THE OFFICE OF COUNCIL PRESIDENT
JOE LACAVA
PROUDLY REPRESENTING DISTRICT 1

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Media Advisory on Anticipated City of San Diego Council District 5 Vacancy

San Diego, CA – Last night's election results are not yet certified, yet it is all but certain that Councilmember Marni von Wilpert has prevailed in her candidacy for Congress in the 48th District.

Accordingly, we anticipate that Councilmember von Wilpert will vacate her seat to assume her next office. This advisory provides information on how constituent services will be served in anticipation of the District 5 vacancy and the procedure for electing a councilmember to fill the balance of the current term, expiring December 2028.

District 5 Office Operations and Constituent Services

San Diego City Charter Section 12(h) states, "Whenever a vacancy exists in the office of a Councilmember, the chief of staff for the departing Councilmember shall manage the office of the Councilmember under the authority of the Council President, until a replacement is appointed or elected pursuant to the procedures for filling vacancies provided by this Charter.

This ensures continuity of office operations and constituent services during the vacancy. District 5 residents will continue to have access to the Council office for assistance and constituent-related matters.

This was most recently done in 2023 when then Councilmember Montgomery-Steppe was elected to the County Board of Supervisors. Council President Elo-Rivera worked with District 4 to maintain constituent services until Henry Foster was elected to serve the balance of the term.

Special Election Requirements

City Charter Section 302: Succession to Elective Offices provides, “If the vacancy occurs with more than one year remaining in the term, the Council shall call a special election to be held within ninety days of the vacancy that if a vacancy occurs with more than one year remaining in the Councilmember's term, the City Council must call a special election within 90 days of the vacancy…”

In the special election:

- If a candidate receives more than 50% of the votes cast, that candidate is elected to fill the vacancy and would be sworn in after certification of the election.
- If no candidate receives a majority, a special run-off election must be held within 90 days of the first election, unless consolidation with an eligible municipal or statewide election is permitted under the Charter. The two candidates receiving the most votes would advance to the run-off.

Possible Timeline

Once the Councilmember formally submits a resignation, even with a future effective date, the Office of the City Clerk can begin planning the special election based on the anticipated vacancy date.

Once the effective date of resignation is announced, the timeline is as follows:

- **Day 1:** Vacancy becomes effective
- **Between Days 2 through 15:** Approximately two-week candidate nomination period
- **Day 90, or sooner:** special election date
- **Following the special election:** If no candidate receives a majority, a run-off election is required, which would be scheduled within 90 days of the first special election.

At this time, Council President LaCava is unaware of any municipal or statewide election that may be scheduled within 180 days of the potential vacancy that would allow the two to be consolidated, potentially saving the city the full cost of holding a special stand-alone district election.

Additional Considerations

Actual dates and timelines will be finalized upon the certification of the General Election and receipt of the Councilmember's official resignation and the effective vacancy date. Once a formal resignation is received by the City Clerk, the City Clerk will finalize the election calendar, including nomination deadlines, and coordinate the necessary actions to call the election with the Council President.

Quotes:

"District 5 can rest assured that they will continue to be well served, and I commit to a timely and transparent election process." – San Diego City Council President Joe LaCava

" The Office of the City Clerk is fully prepared to administer a fair, transparent, and orderly process in accordance with the City Charter and election laws, while keeping residents informed throughout the process." – San Diego City Clerk Diana Fuentes

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Council President Joe LaCava represents San Diego's First Council District, which includes the communities of La Jolla, Pacific Beach, Carmel Valley, Del Mar Heights, Del Mar Mesa, Pacific Highlands Ranch, Torrey Hills, Torrey Pines, and a portion of University City west of the 1-5.