

ORDINANCE NUMBER O- 19416 (New Series)

ADOPTED ON SEP 26 2005

AN ORDINANCE CALLING A MUNICIPAL SPECIAL RUN-OFF ELECTION IN THE CITY OF SAN DIEGO, ON TUESDAY, JANUARY 10, 2006, TO FILL VACANCIES IN COUNCIL DISTRICTS 2 AND 8.

WHEREAS, Councilmembers Michael Zucchet and Ralph Inzunza, holding the office of Council Member for Districts 2 and 8, respectively, resigned from their offices effective July 25, 2005; and

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, on August 1, 2005, the City Council called a special election for November 8, 2005, for the purpose of electing candidates to fill the vacancy of Council Member for District 2 and District 8, and ordered that such election be consolidated with the special statewide election on that same date; and

WHEREAS, Section 12 of the Charter provides that if one candidate receives the majority of votes cast at the November 8, 2005, special election, the candidate shall be deemed to be and declared by the Council to be elected to the vacant office. However, if no candidate

receives a majority of the votes cast, a special run-off election between the two candidates receiving the highest number of votes shall be held within 49 calendar days of the first election; and;

WHEREAS, the special run-off election cannot be conducted within 49 calendar days of the first election because of various time constraints imposed by California elections law with respect to certification of the votes in the first election, absentee balloting, and restrictions against holding elections on the day after a holiday; and

WHEREAS, due to the above circumstances, the City Council has determined that the special run-off election, if necessary, should be held on Tuesday, January 10, 2006; 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 November 8, 2005, special election to fill the vacancy of Council Member for District 2 or District 8, a Municipal Special Run-off Election will be held on Tuesday, January 10, 2006, for the purpose of electing a candidate to serve for the length of time remaining in the term of the office(s).

Section 2. For the purpose of said election, the election precincts, polling places, and officers of the election shall be as established by the Registrar of Voters of the County of San Diego, in consultation with the San Diego City Clerk.

Section 3. 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 4. The polls for this Municipal Special Run-off Election shall be open from 7:00 a.m. (local time) on January 10, 2006, 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 5. 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 6. 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 7. Pursuant to Section 17 of the Charter of the City of San Diego, this ordinance relating to elections shall take effect on SEP 26 2005, which is the day of its introduction and passage.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By Catherine M. Bradley  
Catherine M. Bradley  
Deputy City Attorney

CMB:jab  
09/16/2005  
Or.Dept: Clerk  
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