

21749

ORDINANCE NUMBER O-_____ (NEW SERIES)

DATE OF FINAL PASSAGE NOV 14 2023

AN ORDINANCE CALLING A MUNICIPAL SPECIAL ELECTION IN THE CITY OF SAN DIEGO ON TUESDAY, MARCH 5, 2024, FOR THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT 4 DUE TO VACANCY AND CONSOLIDATING THE MUNICIPAL SPECIAL ELECTION WITH THE CALIFORNIA STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, San Diego Charter (Charter) section 302 provides that if a vacancy in the office of Councilmember occurs with more than one year remaining in the term, the Council of the City of San Diego (City Council) shall call a special election to be held within ninety days of the vacancy, unless there is a municipal or statewide election scheduled to be held within 180 days of the vacancy. If there is a municipal or statewide election scheduled to be held within 180 days of the vacancy, the City Council may consolidate the special election with that 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 City 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 90 days of the first special election, unless a regular municipal or statewide election is scheduled within 120 days of the proposed special run-off election date, in which case the elections may be consolidated; and

WHEREAS, if no candidate receives a majority of votes cast in the special election, the two candidates receiving the highest number of votes cast for the vacant office in the first special election shall be the only candidates for the vacant office; and

WHEREAS, the person elected to fill the vacancy in elective office shall serve in that elective office for the remainder of the unexpired term; and

WHEREAS, San Diego Municipal Code (Municipal Code) section 27.0204(b) states “[i]n the case of a special election called to fill a vacated elective office, nomination papers may be obtained from the City Clerk and circulated not earlier than seventy-four days prior to the election; except that for special elections that would be consolidated with other statewide elections, the City Council shall adopt a schedule consistent with the filing of nomination documents for the statewide election;” and

WHEREAS, Municipal Code section 27.0214(b) states “[i]n the case of a special election called to fill a vacated elective office, nomination papers shall be submitted for filing in the Office of the City Clerk no earlier than the sixty-seventh calendar day prior to the District or City-wide Primary Election nor later than the close of business on the sixtieth calendar day prior to the District or City-wide Primary Election; except that for special elections that would be consolidated with other statewide elections, the City Council shall adopt a filing schedule consistent with the filing of nomination documents for statewide elections;” and

WHEREAS Council President Pro Tem Monica Montgomery Steppe, holding the office of Councilmember for Council District 4, having been elected to the County of San Diego Board of Supervisors has resigned from her Council seat, effective December 5, 2023; and

WHEREAS, the vacancy occurs with more than one year remaining in the term of office, as the term expires in December 2026; and

WHEREAS, on October 30, 2023, the City Council called a Municipal Primary Election, consolidated with the California State Presidential Primary Election, and which will be held on Tuesday, March 5, 2024, which is within 180 days of the vacancy; and

WHEREAS, at a meeting held on Novemeber 14, 2023, the City Council passed San Diego Resolution R- 315230, requesting that the Board of Supervisors of the County of San Diego approve the consolidation of this Municipal Special Election to be held on March 5, 2024, with the California State Presidential Primary Election to be held on the same date; and

WHEREAS, the Office of the City Attorney has drafted this Ordinance based on the information provided by City staff including information provided by affected third parties and verified by City staff, with the understanding that this information is complete, true, and accurate; and

WHEREAS, the City Council's act of calling a Municipal Special Election after a vacancy has occurred is mandated by Charter section 302 and actions related to the calling of a Municipal Special Election are in the purview of the City Council, as Charter section 295(d) indicates regarding ordinances that call or relate to elections, 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. A Municipal Special Election is hereby called and ordered to be held in the City of San Diego on Tuesday, March 5, 2024, for the purpose of electing candidates for Councilmember for Council District 4, to serve for the remainder of the current four-year term to which Council President Pro Tem Monica Montgomery Steppe had been elected and had served until her resignation.

Section 2. The Board of Supervisors of the County of San Diego is hereby requested to consent and agree to the consolidation of this Municipal Special Election in the City of San Diego with the California State Presidential Primary Election to be held on Tuesday, March

5, 2024, pursuant to local procedures authorized under the California Elections Code, including sections 10402, 10403, 10411, and 10418, and the City's Elections Code, set forth in Chapter 2, Article 7 of the Municipal Code. The election shall be held in all respects as if there were only one election. Only one form of ballot shall be used. Within the City of San Diego precincts, vote centers, and officers of the election for this Municipal Special Election shall be the same as those provided for the California State Primary Election.

Section 3. The following dates for nominating candidates for this Municipal Special Election are established pursuant to requirements of Municipal Code sections 27.0204(b) and 27.0214(b):

Wednesday, November 15, 2023 -- Nomination period opens; and

Thursday, December 14, 2023 -- Last day to file nominating papers.

Section 4. For the purpose of this election, 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 5. The Board of Supervisors for the County of San Diego, through the Registrar of Voters of the County of San Diego, is hereby authorized to canvass returns of this Municipal Special Election, in compliance with San Diego County Code of Administrative Ordinances section 439.1 and Municipal Code section 27.0111. 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 City Council. The City Council shall then declare the results of this Municipal Special Election by resolution.


Section 6. The vote centers for this Municipal Special Election shall be open from 7:00 a.m. on March 5, 2024, and remain open continuously until 8:00 p.m. on the same day. The vote centers shall close at 8:00 p.m., except as provided in California Elections Code section 14401.

Section 7. The City Clerk shall cause this Ordinance to be published once in the official newspaper of the City of San Diego.

Section 8. 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 9. Pursuant to 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: MARA W. ELLIOTT, City Attorney

By 
Kathy J. Steinman
Deputy City Attorney

KJS:jvg:cm
11/09/2023
Or.Dept: City Clerk
Doc. No. 3471378

Passed by the Council of The City of San Diego on **NOV 14 2023**, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Joe LaCava	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jennifer Campbell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Stephen Whitburn	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Monica Montgomery Steppe	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Marni von Wilpert	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kent Lee	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Raul A. Campillo	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Vivian Moreno	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage **NOV 14 2023**

AUTHENTICATED BY:

(Seal)

TODD GLORIA
Mayor of The City of San Diego, California.

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on **NOV 14 2023**, said ordinance being of the kind and character authorized for passage on its introduction by Section 275 of the Charter.

I FURTHER CERTIFY that said ordinance 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)

DIANA J.S. FUENTES
City Clerk of The City of San Diego, California.

By Kristell Medina, Deputy

Office of the City Clerk, San Diego, California

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