

ORDINANCE NUMBER O- 21778 (NEW SERIES)

DATE OF FINAL PASSAGE FEB 27 2024

AN ORDINANCE OF THE COUNCIL OF THE CITY OF SAN DIEGO WAIVING THE TIME PERIOD IN SAN DIEGO MUNICIPAL CODE SECTION 27.0608(B) AND AUTHORIZING THE CITY CLERK TO SET A DATE FOR CANDIDATES IN A SPECIAL RUN-OFF ELECTION FOR COUNCIL DISTRICT 4 TO SUBMIT A DIFFERENT DESIGNATION OF PRINCIPAL PROFESSION, VOCATION, OR OCCUPATION.

WHEREAS, on November 14, 2023, in San Diego Ordinance O-21749, the Council of the City of San Diego (Council) called a Municipal Special Election for March 5, 2024, to be consolidated with the primary election, to fill the vacancy in Council District 4; and

WHEREAS, under San Diego Charter (Charter) section 302, 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; 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, the City Clerk is the elections official for the City of San Diego (City); and

WHEREAS, if a special run-off election is necessary to fill the vacancy in Council District 4, the Registrar of Voters has informed the City Clerk that the run-off would need to be held on May 21, 2024, due to the Memorial Day holiday; and

WHEREAS, under San Diego Municipal Code (Municipal Code) section 27.0608(b), a candidate in a special run-off election may request the City Clerk use a different ballot

designation of principal profession, vocation, or occupation at least 46 calendar days prior to the special run-off election; and

WHEREAS, under California Elections Code section 3114(a), the elections official must transmit a ballot and ballot materials to military and overseas voters at least 45 days before an election; and

WHEREAS, based on a potential special run-off election date of May 21, 2024, the City Clerk would have to mail ballots and ballot materials to military and overseas voters prior to the expiration of Municipal Code section 27.0608(b)'s 46-day period in which candidates may submit revised designations of principal profession, vocation, or occupation; and

WHEREAS, to meet ballot proofing, printing, and mailing deadlines required under the Elections Code, the City Clerk requests the Council waive the 46-day period set forth in Municipal Code section 27.0608(b) and authorize the City Clerk to set Friday, March 8, 2024, at 5 p.m., as the deadline for candidates to submit changes to their designation of principal profession, vocation, or occupation for a special run-off election to fill the vacancy in Council District 4, if a run-off is necessary; and

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

WHEREAS, the Council's actions related to a Municipal Special Election are in the purview of the Council, therefore under Charter sections 280(a)(1) and 295, this Ordinance 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. The Council waives the 46-day period set forth in San Diego Municipal Code section 27.0608(b) and authorizes the City Clerk to set Friday, March 8, 2024, at 5:00 p.m., as the filing deadline for candidates in the special election run-off to fill the vacancy in Council District 4 to make changes to their designation of principal profession, vocation, or occupation.

Section 2. The City Clerk shall cause this Ordinance to be published once in the official newspaper of the City of San Diego.

Section 3. That a full reading of this Ordinance is dispensed with prior to passage, a written copy having been made available to the Council and the public prior to the day of its passage.

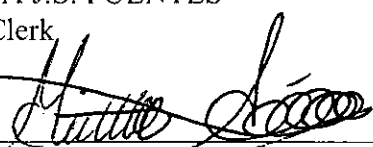
Section 4. Under Charter sections 275(c), 280(a)(1), 295(b), and 295(d), this Ordinance relating to elections may be passed by the Council on the date of introduction, which date shall be deemed the date of final passage, and is not subject to veto by the Mayor.

APPROVED: MARA W. ELLIOTT, City Attorney

By  _____
Kathy J. Steinman
Deputy City Attorney

KJS:jvg
February 21, 2024
Or.Dept: City Clerk
Doc. No. 3570111

I hereby certify that the foregoing Ordinance was passed by the Council of the City of San Diego, at this meeting of FEB 27 2024.

DIANA J.S. FUENTES
City Clerk
By  _____
Deputy City Clerk

Passed by the Council of The City of San Diego on FEB 27 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 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 FEB 27 2024

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 [Signature], Deputy

I HEREBY CERTIFY that the foregoing ordinance was passed on the day of its introduction, to wit, on FEB 27 2024, said ordinance being of the kind and character authorized for passage on its introduction by one or more of the following Sections: 275(c), 280(a)(1), 295(b), and 295(d) 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 [Signature], Deputy

Office of the City Clerk, San Diego, California
Ordinance Number O- 21778