



Jim LaMattery <jimlamattery@gmail.com>

Two Dems in D2 runoff?

1 message

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To: James LaMattery <jimlamattery@gmail.com>

Mon, Jul 2, 2018 at 4:04 PM

Hi James --

There are now fewer provisional ballots to be counted than I would need to gain to make the runoff in San Diego City Council District 2. I am currently exactly 500 votes short out of 32,180 cast, or 1.56%.

However, based on the City Charter language that was in effect when Councilmember Zapf's home in Bay Ho was redistricted in 2011, she is ineligible to serve a third consecutive term under term limits that have been in effect since 1992.

The Charter was amended in 2016 to make it appear as though Zapf could seek another term, but the operative language when she was redistricted makes it clear she can't because all three terms would be from the same district.

There is a court procedure for challenging a primary election nomination when a nominee is ineligible to serve. (The top two in a nonpartisan primary are considered nominated for the general election.) I will be bringing such a challenge this week, and the matter will need to be heard by a judge within a month pursuant to the Elections Code.

If this challenge is successful, the November runoff will be between two Democrats, Jen Campbell and myself.

Although the election is officially nonpartisan, Zapf was the Republican Party endorsed candidate and received 43% of the vote. The three Democratic Party backed candidates received a total of 51%, with the remaining going to candidates not backed by any political party:

| CITY OF SAN DIEGO CITY COUNCIL DISTRICT NO. 2 (VOTE FOR 1) | | | | Precincts Reported: |
|---|-------------------|--------|--------|---|
|  | LORIE ZAPF | 13,773 | 42.80% |  |
|  | JENNIFER CAMPBELL | 6,866 | 21.34% |  |
|  | BRYAN PEASE | 6,366 | 19.78% |  |
|  | JORDAN BEANE | 3,188 | 9.91% |  |
|  | DANNY SMIECHOWSKI | 846 | 2.63% |  |
|  | KEVIN D. MELTON | 734 | 2.28% |  |
|  | RANDY HAHN | 367 | 1.14% |  |
|  | Write-in | 40 | 0.12% |  |

Based on these results, the majority of voters in the district want a Democratic Party backed candidate, not a Republican incumbent who has already served two consecutive terms and is seeking a third term under a loophole that doesn't actually exist.

If I did not bring this challenge and Zapf were to appear on the November ballot, it would constitute a fraud on the voters, who would only have two choices, one of whom is ineligible. If the majority of voters were to then choose Zapf in the runoff, any voter could challenge that result, and the seat could then be declared vacant, requiring the Council to appoint someone.

Rather than having an ineligible candidate in the runoff, my court challenge will hopefully allow the choice to be between the two *eligible* candidates who received the most votes in the primary.

Court battles and campaigns are not cheap, so if you would like to continue to support this effort to turn District 2 blue, please contribute at bryanpease.com/contribute up to the \$550 individual maximum!

With gratitude,

Bryan

Paid for by Bryan Pease for San Diego City Council 2018

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