

RESOLUTION NO. 22-1177

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SOLVANG,
CALIFORNIA, PROVIDING FOR A PROCEDURE FOR DETERMINING
BY LOT A TIE AMONG CANDIDATES AT THE NOVEMBER 8, 2022
GENERAL MUNICIPAL ELECTION IN ACCORDANCE WITH
ELECTIONS CODE SECTION 15651**

WHEREAS, § 15651 of the Elections Code of the State of California authorizes the City Council 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 and the highest number of votes ("tie votes") for an office to be voted upon in a city; and

WHEREAS, § 15651 of the Elections Code of the State of California provides that the tie vote shall be resolved in one of the following ways:

By Lot: The City Clerk, serving as the Elections Official pursuant to Elections Code § 320, or his or her designee, shall summon the candidates who have received the tie votes, whether upon the canvass of the returns or upon recount by a court, to appear before the City Council at a time to be designated by the City Council. The City Clerk shall at that time and place resolve the tie votes by lot (defined below).

By Special Election: The legislative body may resolve a tie vote by the conduct of a special runoff election involving those candidates who receive an equal number of votes. A special runoff election shall be held only if the legislative body adopts provisions of § 15651(b) of the Elections Code prior to the conduct of the election resulting in the tie vote. All future elections conducted by that body shall be resolved likewise unless the legislative body later repeals the order for the conduct of a special runoff election.

WHEREAS, the City Council desires that any tie vote resulting from the November 8, 2022 General Municipal Election be resolved by lot.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SOLVANG DOES HEREBY
RESOLVE AS FOLLOWS:**

SECTION 1. That pursuant to § 15651 of the Elections Code of the State of California, 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 election.

SECTION 2. That the City Council has the authority to resolve tie votes by lot, by implementing various methods of chance, including, but not limited to, a coin toss, generation of random number, or drawing of names. In the interest of maintaining decorum, fairness and transparency, the method implemented for resolving tie votes in the November 8, 2022 General Municipal Election shall be the drawing of names, in accordance with the following procedure:

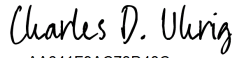
The City Clerk shall type the name of each candidate who has tied for office on a separate, but identical piece of paper, which shall be folded and deposited into a container and mixed so that the pieces of paper become indistinguishable. The City Clerk, or his or her designee, shall then draw from the 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 names(s) appear(s) upon the drawn piece(s) of paper shall be deemed elected.

SECTION 3. That this Resolution shall apply only to the election to be held on Tuesday, November 8, 2022, and shall be repealed upon the City Council's declaration of election results.

SECTION 4. That the City Clerk shall certify to the passage and adoption of this Resolution and enter it into the book of original Resolutions.


PASSED, APPROVED, AND ADOPTED on this 13th day of June 2022.

DocuSigned by:

AA641F9AC73D48C


Charlie Uhrig, Mayor

APPROVED AS TO FORM:

ATTEST:

DocuSigned by:

8CACE76DAD12485...

Dave Fleishman, City Attorney

DocuSigned by:

2EEC8CE82C12406

Annamarie Porter, City Clerk

STATE OF CALIFORNIA)
COUNTY OF SANTA BARBARA)ss
CITY OF SOLVANG)

I, Annamarie Porter, City Clerk of the City of Solvang, California do hereby certify that Resolution No. 22-1177 was passed and adopted by the City Council of the City of Solvang at a regular meeting of said City Council held on the 13th day of June 2022, and thereafter signed and approved by the Mayor and attested by the City Clerk, and that said resolution was adopted by the following vote:

AYES: CLARKE, INFANTI, ORONA, THOMAS, UHRIG

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

DocuSigned by:

2EFC8CE62C12406

Annamarie Porter, City Clerk