

Article 7: Elections, Campaign Finance and Lobbying
*(Retitled to "Elections, Campaign Finance and Lobbying"
on 5-18-1998 by O-18511 N.S.)*

Division 1: Elections - General
(Renumbered from Division 20 on 7-26-1999 by O-18664 N.S.)

§27.0101 Purpose and Intent

The purpose and intent of Chapter 2, article 7, is to provide an expeditious and complete procedure for the people's right to exercise the vote. If there is any ambiguity or contradiction between the provisions of general law and the provisions of this article, the provisions of this article shall govern. The divisions relating to initiative, referendum, removal, and recall are exclusive as required by the Charter.

("Purpose and Intent" renumbered from Sec. 27.2001 and amended 7-26-1999 by O-18664 N.S.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0102 Substantial Compliance Sufficient

Substantial compliance with the provisions of this article shall be deemed sufficient to hold a valid *election*.

("Substantial Compliance Sufficient" renumbered from Sec. 27.2002 and amended 7-26-1999 by O-18664 N.S.)

§27.0103 Definitions

Terms specific to this article are defined in this section. Defined terms are noted by italics.

Ballot Materials means those items defined in this section, which may be printed on the ballot or in the *voter pamphlet* or online on the City's website or the website of the San Diego County Registrar of Voters, in accordance with the requirements of this Article, relating to *measures* or candidates.

- (a) For ballot *measures*, *ballot materials* include the ordinance placing the *measure* on the ballot, which contains the ballot question and the full text of the *measure* to be voted upon at the *election*. They also include the ballot title and summary, if any; the impartial analysis, if any; the fiscal impact analysis; and arguments for and against the *measure*, if any.

- (b) For candidate *elections*, *ballot materials* include the ordinance placing the names of the candidates on the ballot, the ballot designation of the candidate, and the statement of the candidate's qualifications.

Ballot Question means the condensed statement of a *measure* being submitted to the *voters*, as that statement appears on the ballot. The *ballot question* may or may not be phrased as a question.

Board of Supervisors means the Board of Supervisors of the County of San Diego.

Candidate means any individual who:

- (a) is listed on the ballot for *elective City office*; or
- (b) has begun to circulate nominating *petitions* or authorized others to do so on their behalf for nomination for or election to a City office; or
- (c) has received a contribution or made an expenditure or authorized another person to receive a contribution or make an expenditure with the intent to bring about their nomination for or *election* to any City office; or
- (d) is a City *elective officer* who becomes the subject of a recall or removal *election*.
- (1) A City *elective officer* becomes the subject of a recall *election* on the date a notice of intention to circulate a recall *petition* is published under the recall provisions of this article.
- (2) A City *elective officer* becomes the subject of a removal *election* on the date the *Council* adopts an ordinance calling a *special election* for the purpose of submitting to the *voters* a proposition to remove and replace the City *elective officer*.

City-wide General Election means either of the following:

- (a) the *election* at which the Mayor and City Attorney are elected, unless such officers are elected at the *City-wide Primary Election* because the *candidate* was the sole qualified *candidate* for the office in the *City-wide Primary Election*; or
- (b) a City-wide municipal *election* consolidated with the statewide *election* on the first Tuesday after the first Monday in November of each even-numbered year.

City-wide Primary Election means the *election* at which the Mayor and City Attorney are nominated, or elected if a *candidate* was the sole qualified *candidate* for the office in the *City-wide Primary Election*.

Circulator is an individual who gathers signatures on a nominating, initiative, referendary or recall *petition*. It includes an individual who gathers signatures on a Charter amendment *petition*.

Clerk means the City Clerk of the City of San Diego.

Council means the City Council of the City of San Diego.

District General Election means an *election* at which *Council candidates* are elected, unless such officers are elected at the *District Primary Election* because a *candidate* was the sole qualified *candidate* for the office in the *District Primary Election*.

District Primary Election means an *election* at which *Council candidates* are nominated, or elected if a *candidate* was the sole qualified *candidate* for the office in the *District Primary Election*.

Election means a *District* or *City-wide Primary Election*, a *District* or *City-wide General Election*, or a *special municipal election* held in the City of San Diego. It may also mean an *election* of the San Diego Unified School District.

Elective Office or *Elective Officer* includes the office of the Mayor, Councilmember, or City Attorney of the City of San Diego. It may include the office of a member of the governing board of the San Diego Unified School District.

Enforcement Authority means the City of San Diego Ethics Commission. Nothing in this article limits the authority of the City Attorney, any law enforcement agency, or any prosecuting attorney to enforce the provisions of this Article under any circumstances where the City Attorney, law enforcement agency, or prosecuting attorney otherwise has lawful authority to do so.

Measure means any City Charter amendment or proposition which is:

- (a) submitted to a popular vote at a City *election* by action of the City *Council*; or
- (b) submitted or intended to be submitted to a popular vote at a City *election* by the procedure of initiative or referendum whether or not it qualifies for the ballot. A *measure* and a proposition are synonymous.

Person has the same meaning as that term is defined in San Diego Municipal Code section 11.0210.

Petition means one or more documents seeking action by the City *Council* or some officer. It includes a nominating, initiative, referendary or recall *petition*.

Proponent means the *person* who proposes an initiative, referendary or recall *petition* and who has control of the circulation and filing of the *petition* with the City *Clerk*. It includes a *person* who proposes a Charter amendment *petition*.

Registrar means the Registrar of Voters of the County of San Diego, or a duly appointed deputy.

Special Election means any *election* other than a *District* or *City-wide Primary Election*, or *District* or *City-wide General Election*. It includes all *elections* to consider ballot *measures* as well as *elections* to fill vacancies in *elective office* and recall and removal *elections*.

Voter means an elector who is qualified and entitled to vote under general law in San Diego City *elections* and who is validly registered at the time they seek to exercise the right to vote.

Voter Pamphlet means the *voter* information pamphlet compiled and distributed with the sample ballot for each *election*.

(Amended 2-11-2002 by O-19034 N.S.)

(Amended 5-5-2017 by O-20820 N.S.; effective 6-4-2017.)

(Amended 6-15-2017 by O-20833 N.S.; effective 7-15-2017.)

(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0104 Computation of Qualified Voters

Except for *petitions* to amend the Charter, when a stated percentage of *voters* is required, that percentage shall be computed using the number of registered *voters* in the City as of the close of registration for the most recent *District* or *City-wide General Election*, starting with the *City-wide General Election* of November 3, 1998. For *petitions* to amend the Charter, that percentage shall be computed according to the *Registrar*'s most recent official report of registration to the Secretary of State.

(“*Computation of Qualified Voters*” added 7-26-1999 by O-18664 N.S.)

§27.0105 Counting of Words

When a stated number of words is required by this article, the word count shall be determined using the City *Clerk's* published word count guidelines.

(“*Counting of Words*” added 7-26-1999 by O-18664 N.S.)

§27.0106 Elections to be Conducted under this Article; Effect of State Law

- (a) All *elections* shall be conducted by the City *Clerk*, except that *elections* for members of the governing board of the San Diego Unified School District shall be conducted by the *Registrar* pursuant to Education Code Section 5303. This includes nomination procedures, and also applies to all special and recall *elections*.
- (b) The procedures for seating members of the governing board of the San Diego Unified School District shall be the same as those for electing or appointing members of the City *Council* pursuant to this article, unless the governing board, at its option, adopts a resolution to have nominations conducted pursuant to other law.
- (c) The procedures for the recall or removal for cause of members of the governing board of the San Diego Unified School District shall be the same as those for the recall or removal for cause of members of the City *Council* provided by this article, unless the governing board, at its option, adopts a resolution to have recall *elections* conducted pursuant to other law.
- (d) All *elections* shall be conducted under the Charter and this article. The City *Clerk* and City *Council* may rely on state *elections* law for guidance if there is no controlling provision in this article.

(Renumbered from Sec. 27.2004, retitled to “*Elections to be Conducted under this Article; Effect of State Law*” and amended 7-26-1999 by O-18664 N.S.)

(Amended 6-27-2023 by O-21667 N.S.; effective 7-27-2023.)

§27.0107 Calling of Elections

- (a) Except as provided in Section 27.0107(b), the City *Council* shall call all *elections* by ordinance and shall specify the purpose and time of each election.
- (b) All *elections* of the San Diego Unified School District shall be called by that district.

- (c) An ordinance calling a *special election* to remove and replace an *elective officer* shall require the affirmative vote of at least seven votes of the nine-member *Council*.
(“*Calling of Elections*” renumbered from Sec. 27.2005 and amended 7-26-1999 by O-18664 N.S.)
(Amended 11-20-2018 by O-21009 N.S.; effective 12-20-2018.)

§27.0108 Effect of Vote at Primary Election

- (a) All *elective officers* of the City shall be nominated at a *District or City-wide Primary Election*.
- (b) The two *candidates* receiving the highest number of votes for a particular *elective office* at the *District or City-wide Primary Election* shall be the *candidates*, and only *candidates*, for such office and the names of only those two *candidates* shall be printed upon the ballots to be used at the *District or City-wide General Election*.
- (c) If only one *candidate* has qualified for the ballot in the *District or City-wide Primary Election* for a particular *elective office*, the sole qualified *candidate* receiving votes in that *election* shall be deemed to be, and declared by the *Council* to be, elected to such office after the *City-wide Primary Election* results are certified.

(“*Effect of Majority Vote at Primary Election*” added 7-26-1999 by O-18664 N.S.)
(Retitled to “*Effect of Vote at Primary Election*” and amended 5-5-2017 by O-20820 N.S.; effective 6-4-2017.)

§27.0109 Precincts

The voting precincts shall be the precincts established by the *Board of Supervisors* or the *Registrar*.

(“*Precincts*” renumbered from Sec. 27.2006 and amended 7-26-1999 by O-18664 N.S.)

§27.0110 Precinct Boards

The precinct boards shall be those established by the *Registrar* pursuant to *election* laws of the State of California.

(“*Precinct Boards*” renumbered from Sec. 27.2007 and amended 7-26-1999 by O-18664 N.S.)

§27.0111 Delegation of Duties

The City *Clerk* may delegate to the *Registrar* those duties assigned to the City *Clerk* by this article which can more properly be performed by the *Registrar*.

(“*Delegation of Duties*” renumbered from Sec. 27.2014 and amended 7-26-1999 by O-18664 N.S.)

§27.0112 Delegation of Authority to Deputy

Any duty under state law or this municipal code required to be performed by the City *Clerk* may be performed by an authorized deputy of the City *Clerk* or by an individual authorized by the City *Clerk*.

(“*Delegation of Authority to Deputy*” added 7-26-1999 by O-18664 N.S.)

§27.0113 Retention of Documents

All papers and documents relating to *elections* that are maintained by the City *Clerk* may be destroyed in accordance with the City *Clerk*’s Records Disposition Schedule, if designated in that schedule, or two years after the date on which they were filed or received or created, whichever is later. This section does not apply to the destruction of official ballots.

(“*Retention of Documents*” renumbered from Sec. 27.2017 and amended 7-26-1999 by O-18664 N.S.)

§27.0114 Invalidity of Petition

No *petition* is valid for use in connection with any *election* held after the *election* for which the *petition* was circulated.

(“*Invalidity of Petition*” renumbered from Sec. 27.2018 and amended 7-26-1999 by O-18664 N.S.)

§27.0115 Publication

- (a) The City *Clerk* shall publish at least once in the official City newspaper:
 - (1) Ordinances calling *elections*, or digests of the ordinances, which publication shall constitute the Notice of *Election*; and
 - (2) Resolutions declaring the results of *elections*.

(b) No other publication is required.

(“*Publications*” renumbered from Sec. 27.2019, retitled to “*Publication*” and amended 7-26-1999 by O-18664 N.S.)

§27.0116 Term of Office

The term of office for officers elected pursuant to this article at a *District* or *City-wide Primary Election*, or at a *District* or *City-wide General Election*, shall be four years. The term of office shall commence at 10:00 a.m. on the tenth day of December following the *elective officers’ election* or upon taking their oath of office, whichever occurs later. The term of office shall expire at 10:00 a.m. on the tenth day of December of the term’s fourth year or when the *elective officers’ successors* are elected and qualified, whichever occurs later. Whenever the tenth day of December falls on a weekend or holiday, the term of office shall begin at 10:00 a.m. on the next calendar day that is not a weekend or a holiday.

(“*Term of Office*” renumbered from Sec. 27.2020 and amended 7-26-1999 by O-18664 N.S.)

(Amended 1-30-2015 by O-20454 N.S.; effective 3-1-2015.)

§27.0117 Map of Council Districts

The City *Clerk* shall maintain a current map of the City showing the boundaries of each City *Council* district as most recently established by ordinances of the City *Council*.

(“*Councilmanic Districts*” renumbered from Sec. 27.2021, retitled to “*Map of Council Districts*” and amended 7-26-1999 by O-18664 N.S.)

§27.0118 Redistricting

No change in the boundaries of City *Council* districts shall affect the term of office of any City Councilmember who has been elected and whose term has not expired at the time of the change.

(“*Redistricting*” renumbered from Sec. 27.2022 and amended 7-26-1999 by O-18664 N.S.)

§27.0119 Residency Requirements of Candidates and Elective Officers

The residency requirements for *elective officers* set forth in Section 7 of the Charter of The City of San Diego having been impliedly rendered invalid by *Johnson v. Hamilton*, 15 Cal. 3d 461 (1975), the following shall apply:

- (a) No individual is eligible to run for, or hold the office of Mayor or City Attorney of the City, either by *election* or appointment, unless:
 - (1) that individual is, at the time of assuming such office, a resident and *voter* of the City of San Diego, and,
 - (2) that individual was a registered *voter* of the City at least thirty calendar days prior to the date nomination papers were filed by the *candidate* pursuant to the nomination and write-in procedures in this article or at least thirty calendar days prior to the date of filing an application for appointment to an *elective office* pursuant to Section 27.0804 of this article.
- (b) No individual is eligible to run for or hold the office of a Councilmember, other than the Mayor, either by *election* or appointment, unless:
 - (1) that individual is, at the time of assuming such office, a resident and *voter* of the district from which nomination or appointment is sought, and
 - (2) that individual was a registered *voter* of the district at least thirty calendar days prior to the date nomination papers were filed by the *candidate* pursuant to the nomination and write-in procedures in this article or at least thirty calendar days prior to the date of filing an application for appointment to an *elective office* pursuant to Section 27.0804 of this article.

(Renumbered from Sec. 27.2023, retitled to "Residency Requirements of Candidates and Elective Officers" and amended 7-26-1999 by O-18664 N.S.)

§27.0120 Provision Due to Holidays

Notwithstanding any other provision of law, if a deadline for filing a petition or report required by this article falls on a holiday or a weekend, that deadline will be extended to the following business day.

(Added 7-18-2000 by O-18826 N.S.)

§27.0121 Filings Due to Clerk by Close of Business

A petition or report required by this article to be filed with the *Clerk* must be submitted for filing to the *Clerk* by the close of business at 5 p.m. on the day of its filing.

(“*Filings Due to Clerk by Close of Business*” added 1-28-2016 by O-20593 N.S.; effective 2-27-2016.)