

RESOLUTION NUMBER R- 315447

DATE OF FINAL PASSAGE APR 08 2024

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN DIEGO DECLARING THE RESULTS OF THE MUNICIPAL PRIMARY ELECTION, MUNICIPAL SPECIAL ELECTION, AND MUNICIPAL SPECIAL ELECTION TO FILL THE VACANCY IN COUNCIL DISTRICT FOUR HELD IN THE CITY OF SAN DIEGO ON MARCH 5, 2024.

WHEREAS, a Municipal Primary Election was held in the City of San Diego on Tuesday, March 5, 2024, under the provisions of San Diego Ordinance O-21742 (Oct. 31, 2023), to elect candidates to the offices of San Diego Councilmember for Districts 1, 3, 4, 5, 7, and 9, respectively; and

WHEREAS, a Municipal Special Election was held in the City of San Diego on Tuesday, March 5, 2024, under the provisions of San Diego Ordinance No. O-21743 (Oct. 31, 2023), to submit to the qualified voters of the City of San Diego one ballot measure, described as follows:

(1) One measure regarding whether to amend the San Diego City Charter by amending Article V, section 40 related to the elected City Attorney and adding section 40.2 related to legal counsel for the Office of the City Auditor and Audit Committee; and

WHEREAS, the measure, as stated in the ordinance placing them on the ballot, are:

MEASURE A CHARTER AMENDMENT AUTHORIZING THE CITY AUDITOR AND AUDIT COMMITTEE TO USE OUTSIDE LEGAL COUNSEL INSTEAD OF THE ELECTED CITY ATTORNEY. Shall Charter section 40 be amended, and section 40.2 be added to authorize the City Auditor and Audit Committee to use outside legal counsel instead of the elected City Attorney, subject to certain conditions, when the Audit Committee determines such use is in the public interest?	YES	
	NO	

WHEREAS, a Municipal Special Election was held in the City of San Diego on Tuesday, March 5, 2024, under the provisions of San Diego Ordinance No. O-21749 (Nov. 14, 2023), to elect candidates to fill the vacancy in Council District 4; and

WHEREAS, San Diego Charter section 10 directs that for elective offices, the two candidates receiving the highest number of votes in the Municipal Primary Election are to be declared as such, and then will advance to the Municipal General Election for the office; and

WHEREAS, under San Diego Municipal Code section 27.0108(c), if only one candidate qualified for the ballot in the Municipal Primary Election for a particular office, the sole qualified candidate receiving votes in that election shall be deemed to be, and declared by the Council of the City of San Diego (Council) to be, elected to such office after the results are certified. For those candidates, under San Diego Municipal Code section 27.0116, the term of office shall commence in December 2024; and

WHEREAS, under Charter section 302, for a special election to fill a vacancy, 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 Council to be elected to the vacant office. The person elected to fill the vacancy shall serve in that elective office for the remainder of the unexpired term; and

WHEREAS, the City Clerk has received from the County of San Diego Registrar of Voters a copy of the certificate canvassing the returns of the Municipal Primary Election, the Municipal Special Election, and the Municipal Special Election to fill the vacancy in Council District 4; and

WHEREAS, a canvass of these elections has been completed and the City Clerk has certified the results to the Council of the City of San Diego; 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, declaring the results of these elections, as certified by the County of San Diego Registrar of Voters and the City Clerk, is a ministerial act required by California Elections Code section 10263 and, therefore, is not subject to veto by the Mayor; NOW, THEREFORE,

BE IT RESOLVED, by the Council of the City of San Diego, that the Council finds and determines, pursuant to the provisions of San Diego Municipal Code section 27.0411, as follows:

1. The City of San Diego had 797,330 registered voters eligible to vote in the March 5, 2024, Municipal Primary Election, Municipal Special Election, and Municipal Special Election to fill the vacancy in Council District 4. The total number of votes cast in the City for various district races ranged from a low of 15,407 to a high of 45,865 votes, for a total of 284,152 votes.

2. The total vote received by each municipal candidate at the Municipal Primary Election and the Municipal Special Election to fill the vacancy in Council District 4 is as follows:

A.	FOR MAYOR (four-year term)	
	TODD GLORIA	132,055 VOTES (49.99%)
	LARRY TURNER	60,931 VOTES (23.07%)
	GENEVIEVE L. JONES WRIGHT	42,196 VOTES (15.97%)
	JANE L. GLASSON	18,990 VOTES (7.19%)
	DAN SMIECHOWSKI	9,973 VOTES (3.78%)
	Total	264,145 VOTES (100%)

Todd Gloria and Larry Turner are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Mayor.

B. FOR CITY ATTORNEY (four-year term)	
HEATHER FERBERT	122,894 VOTES (53.16%)
BRIAN MAIENSCHIN	108,264 VOTES (46.84%)
Total	231,158 VOTES (100%)

Heather Ferbert and Brian Maienschein are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of City Attorney.

C. FOR COUNCIL DISTRICT 1 (four-year term)	
JOE LACAVA	24,283 VOTES (100%)
Total	24,283 VOTES (100%)

Joe LaCava, having been the only candidate qualified for the ballot in the Municipal Primary Election for the office of Councilmember for Council District No. 1, and as the sole qualified candidate receiving votes in that election, is hereby declared under San Diego Municipal Code section 27.0108(c) to be elected to the office of Councilmember, District No. 1. The term of this office will commence in December 2024.

D. FOR COUNCIL DISTRICT 3 (four-year term)	
STEPHEN WHITBURN	17,033 VOTES (52.39%)
COLEEN CUSACK	6,811 VOTES (20.95%)
KATE CALLEN	5,417 VOTES (16.66%)
ELLIS T. CALIFORNIA JONES III	3,254 VOTES (10.01%)
Total	32,515 VOTES (100%)

Stephen Whitburn and Coleen Cusack are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember, District No. 3.

E. FOR COUNCIL DISTRICT 4

(Filling the vacancy in the four-year term previously held by Monica Montgomery-Steppe, who resigned, and expiring in December 2026.)

HENRY FOSTER III	8,840 VOTES (53.83%)
CHIDA WARREN-DARBY	4,481 VOTES (27.29%)
TYLISA D. SUSEBERRY	3,100 VOTES (18.88%)
Total	16,421 VOTES (100%)

Henry Foster III, having received the majority of votes cast for all candidates in this special election, is declared under Charter section 302 to be elected to the office of Councilmember, District No. 4, to fill the remainder of the current four-year term.

F. FOR COUNCIL DISTRICT 5 (four-year term)

MARNI VON WILPERT	28,231 VOTES (100%)
Total	28,231 VOTES (100%)

Marni von Wilpert, having been the only candidate qualified for the ballot in the Municipal Primary Election for the office of Councilmember for Council District No. 5, and as the sole qualified candidate receiving votes in that election, is hereby declared under San Diego Municipal Code section 27.0108(c) to be elected to the office of Councilmember, District No. 5. The term of this office will commence in December 2024.

G. FOR COUNCIL DISTRICT 7 (four-year term)

RAUL CAMPILLO	23,196 VOTES (100%)
Total	23,196 VOTES (100%)

Raul Campillo, having been the only candidate qualified for the ballot in the Municipal Primary Election for the office of Councilmember for Council District No. 7, and as the sole qualified candidate receiving votes in that election, is hereby declared under San Diego Municipal Code section 27.0108(c) to be elected to the office of Councilmember, District No. 7. The term of this office will commence in December 2024.

H.	FOR COUNCIL DISTRICT 9 (four-year term)	
	SEAN ELO-RIVERA	10,042 VOTES (51.90%)
	TERRY HOSKINS	5,816 VOTES (30.06%)
	FERNANDO GARCIA	3,491 VOTES (18.04%)
	Total	19,349 VOTES (100%)

Sean Elo-Rivera and Terry Hoskins are hereby declared to be the two candidates receiving the highest number of votes and will advance to the Municipal General Election for the office of Councilmember, District No. 9.

3. The number of votes cast in the City for and against the Measure which appeared on the ballot as Measure A – Charter Amendment Use of Outside Legal Counsel, and the total number of votes cast upon the Measure, are as follows:

MEASURE A	
FOR	172,751 VOTES (67.24%)
AGAINST	84,150 VOTES (32.76%)
Total	256,901 VOTES (100%)


This measure required a majority vote. Measure A received the affirmative vote of a majority of the qualified voters voting on such measure and is hereby declared to have been approved.

4. The number of votes cast in each precinct for each candidate, and for and against each measure, is recorded in the Elections Return Book, which book is authorized and is considered to be a part of the record of this Council.

5. The City Clerk is directed to file the Charter amendments with the California Secretary of State in accordance with California Government Code section 34460.

6. The City Clerk shall make public the results of the canvass of the election by publication of a copy of this resolution.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Kathy J. Steinman
Senior Deputy City Attorney

KJS:jvg
March 25, 2024
April 4, 2024 COR. COPY
Or.Dept: City Clerk
CC No. N/A
Doc. No. 3573491_2

Passed by the Council of The City of San Diego on APR 08 2024, 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"/>
District 4 - vacant	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input 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 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"/>
Sean Elo-Rivera	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Date of final passage APR 08 2024.

(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 Corrie Patterson, Deputy

Office of the City Clerk, San Diego, California

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