

CITY OF SAN DIEGO
MAINTENANCE ASSESSMENT DISTRICTS
BALLOT PROCEDURES

Who receives a ballot?

For all parcels in the proposed district, a notice and ballot is mailed to the record owner of the property whose name and address appear on County of San Diego’s last equalized secured property tax assessment roll (Record Owner). An equalized secured property tax assessment roll (Equalized Roll) is prepared annually and provided by the County of San Diego (County).

Owners who acquired property in the proposed district after the most recent Equalized Roll (New Owners), and therefore are not listed as a Record Owner on the last Equalized Roll, may still receive a ballot. The City requested and obtained from the County an updated roll (Updated Roll) reflecting several changes of ownership through March 24, 2022. A notice and ballot is mailed to all New Owners whose name and address appear on the Updated Roll provided by the County.

Any New Owner who does not automatically receive a notice and ballot through this process may request a ballot through the Replacement Ballot procedure below. New Owners who obtain a Replacement Ballot through the procedure below must declare their status as the current owner of the parcel in question under penalty of perjury. Record Owners and New Owners will be referred to collectively as Owners for the purposes of this document.

Replacement Ballots

If a ballot is lost, withdrawn, destroyed, or never received, the City will mail a replacement ballot to the Owner(s) upon the Clerk’s receipt of a written request using the “Request to Withdraw Ballot/Request for Replacement Ballot Form” (Request Form) available in the City Clerk’s Office and the City’s website: <https://www.sandiego.gov/economic-development/about/maintenance>

In order to receive a replacement ballot by mail, a Request Form must be received by the City no less than seven days before the public hearing on the proposed assessment (Hearing). For Request Forms received less than 7 days before the Hearing, the Owner, or Owner’s agent, must go to the City Clerk’s Office in person, provide identification (see Request Form for acceptable forms of ID) and pick up the replacement ballot. An Owner may request a replacement ballot at the Hearing

but must complete and return it before the end of the public input portion of the Hearing on the proposed assessment. Ballots received by the City Clerk after the close of the public input portion of the Hearing will not be counted regardless of the postmarked date.

Who may complete a ballot?

A ballot may be completed by the current Owner or authorized representative of the current Owner of the parcel(s) identified on the ballot.

In the case of multiple owners, an Owner may fill out a Request Form for a proportional ballot to be sent to all Owners at the address provided on the last Equalized Roll. The weight of the proportional ballot shall reflect the respective record ownership interests, or if no evidence of percentage of interest exists, as established by documentation provided by Owners. The City will keep a record of each proportional ballot provided.

Completing the Ballot

To complete an assessment ballot, the person submitting the ballot must (1) mark inside the appropriate box in blue or black ink, and (2) sign the statement on the ballot that the person completing the ballot is the Owner, or authorized representative of the Owner. If your ballot has a “Master Box” you may mark inside the appropriate box indicating a collective vote for all parcels identified on your ballot. Alternatively, the Master Box may be left blank and an Owner can mark one box for each individual parcel.

Withdrawing a Ballot

Once a ballot has been submitted to the City, the person who signed the ballot may withdraw the ballot by completing and submitting the Request Form available in the City Clerk’s Office and the City’s website: <https://www.sandiego.gov/economic-development/about/maintenance>. The City must receive the Request Form prior to the close of the public input portion of the Hearing. The City Clerk will retain the withdrawn ballot and Request Forms, mark that the ballot has been withdrawn, and separate withdrawn ballots from other returned ballots.

Changing a Ballot

In order to change the contents of a ballot that has been submitted, the Owner or authorized representative of the Owner must (1) request that the ballot be withdrawn and a new ballot issued using the Request Form (see procedures above), and (2) return the fully completed replacement ballot before the public input portion of the Hearing.

Returning a Ballot

All returned ballots must be received by the City Clerk prior to the time the City Council closes the public input portion of the Hearing on the proposed assessment. Ballots may be mailed to the address indicated on the ballot or delivered in person. It is strongly suggested that Owners returning a ballot by mail send the ballot a week before the Hearing to ensure it is counted. Ballots returned by hand will be collected at the City Clerk's Office until 10:00 a.m. on the day of the Hearing. Ballots returned by hand after 10:00 a.m. must be returned to the City Clerk in Council Chambers. The City Clerk will note the date of receipt on each returned ballot and will place all returned ballots together in a secured location where they will remain unopened until tabulation.

Counting Ballots

Only the official assessment ballots provided will be counted. Only ballots which are completed and returned in compliance with these procedures will be counted. Ballots received by the City after the close of the public input portion of the Hearing will not be counted. Ballots withdrawn in accordance with these procedures will not be counted. Ballots will not be counted if: no boxes are marked, more than one box is marked, the marks are vague such that the voter intent is not clear, or the ballot is not signed.

Multiple Ballots Received

The City will keep a record of each replacement ballot mailed or otherwise provided and will verify during tabulation that only one ballot has been returned. When multiple ballots are received from the same owner for one parcel, the first ballot that was not withdrawn will be counted. When only one proportional ballot is returned, it will be weighed with the full amount of the applicable parcel. If the City receives more than one ballot from different owners for the same parcel, the City will only count the Record Owner's ballot unless one of the ballots belongs to a New Owner who properly requested a ballot. If the City determines that a ballot was submitted by a party having no ownership interest in the parcel, its ballot will not be counted.

Tabulating Ballots

Ballots are tabulated by the City Clerk, Clerk or some other impartial person designated by the City Clerk. Ballots may be counted by hand, computer, or any other tabulating device. For tabulation purposes, each ballot shall be weighted according to the proportional financial obligation of the affected property/parcel. Ballots will be tabulated at the close of the Hearing, whether on the same day as the Hearing is closed or thereafter during normal business hours. If tabulations are not performed on the same day as the Hearing, the City shall announce the date, time, and place of the tabulation and the public shall have access to the tabulation. The City may impose reasonable restrictions upon the public's access in order to facilitate the orderly and accurate tabulation of the ballots.

If the ballot includes an advisory vote on whether Owners prefer City management of the proposed district or self-management through an Owners Association (non-profit entity whose membership includes Owners), ballots will also be counted and tabulated to determine the results of the advisory vote in the same manner as described by these procedures.

Results

The results of the tabulation will be announced during the City Council meeting following the completion of the tabulation and entered into the minutes of the meeting. If ballots submitted in opposition of the assessment exceed the ballots submitted in favor of the assessment, the assessment will not be imposed.

Confidentiality

Returned ballots shall remain sealed until tabulation commences. Ballots are public records during and after tabulation.

Status of Proceedings

Ballot proceedings are a majority protest proceeding conducted pursuant to Cal. Gov. Code §53753. These proceedings do not constitute an election or voting for the purpose of Article II of the California Constitution or of the Elections Code.

Further Information

For further information, please see the City's website: <http://www.sandiego.gov/economic-development/about/maintenance.shtml> or contact the Economic Development Department, 1200 Third Avenue, 14th Floor, San Diego, California 92101, sdbusiness@sandiego.gov, or (619) 236-6700.