

RESOLUTION NUMBER R- 313144

DATE OF FINAL PASSAGE JUL 07 2020

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, NOVEMBER 3, 2020 WITH THE CALIFORNIA STATE GENERAL ELECTION TO BE HELD ON THE SAME DATE.

WHEREAS, the Council of the City of San Diego (Council), by separate ordinances, may submit to the qualified voters of the City of San Diego (City) one or more ballot measures at a Municipal Special Election; and

WHEREAS, the Council is authorized to place ballot measures that include Charter amendments on a Municipal Special Election ballot 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; and

WHEREAS, the Council is authorized to place other ballot measures on a Municipal Special Election ballot pursuant to San Diego Municipal Code section 27.0502; and

WHEREAS, at a meeting on July 7, 2020, the City Council passed Ordinance No. O- 21214 (N.S.), calling a Municipal Special Election to be held in the City of San Diego on Tuesday, November 3, 2020, for the purpose of submitting ballot measures to the electorate; and

WHEREAS, the California State General Election will be held on Tuesday, November 3, 2020; and

WHEREAS, it is desirable that this Municipal Special 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.

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 is hereby requested to consolidate the Municipal Special 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.

2. The Board of Supervisors of the County of San Diego is hereby authorized to canvass the returns of the Municipal Special 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 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 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 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.:2343378

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	<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"/>
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 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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