



REPORT TO COUNCIL

City of Sacramento

915 I Street, Sacramento, CA 95814-2604
www.CityofSacramento.org

Consent
July 20, 2010

Honorable Mayor and
Members of the City Council

Title: June 8, 2010 Primary Election Results and Call for a General Election on
November 2, 2010 for the Offices of Councilmember Districts 5 and 7

Location/Council District: Districts 1, 3, 5 and 7

Recommendation: Adopt: 1) a **Resolution** accepting the results of the June 8, 2010 primary municipal election as certified by the County Registrar of Voters; and 2) a **Resolution** calling to the general municipal election ballot of November 2, 2010 a contest among the top two candidates in Districts 5 and 7 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: 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

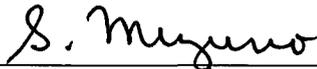
Commission/Committee Action: None.

Rationale for Recommendation: The City of Sacramento held a primary municipal election on June 8, 2010 for the purposes of electing a City Councilmember in Districts 1, 3, 5 and 7. 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 1, Angelique Ashby; and Council District 3, Steve Cohn. The number of votes received by the following candidates is not sufficient to declare them elected therefore a run-off election between the top two vote receivers is required: Council District 5, Jay Schenirer and Patrick Kennedy; and Council District 7, Ryan Chin and Darrell Fong.

Financial Considerations: The County has invoiced the City of Sacramento \$68,202 for the cost to conduct the June 8, 2010 election. Of this total \$7,200 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 Districts 5 and 7 is approximately \$31,000. The estimated cost of a citywide measure is \$138,000 for the first contest and \$24,000 for each subsequent issue.

Emerging Small Business Development (ESBD): Not applicable.

Respectfully Submitted by: 
Stephanie Mizuno,
Assistant City Clerk

Recommendation Approved:

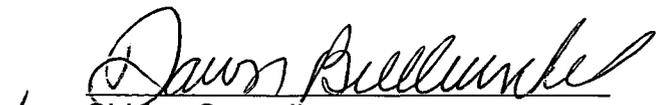

Shirley Concolino
City Clerk

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ATTACHMENT 1

BACKGROUND:

The terms for incumbents in the office of City Council Districts 1, 3, 5 and 7 are scheduled to expire in November 2010. In January of 2010, 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 candidates in Council Districts 1 and 3 are sufficient to declare the candidate receiving a majority of the vote elected. The number of votes received by the candidates in the office of Council Districts 5 and 7 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 District contests to the general election will allow the process of electing Councilmembers to proceed.

ATTACHMENT 2

RESOLUTION NO.

Adopted by the Sacramento City Council

RECITING THE FACTS OF THE PRIMARY MUNICIPAL ELECTION HELD ON JUNE 8, 2010, 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 8, 2010, 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 votes 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. 2010-034 adopted January 26, 2010, 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 Districts 1, 3, 5 and 7 were _____.

Section 2. That the names of persons voted for at the election for Members of the City Council are as follows:

Council District 1

Angelique Ashby	6,753
Ray Tretheway	5,512
Efren M Gutierrez	954

Council District 3

Steve Cohn	6,648
Chris Little	4,815

Shawn D Eldredge	715
Jeff Rainforth	332

Council District 5

Jay Schenirer	3,294
Patrick Kennedy	2,330
Henry Harry	489
Terrence Johnson	424
Leticia Hilbert	419

Council District 7

Ryan Chinn	4,069
Darrell R. Fong	3,543
Robbie Waters	2,965
Diedre Hobart	278

- 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 Angelique Ashby was elected as Member of City Council District 1 for a full term of four years; and Steve Cohn was elected as Member of City Council District 3.
- Section 5. The City Council does declare and determine that no candidate having reached a majority of votes cast for the offices of Member of City Council Districts 5 and 7 a contest between the top two chosen candidates Jay Schenirer and Patrick Kennedy and Ryan Chin and Darrell R. Fong (respectively) will be held at the general municipal election on November 2, 2010.
- 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 23, 2010, 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.

Unless, due to the consolidation of the election, the canvass of the vote is not completed in time to declare the election results by November 23rd. In the event of a delay, each person so elected will have delivered a Certificate of Election and administered an Oath of Office at the next regular meeting of the City Council after receipt of the official election results.

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.

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 1** at the June 8, 2010 Primary Election.

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

	Votes Cast
*Angelique Ashby	6,753
Ray Tretheway	5,512
Efren M Gutierrez	954

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 1st day of July, 2010.



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 the **City of Sacramento, Council District 3** at the June 8, 2010 Primary Election.

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

	Votes Cast
*Steve Cohn	6,648
Chris Little	4,815
Shawn D Eldredge	715
Jeff Rainforth	332

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 1st day of July, 2010.




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 5** at the June 8, 2010 Primary Election

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

	Votes Cast
Jay Schenirer	3,294
Patrick Kennedy	2,330
Henry Harry	489
Terrence Johnson	424
Leticia Hilbert	419

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 1st day of July, 2010.




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 **City of Sacramento, Council District 7** at the June 8, 2010 Primary Election.

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

	Votes Cast
Ryan Chin	4,069
Darrell R. Fong	3,543
Robbie Waters	2,965
Diedre Hobart	278

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 1st day of July, 2010.




JILL LAVINE
REGISTRAR OF VOTERS
County of Sacramento
State of California

Precinct Breakdown -

Exhibit B

Precinct data not available at time of publication

ATTACHMENT 3

RESOLUTION NO.

Adopted by the Sacramento City Council

CALLING AND GIVING NOTICE OF A GENERAL ELECTION FOR THE OFFICE OF MEMBER OF THE CITY COUNCIL IN DISTRICTS 5 AND 7 TO BE INCLUDED WITH THE CONSOLIDATED GENERAL MUNICIPAL ELECTION OF NOVEMBER 2, 2010 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 8, 2010, as required by law.
- B. The election results as contained in the Registrar of Voter's Certificate of Fact for the office of Member of the City Council in District 5 and 7 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 20, 2010, 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 in Districts 5 and 7.
- 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 2, 2010, a general election for the purpose of electing a Member of the City Council in Districts 5 and 7 for the full term of four years.

- Section 2. The two candidates receiving the most votes among all candidates for the office of Member of the City Council at the June primary election are in District 5 Jay Schenirer and Patrick Kennedy; and in District 7 Ryan Chin and Darrell R. Fong.
- 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.