

# CITY OF SAN DIEGO

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

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## MEASURE L

**CHARTER AMENDMENT REQUIRING CITIZENS' INITIATIVE AND REFERENDUM MEASURES TO BE PLACED ON NOVEMBER GENERAL ELECTION BALLOTS, UNLESS THE COUNCIL DECIDES TO SUBMIT THEM TO VOTERS EARLIER.** Shall the Charter be amended to require qualified citizens' initiative and referendum measures to be submitted to voters on the next November general election ballot and not at a June primary election, unless the Council chooses to submit the measure to voters prior to that election?

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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 Regarding the Timing of Elections for Citizens' Initiative Measures and Referendum Measures

### BALLOT SUMMARY

The California Constitution and San Diego Charter reserve the powers of initiative and referendum to the people of San Diego. If a sufficient number of registered voters sign petitions, an initiative or referendum measure will qualify for the ballot.

The San Diego Charter directs that the procedure for the exercise by the people of the power of initiative and referendum must be "expeditious."

San Diego's election laws provide that citizens' initiative and referendum measures that qualify for the ballot must be submitted to voters at the next citywide election on which the measure could be heard, or at a special, stand-alone election held prior to that time. These provisions are in the San Diego Municipal Code and must also follow the Charter requirement of an "expeditious" process.

This measure would add language to the San Diego Charter requiring citizens' initiative and referendum measures to be submitted to voters on the next November general election ballot and not at a June primary election, unless the City Council decides to submit a particular measure to voters on an earlier ballot.

## **BALLOT SUMMARY (CONTINUED)**

In the case of a measure that qualifies for a June ballot but must wait until November, the amendments would give the City Council the power to decide if it would be heard sooner, but the Council would not be required to consider the option. If this involves a referendum measure, the legislative act at issue is stayed until after the vote. In such a circumstance, the amendments thus could result in a longer stay of a legislative act.

The City Council voted to place this 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 procedures for their own elections. The San Diego Charter and Municipal Code thus govern elections for City ballot measures.

This Charter amendment measure would make a substantive change to the timing of the City's elections for citizens' initiative and referendum measures.

The California Constitution and San Diego Charter reserve to the people the powers of initiative and referendum. An initiative or referendum measure will qualify for the ballot if a sufficient number of registered voters have signed petitions to qualify the measure.

San Diego's election laws currently require all initiative and referendum measures that qualify for the ballot to be placed on the next citywide ballot on which the measure can be heard. The next available ballot could be either the City's June primary or the November general election, both of which are held on the same dates as statewide elections, in even-numbered years. The Council also may call a separate, stand-alone election to have a measure heard prior to the next citywide election. These laws are in the City's Municipal Code.

The Charter states that the City's procedures for the people's exercise of their constitutional powers of initiative and referendum are to be "expeditious." The "expeditious" provision has been legally interpreted to require initiative and referendum measures to be submitted to voters at the next available citywide election. The Charter does not include any other direction regarding the timing of ballot measure elections.

If the measure is approved, the Charter would require citizens' initiative and referendum measures to be placed on November general election ballots. This means that an initiative or referendum measure that qualifies in time to be heard for the June ballot would not be heard at that time, but in November. The amendments would give the Council the power to decide if a qualified initiative or referendum measure would be submitted to voters earlier, either at the June election or a separate stand-alone election; however, the Council is not required to consider that option.

In the case of a referendum, the legislative act at issue is stayed until after the vote. If a measure qualifies in time to be heard in June but must wait for November, the legislative act would be stayed longer.

The amendments would state that the new procedure complies with the Charter's requirement of an "expeditious" process for the people's exercise of the constitutional powers of initiative and referendum.

Citizens' measures, resulting from a signature-gathering effort, are the only measures affected. The requirement would not apply to measures initiated by City officials or a Charter Review Commission. Amendments would clarify that all other municipal ballot measures may be submitted to voters at the next citywide Municipal Primary Election or Municipal General Election, or at any City-wide special election held for that purpose.

## **CITY ATTORNEY'S IMPARTIAL ANALYSIS (CONTINUED)**

The California Constitution now requires statewide initiative and referendum measures to be submitted to voters at the next general election, or any special statewide election held earlier.

### **FISCAL IMPACT STATEMENT**

This measure would require citizens' initiatives and referenda to be placed on the City's November General Election ballot. At present, initiatives and referenda can be placed on either the City's November General Election ballot or the City's June Primary ballot.

This measure would shift all ballot costs associated with initiatives and referenda to November. There is no net fiscal impact associated with this measure.

# ARGUMENT IN FAVOR OF MEASURE L

## VOTE YES ON MEASURE L MORE VOTERS = BETTER DECISIONS

Measure L ensures important decisions regarding city ballot measures are made in November general elections, when more people vote.

### MEASURE L ENSURES IMPORTANT CITY DECISIONS ARE MADE BY A MAJORITY OF VOTERS

- The city's current system allows important decisions to be made by a small fraction of city voters in the June primary, when as few as 20 percent of voters cast ballots. Measure L ensures final decisions on issues that affect our families, our neighborhoods and our city are made in November, when as many as 80 percent of voters cast ballots.

### MEASURE L IS CONSISTENT WITH THE STATE PROCESS FOR BALLOT MEASURES

- Measure L uses the same process used for state initiatives in California, placing them on the November general election ballot when the most people vote.

### MEASURE L GIVES VOTERS – NOT SPECIAL INTERESTS – POWER TO DECIDE BIG ISSUES

- The city's current system gives political parties and special interests -- with the power of their money and endorsements – more influence in the June primary election, and leaves many voters out of the process.

### MEASURE L PROTECTS TAXPAYERS

- Measure L protects taxpayers by ensuring more voters participate in important decisions, so that special interest groups seeking special treatment have less influence – and it costs no more than the current system.

### MEASURE L ENSURES IMPORTANT DECISIONS ARE MADE WHEN THE MOST PEOPLE VOTE

- Democracy functions best when the most people vote, and that is in November.

**THAT'S WHY MEASURE L IS ENDORSED BY TAXPAYERS, COMMUNITY LEADERS,  
ELECTION EXPERTS AND GOOD GOVERNMENT ADVOCATES.**  
[YesOnKandL.org](http://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 L

No argument against Measure L was filed in the office of the City Clerk.

# FULL TEXT OF MEASURE L

## ARTICLE III

### LEGISLATIVE POWER

#### SECTION 23: INITIATIVE, REFERENDUM AND RECALL

The right to recall municipal officers and the powers of the initiative and referendum are hereby reserved to the people of the City. Ordinances may be initiated; and referendum may be exercised on any ordinance passed by the Council except an ordinance which by the provisions of this Charter takes effect immediately upon its passage; and any elective officer may be recalled from office. The Council shall include in the election code ordinance required to be adopted by Section 8, Article II, of this charter, an expeditious and complete procedure for the exercise by the people of the initiative, referendum and recall, including forms of petitions; provided that the number of signatures necessary on petitions for the initiation of an ordinance for the consideration of the Council shall be three percent of the registered voters of the City at the last general City election; that for the direct submission of a measure to the people it shall require a petition signed by ten per cent of the registered voters of the City at the last general City election; that for a referendum upon an ordinance passed by the Council it shall require a petition signed by five per cent of the registered voters of the City at the last general election; and that for the recall of an elected officer who is elected by all of the electors of the City, it shall require a petition signed by fifteen per cent of the registered voters of the City at the last general City election; and that for the recall of a Council member other than the Mayor it shall require a petition signed by fifteen percent of the registered voters of the Councilmanic District at the last general City election.

Initiative measures and referendum measures that qualify for the ballot after the people's petition process, and in compliance with provisions of this Charter and the City's Election Code Ordinance, shall be submitted to the electorate at a Municipal Special Election consolidated with the next City-wide Municipal General Election ballot on which the measures legally can be placed, or at a City-wide Municipal Special Election held prior to that general election.

Submission of such measures to a general election ballot shall be considered to meet the Charter requirement of an expeditious procedure for the people's exercise of their constitutionally reserved powers of initiative and referendum.

All other municipal ballot measures may be submitted to the electorate at a Municipal Special Election that may be consolidated with the next City-wide Municipal Primary Election or Municipal General Election, or at any City-wide special election held for that purpose.

Charter amendment measures and the timing of their submission to the electorate are governed by California law.

**END OF MEASURE**