CITY OF SAN DIEGO

(This Measure will appear on the ballot in the following form.)

MEASURE K

CHARTER AMENDMENT REQUIRING RUN-OFF ELECTION FOR THE OFFICES OF MAYOR, CITY ATTORNEY AND COUNCILMEMBER. Shall the Charter be amended to eliminate the provision that elects a candidate for Mayor, City Attorney, or Councilmember to office if the candidate receives a majority vote in the June primary election, and instead require a run-off election at the November general election between the two candidates who received the most votes in the primary election?

This measure requires approval by a simple majority (over 50%) of the voters voting on the measure.

Full text of this measure follows the argument.

OFFICIAL TITLE AND SUMMARY

BALLOT TITLE

Amendments to the San Diego City Charter to Require Run-off Elections for the Offices of Mayor, City Attorney and Councilmembers

BALLOT SUMMARY

This measure would amend the San Diego City Charter to eliminate the provision that elects a candidate to a City office – the Mayor, City Attorney or a Councilmember – if the candidate receives more than 50% of the vote in the June primary election. Instead, the proposed amendments would require a November run-off election between the two candidates who received the most votes in the primary election, even if one candidate received a majority vote.

The proposed amendment is legally untested. The current procedure follows the California Elections Code provision for elections of non-partisan officers. The California Elections Code is used by general law cities, but Charter cities like San Diego can adopt their own election laws.

If the amendment is approved, an exception would be made if only one candidate qualified for the June primary for a particular seat. The one qualified candidate potentially could be a write-in candidate, as qualified write-in candidates are allowed to run in primary, but not general, elections.

The Charter currently provides that if a candidate for Mayor, City Attorney, or Councilmember receives more than 50% of the vote in the June primary election, the candidate is deemed elected to the seat. Once the results are certified, the candidate would assume office at the beginning of the next term in December. If no candidate received 50% of the primary vote, the two candidates with the most votes in the primary would advance to the November general election.

BALLOT SUMMARY (CONTINUED)

Candidates in the run-off election would face the same electorate in the general election as they did in the primary – either a citywide vote, in the case of the Mayor and City Attorney, or a district-only vote, in the case of a particular Councilmember.

The City Council placed the measure on the ballot. If approved, the Charter amendments would become effective after they are chaptered by the California Secretary of State.

CITY ATTORNEY'S IMPARTIAL ANALYSIS

The California Constitution grants authority to Charter cities like San Diego to establish their own election procedures.

The Charter provides that if a candidate for Mayor, City Attorney, or Councilmember receives more than 50% of the vote in the June primary election, the candidate is deemed elected to the seat. If no candidate receives 50% of the vote in the primary election, the two candidates receiving the most votes in the primary advance to a November general election.

This procedure follows the California Elections Code provisions for non-partisan elections. San Diego's candidate elections are non-partisan.

This measure would make a substantive change to the way City officials are elected to office, eliminating the ability of a candidate to win a seat outright in the June primary election if the candidate receives more than 50% of the vote. This year, for example, candidates for Mayor and Councilmember for Districts 3, 5, and 7, respectively, each won their elections with more than 50% of the primary vote and will not face a November ballot.

If approved, run-off elections will be required to elect all City officials, regardless of the percentage of votes candidates received in the primary election. Amendments would require a second election that would not have been held under current law if a candidate received a majority vote in the primary.

Candidates in the run-off election would face the same electorate in the general election as they did in the primary – a citywide vote, for Mayor and City Attorney, or a district-only vote, for a Councilmember.

Amendments would provide an exception if only one candidate qualified to run in the June primary for a particular office. This could be a write-in candidate, as qualified write-in candidates are allowed to run in primary, but not general, elections. The sole qualified candidate receiving votes in the primary would be deemed elected.

The proposal appears to be modeled on the California Open Primary law, but is distinguishable. San Diego's municipal offices are technically non-partisan offices and ballot materials cannot list political party affiliations. California's law allows all candidates for a partisan office to be listed on a single primary ballot, along with their party preferences. The Open Primary allows voters to vote for any candidate without regard to party preference of the candidate or voter, and the top two vote-getters then advance to a November runoff election.

The amendment sending a municipal candidate to a November runoff after the candidate has won a majority vote in a non-partisan primary has not been legally tested.

The proposed amendment would not follow the California Elections Code. Charter cities are not required to follow the California Elections Code, which states that non-partisan candidates who receive a majority vote at a primary election shall be elected to that office, and that office shall not appear on the ballot at the ensuring general election.

General law cities are required to follow the California Elections Code. Charter cities may choose to adopt the code or may adopt other election procedures.

FISCAL IMPACT STATEMENT

This measure would require all the election process for elected City offices to consist of a primary election in June among all candidates for a particular office, and a run-off election in November for the top-two vote-getters in the June primary election. At present, if a candidate for office wins a majority of votes cast during the June primary election, that candidate wins the office outright and no run-off election in November is required.

The measure would increase the cost of the City's November elections by requiring additional ballot materials and vote tabulations for run-off elections that would not be required under the City's current elections process.

Had this measure been in effect during the past four election cycles in 2008, 2010, 2012, and 2014, election costs would have increased between $30,000 and $260,000 in each election. A similar range of increased costs in future elections could be anticipated if this measure is adopted.

ARGUMENT IN FAVOR OF MEASURE K

VOTE YES ON MEASURE K
MORE VOTERS = BETTER DECISIONS

Measure K ensures all elections for mayor, city attorney and city council are decided in November general elections, when more people vote.

MEASURE K ENSURES CITY LEADERS ARE ELECTED BY A MAJORITY OF VOTERS

- The city's current system allows candidates to win election in the June primary with votes from a small fraction of the people they represent, when as few as 20 percent of voters cast ballots. Measure K ensures final decisions are made in November, when as many as 80 percent of voters cast ballots.

MEASURE K IS CONSISTENT WITH THE STATE AND FEDERAL ELECTION PROCESS

- Measure K uses the same top-two runoff process we use to elect the Governor, state legislators, and members of Congress, eliminating confusion caused by using a different process for city elections.

MEASURE K GIVES VOTERS – NOT SPECIAL INTERESTS – POWER TO CHOOSE CITY LEADERS

- The city's current system gives political parties and special interests -- with the power of their money and endorsements – more influence in the June election, and leaves many voters out of the process. Measure K returns power to the voters and ensures that city leaders are elected by and are accountable to the majority of the people they represent.

MEASURE K PROTECTS TAXPAYERS

- By ensuring city leaders are accountable to a majority of the people they represent, Measure K protects taxpayers from spending schemes that favor small special interest groups -- and it costs just a few cents more per voter than the current system.

THAT'S WHY MEASURE K IS ENDORSED BY TAXPAYERS, COMMUNITY LEADERS, ELECTION EXPERTS AND GOOD GOVERNMENT ADVOCATES.

YesOnKandL.org

SHERRI LIGHTNER
San Diego City Council President

SCOTT BARNETT
President
San Diego Taxpayers Advocate

CHUCK ABDELNOUR
Retired San Diego City Clerk and
Chief Elections Officer

REV. J. LEE HILL JR.
President, San Diego County
Interdenominational Ministerial
Alliance

ALAN ARROLLADO
President
San Diego City Fire Fighters, Local 145

ARGUMENT AGAINST MEASURE K

Vote <u>No</u> on Measure K
It's rushed, lacked public involvement and takes millions from our neighborhoods

<u>Eliminating the 50% victory rule will cost the City millions of dollars</u>.
This change to the City Charter would require the City to conduct additional elections, at great expense to taxpayers, even if a candidate earned 99% of the vote. This simply does not make sense.

<u>No other California cities use the election system proposed by this measure</u>.
Of the 482 cities in California, **ZERO** use the type of election process proposed here. We should not be gambling with an untested system. Even more concerning, no other alternatives were studied. The most common forms of elections used by California cities were not even considered.

<u>Rushed without sufficient *public input* or *community outreach*</u>.
We should be extremely cautious when making dramatic changes to our democratic election processes. Traditionally, cities that make changes to their elections carefully study proposals and conduct outreach to hear from all communities. With this measure, none of that occurred. It was rushed through in a matter of days. **Even the City Attorney's office stated it did not have sufficient time to analyze potential legal issues regarding the California and Federal Voter Rights Act.**

<u>Doesn't guarantee more voter interest</u>
A more effective way to maximize voter participation would be to have just one election. That is why almost 92% of California cities use a plurality system. But that's **not** what this measure does. It requires taxpayers to spend millions on multiple elections, even if a candidate wins a majority of the vote in a high-voter turnout election.

San Diego deserves better. Measure K was rushed, has not undergone thorough legal review and will take millions away from streets and public safety. Vote No and support more effective alternatives to increase voter turnout.

AIMEE FAUCETT
San Diego Regional Chamber
of Commerce

CHRIS CATE
Councilmember

MAYOR KEVIN L. FAULCONER

SCOTT SHERMAN
Councilmember

LORIE ZAPF
Councilmember

FULL TEXT OF MEASURE K

ARTICLE II

NOMINATIONS AND ELECTIONS

SECTION 10 ELECTIONS:

Elective officers of the City shall be nominated and elected by all of the electors of the City except that City Council members shall be nominated and elected by the electors of the district for which elective office they are a candidate.

Commencing with the year 1996, the municipal primary elections to the office of Council member for Districts 1, 3, 5, and 7 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. Commencing with the year 2012, the election to the office of Council member for District 9 shall be held on the same date as the election to the office of Council member for Districts 1, 3, 5, and 7.

Commencing with the year 1998, the municipal primary elections to the offices of Council member for Districts 2, 4, 6, and 8 shall be held on same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year.

Commencing with the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census, and every four years thereafter, the municipal primary and general elections to the office of Council District 9 shall be held.

Commencing with the year 1984 the elections to the offices of Mayor and City Attorney shall be held every four (4) years. The municipal primary election for the offices of Mayor and City Attorney shall be held on the same date in each election year as the California State primary election, and the general municipal election for these offices shall be held on the same date as the California State general election for that year. All other municipal elections which may be held under this Charter shall be known as special municipal elections.

All elective officers of the City shall be nominated at the municipal primary election. ~~In the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office, the candidate so receiving such majority of votes shall be deemed to be and declared by the Council to be elected to such office. In the event no candidate receives a majority of votes cast as aforesaid, t~~The two candidates receiving the highest number of votes for a particular elective office at ~~said~~ the primary 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 general municipal election. <u>In the event only one candidate has qualified for the ballot in the municipal primary election for a particular elective office, the sole qualified candidate receiving votes in the municipal primary election shall be deemed to be, and declared by the Council to be, elected to such office after the primary election results are certified.</u>

At the general municipal election held for the purpose of electing Council members<u>,</u> ~~other than the Mayor~~ the electors of each Council district shall select from among the candidates chosen at the primary election in that district one candidate for the office of the Council member whose term expires the succeeding December. At the general municipal election held for the purpose of electing any other elective officer<u>,</u> there shall be chosen by all of the electors of the whole City from among the candidates chosen at the primary one candidate to succeed any other elective officer whose term expires in December succeeding the election.

After the result of an election for any office is declared, or when an appointment is made, the City Clerk, under his or her hand and official seal, shall issue a certificate therefor, and shall deliver the same immediately to the person elected or appointed, and such person must within ten days after receiving such certificate file his official bond, if one be required for his office, and take and subscribe to the oath of office required of him by this Charter, which oath must be filed with the City Clerk.

END OF MEASURE