

**CITY OF SAN DIEGO
OFFICE OF THE CITY CLERK
MEMORANDUM
(619) 533-4000**

DATE: January 14, 2008
TO: Honorable Mayor, City Council President and Councilmembers
FROM: Elizabeth Maland, City Clerk
SUBJECT: VERIFICATION OF REFERENDARY PETITION RELATED TO
BEACH ALCOHOL BAN

On January 4, 2008, the Our City, Our Responsibility committee filed with my office a referendary petition to repeal Ordinance O-19690 (NS), which amended sections of the San Diego Municipal Code relating to alcohol consumption in certain areas.

The petition has been verified and found insufficient in signatures and form to qualify the legislative act for repeal by the City Council or direct submission to the electorate.

The petition was examined by the Registrar of Voters and found to contain a total of 45,557 signatures. A random sampling of three (3) percent, or 1,367 signatures, was selected. The sample contained the signatures of 680 qualified electors in the City of San Diego. Applying that rate to the total number of signatures submitted, we can project the total number of valid signatures as 21,564.

Charter Section 23 provides that the number of valid signatures necessary to qualify a referendum for direct submission to the voters shall be five (5) percent of the registered voters of the City at the last general City election. For this referendum, the number of valid signatures needed is 30,209.

For qualification of a petition by random sampling, the projected number of valid signatures must be at least 110 percent of the basic requirement. Should the projected number of valid signatures fall beneath 95 percent of the basic requirement, the petition is considered to be insufficient. For this petition, the 95% qualification criterion is 28,699 signatures. **Since the projected number of valid signatures does not meet the qualification criterion, the petition is found to be insufficient.**

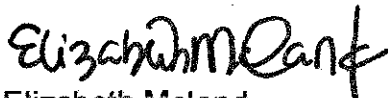
Municipal Code Section 27.2617 provides, in part, that any voter of the City of San Diego may challenge the determination of the sufficiency or insufficiency of the signatures determined by the random sampling method. Any challenge must be made

Honorable Mayor, City Council President and Councilmembers
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no later than the close of business of the fourth calendar day following announcement of the sufficiency or insufficiency of signatures. If the challenge is received and the challenger pays the cost of further verification within the time specified, the City Clerk must verify the sufficiency of each signature on the petition.

The cost of a signature-by-signature verification of the petition has been estimated at \$70,000-\$147,000. Therefore, any person who desires to challenge the determination of insufficiency by random sampling method must post in my office by 5:00 p.m. on Friday, January 18, a certified check for \$70,000 to initially cover that cost.

I will keep you informed should such a challenge be received by my office. If you have any questions, please contact me or Bonnie Stone of my staff at 533-4060.



Elizabeth Maland
City Clerk

cc: City Attorney

OFFICE OF THE CITY CLERK
SAN DIEGO, CALIFORNIA

CERTIFICATE OF CITY CLERK

I, ELIZABETH MALAND, City Clerk of The City of San Diego, California, DO HEREBY CERTIFY the following results of the examination of the petition filed by the Our City, Our Responsibility committee on January 4, 2008, EXHIBIT A, attached.

- (a) That the petition contained 45,557 signatures.
- (b) That three (3) percent or 1,367 signatures in a random sampling were examined and 680 signatures of qualified electors of the City of San Diego were found to be contained in the sample.
- (c) That the projected number of valid signatures for the petition was 21,564.
- (d) That for qualification, a referendary petition shall be signed by at least five (5) percent of the registered electors in the City at the last preceding General Municipal Election. *The basic qualification criterion for this petition is 30,209 signatures.*
- (e) That for disqualification of a petition by random sampling the projected number of valid signatures must fall below 95 percent of the basic qualification criterion, or $95\% \times 30,209 = 28,699$.
- (f) That since the 21,564 projected number of valid signatures on the petition is less than the 28,699 basic qualification criterion, the petition does not qualify for submission to the voters of the City.


ELIZABETH MALAND, City Clerk

(SEAL)

Dated at San Diego California
this 14th day of January, 2008

EXHIBIT A



County of San Diego

REGISTRAR OF VOTERS

5201 Ruffin Road, Suite I, San Diego, California 92123-1693

DEBORAH SEILER
Registrar of Voters

MICHAEL VU
Assistant Registrar

Office: (858) 565-5800
Fax: (858) 694-2955
TDD: (858) 694-3441
Toll Free: (800) 696-0136

January 14, 2008

Liz Maland, City Clerk
City of San Diego
202 C Street
San Diego, CA 92101-4806

Re: Referendary Petition for Alcohol Consumption in Certain Areas

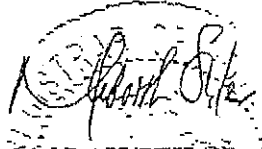
The "REFERENDUM AGAINST A LEGISLATIVE ACT ADOPTED BY THE CITY COUNCIL OF THE CITY OF SAN DIEGO" was filed with the Registrar of Voters on January 4, 2008. As directed by your office, the Registrar of Voters conducted a verification of 3 percent of the signatures selected at random from the petition in accordance with California Elections Code Section 9115. Based on the results of the random sample, the number of projected valid signatures on the petition is 21,564. This number is below 95% of the valid signatures required for qualification and, therefore, the petition is determined to be **INSUFFICIENT**.

CERTIFICATION OF RESULTS:

- Number of sections submitted.....1,887
- Number of signatures submitted..... 45,557
- Number of signatures verified (3% of 45,557).....1,367
- Number of signatures found not to be valid (includes 1 duplicate) ...687
- Number of signatures found to be valid.....680
- Number of signatures required for qualification.....30,209
- Number of projected valid signatures21,564

If you have any questions, please contact me at (858) 694-3401.

Sincerely,



DEBORAH SEILER
Registrar of Voters