, such as a trademark, service mark, trade name, or the specific name of a business, partnership, corporation, company, foundation, or organization. Examples of an improper use of commercial identification information include, but are not limited to, "Acme Company President," "Universal Widgets Inventor," "Director, Smith Foundation," "UCLA Professor," and the like.

(e) Pursuant to SDMC §27.0605(b), the City Clerk shall reject as unacceptable any proposed ballot designation which would suggest an evaluation of the candidate's qualifications, honesty, integrity, leadership abilities or character. Any laudatory or derogatory adjectives which would suggest an evaluation of the candidate's qualifications shall not be permitted. Such impermissible adjectives include but are not limited to, "outstanding," "leading," "expert," "virtuous," "eminent," "best," "exalted," "prominent," "famous," "respected," "honored," "honest," "dishonest," "corrupt," "lazy," and the like.

(f) Pursuant to SDMC §27.0605(c), the City Clerk shall reject as unacceptable any proposed ballot designation which abbreviates the word "retired" or places it following any word or words which it modifies. Examples of impermissible designations include "Ret. Army General," "Major USAF, Retired" and "City Attorney, Retired."

Subject to the provisions of SDMC §27.0605(c), use of the word "retired" in a ballot designation is generally limited for use by individuals who have permanently given up their chosen principal profession, vocation or occupation. In evaluating a proposed ballot designation including the word "retired," the City Clerk will consider the following factors in making a determination as to the propriety of the use of the term "retired":

- (1) Prior to retiring from his or her principal profession, vocation or occupation, the candidate worked in such profession, vocation or occupation for more than 5 years;
- (2) The candidate is collecting, or eligible to collect, retirement benefits or other type of vested pension;
- (3) The candidate has reached at least the age of 55 years;
- (4) The candidate voluntarily left his or her last professional, vocational or occupational position;
- (5) If the candidate is requesting a ballot designation indicating that he or she is a retired public official, the candidate must have previously voluntarily retired from public office, not have been involuntarily removed from office, not have been recalled by voters, and not have surrendered the office to seek another office or failed to win reelection to the office;
- (6) The candidate has not had another more recent, intervening principal profession, vocation or occupation; and,
- (7) The candidate's retirement benefits are providing him or her with a principal source of income.

(g) Pursuant to SDMC §27.0605(d), the City Clerk shall reject as unacceptable any proposed ballot designation which uses a word or prefix to indicate a prior profession, vocation, occupation, or elected or appointed office previously held by the candidate. Such impermissible words or prefixes include, but are not limited to, "ex-," "former," "past," and "erstwhile." Examples of impermissible designations include "Former Councilmember," "Ex-Mayor," and "Former Educator."

(h) Pursuant to SDMC §27.0605(e), the City Clerk shall reject as unacceptable any proposed ballot designation which uses the name of any political party, whether or not it has qualified for recognized ballot status.

(i) Pursuant to SDMC §27.0605(f), the City Clerk shall reject as unacceptable any proposed ballot designation which uses a word or words referring to a racial, religious, or ethnic group.

(1) The City Clerk shall reject as unacceptable any ballot designation which implies or expressly contains any ethnic or racial slurs or ethnically or racially derogatory language.

(2) If the candidate is a member of the clergy, the candidate may not make reference to his or her specific denomination. However, the candidate may use his or her clerical title as a ballot designation (e.g., "Rabbi," "Pastor," "Minister," "Priest," "Bishop," "Deacon," "Monk," "Nun," "Imam," etc.)

(j) Pursuant to SDMC §27.0605(g), the City Clerk shall reject as unacceptable any proposed ballot designation which refers to any activity prohibited by law. Unlawful activity includes any activities, conduct, professions, vocations, or occupations prohibited by state or federal law.

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### 106. REQUESTS FOR SUPPORTING DOCUMENTATION.

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The City Clerk may request that a candidate submit supporting documentation or other evidence to support the proposed ballot designation.

(a) Time is of the essence regarding all matters pertaining to the review of proposed ballot designations submitted by candidates for public office. Failure to promptly submit requested supporting materials will preclude consideration of such materials in the final decision on the candidate's proposed ballot designation.

(b) The City Clerk will communicate, whenever possible, with the candidate in the most expeditious manner, including, but not limited to, telephone, facsimile transmission and electronic mail at the number or address provided by the candidate.

When the candidate does not have reasonable access to a facsimile machine or electronic mail, the City Clerk will transmit written communication to the candidate by means of overnight express delivery to the address provided by the candidate.

(c) The candidate shall have the burden of establishing that the proposed ballot designation that he or she has submitted is accurate and complies with all provisions of SDMC §27.0603 and these guidelines.

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### 107. SERVICE OF LEGAL PROCESS REGARDING BALLOT DESIGNATIONS

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(a) In the event a candidate or other interested party files a petition for the issuance of an extraordinary writ with the court or other legal action pertaining to a candidate's ballot designation, the summons and any other legal process should be served upon the City Clerk of the City of San Diego, 202 "C" Street, Second Floor, San Diego, California 92101.

(b) Telephone notice pertaining to any ex parte applications filed with the court by any candidate or other interested party should be directed to the attention of the San Diego City Attorney at (619) 236-6220.

## SECTION 2 – RECALL PETITIONS

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### 200. GENERAL PROVISIONS.

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- (a) The purpose of these guidelines is to provide procedures and specifications of Recall Petitions circulated by proponents for submission to the City Clerk.
- (b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) and the guidelines included here in a manner consistent with the regulatory purpose of these guidelines.
- (c) The guidelines set forth here shall apply only to Recall Petitions being circulated for elective offices in the City of San Diego.
- (d) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

### 201. RECALL PETITION

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The petition shall consist of sheets of white paper uniform in size with dimensions no smaller than 8-1/2 by 11 inches or greater than 8-1/2 by 14 inches. If the petition contains more than one sheet of paper, it shall be fastened together securely. The recall petition shall be in the following form:

<u>RECALL PETITION</u>		
PETITION FOR THE RECALL OF _____		
FROM THE OFFICE OF _____		
<i>(The title in the form prescribed above with the blank spaces filled in must be set forth in full at the top of each page of the petition.)</i>		
We, the undersigned registered voters of (The City of San Diego, California) (Council District _____) demand the recall of _____ from the office of _____.		
The following are the reasons for demanding such recall:		
<i>(Insert a copy of the published notice of intention, statement and answer here. If the officer did not answer, insert a statement to that effect here.)</i>		
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
Signature of Proponents	Residence	Date

**202. FORM OF VOTER SIGNATURE SHEETS FOR RECALL PETITION**

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(a) On the right hand side of each *voter* signature sheet, a space at least one inch wide shall be left blank for the City *Clerk's* use in verifying the validity or invalidity of the signatures. *Voter* signature sheets shall be arranged and lined to provide space for each *voter's* signature, each *voter's* printed name, place of each *voter's* residence, and date of each *voter's* signature.

(b) Above the signature portion of each *voter* signature sheet, the following language shall appear in clear, readable type no smaller than 12-point in size:

“NOTICE TO THE PUBLIC THIS PETITION MAY BE CIRCULATED BY A PAID SIGNATURE GATHERER OR BY A VOLUNTEER. YOU HAVE THE RIGHT TO ASK.”

(c) The signature portion of the sheet shall be in substantially the following form:

Name		Residence	Date	Clerk's Use Only
1	Sign			
	Print			
2	Sign			
	Print			

(NOTE: Recall Petitions for Mayor, City Attorney and those Councilmembers elected by City- wide vote may be signed by any voter of the City. Recall Petitions for Councilmembers who were elected by district vote may be signed only by voters within the district represented by the Councilmember.)

**203. FORM OF AFFIDAVIT OF AUTHENTICITY FOR RECALL PETITION  
SAN DIEGO MUNICIPAL CODE 27.2713**

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The circulator's affidavit of authenticity shall have the form as specified in San Diego Municipal Code Section 27.2713.

The circulator's affidavit of authenticity must be signed in order for the signatures on that petition section to be considered valid.