

COUNTY OF SAN DIEGO

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

MEASURE D

INITIATIVE MEASURE PROPOSING CHARTER AMENDMENTS REQUIRING ALL ELECTIONS FOR SAN DIEGO COUNTY ELECTIVE OFFICES TO BE HELD AT A GENERAL ELECTION AND REQUIRING ADOPTION OF LOCAL REGULATIONS RELATING TO WRITE-IN CANDIDATES FOR COUNTY ELECTIVE OFFICE

Shall this initiative measure, proposing county charter amendments requiring all elections for San Diego County elective Offices to be held at a general election and requiring adoption of local regulations relating to write-in candidates for county elective office, be adopted?

This measure requires approval of a simple majority (50% plus 1) of those voting on the measure. Full text of this measure follows the arguments and rebuttals.

COUNTY COUNSEL IMPARTIAL ANALYSIS

This measure was placed on the ballot by a petition signed by the requisite number of voters. If approved by a majority of the voters voting on the measure, this measure will amend the San Diego County Charter related to electing County elective officers.

The San Diego County Charter currently establishes a process for electing members of the Board of Supervisors and another process for electing the other County elective officers, namely District Attorney, Sheriff, Assessor/Recorder/County Clerk, Treasurer/Tax Collector and Members of the County Board of Education. This measure would establish the same process for all County elective offices and would make the following changes to the process:

- Currently all candidates for County elective office are placed on the primary ballot. This measure provides if two or fewer candidates qualify for a contest, including write-in candidates, they will be placed on the general ballot and not the primary.
- This measure requires the County to establish rules governing qualifying as a write-in candidate will be changed to ensure the qualification date precedes printing of primary ballot. These rules would be inconsistent with state election laws.
- This measure provides if more than two candidates qualify for a contest, including write-in candidates, they will be placed on the primary ballot.
- Currently, if a candidate receives a majority of the votes cast in a contest at the primary election, that candidate is elected. This measure will remove that provision and require the two candidates with the most votes will move on to the general election, even if one candidate receives a majority of the votes cast.
- Currently write-in candidates are not allowed to participate in a general election. This measure will allow write-in candidate names to be printed on the general election ballot when one or two write-in candidates qualify to participate in a primary election contest with two or fewer total candidates in the contest.

ARGUMENT IN FAVOR OF MEASURE D

MEASURE D ENSURES ELECTIONS FOR SHERIFF, DISTRICT ATTORNEY AND COUNTY SUPERVISOR ARE DECIDED IN NOVEMBER, WHEN THE MOST PEOPLE VOTE

MEASURE D ENSURES COUNTY LEADERS ARE ELECTED BY A MAJORITY OF VOTERS

- The County's current election system allows candidates to win an election in primaries, with votes from a small fraction of their constituency, when as few as 30 percent of voters cast ballots. Measure D ensures final decisions are made in November general elections, when as many as 80 percent of voters cast ballots.

MEASURE D MAKES COUNTY OFFICIALS MORE ACCOUNTABLE TO THEIR CONSTITUENTS

- One of the reasons many San Diego County elected officials have been in office for over two decades is they are frequently re-elected in very low-turnout primary elections. Measure D will promote more competitive elections and ensure officials are more accountable to all their constituents.

MEASURE D MAKES COUNTY ELECTIONS CONSISTENT WITH STATE AND FEDERAL ELECTIONS

- Measure D 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 County elections.

MEASURE D GIVES VOTERS – NOT SPECIAL INTERESTS – POWER TO CHOOSE COUNTY LEADERS

- The County's current system gives political parties and special interests -- with the power of their money and endorsements -- more influence in the primary election, and leaves many voters out of the process.
- Measure D returns power to the voters and ensures that County leaders are elected by the majority of their constituents.

MEASURE D INCREASES TRUST AND CONFIDENCE IN OUR ELECTION PROCESS

- Democracy functions best when the most voters participate, and that is in November.

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

www.moreSDvoters.org

Todd Gloria
Assembly Member

Mel Katz
Business Leader

Pam Slater-Price
San Diego County Supervisor, 1992-2013

Dr. Kyra Greene
Director, Center on Policy Initiatives

Scott Barnett
President, San Diego Taxpayers Advocate

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE D

No rebuttal to the argument in favor of Measure D was filed in the Registrar of Voter's Office.

ARGUMENT AGAINST MEASURE D

Protect Taxpayers and Streamline the Election System

An unbiased analysis by County Counsel presented to the Board of Supervisor on August 7, 2018 found alarming problems with Measure D.

Measure D wastes critical tax dollars by requiring a second election even if a candidate decisively defeats multiple opponents.

The analysis determined that Measure D would cost taxpayers up to \$400,000 with each redundant second election.

A superior measure will be placed on the 2020 ballot that strikes a balance between expanding voter participation and safeguarding tax dollars.

Voters have a chance to get this right in 2020.

Put Voters First, not Special Interests

Measure D was backed and financed by special interests that want to control County elections and erode the County's strict fiscal policies.

Measure D failed to secure sufficient signatures to get on the ballot, so special interests went to their friends in Sacramento for hasty legislation to change the rules.

Special interests then went to a judge to bypass the election rules again and place Measure D on the 2018 ballot.

Voters should not stand for disingenuous scheming and unscrupulous tactics.

Measure D Illegally Prevents Write-in Candidates from Running

The unbiased analysis found that Measure D "would prohibit write-in candidates in contests with no more than two candidates..." and "...if passed, would likely not survive a legal challenge."

In contrast, the 2020 ballot measure "would address the write-in issue by amending the Charter to allow write-in candidates in the general election..."

Rather than enhancing elections, Measure D prevents every voice from being heard at the ballot box.

Please join us in protecting taxpayers by voting NO on D!

Dianne Jacob
Vice-Chairwoman
San Diego County Board of Supervisors

Bill Horn
Supervisor, 5th District
San Diego County Board of Supervisors

REBUTTAL TO ARGUMENT AGAINST MEASURE D

Long-time incumbents want to protect their interests, not the public interest.

The two opponents who signed the argument against Measure D have – combined – been on the Board of Supervisors for nearly 50 years.

They benefited from a system that gives them – as incumbents – a significant advantage in primary elections, when as little as 30% of voters participate. Not surprisingly, they and the special interests who support them want to keep it that way, filing multiple lawsuits in an unsuccessful effort to deny residents an opportunity to vote on this important election reform.

Measure D aligns the County election system with local, state and federal systems.

Contrary to the deceptive claims made by opponents, Measure D establishes for County elections a top-two election process already used for Governor, Congress, state legislature and other state and federal elections and for local elections in the City of San Diego.

This system has proven to be fair and ensures decisions about the most important elective offices will be made when the most voters participate – up to 80% of registered voters – in November general elections.

Opponents’ “unbiased analysis” was prepared under their direction by their attorneys.

There’s nothing independent or unbiased about the analysis referenced by opponents. Actual results in the thousands of elections conducted with top-two runoff elections shows no significant increase in costs, but a huge increase in the number of voters participating.

Our nation’s founders believed that Democracy functions best when the most voters participate. Vote YES on Measure D – for Democracy.

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FULL TEXT OF MEASURE D

The People of the County of San Diego hereby enact the following:

SECTION 1. TITLE.

This charter amendment shall be known as the Full Voter Participation Act of 2018.

SECTION 2. FINDINGS AND DECLARATIONS

- A. In the last 20 years, voter participation in primary elections has been significantly lower than general elections. This has resulted in a situation where too few voters are choosing who will represent them in County elective office.
- B. Democracy functions best when the most voters participate in the election process. High-stakes candidate elections in the County of San Diego should take place when the most citizens are likely to vote. This means that regular County elections should be decided in November when as many as 80 percent of voters cast ballots, rather than in June when as few as 20 percent of voters cast ballots.
- C. The policy of electing County officials at primary and other low-turnout elections undermines full voter participation in County elections. There have been a number of recent primary elections in our County where candidates were elected when as few as 20 percent of eligible voters cast ballots.
- D. By requiring competitive candidate elections to occur at the general election, this measure will help ensure that County officials are elected when a much larger percentage of the electorate participates.

SECTION 3. PURPOSE AND INTENT.

In enacting this charter amendment, it is the purpose and intent of the people of the County of San Diego County to:

- A. Ensure that regular elections for the offices of County Supervisor, District Attorney, Sheriff, Assessor-Recorder-County Clerk, Treasurer-Tax Collector and Members of the County Board of Education are decided at the general election.
- B. Comply with state law which authorizes the County charter to be amended in this manner.

SECTION 4. CHARTER AMENDMENT

Section 400.5: For purposes of this Article, "elective office" means any of the following offices:

- (1) County supervisor;
- (2) District Attorney;
- (3) Sheriff;
- (4) Assessor, recorder, and county clerk;
- (5) Treasurer and tax collector;
- (6) Member of the County Board of Education.

FULL TEXT OF MEASURE D (CONTINUED)

Section 401.3: ~~A candidate who receives a majority of all votes in the primary election is elected. When no candidate is so elected, When there are more than two candidates that qualify to participate in the primary election for one elective office, including write-in candidates, the two candidates who receive the highest number of votes in the primary are the candidates in the general election, and the one who receives the higher number of votes in the general election is elected. In the event there are no more than two or fewer candidates who qualify to participate in the primary election for one elective office, including write-in candidates, the office shall be voted upon at the primary-general election and not the primary election. Write-in candidates are permitted to participate in the primary election, in accordance with state general law. However, no write-in candidates are permitted to participate in the general election except in circumstances where there are two or fewer total candidates who qualify to participate in the primary election and one or both qualified candidates is a write-in candidate. When one or two write-in candidates qualify to participate in a primary election with two or fewer total candidates, the names of the write-in candidates who qualified to participate in the primary election shall be printed on the general election ballot in the same manner as non-write-in candidates who qualify for the general election. The County shall establish rules governing qualification and filing dates for write-in candidates including, but not limited to, ensuring the deadline to qualify as a write-in candidate precedes the printing of ballots and does not otherwise interfere with the county's administration of the election.~~

Section 401.4: In the event a vacancy occurs in the office of supervisor, the remaining members of the Board shall within thirty (30) days of the vacancy fill the vacancy either by appointment for the unexpired term, by appointment until the qualification of a successor elected at a special election or by calling a special election. If the remaining members of the Board fail to fill the vacancy within such thirty (30) day period, the remaining members of the Board shall immediately cause a special election to be held to fill such vacancy. A special election to fill a vacancy in the office of Supervisor shall consist of a special primary election and if necessary, a special general election. A special primary election shall be held in the Supervisorial district in which the vacancy occurred on a Tuesday, at least 56 days, but not more than 63 days, following the adoption of the resolution calling the special election, except that any such special primary election may be conducted within 180 days following the adoption of such resolution in order that the special primary election or special general election may be consolidated with the next regularly scheduled statewide election. Candidates at the special primary election shall be nominated in the manner set forth in the Elections Code for the nomination of candidates for a nonpartisan office for a direct primary election, except that nomination papers shall not be circulated prior to the adoption of the resolution calling the special election and shall be filed with the Registrar of Voters for examination not less than 43 days before the special primary election. If only one candidate qualifies for the special primary election, that candidate shall be appointed to the vacancy by the remaining members of the Board for the unexpired term, shall serve exactly as if elected to such vacancy, and no special primary election or special general election to fill the vacancy shall be held. A candidate who receives a majority of all votes in the special primary election is elected to fill the vacancy for the unexpired term, and no special election shall be held. In the event there are no more than two candidates for a vacancy, the office shall be voted upon at the special primary election, and no special general election shall be held. When no candidate receives a majority of all votes in the special primary election, a special general election shall be held on the fourth Tuesday after the special primary election. The two candidates who received the highest number of 3 votes in the special primary election shall be the candidates in the special general election, and the one who receives the higher number of votes in the special general election is elected to fill the vacancy for the unexpired term. Write-in candidates are permitted to participate in the special primary election in accordance with the rules established by the county, state general law.

FULL TEXT OF MEASURE D (CONTINUED)

However, no write-in candidates are permitted to participate in the special general election except as provided in Section 401.3. In a special election to fill a vacancy in the office of supervisor, the Board may authorize either the special primary election or the special general election, or both, to be conducted wholly by mail, provided that the special primary election or the special general election to be conducted by mail does not occur on the same date as the statewide election with which it has been consolidated. In no event may a special primary election or a special general election be conducted on the day after a state holiday.

Section 603.1: At the completion of the present incumbent's term of office, each newly elected member of County Board of Education shall hold office for a four-year term beginning on the first Monday after January first following election, and continue to serve until the election and qualification of a successor. For all elections involving members of the County Board of Education under this Section 603.1 and Section 603.2, write-in candidates are permitted to participate in the primary election in accordance with the rules established by the county, state general law. However, no write-in candidates are permitted to participate in the general election except as provided in Section 401.3.

SECTION 5. SEVERABILITY.

If any section, subdivision, paragraph, sentence, clause, phrase, or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this local law, which remaining portions shall continue in full force and effect.

SECTION 6. CONFLICTING MEASURES.

In the event that this measure and another measure that affects the manner of electing county officials appears on the same ballot, the provisions of the other measure shall be deemed to conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to be in conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.

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