

RESOLUTION NO. 24-1260

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 5, 2024 GENERAL MUNICIPAL ELECTION IN ACCORDANCE WITH ELECTIONS CODE SECTION 15651

WHEREAS, Elections Code § 15651 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, Elections Code § 15651 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); **or**

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.

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

SECTION 1. That pursuant to Elections Code § 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 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 5, 2024, 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 name(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 5, 2024, 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 10th day of June 2024.

DocuSigned by:

Mark Infanti

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Mark Infanti, Mayor

APPROVED AS TO FORM:

ATTEST:

DocuSigned by:

Chelsea E. O'Sullivan

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Chelsea O'Sullivan, City Attorney

DocuSigned by:

Annamarie Porter

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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. 24-1260 was passed and adopted by the City Council of the City of Solvang at a regular meeting of said City Council held on the 10th day of June 2024, 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: BROWN, CLARKE, INFANTI, C ORONA, E ORONA

NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

DocuSigned by:

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Annamarie Porter, City Clerk