



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
[www. CityofSacramento.org](http://www.CityofSacramento.org)

Consent
 July 15, 2008

Honorable Mayor and
 Members of the City Council

Title: June 3, 2008 Primary Election Results and Call for a General Election on
 November 4, 2008 for the Office of Mayor

Location/Council District: Citywide and 2, 4, 6 and 8

Recommendation: Adopt a 1) **Resolution** accepting the results of the June 3, 2008 primary municipal election as certified by the County Registrar of Voters; and 2) **Resolution** calling to the general municipal election ballot of November 4, 2008 a contest among the top two mayoral candidates chosen at the primary Election.

Contact: Stephanie Mizuno, Assistant City Clerk, 808-8093;
 Shirley Concolino, City Clerk, 808-5442

Presenters: N/A

Department: City Clerk's Office

Division: N/A

Organization No: 7070 / 04001021

Description/Analysis

Issue: Accepting the election results as certified by the County Registrar of Voters will officially enter the vote into the official record of the City and allow the confirmation of officers in November. This action will also call for a general election in those offices where one candidate did not receive a majority of votes cast in the primary election as required by the City Charter.

Policy Considerations: This action is consistent with California Elections Code.

Environmental Considerations: None

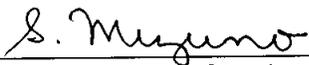
Commission/Committee Action: None.

Rationale for Recommendation: The City of Sacramento held a primary municipal election on June 3, 2008 for the purposes of electing a Mayor and City Councilmember in Districts 2, 4, 6 and 8. Pursuant to the results contained in the Certificate of Facts (Exhibit A - Resolution), the number of votes received by the following candidates is sufficient to declare them elected: Council District 2 – Sandy Sheedy; Council District 4 – Rob Fong; Council District 6 – Kevin McCarty; and Council District 8 – Bonnie Pannell.

Financial Considerations: The County has invoiced the City of Sacramento \$246,709 for the costs to conduct the June 3, 2008 election. Of this total \$10,000 is attributable to the cost of candidate statements for which the City received payment directly from the candidates.

The estimated cost to conduct a general election for the citywide office of Mayor is approximately \$158,581.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Stephanie Mizuno,
Assistant City Clerk

Recommendation Approved:


Shirley Corcolino
City Clerk

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ATTACHMENT 1

BACKGROUND:

The terms for incumbents in the office of Mayor and City Council Districts 2, 4, 6 and 8 are scheduled to expire in November 2008. In December of 2007, and pursuant to established election procedures, the City Council adopted resolutions that called for a June primary and November general election to fill these expiring terms. The Council also adopted resolutions that consolidated the elections with the statewide primary and general elections and requested authorization from the Board of Supervisors to allow the County Registrar of Voters to provide needed election services.

The election has occurred, the County Registrar has certified the results, and the City Clerk has received the official "Certificate of Facts" (Exhibit A - Resolution). As contained in the certification, the number of votes received by the incumbents in Council Districts 2, 4, 6 and 8 are sufficient to declare them elected. The number of votes received by the candidates in the office of Mayor did not result in one candidate receiving a majority of the vote (50% + 1); therefore a general election will be necessary.

Adopting the resolution accepting the election results is the final action that closes out the June election. Adopting the resolution calling the mayoral contest to the general election will allow the process of electing a Mayor to proceed.

ATTACHMENT 2

RESOLUTION NO.

Adopted by the Sacramento City Council

**RECITING THE FACTS OF THE PRIMARY MUNICIPAL ELECTION
HELD ON JUNE 6, 2006, DECLARING THE RESULTS AND OTHER
SUCH MATTERS AS PROVIDED BY LAW**

BACKGROUND

- A. A Primary municipal election was held and conducted in the City of Sacramento, California on Tuesday, June 3, 2008, as required by law.
- B. Notice of the election was given in time, form and manner as provided by law; that voting precincts were properly established; that election officers were appointed and that in all respects the election was held and conducted and the voted were cast, received and canvassed and the returns made and declared in time, form and manner as required by the provisions of the Election Code of the State of California.
- C. Pursuant to Resolution No. 2007-896 adopted December 12, 2007, the Sacramento County Office of Voter Registration and Elections canvassed the returns of the election and has certified the results to this City Council; the results are received, attached and made part hereof as "Exhibits A and B".

**BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL
RESOLVES AS FOLLOWS:**

- Section 1. That the whole number of ballots cast in the City for Mayor and in Districts 2, 4, 6 and 8 (including write-in, over and under votes) was _____.
- Section 2. That the names of persons voted for at the election for Members of the City Council are as follows:

Mayor of Sacramento

Kevin Johnson	32,160
Heather Fargo	27,474
Leonard Padilla	4,231
Shawn D. Eldredge	2,462
Muriel Strand	2,104
Richard Jones	679
Adam Daniel	407
Robert Lee Drumgoole (write-in)	3

Council District 2

Sandy Sheedy 2,783

Council District 4

Rob Fong 8,991

Council District 6

Kevin McCarty 5,654

Council District 8

Bonnie Pannell 4,139

- Section 3. That the number of votes given at each precinct and the number of votes given in the District to each of the persons above named for the respective offices for which the persons were candidates, are as listed in "Exhibits A and B" attached.
- Section 4. The City Council does declare and determine that: Sandy Sheedy was elected as Member of City Council District 2 for a full term of four years; Rob Fong was elected as Member of City Council District 4 for a full term of four years; Kevin McCarty was elected as Member of City Council District 6 for a full term of four years; and Bonnie Pannell was elected as Member of City Council District 8 for a full term of four years.
- Section 5. The City Council does declare and determine that no candidate having reached a majority of votes cast for the office of Mayor, a contest between the top two chosen candidates, Heather Fargo and Kevin Johnson, will be held at the general municipal election on November 4, 2008.
- Section 6. The City Clerk shall enter on the records of the City Council of the City, a statement of the result of the election, showing: 1) The whole number of ballots cast in the City and in the Districts; 2) The names of the persons voted for; 3) For what office each person voted; 4) The number of votes given at each precinct to each person; and 5) The total number of voted given to each person.
- Section 7. That the City Clerk shall on November 25, 2008, and pursuant to City Charter Section 153, make and deliver to each of the persons so elected a Certificate of Election signed by the City Clerk and authenticated; that the City Clerk shall also administer to each person elected the Oath of Office

prescribed in the Constitution of the State of California and shall have them subscribe to it and file it in the office of the City Clerk. Each and all persons so elected shall then be inducted into the respective office to which they have been elected.

Section 8. That the City Clerk shall certify the passage and adoption of this resolution and enter it into the book of original resolutions.

Table of Contents:

Exhibit A	Certification of Facts
Exhibit B	District Detail – Precinct Breakdown

STATE OF CALIFORNIA
County of Sacramento } ss.

RECEIVED
CITY CLERK'S OFFICE
CITY OF SACRAMENTO

2008 JUL -2 A 11:52

CERTIFICATE OF FACTS

I, JILL LAVINE, Registrar of Voters of the County of Sacramento, State of California, do hereby certify that the names of the candidates shown below were submitted to the known qualified electors in **City of Sacramento** for Mayor at the June 3, 2008 Primary Election

The results of the Official Canvass conducted by this office are as follows:

	Votes Cast
Kevin Johnson	32,160
Heather Fargo	27,472
Leonard Padilla	4,231
Shawn D. Eldredge	2,462
Muriel Strand	2,104
Richard Jones	679
Adam Daniel	407

QUALIFIED WRITE - IN CANDIDATE
Robert Lee Drumgoole **3**

And that the conduct of the election and canvass of the ballots was in every respect in accordance with the election laws of the State of California.

Witness My Hand and Seal this 18th day of June, 2008.

Jill Lavine

JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California



STATE OF CALIFORNIA

County of Sacramento

} ss.

CERTIFICATE OF FACTS

I, JILL LAVINE, Registrar of Voters of the County of Sacramento, State of California, do hereby certify that the names of the candidates shown below were submitted to the known qualified electors in the City of Sacramento for **City of Sacramento Council District 2** at the June 3, 2008 Primary Election.

The results of the Official Canvass conducted by this office are as follows:

Votes Cast

***Sandy Sheedy**

2,783

And that the conduct of the election and canvass of the ballots was in every respect in accordance with the election laws of the State of California.

Witness My Hand and Seal this 18th day of June, 2008.



JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California

*Elected

STATE OF CALIFORNIA

County of Sacramento

} ss.

CERTIFICATE OF FACTS

I, JILL LAVINE, Registrar of Voters of the County of Sacramento, State of California, do hereby certify that the names of the candidates shown below were submitted to the known qualified electors in **City of Sacramento Council District 4** at the June 3, 2008 Primary Election.

The results of the Official Canvass conducted by this office are as follows:

	Votes Cast
*Rob Fong	8,991

And that the conduct of the election and canvass of the ballots was in every respect in accordance with the election laws of the State of California.

Witness My Hand and Seal this 18th day of June, 2008.


JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California



*Elected

STATE OF CALIFORNIA

County of Sacramento

} ss.

CERTIFICATE OF FACTS

I, JILL LAVINE, Registrar of Voters of the County of Sacramento, State of California, do hereby certify that the names of the candidates shown below were submitted to the known qualified electors in **City of Sacramento Council District 6** at the June 3, 2008 Primary Election

The results of the Official Canvass conducted by this office are as follows:

	Votes Cast
*Kevin McCarty	5,654

And that the conduct of the election and canvass of the ballots was in every respect in accordance with the election laws of the State of California.

Witness My Hand and Seal this 18th day of June, 2008.


JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California



*Elected

STATE OF CALIFORNIA

County of Sacramento

} ss.

CERTIFICATE OF FACTS

I, JILL LAVINE, Registrar of Voters of the County of Sacramento, State of California, do hereby certify that the names of the candidates shown below were submitted to the known qualified electors in **City of Sacramento Council District 8** at the June 3, 2008 Primary Election.

The results of the Official Canvass conducted by this office are as follows:

	Votes Cast
*Bonnie Pannell	4,139

And that the conduct of the election and canvass of the ballots was in every respect in accordance with the election laws of the State of California.

Witness My Hand and Seal this 18th day of June, 2008.


JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California



*Elected

Exhibit B

District Detail – Precinct Breakdown

ATTACHMENT 3

RESOLUTION NO.

Adopted by the Sacramento City Council

CALLING AND GIVING NOTICE OF A GENERAL ELECTION FOR THE OFFICE OF MAYOR TO BE INCLUDED WITH THE CONSOLIDATED GENERAL MUNICIPAL ELECTION OF NOVEMBER 4, 2008 AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO CHARTER CITIES

BACKGROUND

- A. A primary municipal election was held and conducted in the City of Sacramento, California on Tuesday, June 3, 2008, as required by law.
- B. The election results as contained in the Registrar of Voter's Certificate of Fact for the office of Mayor reflect that one candidate did not receive a majority of votes cast.
- C. City Charter Section 152 provides that if one candidate does not receive a majority of votes cast in the primary election the voters shall, at the general election, select among the top two candidates chosen at the primary election.
- D. On July 15, 2008, the City Council accepted the Certificate of Fact and declared the need for a general election to select among the top two chosen candidates in the primary.
- E. As provided in the California Elections Code, elections must be formally called and noticed by resolution.

BASED ON THE FACTS SET FORTH IN THE BACKGROUND, THE CITY COUNCIL RESOLVES AS FOLLOWS:

- Section 1. That pursuant to the requirements of the laws of the State of California relating to charter cities, there is called and ordered to be held in the City of Sacramento, California, on Tuesday, November 4, 2008, a general election for the purpose of electing a Mayor for the full term of four years.
- Section 2. The two candidates receiving the most votes among all candidates for the office of Mayor at the June primary election are Heather Fargo and Kevin

Johnson.

- Section 3. That the ballots to be used at the election shall be in form and content as required by law.
- Section 4. That the polls for the election shall be open at 7:00 a.m. on the day of the election and shall remain open continuously from that time until 8:00 p.m. of the same day when the polls shall be closed, except as provided in Section 14401 of the Elections Code of the State of California.
- Section 5. That in all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
- Section 6. That notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.
- Section 7. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original resolutions.