

RESOLUTION NUMBER R- 310583

DATE OF FINAL PASSAGE JUL 11 2016

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 TUESDAY, NOVEMBER 8, 2016 WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

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

WHEREAS, San Diego Charter section 10 provides that, commencing with the year 2012, the Municipal General Election for the office of Councilmember for District 9 also shall be held on the same date in each election year as the other odd-numbered districts, and as the California State General Election; 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 General Elections to those offices to be held on the same date in each election year as the California State General Election; and

WHEREAS, in the year 2016, the California State General Election will be held on Tuesday, November 8, 2016; and

WHEREAS, San Diego Charter section 10 also provides that, in the event one candidate has received the majority of votes cast for all candidates for nomination to a particular elective office in the Municipal Primary Election, that the candidate shall be deemed to be, and declared

by the Council to be, elected to such office; and, if not, the top two vote-getters for a particular elective office will advance to a Municipal General Election; and

WHEREAS, for the following offices, a candidate received the majority of votes cast for all candidates for nomination in the Municipal Primary Election and was deemed elected to the office, and thus there will not be runoff elections for the following offices: Mayor, Councilmember for District 3, Councilmember for District 5 and Councilmember for District 7; and

WHEREAS, for the following offices, no candidate received a majority of votes cast for all candidates for nomination in the Municipal Primary Election, and thus the top two vote-getters will advance to the Municipal General Election for the following offices: City Attorney, Councilmember for District 1 and Councilmember for District 9; and

WHEREAS, at a meeting on JUL 11, 2016, the City Council passed Ordinance No. O-20670 (N.S.), calling a Municipal General Election in the City of San Diego on Tuesday, November 8, 2016, for the purpose of electing a City Attorney, and Councilmember for Council Districts 1 and 9, respectively; and

WHEREAS, it is desirable that this Municipal General Election be consolidated with the California State 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, the consolidation is requested pursuant to local procedures authorized under California Elections Code section 10402 and the City's Elections Code; 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 California State General Election be held in all respects as if there were only one election; and

WHEREAS, actions related to calling the Municipal General Election for the same date as the California State General Election and consolidating the election are mandated by San Diego Charter section 10 and, therefore, are not subject to veto by the Mayor; 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 authorized and requested to consolidate the Municipal General Election for the offices of City Attorney, and Councilmember for Council Districts 1 and 9, respectively, to be held in the City of San Diego on Tuesday, November 8, 2016, with the California State General Election to be held on the same date.

2. The Board of Supervisors of the County of San Diego is hereby authorized and requested 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. 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 General 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 the 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 the 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.

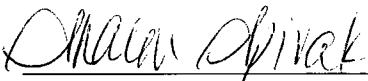
5. The City Clerk of the City of San Diego is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters of the County of San Diego.

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
06/17/16
Or.Dept:City Clerk
Doc.No.: 1284396

Passed by the Council of The City of San Diego on JUL 11 2016, 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"/>
Lorie Zapf	<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"/>
Chris Cate	<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 JUL 11 2016.

(Please note: When a resolution is approved by the Mayor, the date of final passage is the date the approved resolution was returned to the Office of the City Clerk.)

AUTHENTICATED BY:

KEVIN L. FAULCONER
Mayor of The City of San Diego, California.

(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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