OFFICE OF THE CITY CLERK

REPORT

TO THE HONORABLE MAYOR AND CITY COUNCIL

DATE: January 2, 2013 REPORT NO.: 13-01

SUBJECT: Calling a Special Election to Fill the Vacancy in Council District 4

ISSUE

Shall the Council call a special election to be held on Tuesday, March 26, 2013 for the purpose of filling the vacancy in the Office of Councilmember for Council District 4?

BACKGROUND

Councilmember Anthony Young filed a letter of resignation with my Office effective January 1, 2013. Since there is over one year remaining in his term of office, City Charter Section 12 requires the Council to call a special election to fill the vacancy. According to Charter Section 12, the election shall be held within 90 days of the vacancy, unless there is a 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 12. If no candidate receives the majority of votes cast in the special election, a special run-off election must be held within forty-nine days of the first special election. 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.

San Diego Municipal Code section 27.0708 provides that: (1) the district boundaries to be used for the special election to fill the vacancy in the District 4 office shall be the same as those used in the original election in 2010 for the current term; (2) candidates for the District 4 office are to be residents and voters from within the district boundaries as they existed in 2010 for thirty days prior to submitting their nominating papers; (3) nominating signatures must come from voters registered within the district boundaries as they existed in 2010, prior to the 2010 redistricting process.

Election Date:

Tuesday, March 26, 2013 (85 days from vacancy) is the most viable date for the District 4 Special Election. It is the only date within the City Charter-required timeframe of 90 days from the vacancy that would allow for a full two-week candidate nomination period (which would run from January 11, 2013 to January 25, 2013 at 5 p.m.). The candidate nomination period for a regular election is typically four weeks in length; thus, allowing for a full two weeks of the already truncated special election nomination period is a significant factor.

With a March 26, 2013 election date, the following schedule would apply:

		Days Prior to Election
Council calls Special Election	Monday, January 7, 2013	78
Nomination Period Opens	Friday, January 11, 2013	74
First day to File Papers	Friday, January 18, 2013	67
Nomination Period Closes	Friday, January 25, 2013	60
Election Day	Tuesday, March 26, 2013	0
Certification of Results and Assuming Office (If a candidate has received a majority vote)	Tuesday, April 23, 2013	(+28)

Possible Consolidation

At the time of this report, the following information is known:

1. It is likely that the Governor will call for a special election to be held in March to fill the vacancy created in the 40th Senatorial District that resulted from the election of Juan Vargas to the U.S. Congress in November 2012.

2. There is an overlap between the 40th Senatorial District and the City of San Diego 4th Council District. The number of registered voters in the overlapping area is 15,546 voters.

3. Consolidation of the State special 40th and the City of SD special District 4 elections would be a benefit since it would:
    a. prevent any voter confusion and/or possible disenfranchisement if separate elections were held and resulted in ballot confusion;
    b. save the City approximately $100,000 on the total cost of the election (which is estimated by the Registrar of Voters to be between $355,000 - $385,000; thus consolidation would place the range at $255,000 - $285,000).

4. The most recent information from the Registrar of Voters is that the March 26, 2013 date is also the more favorable one for the State's special 40th primary.

RECOMMENDATION

Approve the ordinance and resolution drafted and which will be presented to you with this report on January 7, 2013; call for the special election to be held in Council District 4 on Tuesday, March 26, 2013.

Elizabeth Maland
City Clerk

cc: City Attorney
Chief Operating Officer