



OFFICE OF THE CITY CLERK

REPORT

TO THE RULES COMMITTEE

DATE: September 20, 2017

REPORT NO.: CC-17-04

SUBJECT: San Diego Municipal Code Updates to Chapter 2, Article 7, Division 6:
Ballots for Candidates

Chapter 2, Article 7, Division 6 (Ballots for Candidates) was last comprehensively updated in 1999. Limited updates were carried out in 2000, 2001 and 2005 to address specific issues within the law, but as part of our goal to conduct global reviews of the sections of the Municipal Code addressing elections, this report outlines proposed updates to Division 6.

In addition to researching best practices and benchmarking, the Office of the City Clerk worked closely with the City Attorney's Office and a draft strike-out version of Chapter 2, Article 7, Division 6 has been created by the City Attorney's Office to accompany this report for your consideration.

In addition, a draft version of the City Clerk's Administrative Guidelines is included as an attachment since it contains content referred to in this report.

PROPOSED SDMC UPDATES

Current: **§27.0604: Administrative Guidelines for the Designation of Principal Profession, Vocation or Occupation**

Proposed: **§27.0603: Designation of Principal Profession, Vocation or Occupation and Statement of Candidate's Qualifications Subject to City Clerk's Administrative Guidelines**

This section of the San Diego Municipal Code was retitled and expanded to include the Candidate's Statement of Qualifications. Previously, the City Clerk's Administrative Guidelines addressed only the specific examples related to the Designation of Principal Profession, Vocation or Occupation. In keeping with recent efforts to enhance

transparency and create a more consistent process for updates, many of the examples and the detailed information pertaining to candidate paperwork are being moved to the City Clerk's Administrative Guidelines, which will be approved by the legislative body annually. In addition, specific reference to Secretary of State's Regulations has been removed to prevent out-of-date or potentially inaccurate information to linger in the Municipal Code should the Regulations be updated or the numbering change.

§27.0605: Word Usage in Designation of Principal Profession, Vocation or Occupation

Subsection (e) is being modified to note the restriction on referencing political party affiliation; however the details related to this prohibition will be addressed in the City Clerk's Administrative Guidelines. By moving the details to the Guidelines, specific examples can be provided for further clarity.

§27.0620: Statement of Candidates' Qualifications

This section will be updated to require a digital submission of the Statement of Candidates' Qualifications, which will be consistent with County of San Diego Registrar of Voters requirements and will eliminate any potential errors in transcribing the statement into digital form. The details related to the digital form and format will be outlined in the City Clerk's Administrative Guidelines.

In addition, details and examples related to other requirements will be spelled out in the Guidelines. One change being proposed, which will be captured in the Guidelines, relates to format. Currently there are no restrictions regarding format (bold, italics, underlining, etc.). Since the Registrar of Voters prints the Voter Pamphlet, City requirements would be made consistent with the County, which provides the following guidance (in part) to potential candidates:

The following **WILL NOT** be permitted:

- | | |
|---|---|
| <input type="checkbox"/> Handwritten statement | <input type="checkbox"/> Stars, bullets, graphics |
| <input type="checkbox"/> Copy from a fax machine | <input type="checkbox"/> Italics |
| <input type="checkbox"/> Extra exclamation points | <input type="checkbox"/> Underlines |
| <input type="checkbox"/> Multiple punctuation | <input type="checkbox"/> Bold |
| <input type="checkbox"/> Lists | <input type="checkbox"/> ALL CAPITAL LETTERS |
| <input type="checkbox"/> Tables | |

§27.0621: Certain Content Prohibited in Statement of Qualifications

This section will be expanded in the City Clerk's Administrative Guidelines to provide specific examples related to referring to other candidates, city employees and/or referencing party affiliation.

In addition, subsection (f) will be updated to bring the statement into legal compliance.

§27.0624: Candidate's Photograph

A digital submission of the candidate's photograph will be required, and this section of the Municipal Code will be updated to reflect that. The specific format requirements as well as the email address for submission will be included in the City Clerk's Administrative Guidelines.

ADDITIONAL POTENTIAL SDMC AMENDMENTS FOR FUTURE CONSIDERATION

§27.0627: Candidates' Statement of Qualification to be provided at No Cost

Currently, the City of San Diego does not charge any candidate printing fees for the 200-word Statement of Candidate's Qualifications printed in the Voter Pamphlet, which includes a photograph of the candidate. Per the San Diego Municipal Code, the candidate must submit a filing fee at the time of submitting his or her nominating papers, which is \$500 for a citywide office (Mayor and City Attorney) and \$200 for the district-specific City Council races. But it is also possible to partially or completely off-set the fee by gathering signatures in excess of those required to qualify – 200 for a citywide office and 100 for a district-specific race.

Many Charter cities – though they are constitutionally allowed to create and follow their own election law – simply follow the California Elections Code, which allows an agency to estimate the total cost of printing, handling, translating and mailing candidates' statements, and requires candidates to pay this estimate at the time of filing (EC 13307) (with either additional payment or refund as appropriate upon final billing by the Registrar of Voters or other appropriate elections official). It should be noted that many of these same municipalities also follow the California Elections Code that limits the nominating fee to \$25 (EC 10228) and only requires 20 nominating signatures (EC 10220).

Analysis

Top 5 Charter Cities

Compared to the other four top-five cities in California, San Diego's approach to candidate nomination is consistent. Los Angeles, the City/County of San Francisco and Fresno all require a higher filing fee in lieu of charging candidates for the cost of printing their candidate statements. Only San Jose opts to charge for printing:

Municipality	Population	Filing Fee	Candidate Statement	Charter?	# Qualifying Sigs
City of Los Angeles	3,792,621	\$900	No charge	Yes	500
City of San Diego	1,406,630	\$500 citywide/\$200 Council	No charge	Yes	200 citywide/100 Council
City of San Jose	945,942	\$25	\$10,000 Mayor/\$2,000-\$2,200 Council	Yes	50
City/County of San Francisco	805,235	\$500	No charge	Yes	20
City of Fresno	520,052	\$500 Mayor/\$300 Council	No charge	Yes	20

Top 15 Charter Cities

However, of the top fifteen Charter cities in California excluding San Diego, eleven (73%) charge candidates for printing their candidate statement in the voter pamphlet. The cost varies, depending on the number of registered voters, the number of candidates in a particular race and translation and mailing costs, but it ranges from as low as \$1,000 to as high as \$6,500.

All but one of the eleven cities that charge for printing the candidate statement only charge the nominal \$25 filing fee and require 20 valid signatures on the nominating petitions, consistent with state law.

Cities in San Diego County

Even among thirteen other cities in San Diego County, (8 of which have a population below 100,000), all of the cities charge for the printing of the candidate statement materials and the costs from the last election ranged from \$725 to \$1,900.

Statement Rates for City of San Diego

Had the City of San Diego charged candidates for printing their candidate statements, the Registrar of Voters has indicated that the costs (calculated at 2016 election rates) would have been:

Citywide races - \$3,900

Council races – from \$1,160 - \$1,600

Recommendation Regarding Candidate Fees

Given several factors: the proximity to the 2018 election cycle, the fact that the City's fee update process for Fiscal Year 2019 will include an assessment of the current Candidate Filing Fees, and the fact that the County is also assessing their fees for the printing, translation & mailing of the candidate statements, it is not recommended that Council consider changing the nominating fee process with the current update.

However, given the intriguing benchmarking data that is available, I would like to return to Committee in July 2018 with updated fee information and specific information from the June election process so that Council can consider all pertinent information in contemplating an update to the candidate filing fees and San Diego Municipal Code §27.0627, with any potential changes to take effect with the 2020 election process.

RECOMMENDATION

Forward the proposed updates to the full Council for consideration and direct the Clerk to return to Committee in July 2018 for a full assessment of the City's candidate filing fees and §27.0627 of the San Diego Municipal Code.


Elizabeth Maland
City Clerk

CITY CLERK'S ADMINISTRATIVE GUIDELINES

SECTION 1 - DESIGNATION OF PRINCIPAL PROFESSION, VOCATION OR OCCUPATION

100. GENERAL PROVISIONS

- (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) §27.0604 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 §27.0604, 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 or will opt to leave the ballot designation space blank, 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 §27.0604, a candidate may submit a proposed ballot designation pursuant to any one of the four provisions specified in SDMC §27.0604(c)(1) through §27.0604(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 SAN DIEGO MUNICIPAL CODE §27.0604(C)(1)

Proposed ballot designations shall be subject to the following provisions:

- (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 §27.0604(b), and as implemented pursuant to subdivision (g) 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 §27.0604(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 §27.0604(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 §27.0604(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 §27.0604(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 §27.0604(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 27.0604, if not otherwise in violation of any of the restrictions set forth in that section. "Community Volunteer" means a person who engages in an activity or performs a service for or on behalf of, without profiting monetarily, one or more of the following:

- (1) A charitable, educational, or religious organization as defined by the United States Internal Revenue Code section 501(c)(3);
- (2) A governmental agency; or
- (3) An educational institution.

The activity or service must constitute substantial involvement of the candidate's time and effort such that the activity or service is the sole, primary, main or leading professional, vocational or occupational endeavor of the candidate.

(e) In order for a ballot designation submitted pursuant to SDMC §27.0604(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 §27.0604 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 §27.0604(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, which was published in the United States at any time within the 10 calendar years immediately preceding the election for which the words are counted.

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

(4) A candidate may engage in multiple principal professions, vocations or occupations, as described in Section 101(a)(1) – 101(a)(3).

102. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO SAN DIEGO MUNICIPAL CODE §27.0604(C)(2)

Proposed ballot designations submitted pursuant to SDMC §27.0604(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 §27.0604(c)(2).

(d) Proposed ballot designations indicating a position of legislative leadership, such as "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 §27.0604(c)(2). Such ballot designations are improper, pursuant to SDMC §27.0604(c)(2). They may, however, be considered under the provisions of SDMC §27.0604(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 §27.0604(c)(2).

(f) A candidate who chooses to include the name of his or her elective office with another profession, vocation, or occupation may do so pursuant to Elections Code section 13107(a)(3), but that ballot designation shall be limited to no more than four words.

103. PROPOSED BALLOT DESIGNATIONS SUBMITTED PURSUANT TO
SAN DIEGO MUNICIPAL CODE §27.0604(C)(3)

Proposed ballot designations submitted pursuant to SDMC §27.0604(c)(3) shall be subject to the following provisions:

- (a) A proposed ballot designation submitted pursuant to SDMC §27.0604(c)(3) is limited to the word "incumbent," as that term is used in SDMC §27.0604(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 §27.0604(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 §27.0604(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 §27.0604(C)(4)

- (a) Pursuant to SDMC §27.0604(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 §27.0604(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

(a) The City Clerk shall reject as unacceptable any proposed ballot designation which fails to comply with or is otherwise inappropriate pursuant to SDMC §27.0604, 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 §27.0604(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 (except for the designation of "Community Volunteer" as discussed above), 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, veteran, proponent, reformer, scholar, founder, philosopher, 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, "senior," "emeritus," "specialist," "magnate," "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. If such a candidate did not voluntarily retire from public office, he or she may not use the word "retired" in his or her ballot designation;
- (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 or judicial 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.

106. REQUESTS FOR SUPPORTING DOCUMENTATION

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 §27.0604 and these guidelines.

107. SERVICE OF LEGAL PROCESS REGARDING BALLOT DESIGNATIONS

(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.

CITY CLERK'S ADMINISTRATIVE GUIDELINES

SECTION 2 - STATEMENT OF QUALIFICATIONS

200. GENERAL PROVISIONS

- (a) The purpose of these guidelines is to provide the candidate with instructions on what is included as part a candidate statement of qualifications.
- (b) The City Clerk shall, at all times, apply and interpret the provisions of San Diego Municipal Code (SDMC) §27.0620 - 27.0621 and the guidelines included here in a manner consistent with the regulatory purpose.
- (c) Candidates are not required to submit a Statement of Qualifications pursuant to SDMC §27.0620. If a candidate opts to not have a candidate statement printed in the sample ballot, the candidate must file the form provided by the City Clerk stating there will be no candidate statement at the same time that all other nomination papers are submitted for filing.
- (d) The guidelines set forth here shall apply only to elections held for elective offices in the City of San Diego.
- (e) Whenever, the word "should" is used in these guidelines, it is recommended, not mandatory.

201. STATEMENT OF CANDIDATE'S QUALIFICATIONS PURSUANT TO SAN DIEGO MUNICIPAL CODE §27.0620

- (a) The candidate's statement of qualifications constitutes *ballot materials* within the meaning of Section 27.0103.
- (b) Candidates for *elective office* may prepare a statement of qualifications on a form provided by the City Clerk. Such statements may include the name, age, occupation and education of the *candidate* and a brief description of the *candidate's* qualifications expressed by the *candidate* and are limited to matters concerning only the *candidate*.
- (c) Candidates are required to TYPE their statement SINGLE SPACED in JUSTIFIED BLOCK PARAGRAPHS. Candidates are required to submit their statement via email on the day the candidate is to arrive to file his or her nomination papers. Candidates are encouraged to submit their statement early for review and feedback and will be provided with an email address when the candidate takes out nomination papers to ensure confidentiality of the material.

The City Clerk will print out the document for the candidate/or the candidate's representative to review and sign when all nomination papers are filed. Please note the statement is CONFIDENTIAL

UNTIL THE FILING DEADLINE of E-88 from the election date, at which point they are submitted for publishing to the Registrar of Voters.

The following formatted statements WILL NOT be permitted:

1. Handwritten statement
2. Copy from a fax machine
3. Hard copy electronic submission

STATEMENTS WILL BE PRINTED EXACTLY AS SUBMITTED; candidates are therefore advised to carefully check their statements for errors in spelling, punctuation and grammar. The elections official is authorized to make corrections only to the format of the statement.

The guidelines intends uniformity of appearance of the candidate statements. By preparing a candidate statement in accordance with the above guidelines, each statement will be uniformly printed and allowed the same amount of space in the Voter Information Pamphlet. This avoids favored composition or printing of one candidate's statement over another.

The statement will be printed in 8-point type in the Voter Information Pamphlet. Only the candidate's name, age and occupation will be printed in 10-point type.

(d) Special formatting is **not** allowed. See examples of specific formatting that is not allowed below:

Example:

Extra exclamation points !!!

Multiple punctuation !!?!?

Lists (using numbers, letters, or bullet points)

- Stars, bullets, graphics * ☺

Italics, **Bold**

ALL CAPITAL LETTERS

Underline

Tables

(e) The statement may include the name of any other individual, organization, or quotations from individuals or organizations. A quote from an individual or use of an individual's name included in the statement must be authorized in writing by the individual. A quote or endorsement from an organization included in the statement must be authorized in writing by the organization. The consent of an organization shall be signed by an officer or other duly authorized representative of the organization. If a quotation is from a publication, a copy of the publication may be provided instead of a letter. Such authorization must be filed at the same time as the statement of qualifications, or the quotation will not be permitted in the statement. An organizational reference used as part of the candidate's biographical information is permitted without authorization from the organization.

Authorization Letter requests:

- If anyone other than the candidate filing the SOQ is mentioned in the statement, by quote or reference, a written authorization (original signature required) for the individual's name to be used must be filed at the time the SOQ is filed with the Office if the City Clerk.

Past Examples include, but are not limited to the following:

- A candidate referenced a Senate Bill by the name of the Author (current senator). The candidate needed to have a letter of authorization from the Senator in order to have the Senator's name remain in the SOQ.
- A candidate listed being appointed to a board by a County Supervisor (listing the Supervisor by name). The candidate was required to include an authorization letter from the supervisor.
- A candidate listed being appointed by a legislative body to a board, authorization letter **was not required** because it was a matter of public record and no individual was listed.
- A candidate referenced the name of a family (not his own) based on work done to author a Senate bill in memory of the individual. The candidate at first wanted to use a newspaper article to support the use of the name. The article did not reference the support of the candidate in the family's name, the candidate was given a choice to change the SOQ to reflect what the newspaper article stated or get an authorization letter from the family.
- A press release from the candidate's office including a quote from a third-party is insufficient to support use of the quote in an SOQ. An actual publication is required or letter of authorization is required.

(f) The statement may include the names of family members.

202. CERTAIN CONTENT PROHIBITED IN STATEMENT OF QUALIFICATIONS

A proposed statement of qualifications shall be subject to the following provisions:

(a) The statement of qualifications shall not refer, either directly by name, or indirectly by title or description to any other candidate or officeholder or to any other candidate's or officeholder's qualifications, character or activities, unless such reference is authorized pursuant to Section 27.0620(d).

(b) The statement of qualifications shall not refer, either directly by name, or indirectly by title or description to any City employee or to a City employee's character or activities unless such reference is authorized pursuant to Section 27.0620(d).

Examples of terms the City Clerk would not allow which referenced City employees/ City officeholders:

- Reference to the "City" (capital C) is not acceptable. In most circumstances it must be a lower case "c " or the word "city" must be removed. Further examples include, but are not limited to the following:
- Elected Officials/Bodies
- City Officials
- City/Government employees
- "City" representatives (City should not be capitalized)
- City Hall
- Government employee unions
- Council
- City Departments (Wastewater, General Services, etc.)
- Any reference to past or current city employees (including elected individuals) where individual identification is possible
- City police, firefighters, lifeguards support ... (City Clerk had candidate remove City)

(c) The statement of qualifications shall not include the party affiliation of the candidate or membership or activity in partisan political organizations. Please note: No reference to any political party is acceptable as this is a nonpartisan election process.

Past examples include, but are not limited to the following: Use of "independent" in the SOQ within the following statement:

"Elect a fiscally responsible 'independent' to City Council."

The word "independent", in this context, could be interpreted as the partisan party "American Independent" Party. Candidate was offered the opportunity to re-word the statement so the word "independent" is not used as a noun. The acceptable sentence was:

"Elect an 'independent', fiscally responsible leader to City Council."

Another candidate used the word “independent” in the SOQ, in the following manner: “Independent, Nonpartisan, Free from Improper Influence.” This use of “independent” did require re-writing. Since the word is followed by nonpartisan, etc. it clearly denotes the meaning of “independent” and not a reference to the political party.

(d) The statement of qualifications shall not contain language which is prohibited by law to be sent through the mail.

(e) The statement of qualifications shall not contain matter that is unrelated to the candidate.

(f) The statement of qualifications shall not contain obscene, vulgar, or profane language.

202. WORD COUNT GUIDELINES

The following are guidelines for computing word count:

a. All words are counted, including candidate's name.

b. Punctuation - 'free'

c. Dictionary words - 1 word

d. Place names - 1 word

Examples: San Diego; City of San Diego; Cardiff by the Sea

e. Abbreviations and Acronyms - 1 word

Examples: NAACP; U.C.L.A.; PTA; PhD

f. Whole numbers - digits (“1” or “10” or “100,” etc.) - 1 word

g. Spelled-Out Numbers = 1 word for each word

Examples: One – 1 word

One Hundred – 2 words

One Hundred Thousand – 3 words

h. Numeric combinations (“1973,” “13-1/2,” “1991-1993,” “5%”) - 1 word

i. Dates - all digits (“4/10/64”) - 1 word

j. Dates - words and digits (“April 10, 1964”) - 2 words

k. Monetary amounts (if the dollar sign is used - "\$1,000,000," \$1.50") - 1 word

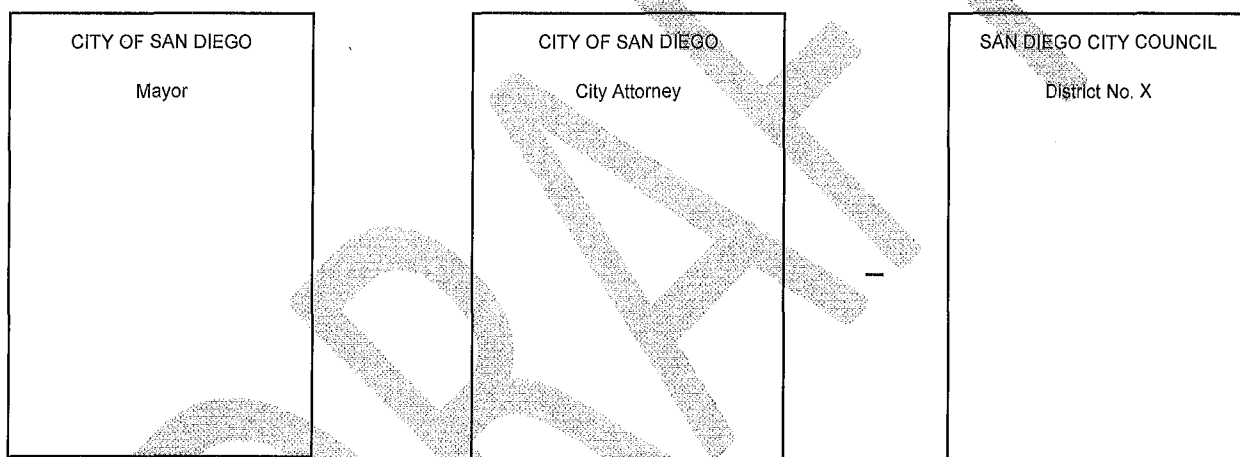
l. Telephone numbers [(619) 555-1212; 619/533-4000] = 1 word

m. Internet Website Addresses (www.sandiego.gov/city-clerk) = 1 word

n. Hyphenated words, unless the dictionary shows it as 1 word -1 word for each word

NOTE: All words and numbers except those shown on the mock-up Voter Information Pamphlet pages below will be included in the word count.

NOTE: These guidelines do not apply to counting words for ballot designations.



203. CANDIDATE'S PHOTOGRAPH

Candidate's Photograph

If the candidate desires to have his or her photograph appear with the statement of qualifications, the candidate shall submit an electronic photograph. Only the head and shoulders portion of the photograph shall be reproduced on the statement; other images appearing in the photograph submitted shall be excluded by cropping. All photographs in the voter pamphlet containing candidates' statements of qualifications shall be as nearly uniform in size as possible, except for size reductions necessitated by a candidate's format for his or her statement of qualifications.

The Candidate Photograph requirement for submission shall follow the below guidelines to keep the photograph uniform with other photo submissions:

1. Photo size should be 1 ½ x 2 inches and 300 dpi, head shot only
2. Preferred photo color is Black & White instead of color
Photo file format: High Quality TIFF, JPG, and PNG.