

ORDINANCE NUMBER O- 19316 (New Series)

ADOPTED ON SEP 07 2004

AN ORDINANCE CALLING A SPECIAL MUNICIPAL  
ELECTION IN THE CITY OF SAN DIEGO, COUNCIL  
DISTRICT 4, AND A SPECIAL RUN-OFF ELECTION

WHEREAS, Section 12 of the Charter of the City of San Diego provides that if a vacancy occurs in the office of a Council District for any reason other than a successful recall election, and the vacancy occurs with more than one year remaining in the term, the City Council shall call a special election to be held within ninety days of the vacancy, unless there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy, in which case the City Council may consolidate the special election with that regular election; and

WHEREAS, if one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the City Council to be elected to the vacant office; and

WHEREAS, if no candidate receives a majority of votes cast in the special election, a special run-off election shall be held within forty-nine days of the first special election, unless there is a regular municipal or statewide election scheduled to be held within ninety days of the proposed special run-off election date; and

WHEREAS, Councilmember Charles Lewis, holding the office of Council District 4, passed away on August 8, 2004; and

WHEREAS, on September 7, 2004, the City Council adopted a Declaration of Vacancy by Resolution R- 299612 ; and

WHEREAS, the vacancy occurs with more than one year remaining in the term of office, such term to expire on December 4, 2006; and

WHEREAS, pursuant to the California Elections Code, August 6, 2004 was the deadline to submit all materials to the County Registrar of Voters for inclusion in the Municipal General Election to be consolidated with the California State General Election on November 2, 2004, and a special election to fill the vacancy in Council District 4 therefore could not have been consolidated with the municipal or statewide election; NOW, THEREFORE,

BE IT ORDAINED, by the Council of the City of San Diego, as follows:

Section 1. It is hereby ordered that a special election will be held in Council District 4 on Tuesday, November 16, 2004, and if necessary, a special run-off election on Tuesday, January 4, 2005, for the purpose of electing a candidate for the office of Council District 4 for the length of time remaining in the term of office.

Section 2. The following dates for nominating candidates for the special election are established pursuant to requirements of San Diego Municipal Code sections 27.0204(b) and 27.0214(b):

Friday, September 10, 2004 -- Nomination period opens (67 days prior to the election)

Friday, September 10, 2004 -- First day to file nominating papers (67 days prior to the election)

Friday, September 17, 2004 -- Last day to file nominating papers (60 days prior to the election)

Section 3. For the purpose of said elections, the election precincts shall be precincts established by the Board of Supervisors for the County of San Diego; provided, however, that

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certain precincts shall be consolidated in the manner indicated on the list of consolidated precincts on file in the Office of the City Clerk.

Section 4. The City Clerk shall designate the polling places, and shall appoint the members of the precinct boards for the elections.

Section 5. An independent consultant retained by the City through the San Diego City Clerk is hereby authorized to canvass returns of the elections. The independent consultant shall communicate the results of the canvass to the San Diego City Clerk; who shall in turn certify the results to the Council of the City of San Diego. The City Council shall then declare the results of the elections by resolution.

Section 6. The polls shall be open from 7:00 a.m. (local time) on the date of the elections and remain open continuously until 8:00 p.m. (local time) on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 7. The City Clerk is hereby directed to procure and supply the required number of ballots, sample ballots, equipment, supplies, and other printed matter.

Section 8. The following rates of compensation are hereby established for the election:

Precinct Inspector	\$100.00
Precinct Assistant	\$ 80.00
Clerk	\$ 60.00
Spanish and/or Tagalog-speaking	
Poll Workers receive (per language) an extra	\$ 5.00
Poll Owner	\$ 50.00
If providing tables and chairs, Poll Owner receives an extra	\$ 20.00

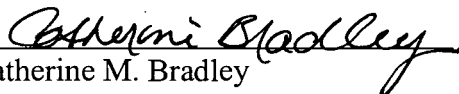
Section 9. The City Clerk is hereby directed to cause this ordinance to be published once in the official newspaper of the City of San Diego. No other notice of the elections need be given.

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Section 10. That a full reading of this ordinance is dispensed with prior to its final passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 11. Pursuant to Section 17 of the Charter of the City of San Diego, this ordinance relating to elections shall take effect on the day of its introduction and passage.

APPROVED: CASEY GWINN, City Attorney

By   
Catherine M. Bradley  
Deputy City Attorney

CMB:jab  
08/26/2004  
09/10/2004REV.  
Or.Dept: Clerk  
O-2005-33