

RESOLUTION NUMBER R- 312677

DATE OF FINAL PASSAGE OCT 01 2019

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO REQUESTING THE CONSOLIDATION OF A MUNICIPAL SPECIAL ELECTION TO BE HELD IN THE CITY OF SAN DIEGO ON TUESDAY, MARCH 3, 2020 WITH THE CALIFORNIA STATE PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, pursuant to San Diego Charter section 223, Article XI, section 3(b) of the Constitution of the State of California, and section 9255(a)(2) of the California Elections Code, all dealing with Charter amendments; and, pursuant to San Diego Charter section 23 and San Diego Municipal Code section 27.1001, pertaining to initiative measures submitted by petition or by action of the Council of the City of San Diego (City Council), the City Council, by separate ordinances, may submit one or more ballot measures to the qualified voters of the City of San Diego at a Municipal Special Election; and

WHEREAS, at a meeting on OCT 01, 2019, the City Council passed Ordinance No. O- 21139 (N.S.), calling a Municipal Special Election in the City of San Diego on Tuesday, March 3, 2020, to submit one or more ballot measures to the qualified voters of the City of San Diego; and

WHEREAS, in 2020, the California State Primary Election is consolidated with and officially titled the Presidential Primary Election, and will be held on Tuesday, March 3, 2020; and

WHEREAS, it is desirable that this Municipal Special Election be consolidated with the California State Primary Election (Presidential 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, the consolidation is requested pursuant to local procedures authorized under the California Elections Code, including sections 10402, 10411 and 10418, and the City's Elections Code; and

WHEREAS, it is desirable that the Board of Supervisors of the County of San Diego, through the Registrar of Voters of the County of San Diego, be authorized to canvass the returns of the Municipal Special Election; and

WHEREAS, it is desirable that this election and the California State Primary Election (Presidential Primary Election) be held in all respects as if there were only one election, and only one form of ballot shall be used; and

WHEREAS, actions related to the calling of a Municipal Special Election are in the purview of the City Council, as section 295(d) of the San Diego Charter indicates regarding ordinances that call or relate to elections, and thus this resolution is 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 (Board of Supervisors) is hereby authorized and requested to consolidate the Municipal Special Election to be held in the City of San Diego on Tuesday, March 3, 2020, with the California State Primary Election, officially titled the Presidential Primary Election, to be held on the same date.

2. The Board of Supervisors is hereby authorized and requested to permit the Registrar of Voters of the County of San Diego (Registrar of Voters) to canvass the returns of the

Municipal Special Election, and 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 is requested to issue to all officers of the County charged with duties pertaining to the California State Primary Election (Presidential Primary Election) appropriate instructions to take any and all steps necessary for the holding of a consolidated election.

4. The Board of Supervisors is hereby requested to authorize and direct the Registrar of Voters to render the following services:

- (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.

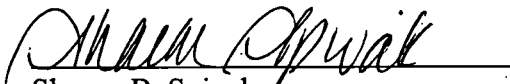
5. The City of San Diego will be bound by section 439.1 of the County of San Diego's Code of Administrative Ordinances, and such other terms and conditions as the Registrar of Voters may prescribe, for the conduct of the election.

6. 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.

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 for the City of San Diego by the Registrar of Voters 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 of liability, including reasonable attorney fees, as the result of an election contest arising after the election, which may be initiated pursuant to California Elections Code sections 16000 through 16900.

APPROVED: MARA W. ELLIOTT, City Attorney

By 
Sharon B. Spivak
Senior Deputy City Attorney

SBS:jdf
08/19/19
Or.Dept: City Clerk
Doc. No.:1203764

Passed by the Council of The City of San Diego on OCT. 01 2019, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Chris Ward	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery	<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"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Georgette Gómez	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage OCT. 01 2019.

(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 Connie Patterson, Deputy

Office of the City Clerk, San Diego, California
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