

ORDINANCE NUMBER O- 20295 (NEW SERIES)

DATE OF FINAL PASSAGE AUG 28 2013

AN ORDINANCE CALLING A MUNICIPAL SPECIAL
ELECTION IN THE CITY OF SAN DIEGO FOR THE OFFICE
OF MAYOR

WHEREAS, San Diego Charter section 265 provides that the City Council shall call a special election within ninety days of a vacancy in the office of Mayor 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, an exception to the ninety-day timeframe occurs if there is a regular municipal or statewide election scheduled to be held within 180 days of the vacancy, in which case the Council may consolidate the special election with the regular election; and

WHEREAS, if one candidate receives the majority of votes cast for all candidates in the special election, the candidate receiving the majority of votes cast shall be deemed to be and declared by the Council to be elected to the vacant office; and

WHEREAS, if no candidate receives a majority of votes cast in the special election, a special run-off election shall 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, Mayor Bob Filner, holding the office of Mayor, has resigned from his seat effective August 30, 2013; and

WHEREAS, the vacancy occurs with more than one year remaining in the term of office, as the term expires in December 2016; and

WHEREAS, there is no regular municipal or statewide election scheduled to be held within 180 days of the vacancy, and thus the special election to fill the vacancy in the Mayor's office cannot be consolidated with another election; and

WHEREAS, the Council's act of calling a Municipal Special Election after a vacancy has occurred is mandated by San Diego Charter section 265 and, therefore, would not be 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 Municipal Special Election will be held in the City of San Diego on Tuesday, November 19, 2013, for the purpose of electing candidates for the office of Mayor, to serve for the remainder of the current four-year term to which Mayor Bob Filner had been elected, and had served until his resignation.

Section 2. The following dates for nominating candidates for the special election are established pursuant to requirements of San Diego Municipal Code sections 27.0204(b) and 27.0214(b):

September 6, 2013 -- Nomination period opens (74 days prior to the election)

September 13, 2013 -- First day to file nominating papers (67 days prior to the election)

September 20, 2013 -- Last day to file nominating papers (60 days prior to the election)

Section 3. The San Diego County Registrar of Voters (Registrar of Voters) shall be retained by the City through the San Diego City Clerk (City Clerk) to conduct the Municipal Special Election and is authorized to canvass returns. The Registrar of Voters shall communicate the results of the canvass to the City Clerk, who shall in turn certify the results to the Council. The Council shall then declare the results of the election by resolution.

Section 4. For the purpose of the Municipal Special Election, the election precincts shall be precincts established by the Board of Supervisors for the County of San Diego.

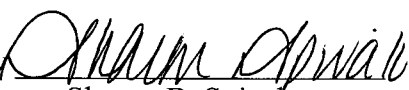
Section 5. The polls for this Municipal Special Election shall be open from 7:00 a.m. on November 19, 2013, and remain open continuously until 8:00 p.m. on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

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 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.

APPROVED: JAN I. GOLDSMITH, City Attorney

By 
Sharon B. Spivak
Deputy City Attorney

SBS:jdf
08/23/13
Or.Dept:City Clerk
Doc. No. 621152

Passed by the Council of The City of San Diego on AUG 28 2013, by the following vote:

Council Members	Yeas	Nays	Not Present	Recused
Sherri Lightner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kevin Faulconer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Todd Gloria	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Myrtle Cole	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mark Kersey	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lorie Zapf	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Scott Sherman	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
David Alvarez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Marti Emerald	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage AUG 28 2013.

AUTHENTICATED BY:

BOB FILNER

Mayor of The City of San Diego, California.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on AUG 28 2013, said ordinance being of the kind and character authorized for passage on its introduction by Section 16 of the Charter.

~~I FURTHER CERTIFY that the final reading of said ordinance was read in full.~~

I FURTHER CERIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

(Seal)

ELIZABETH S. MALAND

City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California

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