

ORDINANCE NUMBER O- 20250 (NEW SERIES)

DATE OF FINAL PASSAGE MAR 28 2013

AN ORDINANCE CALLING A SPECIAL RUN-OFF ELECTION IN COUNCIL DISTRICT 4 IN THE CITY OF SAN DIEGO ON TUESDAY, MAY 21, 2013; AND CONSOLIDATING THE SPECIAL RUN-OFF ELECTION WITH THE CALIFORNIA STATE SPECIAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, Councilmember Anthony Young, holding the office of Councilmember for Council District 4, resigned from his Council seat effective January 1, 2013, with more than one year remaining in the term of office, as the term expires in December 2014; and

WHEREAS, section 12 of the San Diego Charter provides that the City Council shall call a special election within ninety days of a vacancy in the office of a Council District that occurs for any reason other than a successful recall election, and if the vacancy occurs with more than one year remaining in the term; and

WHEREAS, the City Council called a Municipal Special Election for Tuesday, March 26, 2013, pursuant to the provisions of Ordinance No. O-20232 (New Series), introduced and adopted on January 7, 2013, for the purpose of electing candidates to the office of Councilmember for Council District 4; and

WHEREAS, no candidate received a majority of the votes cast in the Municipal Special Election, and thus a Special Run-off Election is to be held within forty-nine days of the first special election, unless a regular municipal or statewide election is scheduled within ninety days of the proposed Special Run-off Election date, in which case the elections may be consolidated; and

WHEREAS, there is no regular municipal or statewide election scheduled to be held within ninety days of the vacancy, but the Governor of California has called a California State Special Election for May 21, 2013, for the purpose of electing a member of the California Assembly to represent California State Assembly District 80; and

WHEREAS, the San Diego County Registrar of Voters has indicated that it could not conduct the City of San Diego's Special Run-off Election if it were to be held within two weeks of the California State Special Election, but that it could conduct the Special Run-off Election if it were to be consolidated with the California State Special Election on May 21, 2013; and

WHEREAS, consolidating the two elections is desirable because it will allow for a more efficient use of resources, could save the City some of the costs of the election, and will eliminate voter confusion that might arise if there were multiple elections on different days; and

WHEREAS, at a meeting held on March 28, 2013, the City Council of the City of San Diego passed Resolution Number ~~R-308068~~ **308068**, requesting that the Board of Supervisors of the County of San Diego approve the consolidation of the Special Run-off Election to be held on May 21, 2013, with the California State Special Election to be held on the same date; and

WHEREAS, San Diego Municipal Code section 27.0708 provides that: (1) the district boundaries to be used for the Special Run-off Election to fill the vacancy in the District 4 office shall be the same as those used in the original election in 2010 for the current term; (2) candidates for the District 4 office are to be residents and voters from within the district boundaries as they existed in 2010; and (3) nominating signatures must come from voters registered within the district boundaries as they existed in 2010, prior to a more recent redistricting; and

WHEREAS, the Council's act of calling a Special Run-off Election after a vacancy has occurred is mandated by San Diego Charter section 12 and, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

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

Section 1. It is hereby ordered that a Special Run-off Election will be held in Council District 4 in the City of San Diego on Tuesday, May 21, 2013, for the purpose of electing a Councilmember for Council District 4, to serve for the remainder of the current four-year term to which Councilmember Anthony Young had been elected, and had served until his resignation effective January 1, 2013.

Section 2. The Special Run-off Election called for Tuesday, May 21, 2013, in Council District 4 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 Special Run-off 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 the precincts established by the Board of Supervisors for the County of San Diego; provided, however, that certain precincts shall be consolidated in the manner indicated on the list of consolidated precincts on file in the Office of the City Clerk.

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

Section 5. The polls for this Special Run-off Election shall be open from 7:00 a.m. on May 21, 2013, and remain open continuously until 8:00 p.m. on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code section 14401.


Section 6. The City Clerk is hereby directed to cause this ordinance to be published once in the official newspaper of the City of San Diego.

Section 7. A full reading of this ordinance is dispensed with prior to its passage, a written or printed copy having been made available to the City Council and the public prior to the day of its passage.

Section 8. Pursuant to San Diego Charter sections 275(c), 295(b) and 295(d), this ordinance relating to elections may be passed by the City Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: JAN I. GOLDSMITH, City Attorney

By



Sharon B. Spivak
Deputy City Attorney

SBS:jdf
3/27/13
Or.Dept:City Clerk
Doc.No.: 537793