

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

RESOLUTION NO. 2024-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA CALLING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 5, 2024, FOR THE ELECTION OF CERTAIN OFFICERS AS REQUIRED BY THE PROVISIONS OF THE LAWS OF THE STATE OF CALIFORNIA RELATING TO GENERAL LAW CITIES, REQUESTING THE COUNTY ELECTIONS DEPARTMENT TO CONDUCT THE ELECTION, REQUESTING CONSOLIDATION OF THE ELECTION, AND PROVIDING FOR A PROCEDURE FOR DETERMINING A TIE VOTE FOR THE NOVEMBER 5, 2024 CITY OF CARMEL-BY-THE-SEA GENERAL MUNICIPAL ELECTION

WHEREAS, under the provisions of the laws relating to general law cities in the State of California, a General Municipal Election shall be held on November 5, 2024, for the election of Municipal Officers; and

WHEREAS, pursuant to Elections Code Section 10002, the governing body of any city or district may by resolution request the Board of Supervisors of the county to permit the county elections official to render specified services to the city or district relating to the conduct of an election. The city or district shall reimburse the county in full for the services performed upon presentation of a bill to the city or district; and

WHEREAS, pursuant to Elections Code Section 10400, whenever two or more elections, including bond elections, of any legislative or congressional district, public district, city, county or other political subdivision are called to be held on the same day, in the same territory, or in territory that is in part the same, they may be consolidated upon the order of the governing body or bodies or officer or officers calling the elections; and

WHEREAS, pursuant to Elections Code Section 10403, whenever an election called by a district, city or other political subdivision for the submission of any question, proposition, or office to be filled is to be consolidated with a statewide election, and the question, proposition, or office to be filled is to appear upon the same ballot as that provided for that statewide election, the district, city or other political subdivision shall, at least 88 days prior to the date of the election, file with the board of supervisors, and a copy with the elections official, a resolution of its governing board requesting the consolidation, and setting forth the exact form of any question, proposition, or office to be voted upon at the election, as it is to appear on the ballot. Upon such request, the Board of Supervisors may order the consolidation. The resolution requesting the consolidation shall be adopted and filed at the same time as the adoption of the ordinance, resolution, or order calling the election; and

WHEREAS, pursuant to Elections Code Section 13307, whenever an election called by a district, city, or other political subdivision has offices to be filled, it is required to fix and determine the number of words that a candidate may submit on the candidate's statement to be either 200 or 400 words and to determine if the candidate and or the political subdivision will pay the cost of the statement; and

WHEREAS, Elections Code Section 15651 requires the city or district to determine the means and manner in which a tie vote is to be resolved in the event that two or more persons receive an equal number of votes and the highest number of votes ("tie votes") for an office to be voted upon; and

WHEREAS, various district, county, state and other political subdivision elections may be or have been called to be held on November 5, 2024.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA:

Section 1: The City of Carmel-by-the-Sea hereby orders an election be called and consolidated with any and all elections also called to be held on Tuesday, November 5, 2024 insofar as said elections are to be held in the same territory or in territory that is in part the same as the territory of the Board of Supervisors of the County of Monterey to order such consolidation under Elections Code Section 10401 and 10403; and

Section 2: Pursuant to Elections Code Section 10002 said governing body hereby requests the Board of Supervisors of the County of Monterey to permit the Monterey County Elections Department to provide any and all services necessary for conducting an election and agrees to pay for said services in full.

Section 3: The General Municipal Election for the year 2024 is hereby called and shall be held in Carmel-by-the-Sea, under and by virtue of the provisions of California Elections Code on the 5th day of November, 2024, said date being the Tuesday following the first Monday in November, 2024.

Section 4: The following officers of Carmel-by-the-Sea shall be elected at said General Municipal Election:

- Mayor, one (1) for a full term of two years
- Member of the City Council, two (2) for a full term of four years.

Section 5: Nomination papers shall be filed with the City of Carmel-by-the-Sea's City Clerk not later than 5:00 p.m. on Friday, August 9, 2024, except that the nomination filing period will be extended to 5:00 p.m. on Wednesday, August 14, 2024, if an incumbent does not file or fails to qualify by close of the regular nomination period on August 9, 2024.

Section 6: Pursuant to California Elections Code Section 13307, the City of Carmel-by-the-Sea has determined that candidates for office may file a written statement of qualifications (Candidate Statement), not to exceed 200 words, with their nomination papers, and has resolved that all costs of the Candidate Statement as determined by the Registrar of Voters shall be paid by the candidate.

Section 7: Pursuant to California Elections Code Section 15651, if any two or more persons receive an equal and the highest number of votes for an office to be voted for within the City, the tie votes shall be resolved by lot. "By lot" means, by deciding the matter through implementing a method of chance, in order to afford each candidate receiving tie votes a fair opportunity at the election. In the interest of maintaining decorum, fairness and transparency, the method implemented for resolving tie votes in Carmel-by-the-Sea's November 5, 2024 General Municipal Election shall be drawing of names in accordance with the following procedure:

For the office of City Council, the City Clerk shall type the name of each candidate who has tied for office on a separate, but identical piece of paper, which shall be folded and deposited into a container and mixed so that the pieces of paper become indistinguishable. The City Clerk shall then draw from the container as many pieces of paper as there are seats on the City Council to be filled by the candidates who have tied. The candidate(s) whose name(s) appear(s) upon the drawn piece(s) of paper shall be deemed elected.

For the office of Mayor, the City Clerk shall type the name of each candidate who has tied for office on a separate, but identical piece of paper, which shall be folded and deposited into a container and mixed so that the pieces of paper become indistinguishable. The City Clerk shall then draw from the container one piece of paper and the candidate's whose name appears upon the drawn piece of paper shall be deemed elected.

Section 8: The City authorizes the Registrar of Voters to consolidate this election with any other election on November 5, 2024 for the convenience of the registered voters and to effectuate any cost savings by such consolidation.

Section 9: This Resolution shall apply only to the election to be held on Tuesday, November 5, 2024, and shall be repealed upon the City Council's declaration of election results.

Section 10: The County of Monterey Elections Department is hereby directed to publish such notices as are provided by law for the holding of the Municipal Election, which said notices shall be published as required by law.

PASSED, APPROVED, AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA this 3rd day of June, 2024, by the following vote:

AYES: Councilmembers Baron, Dramov, Ferlito, Richards, and Mayor Potter

NOES: None

ABSENT: None

ABSTAIN: None

APPROVED:



Dave Potter
Mayor

ATTEST:



Nova Romero, MMC
City Clerk

