

RESOLUTION NUMBER R- 307246
DATE OF FINAL PASSAGE JAN 30 2012

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE CONSOLIDATION OF A MUNICIPAL PRIMARY ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON TUESDAY, JUNE 5, 2012 WITH THE CALIFORNIA STATE PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, San Diego Charter section 10 provides that, commencing with the year 1996, the Municipal Primary 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 Primary Election; and

WHEREAS, San Diego Charter sections 270(a), 10 and 12 direct that the Councilmember for the new District 9 shall be elected at the next municipal primary and general elections following the redistricting occurring after the 2010 national decennial census, and the Final Redistricting Plan was effective September 24, 2011; and

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

WHEREAS, in the year 2012, the California State Primary Election will be held on Tuesday, June 5, 2012; and

WHEREAS, calling the Municipal Primary Election for the same date as the California State Primary Election is mandated by San Diego Charter section 10 and, therefore, is not subject to veto by the Mayor; and

WHEREAS, at a meeting on JAN. 30, 2012, the City Council passed Ordinance No. O- ~~20124~~ (N.S.), calling a Municipal Primary Election in the City of San Diego on Tuesday, June 5, 2012, for the purpose of electing a Mayor, City Attorney, and Councilmembers for Districts 1, 3, 5, 7 and 9, respectively; and

WHEREAS, actions related to calling the Municipal Primary Election for the same date as the California State Primary Election are mandated by San Diego Charter section 10 and, therefore, are not subject to veto by the Mayor; and

WHEREAS, it is desirable that this Municipal Primary Election be consolidated with the California State Primary 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 Primary Election; and

WHEREAS, it is desirable that this election and the California State Primary 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 Primary Election for the offices of Mayor, City Attorney, and Councilmembers for Districts 1, 3, 5, 7 and 9, respectively, to be held in the City of San Diego on Tuesday, June 5, 2012, with the California State Primary 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 Primary 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 California State Primary 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 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. 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
Deputy City Attorney

SBS:jdf
12/27/2011
CC: _____
Or.Dept:City Clerk
Doc.No.: 295118