



# City of Morro Bay

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## NEWS RELEASE

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The City has received numerous questions from the media and public in regards to the results of the election and whether there will be a run-off election in November.

California State Law governs how municipal elections are held in cities like Morro Bay. The method of election is determined by which election date is chosen by the city for its general municipal election. Measure “S” was passed in November 2007 and codified as Ordinance 528, amending Morro Bay Municipal Code Section 2.09.010 to have the general municipal election held at the time of the statewide primary election with a runoff election, if necessary, to follow in the November election. Municipal general elections held at the time of the statewide primary provide that a candidate is elected at that time only if he or she receives votes on a majority of the ballots cast.

More specifically, California Elections Code 8140 states that, “Any candidate for a nonpartisan office who at a primary election receives votes on a majority of all the ballots cast for candidates for that office shall be elected to that office.” In addition, the City Attorney’s Impartial Summary for Measure “S” and subsequent staff reports all represented that, “a candidate is elected...if he or she receives votes on a majority of the ballots cast.”

Each election since Measure “S” was passed, the City has interpreted the majority of votes based upon ballots cast. A voter only has one vote and one ballot, even though a voter may exercise a number of choices on each ballot. If there are two council seats to be filled at the election, each voter would have two choices on the ballot; however, in counting the total number of votes cast (ballots cast), it is the number of ballots, not the number of choices exercised on each ballot, which determines the majority. Therefore the minimum number of votes a candidate must receive to be elected to office under Measure “S” is more than half the total number of valid ballots cast at the primary election.

Based upon the unofficial preliminary election results, it appears that votes received by each of the two top City Council candidates, Smukler and Johnson, is more than 50% of 3,439 ballots cast thus far.