



INDEPENDENT LA JOLLA

Source: San Diego Municipal Code:
Elections, Campaign Finance and Lobbying

Division 5: Ballots for Measures
(*"Ballots for Measures" added 7-26-1999 by O-18664 N.S.*)

§27.0501 Purpose and Intent

The purpose and intent of this division is to clarify and consolidate all provisions for ballot measures in one division to better enable administration of these procedures and to provide for public participation in the process.

(*"Purpose and Intent" added 7-26-1999 by O-18664 N.S.*)

§27.0502 Submission of Ballot Measures at City-wide Elections

Bond measures and other measures may be submitted at any City-wide Primary or General Election, or at any City-wide special election held for that purpose. (*"Submission of Ballot Measures at City-wide Elections" added 7-26-1999 by*

O-18664 N.S.)

§27.0503 Ballot Question Adopted by Council

The City Council shall decide by ordinance the content of the ballot question for each ballot measure, within the word limit prescribed by the California Elections Code. (*"Ballot Question Adopted by Council" added 7-26-1999 by O-18664 N.S.*)

§27.0504 Preparation of Ballot Title and Summary

- (a) The City Council may direct the City Attorney to prepare a ballot title and summary of any proposed measure. If so directed, the City Attorney shall place the title and summary on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed measure.

- (b) The title and summary shall not exceed 500 words in length. The ballot title may differ from any other title of the proposed measure.
 - (c) In providing the ballot title and summary, the City Attorney shall give a true and impartial statement of the proposed measure in language that shall not be an argument, or likely to create prejudice, for or against the proposed measure.
 - (d) The title and summary shall be printed in the voter pamphlet preceding any arguments for and against the proposed measure.
 - (e) The ballot title and summary constitute ballot materials within the meaning of Section 27.0103.
- (“Preparation of Ballot Title and Summary” added 7-26-1999 by O-18664 N.S.)

§27.0505 Preparation of Impartial Analysis

- (a) The City Council may direct the City Attorney to prepare an impartial analysis of any proposed measure. If so directed, the City Attorney shall place the impartial analysis on file in the Office of the City Clerk no later than 5:00 p.m. on the date established in accordance with the City Clerk’s administrative calendar for the election on the proposed measure.
- (b) The analysis shall not exceed 500 words in length.
- (c) The City Attorney shall prepare the analysis to show the effect of the measure on existing law and what the measure would do.
- (d) If the measure affects the organization or salaries of the Office of the City Attorney, the City Council may direct an appropriate official to prepare the analysis.
- (e) The analysis shall be printed in the voter pamphlet preceding any arguments for and against the proposed measure.
- (f) In the event the entire text of the measure is not printed on the ballot, nor in the voter pamphlet, there shall be printed immediately below the impartial analysis, in no less than 10-point bold type, a legend substantially as follows:

“The above statement is an impartial analysis of Proposition____. If you desire a copy of the ordinance or measure, please contact the Office of the City Clerk (533-4000).”

A copy will be provided to the requestor at no cost. This requirement may be met by the Clerk’s placement of an exact copy of the ordinance or measure on the Internet.
- (g) The impartial analysis constitutes ballot materials within the meaning of Section 27.0103.

("Preparation of Impartial Analysis" added 7-26-1999 by O-18664 N.S.)

§27.0506 Preparation of Fiscal Impact Analysis

- (a) Three people shall be involved in the preparation and filing of a fiscal impact analysis of a proposed legislative act: the Mayor, or his or her designee; the Independent Budget Analyst; and the City Auditor. The Independent Budget Analyst shall prepare a draft of the fiscal impact analysis and provide it to the Mayor and City Auditor at least 10 calendar days prior to the City Clerk's filing deadline. If there is disagreement about the wording of the fiscal impact analysis, the decision of any two of the three designated parties (the Mayor, or his or her designee; the Independent Budget Analyst; and the City Auditor) shall prevail. The fiscal impact analysis shall be placed on file in the Office of the City Clerk by the Independent Budget Analyst no later than 5:00 p.m. on the date established in accordance with the City Clerk's administrative calendar for the election on the proposed legislative act.
- (b) The analysis shall not exceed 500 words in length.
- (c) The analysis shall include an estimate of the amount of any increase or decrease in revenues or costs to the City, or an option as to whether or not significant change in City finances would result if the proposed measure is adopted. If it is estimated that a measure would result in an increased cost to the City, the estimate shall be set out in boldface print in the voter pamphlet.
- (d) The fiscal impact analysis must reasonably inform the voters of the proposed measure's fiscal impact, if any, and be true, impartial and not argumentative.
- (e) The analysis shall be printed in the voter pamphlet preceding any arguments for and against the proposed legislative act.

("Preparation of Fiscal Impact Analysis" added 7-26-1999 by O-18664 N.S.)
(Amended 9-14-2010 by O-19989 N.S.; effective 10-14-2010.)

§27.0507 Order of Measures on Ballot

The City Council may by ordinance prescribe the order of measures placed on the ballot. Unless the City Council prescribes otherwise, the order shall be as follows:

- (a) Initiative measures, including both measures placed on the ballot by petition and measures placed on the ballot by action of the City Council pursuant to Section 27.1001, in the order in which the ordinances placing the initiative measures on the ballot are adopted by the City Council;
- (b) Bond measures in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (c) Charter amendments in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (d) Other legislative measures in the order in which the ordinances placing them on the ballot are adopted by the City Council;
- (e) Referendum measures in the order in which the ordinances placing them on the ballot are adopted by the City Council; and
- (f) Advisory matters in the order in which the ordinances placing them on the ballot are adopted by the City Council.

("Order of Measures on Ballot" added 7-26-1999 by O-18664 N.S.)

§27.0508 Written Arguments

- (a) The City Council, or any member or members of the City Council authorized by that body, or any individual voter who is eligible to vote on the measure, or bona fide association of citizens, or any combination of voters and associations, may file a written argument for or against any City measure.
- (b) The argument shall not exceed 300 words in length.
- (c) The argument for and the argument against each measure shall be printed in the voter pamphlet provided with each sample ballot; provided that only those arguments filed pursuant to this section shall be printed in the voter pamphlet and included with the sample ballot. The printed arguments are ballot materials within the meaning of Section 27.0103.
- (d) Printed arguments submitted to voters in accordance with this section shall be titled either "Argument in Favor of Proposition ____" or "Argument Against Proposition ____," accordingly, the blank spaces being filled in only with the letter or number, if any, designating the measure. The word "Measure" may be substituted for the word "Proposition" in such titles. Words used in the title shall

not be counted when determining the length of any argument.

- (e) A ballot argument shall not be false, misleading, or inconsistent with the requirements of this article.

("Written Arguments" added 7-26-1999 by O-18664 N.S.)

§27.0509 Argument Not Accepted without Names

- (a) The City Clerk shall not accept a ballot argument for publication in the voter pamphlet unless it is accompanied by the name and signature of the individual submitting it, or, if submitted on behalf of an organization, the name of the organization and the name and signature of at least one of its principal officers.
- (b) The voter pamphlet shall contain a maximum of five signatures with any argument submitted under this division. In case any argument is signed by more than five persons, the signatures of the first five shall be printed.
- (c) At least one of the individuals submitting the argument must be a registered voter in the City of San Diego.

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

§27.0511 Final Date for Arguments

The City Clerk shall determine and fix a reasonable date prior to each election after which no arguments for or against any measure may be submitted for printing and distribution to the voters. This deadline shall be based on the time reasonably necessary to prepare and print the arguments and sample ballots, and to permit the ten-calendar-day public examination as provided for in Sections 27.0402 and 27.0403. Arguments may be changed or withdrawn by their proponents until and including the date fixed by the City Clerk.

("Final Date for Arguments" added 7-26-1999 by O-18664 N.S.)

§27.0512 Priority for Selection if More than One Argument Submitted

If more than one argument for, or more than one argument against, any measure is submitted to the City Clerk within the time prescribed, the City Clerk shall select one of the arguments in favor, and one of the arguments against, the measure for printing and distribution to the voters. In selecting the argument the City Clerk shall give preference and priority, in the order named, to the arguments of the following:

- (a) The City Council, or member or members of the City Council, including the Mayor, authorized by that body.
- (b) The individual voter, or bona fide association of citizens, or combination of voters and associations, who are the bona fide sponsors or proponents of the measure.
- (c) Bona fide associations of citizens.
- (d) Individual voters who are eligible to vote on the measure.

("Priority for Selection if More than One Argument Submitted" added 7-26-1999 by O-18664 N.S.)

§27.0513 Council Authorization of Ballot Arguments

- (a) The City Council may by resolution authorize itself or individual members, including the Mayor, to sign a ballot argument in support of or in opposition to any measure placed on the ballot.
 - (1) The City Council may designate the Mayor to sign the argument on behalf of the Mayor and City Council;
 - (2) The City Council may designate the Mayor and individual members of the City Council to sign the argument; or
 - (3) The City Council may designate individual members of the City Council to sign the argument.
- (b) Ballot arguments submitted and signed by individual members of the City Council, including the Mayor, but not authorized by resolution of the City Council, will be considered as submitted by individual voters for the purpose of selecting an argument for the sample ballot.

("Council Authorization of Ballot Arguments" added 7-26-1999 by O-18664 N.S.)

§27.0514 No Rebuttal Arguments to be Published

Rebuttal arguments shall not be published in the voter pamphlet and the City Clerk may not accept a rebuttal argument for any City measure.

("No Rebuttal Arguments to be Published" added 7-26-1999 by O-18664 N.S.)

§27.0515 Examination Period for Ballot Materials

There shall be a public examination period for all ballot materials filed with the City Clerk for any measure to be submitted to the voters pursuant to this division. The examination period shall conform to the provisions of Sections 27.0402 and 27.0403 of this article.

("Examination Period for Ballot Materials" added 7-26-1999 by O-18664 N.S.)