

RESOLUTION NUMBER R- 305948
DATE OF FINAL PASSAGE JUN 28 2010

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 2, 2010 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 1998, the Municipal General Election to the offices of Councilmember for Districts 2, 4, 6, and 8 shall be held on the same date in each election year as the California State General Election; and

WHEREAS, in the year 2010, the Statewide General Election will be held on November 2, 2010; and

WHEREAS, at a meeting on JUN 28 2010, the City Council passed Ordinance No. O- **19966** (N.S.), calling a Municipal General Election in the City of San Diego on Tuesday, November 2, 2010, for the purpose of electing a Councilmember for Districts 6 and 8; and

WHEREAS, the Municipal General Election will not include an election for a Councilmember for District 2 or for District 4 because a candidate received a majority of all votes cast in the Municipal Primary Election in each of those districts, and thus candidates were deemed to have been elected to those offices; and

WHEREAS, actions related to calling the Municipal General Election for the same date as the Statewide General Election are mandated by Section 10 of the Charter of the City of San Diego and, therefore, are 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 Board of Supervisors of the County of San Diego be authorized to canvass the returns of the Municipal General Election; and

WHEREAS, it is desirable that this election and the Statewide General Election be held in all respects as if there were only one election; 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 Councilmember for Districts 6 and 8, to be held in the City of San Diego on November 2, 2010, with the Statewide General Election to be held on the same date.
2. That 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. That 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. That 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 election materials in languages other than English 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;
- (f) Furnish a tabulation of the number of votes given in each Council district by precinct; and
- (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. That 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 Comptroller is authorized to reimburse the County of San Diego for the actual and direct cost of the services performed by the Registrar of Voters for the City of San Diego in connection with the election services herein described, provided that the City 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 fees, as the result of an election contest initiated pursuant to the California Elections Code sections 16000 through 16900.

APPROVED: JAN I. GOLDSMITH, City Attorney

By Sharon B. Spivak
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
06/09/2010
CC: _____
Or.Dept:City Clerk

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