

Proposition A: City of San Diego Charter Amendment

April 2014

SDCTA Position:

SUPPORT

Rationale for Position: Proposition A would make amendments to the City Charter that will allow for the City Clerk to comply with state election laws when holding special elections and certifying election results. These changes are needed to ensure that the City Clerk has the proper deadlines to meet these requirements, especially those relating to mailing ballots to military and overseas voters and the setting of the inauguration date for the Mayor and Councilmembers.

Title: Proposition A: City of San Diego Charter Amendment

Jurisdiction: City of San Diego

Type: Proposition

Vote: Majority of public vote

Status: June 3, 2014 ballot

Issue: Amendment to charter relating to elections, providing additional time for election officials to comply with state and federal election deadlines.

Description: If approved, the measure would change the inauguration date, providing for 32 to 38 days between the November election and the December inauguration. The measure would extend the deadline to hold a special run-off election where there is a vacancy in the office of Mayor or Councilmember that must be filled by election.

Fiscal Impact: N/A

Background:

Term of Office/Inauguration Date

According to the Charter Section 12(e), the term of office for Mayor and Councilmembers runs “from and after 10 a.m. the first Monday after the first day of December next succeeding their election and until their successors are elected and qualified.” Depending upon the specific election year, the term of office may begin from 27 to 34 days following the election date.

Special Election to Fill a Vacancy

In the event of a vacancy being filled by special election, where no candidate receives a majority of votes cast in the special election, Charter Section 12(h)(i) requires that a special run-off election be held within 49 days of the first (primary) special election. The Charter allows for an exception in the event there is a regular municipal or statewide election scheduled to be held within 90 days of the proposed special run-off election date; should that be the case, then the special run-off election may be consolidated with the regular election.¹

¹ Report to the Rules and Economic Development Committee. Office of the City Clerk. September 16, 2013.

California Elections Code Section 3101 outlines the procedures for military and overseas voters. Effective beginning in 2013, the procedure states that ballots be mailed to qualified military and overseas voters no later than 46 days before an election.

Conflicts

In regards to a run-off special election to fill a vacancy, new laws relating to the mailing of ballot for military and overseas voters produces a conflict with the current City Charter deadlines and state law for the certifying of election results. This deadline may not allow the San Diego County Registrar of Voters (ROV) enough time to complete the final canvass, as California Election Code Section 15372 provides up to 28 days to certify election results. Prior to the ROV mailing out these ballots, the certified election results must be docketed and placed before the legislative body for approval, the run-off election called, the top two vote getters must review their Statement of Qualifications and the ballot must be translated and printed.

In terms of seating elected representatives, the current Charter deadline may require the swearing-in as soon as 27 days following an election. This deadline may not allow the ROV sufficient time to complete the final canvass in time for the City to meet its Charter deadlines.

Proposal:

In order to address these conflicts, the City Council voted to place Proposition A on the June 3, 2014 ballot.

The ballot language will read:

“Shall the Charter be amended to: (1) set a later date for elected officials to be sworn into office; (2) extend the deadlines to call special elections to fill vacancies for Mayor and City Council; and (3) make non-substantive revisions, to provide additional time to comply with state and federal deadlines to certify election results, provide mail ballots to military and overseas voters, and translate ballot materials?”

Policy Implications:

Proposition A would amend the City Charter by moving the inauguration to a date certain of December 10th, unless the date falls on a weekend. If it falls on a weekend, the date would be moved to the Monday following the weekend date of the 10th. According to the City Clerk, the proposed date allows from 32 to 38 days after the November election before the inauguration, which should provide ample time to comply with state election laws.

In terms of a special election to fill a vacancy, the proposed amendment would allow a special run-off election to be held as soon as possible within 90 days of the primary special election. The 90 days would meet the following requirements:

- 28 days for ROV to certify primary election results;
- 10 days to allow for legislative action from primary election, translation and printing of materials;

- Complying with state law that military and overseas ballots must be mailed 46 days prior to an election.

Fiscal Impact:

N/A.

List of Proponents:

- Mayor Kevin Faulconer, Council President Todd Gloria, Jerry Sanders.

Proponent Arguments:

- City Charter needs to be updated to protect the right to vote by military and overseas voters.
- Changes are necessitated by state law.
- Charter has fallen out of step with state laws finalizing the vote count in primary elections.
- Prop A puts the Charter back in step, protecting the right to vote and improving the election process.

List of Opponents:

- N/A

Opponent Arguments:

- N/A