



OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE CITY COUNCIL

DATE: August 26, 2013

REPORT NO.: 13-05

SUBJECT: Calling a Special Election to Fill the Mayoral Vacancy

ISSUE

Shall the Council call a special election to be held on Tuesday, November 19, 2013 for the purpose of filling the Mayoral vacancy?

BACKGROUND

Mayor Bob Filner filed a letter of resignation with my Office effective August 30, 2013. Since there is over one year remaining in his term of office, City Charter Section 265 requires the Council to call a special election to fill the vacancy. This must be done within 90 days of the vacancy since there is no regular municipal or statewide election scheduled to be held within 180 days of the vacancy.

If one candidate receives the majority of votes cast for all candidates in the special election, that candidate shall be deemed to be elected to the vacant office in accordance with Charter Section 265. If no candidate receives the majority of votes cast in the special election, a special run-off election must be held. The candidate elected at either the special election or at the special run-off election shall be declared elected for the unexpired term and shall assume office at the time the City Council adopts the resolution declaring the results of the election.

The Charter requires the special run-off election to be held within forty-nine days of the first (or primary) special election. This timeframe is not possible due to several state law requirements regarding time to certify election results, early voting requirements and requirements for mailing ballots to overseas military personnel. If a special run-off election is required, additional details about the timeframe will be provided at that time.

Election Date:

Tuesday, November 19, 2013 (81 days from vacancy) is the most viable date for the Mayor Special Election. This date allows for the full two-week candidate nomination period permitted in §27.0204 of the Municipal Code for a special election (which would run from September 6, 2013 to September 20, 2013 at 5 p.m.). The candidate nomination period for a regular election is typically four weeks in length.

In addition, the Registrar of Voters had planned to relocate its offices in early December. Per state law, the Registrar has up to 28 days to certify the results of an election; if the entire 28 days was required, the certification would not be available until December 17, 2013. Although the County is still assessing the impact of extending its move-in date, the Registrar has indicated that election services can be provided to the City of San Diego for the proposed election date of November 19, 2013.

Other dates in November that are either not possible, or less desirable, include:

- November 5, 2013: the candidate nomination period would be reduced to nine days (first day to pick up papers would have been August 23, 2013); in addition, the Registrar of Voters has indicated that supporting this date would not be operationally possible.
- November 12, 2013: the day after Veteran's Day (California Elections Code 1100: No election shall be held on any other day than a Tuesday, nor shall any election be held on the day before, the day of, or the day after, a state holiday).
- November 26, 2013: Thanksgiving Week.

With a November 19, 2013 election date, the following schedule would apply:

		Days Prior to Election
Council calls Special Election	Wednesday, August 28, 2013	83
Nomination Period Opens	Friday, September 6, 2013	74
First day to File Papers	Friday, September 13, 2013	67
Nomination Period Closes	Friday, September 20, 2013	60
Election Day	Tuesday, November 19, 2013	0
Certification of Results and Assuming Office (If a candidate has received a majority vote)	Tuesday, December 17, 2013	(+28)

ESTIMATED FINANCIAL IMPACTS

The most recent estimate from the Registrar of Voters for a single stand-alone citywide special election stands at \$5.9 million to \$6.2 million. These numbers remain fluid until the Registrar of Voters knows the full scope of the election structure, which includes the number of voting precincts and poll workers that will be required.

If a special run-off election is required, an estimate will be provided closer to that time.

ADDITIONAL INFORMATION

It is possible that a mail ballot election would result in cost efficiencies. However, the last time the City of San Diego conducted a mail ballot election was in May 1981, so any estimate would be extremely preliminary.

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RECOMMENDATION

Approve the ordinance and resolution drafted and which will be presented to you with this report on August 28, 2013; call for the special election to be held in the City of San Diego on Tuesday, November 19, 2013.


Elizabeth Maland
City Clerk

cc: Jan Goldsmith, City Attorney
Walt Ekard, Interim Chief Operating Officer