

RESOLUTION NUMBER R- 303926

DATE OF FINAL PASSAGE JUL 15 2008

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE CONSOLIDATION OF A MUNICIPAL GENERAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON NOVEMBER 4, 2008 WITH THE STATEWIDE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, Section 10 of the Charter of the City of San Diego provides that, commencing with the year 1984, elections to the offices of Mayor and City Attorney shall be held every four years, and that the Municipal General Elections for those offices shall be held on the same date in each election year as the California State General Election; and

WHEREAS, Section 10 of the Charter of the City of San Diego provides that, commencing with the year 1996, the Municipal General Elections to the offices of Councilmember for Districts 1, 3, 5, and 7 shall be held on the same date in each election year as the California State General Election; and

WHEREAS, this year, the Statewide General Election will be held on November 4, 2008; and

WHEREAS, at a meeting on JUL 15 2008, the City Council passed Ordinance No. O- 19771 (N.S.), calling a Municipal General Election in the City of San Diego on Tuesday, November 4, 2008, an action mandated by Section 10 of the Charter and, therefore, not subject to veto by the Mayor; and

WHEREAS, it is desirable that this Municipal General Election be consolidated with the Statewide General Election to be held on the same date, and that, within the City of San Diego,

the election precincts, polling places, voting booths, and election officials for the two elections be the same; and

WHEREAS, it is desirable that the Registrar of Voters of the County of San Diego be authorized to canvass the returns of the Municipal General Election; and

WHEREAS, it is desirable that the Municipal General Election and the Statewide General Election be held in all respects as if there were only one election; and

WHEREAS, requesting the San Diego County Board of Supervisors to consolidate the Municipal General Election with the Statewide General Election is under the purview of the governing body under state elections law governing consolidation of elections, and, therefore, is not subject to veto by the Mayor; and

WHEREAS, Section 10 of the Charter of the City of San Diego also provides that, in the event one candidate receives the majority of votes cast for all candidates for nomination to a particular elective office in the municipal primary election, that the candidate shall be deemed to be, and declared by the Council to be, elected to such office, and this occurred in the June 4, 2008 municipal primary election for Mayor and for the representative for Council District 5;

NOW, THEREFORE,

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

1. The Board of Supervisors of the County of San Diego is hereby requested to consolidate the Municipal General Election for the offices of City Attorney and Councilmember for Districts 1, 3 and 7 to be held in the City of San Diego on November 4, 2008, with the Statewide General Election to be held on the same date.

2. The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the Municipal General Election and is requested to conduct the election in all respects as if there were only one election using only one form of ballot.

3. The Board of Supervisors of the County of San Diego is requested to issue to all officers of the County charged with duties pertaining to the Statewide General Election appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

4. The Board of Supervisors of the County of San Diego is hereby requested to authorize and direct the Registrar of Voters of the County of San Diego to perform the following:

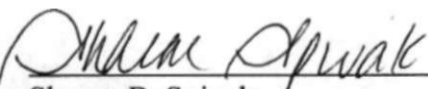
- (a) Furnish a tabulation of the number of registered voters in each Council district by precinct;
- (b) Examine and verify the signatures on nominating petitions;
- (c) Provide minority language election materials in accordance with federal law;
- (d) Canvass the returns of the election, including absent voter ballots;
- (e) Furnish a tabulation of the number of votes given in each precinct; and
- (f) Furnish a tabulation of the number of votes given in each Council district by precinct.
- (g) Complete any and all tasks related to the legal conduct of this election as required of the City Clerk upon the request of the City Clerk or the City Council.

5. The City Clerk of the City of San Diego is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

BE IT FURTHER RESOLVED, that the City Auditor and Comptroller is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed for the City of San Diego by the Registrar of Voters in connection with the election services herein described, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds necessary for expenditure are, or will be, on deposit with the City Treasurer.

BE IT FURTHER RESOLVED, that the City of San Diego agrees to indemnify and to save free and harmless the County, its officers, agents, and employees from expense or liability, including reasonable attorney's fees, as the result of an election contest initiated pursuant to the California Elections Code, sections 16000 through 16900.

APPROVED: MICHAEL J. AGUIRRE, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:als
06/26/2008
Aud.Cert.: AC 2900002
Or.Dept:City Clerk
R-2008-1189