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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**06/15/2018** at 03:22:00 PM  
Clerk of the Superior Court  
By Candace Schaeffer, Deputy Clerk

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13 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
14 COUNTY OF SAN DIEGO

16 CITY OF SAN DIEGO et al.

17 Petitioners/Plaintiffs,

19 v.

20 ELIZABETH MALAND, et al.,

22 Respondents/Defendants,

25 JACK McGRORY and STEPHEN P. DOYLE,

26 Real Parties in Interest.

**CASE NO.: 37-2018-00023290-CU-WM-CTL**

**DECLARATION OF ELIZABETH MALAND  
IN SUPPORT OF PETITION FOR WRIT OF  
MANDATE; COMPLAINT FOR JUDICIAL  
DECLARATION THAT THE PROPOSED  
SDSU WEST INITIATIVE CANNOT  
LAWFULLY BE SUBMITTED TO VOTERS;  
REQUEST FOR INJUNCTIVE RELIEF TO  
RELIEVE CITY OFFICIALS FROM  
OBLIGATION TO SUBMIT SDSU WEST  
INITIATIVE TO VOTERS ON NOVEMBER  
2018 BALLOT**

**ELECTION MATTER**

DATE: July 5, 2018  
TIME: 9:00 a.m.  
JUDGE: Hon. Randa Trapp  
DEPT.: C-70

Case filed: May 11, 2018

1 I, Elizabeth Maland, hereby make this declaration based on my own personal knowledge and, if  
2 called upon to testify as a witness in this matter, I could and would testify competently to the matters  
3 stated herein:

4 1. I am currently employed by the City of San Diego as City Clerk. I have held this position  
5 for over 13 years. My duties include overseeing the conduct of City elections, including those involving  
6 ballot measures. In my capacity as City Clerk I am familiar with the process for placing qualified City  
7 initiatives on the ballot.

8 2. It has been long standing practice of the City of San Diego to request the County of San  
9 Diego to consolidate the City's elections with the state elections. This consolidation of elections is done  
10 under authority of Elections Code section 10402 and the City's Elections Code. As a practical matter  
11 the County then conducts the election on behalf of the City. This would include City ballot measures  
12 that have qualified for the ballot. The City made such a request in January of this year relative to the  
13 June 2018 primary.

14 3. At some point in the very near future, the San Diego City Council will adopt a resolution  
15 requesting the County of San Diego to consolidate the City's elections with the statewide general  
16 election. That resolution will include, in part, a request that the County perform the following:

- 17 a. Provide election materials to voters;
- 18 b. Canvas the votes;
- 19 c. Complete all tasks related to the conduct of the election.

20 4. As a result of this arrangement the City must pay the actual costs to the County for  
21 conducting the City's elections. The cost of any particular ballot measure has two parts to it - a shared  
22 cost portion that is prorated among all local government participants and items on the ballot (e.g., the  
23 general cost of setting up the election, providing training to poll workers, and overhead costs charged by  
24 the Registrar of Voters) and the specific costs associated with any particular measure - those specific  
25 costs are due in large part to the size of the measure - the larger the number of pages, for example,  
26 increases the costs associated with printing, translating and mailing the material.

27 5. I am aware that the SDSU West Campus Research Center, Stadium and River Park  
28 Initiative ("SDSU West Initiative") has qualified for the November 6, 2018 ballot. On October 9, 2017,

1 the proponents of the SDSU West Initiative filed a notice of intent to begin circulating the initiative for  
2 signatures within the City. On February 15, 2018, my office certified that the petitions contained a  
3 sufficient number of signatures to qualify the initiative for presentation to City voters. On February 26,  
4 2018, as City Clerk I presented my certification of sufficiency related to the SDSU West initiative to the  
5 City Council as an informational item. As the City Clerk and per the San Diego Municipal Code, I  
6 worked with the City Attorney to docket an item for City Council consideration at the March 12, 2018  
7 meeting to either adopt the legislative act as outlined in the initiative or to adopt a resolution of intention  
8 to submit the matter to the voters. The Council voted to submit the proposed initiative to the voters on a  
9 future ballot. San Diego Municipal Code section 27.1037 requires the initiative to be submitted to City  
10 voters at a special election consolidated with the next Citywide General Election in November 2018  
11 unless a court orders otherwise. As such, the City will incur costs associated with its obligations to the  
12 County of San Diego for placing this measure on the ballot for voter approval.

13 6. In February 2018, the Registrar of Voters provided me with a cost projection related to  
14 the City of San Diego for the November 6, 2018 General Election. As part of that projection, the  
15 Registrar of Voters indicated that the projected costs for printing and mailing ballot pamphlet materials,  
16 printing ballots, conducting the election and tabulating the vote for the SDSU West Initiative could  
17 range between \$230,000 and \$330,000. This projection was based on the following assumptions (any  
18 one of which could change between now and November and could impact the cost projection):

- 19 a. The number of registered voters as of 1/2/2018;
- 20 b. All jurisdictions scheduled for the November 2018 ballot are included in the cost  
projection;
- 21 c. Projecting 5-9 State Propositions appearing in the November ballot;
- 22 d. Projecting 4-13 State Judicial Appellate seats appearing in the November ballot;
- 23 e. Projecting 1-5 Superior Court Seats;
- 24 f. Estimating overhead rate of 100% for the Registrar of Voters for Fiscal Years 2018 &  
2019;
- 25 g. Potential measures appearing in the ballot from other jurisdictions;
- 26 h. SDSU West ballot measure would not exceed 25 pages in the voter pamphlet (which  
27 would include the ballot title & summary, Impartial Analysis, Fiscal Analysis,  
Arguments (if any) and the language of the measure itself);
- 28 i. All election material will be translated into Chinese, Spanish, Filipino and  
Vietnamese per Federal language requirement;
- j. The November General will remain a 1-card ballot.

1 This cost projection, and the assumptions made as well as the factors taken into account and the  
2 potential impacts, were consistent, in my experience, with previous cost projections provided to the City  
3 of San Diego by the Registrar of Voters.

4 7. In addition to the actual costs of paying the County of San Diego for placing the SDSU  
5 West Initiative on the ballot and conducting the election for the City, the City will incur other indirect  
6 costs. By way of example, staff of the City Clerk's office will incur time and effort working with the  
7 County in conducting the election. Specifically, City Clerk staff will have to prepare docketing material,  
8 staff reports and presentation information when the ballot measure is brought forward to the legislative  
9 body for placement on the ballot; City Clerk staff will answer media inquiries, city staff questions and  
10 questions posed by the legislative body related to the process for submitting ballot materials like the  
11 Impartial Analysis, the Fiscal Analysis and the Arguments (if any); City Clerk staff is also responsible  
12 for copy-editing the actual language of the measure and for ensuring that the format is true and correct;  
13 the ballot materials described above are submitted to the City Clerk – the Impartial and Fiscal Analyses  
14 and ballot titles/summaries are due by August 20, 2018 close of business, and any arguments must be  
15 submitted by August 23, 2018 close of business. The submission of these ballot materials requires City  
16 Clerk staff to spend time determining that all form and format requirements as outlined in the San Diego  
17 Municipal Code (e.g., the number of words and the signature form for the arguments) have been met,  
18 and in the case of arguments, if they have not been assigned by the legislative body, that the proper  
19 argument is accepted for publication per the requirements laid out in the San Diego Municipal Code.  
20 All of the ballot materials must be posted and available for public inspection and during the public  
21 review period for these ballot materials, the City Clerk staff must answer questions and explain the  
22 process to any customer who might call in to inquire. These indirect costs are difficult to quantify, but  
23 are nevertheless significant since they divert City resources away from other municipal activities.

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