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15
16 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
17
18 COUNTY OF SAN DIEGO

19 CITY OF SAN DIEGO et al.

20
21 Petitioners/Plaintiffs,

22 v.

23 ELIZABETH MALAND, et al.,

24 Respondents/Defendants,

25
26 CATHERINE APRIL BOLING,
27 Real Party in Interest.

CASE NO.: 37-2018-00023295-CU-WM-CTL

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

ELECTION MATTER

DATE: July 13, 2018
TIME: 1:30 p.m.
JUDGE: Hon. Timothy Taylor
DEPT.: C-72

Case filed: May 11, 2018

1 I, Elizabeth Maland, hereby declare as follows:

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

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

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

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

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

25 5. I am aware that the San Diego River Park and Soccer City Initiative ("Soccer City
26 Initiative") has qualified for the November 6, 2018 ballot. On March 2, 2017, the proponents of the
27 Soccer City Initiative filed a notice of intent to begin circulating the initiative for signatures within the
28 City. On May 22, 2017 my office certified that the petitions contained a sufficient number of signatures

1 to qualify the initiative for presentation to City voters. On June 19, 2017, as City Clerk I presented my
2 certification of sufficiency related to the Soccer City initiative to the City Council as an informational
3 item. Per the San Diego Municipal Code, I had worked with the City Attorney to docket an item for
4 City Council consideration at the June 19, 2017 meeting to either adopt the legislative act as outlined in
5 the initiative or to adopt a resolution of intention to submit the matter to the voters. The Council voted
6 to submit the proposed initiative to the voters on a future ballot. San Diego Municipal Code section
7 27.1037 requires the initiative to be submitted to City voters at a special election consolidated with the
8 next Citywide General Election in November 2018 unless a court orders otherwise. As such, the City
9 will incur costs associated with its obligations to the County of San Diego for placing this measure on
10 the ballot for voter approval.

11 6. In February 2018, the Registrar of Voters provided me with a cost projection related to
12 the City of San Diego for the November 6, 2018 General Election. As part of that projection, the
13 Registrar of Voters indicated that the projected costs for printing and mailing ballot pamphlet materials,
14 printing ballots, conducting the election and tabulating the vote for the Soccer City Initiative could range
15 between \$450,000 - \$550,000 if the legislative body opts to electronically publish the initiative (with the
16 first 20 pages as well as the Ballot Title & Summary, Impartial & Fiscal Analyses and any Arguments
17 still being hard-copy printed in the voter pamphlet) or between \$3,400,000 - \$4,000,000 if the legislative
18 body opts to fully hard-copy print the initiative in the voter pamphlet. This projection was based on the
19 following assumptions (any one of which could change between now and November and could impact
20 the cost projection):

- 21 a. The number of registered voters as of 1/2/2018;
- 22 b. All jurisdictions scheduled for the November 2018 ballot are included in the cost
23 projection;
- 24 c. Projecting 5-9 State Propositions appearing in the November ballot;
- 25 d. Projecting 4-13 State Judicial Appellate seats appearing in the November ballot;
- 26 e. Projecting 1-5 Superior Court Seats;
- 27 f. Estimating overhead rate of 100% for the Registrar of Voters for Fiscal Years 2018 &
28 2019;

- 1 g. Potential measures appearing in the ballot from other jurisdictions;
- 2 h. The projection for Soccer City is impacted by the fact that this initiative is likely more
- 3 than 625 pages, but the ROV's printing contract at the time of the estimate did not
- 4 include pricing for anything larger than 504 pages; there may be additional unknown
- 5 impacts to the cost of postage if, due to the large size of the voter pamphlet, it is
- 6 classified as parcel service.
- 7 i. All election material will be translated into Chinese, Spanish, Filipino and
- 8 Vietnamese per Federal language requirement;
- 9 j. The November General will remain a 1-card ballot.

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

13 7. In addition to the actual costs of paying the County of San Diego for placing the Soccer
14 City Initiative on the ballot and conducting the election for the City, the City will incur other indirect
15 costs. By way of example, staff of the City Clerk's office will incur time and effort working with the
16 County in conducting the election. Specifically, City Clerk staff will have to prepare docketing material,
17 staff reports and presentation information when the ballot measure is brought forward to the legislative
18 body for placement on the ballot; City Clerk staff will answer media inquiries, city staff questions and
19 questions posed by the legislative body related to the process for submitting ballot materials like the
20 Impartial Analysis, the Fiscal Analysis and the Arguments (if any); City Clerk staff is also responsible
21 for copy-editing the actual language of the measure and for ensuring that the format is true and correct;
22 the ballot materials described above are submitted to the City Clerk – the Impartial and Fiscal Analyses
23 and ballot titles/summaries are due by August 20, 2018 close of business, and any arguments must be
24 submitted by August 23, 2018 close of business. The submission of these ballot materials requires City
25 Clerk staff to spend time determining that all form and format requirements as outlined in the San Diego
26 Municipal Code (e.g., the number of words and the signature form for the arguments) have been met,
27 and in the case of arguments, if they have not been assigned by the legislative body, that the proper
28 argument is accepted for publication per the requirements laid out in the San Diego Municipal Code.

1 All of the ballot materials must be posted and available for public inspection and during the public
2 review period for these ballot materials, the City Clerk staff must answer questions and explain the
3 process to any voter who might call in to inquire. These indirect costs are difficult to quantify, but are
4 nevertheless significant since they divert City resources away from other municipal activities.

5 Finally, it is my understanding that ballot materials are due to the Registrar of Voters on August
6 10, 2018, and that the County will commence printing portions of the ballot pamphlet materials
7 sometime thereafter.

8 I declare under penalty of perjury under the laws of the State of California that the foregoing is
9 true and correct.

10 Executed this 21st day of June 2018, at San Diego, California.

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12 
13 Elizabeth Maland

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