RESOLUTION NUMBER R-___313143___

DATE OF FINAL PASSAGE ___JUL 07 2020___

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 3, 2020
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

1984, elections for the offices of Mayor and City Attorney shall be held every four years, with

the Municipal General Election for those offices to be held on the same date as the California

State General Election for that year; and

WHEREAS, San Diego Charter section 10 also provides that, commencing with the year

1996, the Municipal General Election for the offices of Councilmember for Districts 1, 3, 5, and

7 shall be held on same date in each election year as the California State General Election; and

WHEREAS, San Diego Charter section 10 also provides that, commencing with the

municipal elections following the redistricting occurring after the 2010 national decennial

census, and every four years thereafter, the municipal primary and general elections for the office

of Councilmember for District 9 shall be held; and

WHEREAS, in this election year, the California State General Election will be held on

Tuesday, November 3, 2020; and

WHEREAS, San Diego Charter section 10 provides that candidates for all municipal

elective offices shall be nominated at the Municipal Primary Election, which was held this

election year on March 3, 2020, and the two candidates receiving the highest number of votes in

that election for a particular elective office shall advance to the Municipal General Election; and

WHEREAS, the top two vote-getters for the following elective offices will advance to the Municipal General Election: Mayor, City Attorney, Councilmember for District 1, Councilmember for District 3, Councilmember for District 5, Councilmember for District 7, and Councilmember for District 9; and

WHEREAS, at a meeting on _____July 7_____, 2020, the City Council passed Ordinance No. O-_21213___ (N.S.), calling a Municipal General Election in the City of San Diego on Tuesday, November 3, 2020, for the purpose of electing a Mayor, City Attorney, Councilmember for District 1, Councilmember for District 3, Councilmember for District 5, Councilmember for District 7, and Councilmember for District 9, respectively;

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, the City Council confirms its understanding in this resolution that this election is to be conducted in compliance with governing state law, including related state orders that may be in effect for this particular election, and those procedures enacted as part of the California Elections Code by California Assembly Bill No. 860, approved by the Governor on June 18, 2020, and filed with the Secretary of State on June 18, 2020. The California Elections

Code amendments provide in part that county elections officials will mail a ballot to every registered voter for the November 3, 2020 statewide general election and extend the deadline for the county's receipt of mail ballots. The distribution of vote by mail ballots to all registered voters does not prevent a voter from voting in person at a polling place, vote center, or other authorized location; 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 Mayor, City Attorney, and Councilmember for Council Districts 1, 3, 5, 7, and 9, respectively, to be held in the City of San Diego on Tuesday, November 3, 2020, 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: MARA W. ELLIOTT, City Attorney

By   /s/ Sharon B. Spivak
           Sharon B. Spivak
           Senior Deputy City Attorney

SBS:jdf
06/23/2020
Or.Dept:City Clerk
Doc.No.: 2343386

Passed by the Council of The City of San Diego on _____ JUL 07 2020 _____, by the following vote:

Councilmembers	Yeas	Nays	Not Present	Recused
Barbara Bry	☑	☐	☐	☐
Jennifer Campbell	☑	☐	☐	☐
Chris Ward	☑	☐	☐	☐
Monica Montgomery	☑	☐	☐	☐
Mark Kersey	☑	☐	☐	☐
Chris Cate	☑	☐	☐	☐
Scott Sherman	☑	☐	☐	☐
Vivian Moreno	☑	☐	☐	☐
Georgette Gómez	☑	☐	☐	☐

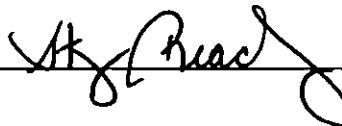Date of final passage _____ JUL 07 2020 _____ .

(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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