

ORDINANCE NUMBER O- 19393 (New Series)

ADOPTED ON JUN 28 2005

AN ORDINANCE CALLING A MUNICIPAL SPECIAL RUN-OFF ELECTION IN THE CITY OF SAN DIEGO, ON TUESDAY, NOVEMBER 8, 2005; AND CONSOLIDATING THE MUNICIPAL SPECIAL RUN-OFF ELECTION WITH THE CALIFORNIA STATE SPECIAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, on April 27, 2005, Mayor Dick Murphy submitted a letter of resignation effective July 15, 2005, causing a vacancy in the office of the Mayor; and

WHEREAS, Section 24 of the Charter of the City of San Diego provides that in the event of a vacancy occurring in the office of the Mayor, existing by reason of any cause, the Council shall have authority to fill such vacancy, provided, however, that if the Council shall fail to fill such vacancy by appointment within thirty days after the vacancy, the Council must immediately cause an election to be held to fill such vacancy; and

WHEREAS, on May 2, 2005, the City Council called a special election for July 26, 2005, to fill the Mayoral vacancy; and

WHEREAS, if one candidate receives the majority of votes cast at the special election, the candidate shall be deemed to be and declared by the Council to be elected to the vacant office. However, San Diego Municipal Code section 27.0906 provides that if no candidate receives a majority of the votes cast, a special run-off election shall be held within 49 calendar days of the first election between the two candidates receiving the highest number of votes,

unless there is a regular municipal, statewide, or countywide election scheduled to be held within 90 days of the proposed special run-off election date, in which case the special election may be consolidated with that regular election; and

WHEREAS, the Governor of California has called a special statewide election for November 8, 2005; and

WHEREAS, the Registrar of Voters has advised that, due to the statewide special election, they cannot conduct a special run-off election for the City of San Diego before November 8, 2005, unless the election is conducted by mail ballots only; and

WHEREAS, the City Attorney advised in Report No. RC-2005-16 dated June 21, 2005, that City Charter section 24 requires that the City Council "must immediately cause an election to be held" to fill the mayoral vacancy and that the City Council has declined to follow that advice; and

WHEREAS, the City Council and has determined that, if necessary, the special mayoral run-off election will be held on November 8, 2005, and that the election should be consolidated with the statewide special election to be held on the same date; NOW, THEREFORE,

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

Section 1. It is hereby ordered that if one candidate does not receive a majority of the votes cast at the July 26, 2005, mayoral election, a Municipal Special Run-off Election will be held in the City of San Diego on Tuesday, November 8, 2005, for the purpose of electing a candidate for the office of Mayor to fill out the remainder of the unexpired four-year term of office.

Section 2. The Municipal Special Run-off Election called for November 8, 2005, in the City of San Diego is hereby ordered consolidated with the California State Special Election to be held on the same date. Within the City of San Diego precincts, polling places, and officers of the election for the Municipal Special Election shall be the same as those provided for the California State Special 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.

Section 4. The Registrar of Voters of the County of San Diego is hereby authorized to canvass returns of this Municipal Special Run-off Election. The Registrar of Voters 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 Municipal Special Run-off Election by resolution.

Section 5. The polls for this Municipal Special Run-off Election shall be open from 7:00 a.m. (local time) on November 8, 2005, 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.

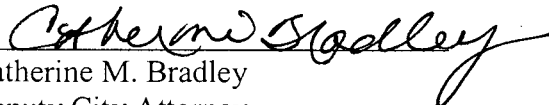
Section 6. To the extent that a waiver of any provision of San Diego Municipal Code section 27.0906 may be required to permit consolidation of this Municipal Special Run-off Election with a special statewide election, the City Council hereby waives said provision.

Section 7. 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 election need be given.

Section 8. 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 9. Pursuant to Section 17 of the Charter of the City of San Diego, this ordinance relating to elections shall take effect on JUN 28 2005, which is the day of its introduction and passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Catherine M. Bradley
Deputy City Attorney

CMB:jab
06/27/2005
Or.Dept: Clerk
O-2005-149