

ORDINANCE NUMBER O- 20334 (NEW SERIES)

DATE OF FINAL PASSAGE DEC 17 2013

AN ORDINANCE CALLING A SPECIAL RUN-OFF
ELECTION IN THE CITY OF SAN DIEGO ON TUESDAY,
FEBRUARY 11, 2014 FOR THE PURPOSE OF ELECTING A
MAYOR FOR THE CITY OF SAN DIEGO

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, 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, the City of San Diego held a Municipal Special Election on November 19, 2013 to fill the remainder of the term in the Office of Mayor that was previously held by Bob Filner, who resigned; and

WHEREAS, no candidate received more than 50 percent of the vote in the Municipal Special Election, and thus the top two-vote getters will advance to a Special Run-off Election, as set forth in Charter section 265; and

WHEREAS, there is no regular municipal or statewide election scheduled to be held within ninety days; and

WHEREAS, the City of San Diego is also required to follow certain state laws affecting the timing of a special election, including, but not limited to: laws that state a special election cannot be held the day before, the day of or the day after a state holiday; that require early voting

to be accommodated for 29 days prior to an election date; and that require overseas ballots to be mailed out 46 days before an election date; and

WHEREAS, the City must also provide sufficient time for the San Diego County Registrar of Voters to print and translate ballots, as required by federal law, once the election is called; and

WHEREAS, the City Clerk is thus proposing to the Council that February 11, 2014 be set as the date of the Special Run-Off Election; and

WHEREAS, the Council's act of calling a Special Run-off Election is mandated by San Diego Charter section 265 and, therefore, would not be subject to veto; 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 the City of San Diego on Tuesday, February 11, 2014, for the purpose of electing a candidate to 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 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 Special Run-off 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 3. For the purpose of the Special Run-off Election, the election precincts shall be precincts established by the Board of Supervisors for the County of San Diego.

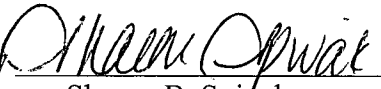
Section 4. The polls for this Special Run-off Election shall be open from 7:00 a.m. on February 11, 2014, and remain open continuously until 8:00 p.m. on the same day. The polls shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 5. 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 6. 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 7. 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
12/13/13
Or.Dept:City Clerk
Doc. No. 681659

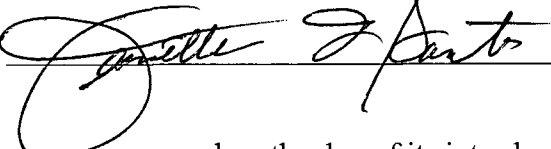
Passed by the Council of The City of San Diego on DEC 17 2013, by the following vote:

Councilmembers	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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input 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 DEC 17 2013

AUTHENTICATED BY: TODD GLORIA, COUNCIL PRESIDENT
as interim Mayor of The City of San Diego, California.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

I FURTHER CERTIFY that the foregoing Ordinance was passed on the day of its introduction, to wit, on DEC 17 2013, said Ordinance being of kind and character authorized for passage on its introduction by Section 16 of the Charter.

I FURTHER CERTIFY that said Ordinance in full was read in full prior to passage or that such reading was dispensed with by a vote of five members of the Council, and that a written copy of the ordinance was made available to each member of the Council and the public prior to the day of its passage.

(Seal) ELIZABETH S. MALAND
City Clerk of The City of San Diego, California.

By , Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 20334