



FAQ: VOTERS VS. CITY OF SAN DIEGO

On June 4, 2021, Alliance San Diego and voters brought a lawsuit to stop the San Diego City Council from changing the results of the March 3, 2020 election.

1. WHAT IS THE ISSUE IN THIS CASE?

The issue is whether the San Diego City Council can change the election results after the voters have cast their ballots. In the March 2020 election, voters decided on ballot measures – including Measure C – and the City Clerk certified the results, declaring a vote count for Measure C that was less than the two-thirds required in the election, a requirement that was stated in the ballot materials multiple times. In April 2021, more than a year later, the San Diego City Council changed the vote threshold and declared Measure C as having passed. The San Diego City Council has never changed the results of an election before. This is dangerous and unprecedented election fraud.

2. HOW DID THE SAN DIEGO CITY COUNCIL CHANGE THE ELECTION RESULTS?

On April 6, 2021, more than a year after the election results were certified, six of the nine council members — Jennifer Campbell, Chris Cate, Stephen Whitburn, Marni Von Wilpert, Joe LaCava, Raul Campillo — asserted power they did not have to change the election results to get the outcome they wanted. Usurping the power to decide elections — a power reserved to the voters — [they voted to change the results by approving the following resolution:](#)

Item 332a - Resolution declaring Measure C (ballot measure for increase in the City's transient occupancy tax) to have been approved in the municipal special election held in the City of San Diego on March 3, 2020.

3. DID THE CITY COUNCIL HAVE THE AUTHORITY TO CHANGE THE ELECTION?

No. According to state law, the City Clerk certifies the election results, and she did so one month after the March 2020 election concluded, in April 2020. The certified results state that Measure C required two-thirds of the vote for passage and it did not get it. The only authority that the City

Council has after an election is over is a ministerial one – to accept the certified decision of voters – which Council did not do.

4. WHY DID THE CITY COUNCIL CHANGE THE ELECTION RESULTS?

Because some members of the City Council were not happy with the decision that voters made, so at the request of Measure C proponents, they changed the result. They decided more than a year after the election was over that the ballot measure – Measure C – needed less votes than what they had previously told city voters and which was required by law.

5. ISN'T THE ELECTION OVER?

Yes. The election was over more than a year ago. It was over when the City Clerk certified the decision that voters had made. If anyone had wanted to challenge the vote threshold for Measure C, they could have done so before the election. But they did not. Both the City Council and City Attorney formally stated that the threshold was two-thirds for Measure C, which was published in the ballot book. If anyone wanted to challenge the outcome of the election, they could have done so under state law in the 60 days following the election. But no one did.

6. HAS THE CITY COUNCIL CHANGED ELECTION RESULTS BEFORE?

No, not to our knowledge. This is the first time that the San Diego City Council has crossed voters to change the election results. If their action is allowed to stand, it could set a dangerous precedent with repercussions far beyond San Diego.

7. HAVE OTHER CITIES TRIED TO CHANGE ELECTION RESULTS?

Only one that we are aware of, the Oakland City Council. In 2018, the Oakland City Council told voters that the threshold for a ballot measure was two-thirds. When the votes fell short, the Council changed the election results. A judge reviewed the case and determined that the Oakland City Council had committed fraud on the voters. The San Diego case is even more egregious because the City Council waited more than a year to attempt to change the election results (Oakland City Council acted right away).

8. WHY IS ALLIANCE SAN DIEGO GETTING INVOLVED?

Because election integrity matters. It is a measure of our democracy. Alliance San Diego is the largest voter mobilization organization in the region and our mission is to build a more inclusive democracy. We focus on emerging voters, especially from communities of color, low-income communities, immigrant communities and other marginalized communities. When voters that have long been ignored decide to cast their ballot, they expect that their vote matters and that they decide the outcome of issues on the ballot. But when the San Diego City Council ignores the rules and the election results to make a decision of their own, the Council undermines voter trust and our democracy.

9. WHAT IS ALLIANCE SAN DIEGO DOING ABOUT THIS?

Alliance San Diego, along with individual voters, has filed a lawsuit to stop the City of San Diego from changing the election results. We are asking a court to find that City Council's action was illegal and to order City Council to rescind their resolution declaring Measure C passed.

10. HOW CAN I HELP?

Alliance San Diego is stepping up to sue the City of San Diego in order to protect our democracy, but we need your support. You can join the fight by [donating today](#).