

RESOLUTION NUMBER R- 315230DATE OF FINAL PASSAGE NOV 14 2023

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 5, 2024, FOR THE OFFICE OF COUNCILMEMBER FOR COUNCIL DISTRICT 4 DUE TO VACANCY, WITH THE CALIFORNIA STATE PRESIDENTIAL PRIMARY ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, San Diego 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, at a meeting on November 14, 2023, the Council of the City of San Diego (City Council) passed San Diego Ordinance O- 21749 (N.S.), calling a Municipal Special Election 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 Councilmember Monica Montgomery Steppe had been elected and had served until her resignation; and

WHEREAS, in 2024, the California State Presidential Primary Election will be held on Tuesday, March 5, 2024; and

WHEREAS, it is desirable that this Municipal Special Election be consolidated with the California State Presidential Primary Election to be held on the same date, and that, within the City of San Diego, the election precincts, vote centers, 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, 10403, 10411, and 10418, and the City's Elections Code, set forth in Chapter 2, Article 7 of the San Diego Municipal 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 this Municipal Special Election; and

WHEREAS, it is desirable that this Municipal Special Election and the California State 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, the Office of the City Attorney has drafted this Resolution 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 San Diego 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, 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 this Municipal Special Election to be held in the City of San Diego on Tuesday, March 5, 2024, with the California State 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 this 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 of San Diego (County) charged with duties pertaining to the California State 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) 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.

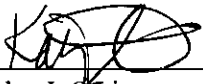
6. The City Clerk of the City of San Diego is hereby directed to file a certified copy of this Resolution with the Board of Supervisors and Registrar of Voters.

7. 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.

8. 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

  
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Kathy J. Steinman  
Deputy City Attorney

KJS:jvg:cm  
11/09/2023  
Or.Dept: City Clerk  
Doc. No. 3471380

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.

(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:

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

(Seal)

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

By *Juan Hernandez*, Deputy

Office of the City Clerk, San Diego, California

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