



Memorandum

TO: City Council

FROM: Mayor Ron Gonzales

**SUBJECT: Calling a Special Election to Fill
Upcoming Vacancy in District 6**

DATE: June 14, 2006

Approved

Date

6/14/06

RECOMMENDATION

1. Adopt a resolution calling for a special primary election to be consolidated with the General Election on November 7, 2006, to fill the anticipated vacancy in District 6 for the balance of the term expiring December 31, 2008.
2. Direct the City Clerk to negotiate with the Santa Clara County Registrar of Voters to schedule a District 6 runoff election on the earliest possible date with the least potential cost, following the November primary election.
3. Direct the City Manager to allocate resources to cover the costs of the District 6 special primary and runoff elections.

BACKGROUND

As a result of the recent election of Councilmember Ken Yeager to the Santa Clara County Board of Supervisors, a vacancy will exist on the City Council for District 6 at the end of 2006. The City Charter requires the Council to fill vacancies either by appointment or by election.

I believe the people of District 6 should select the person to represent their interests on the City Council. I therefore recommend that we schedule a special election now in order to fill this vacancy as quickly as possible to minimize the period that the seat is empty and to ensure their appropriate representation on the Council. This recommendation is similar to the course Council took last year to fill the vacancy in District 7, and also in 2001 when District 5 became vacant when the councilmember was elected to the California Assembly. This action would also be consistent with the intent of the voters when they approved Measure B in November of 1994, which amended the City Charter to enable the Council to anticipate a vacancy and call for an election in advance to fill it.

By consolidating the special election for the District 6 primary with the general election on November 7, we also can minimize the costs for conducting it. If a runoff election were necessary, the most likely date would be March 6, 2007, a state-recognized election date, which

allows us to comply with state and county requirements for the elections calendar, and provides for the possibility of cost sharing with other jurisdictions if they also schedule an election at that time.

According to the City Clerk, the costs would be nominal for holding a special District 6 election in November. The estimated costs for a stand-alone runoff election, based on the Registrar of Voters billings last year of about \$11 per registered voter, would be approximately \$450,000 to \$500,000.

If voters select a new councilmember outright in November, there would be no vacancy when Councilmember Yeager leaves office. If a runoff election were necessary, then the office would be vacant for approximately two months in early 2007. I am confident that the City Council and the Mayor's Office next year will be able to represent the interests of District 6 and be responsive to constituents until the new councilmember chosen by the voters takes office, just as we did for District 7 last year.

The deadline for consolidating the election is August 11, just when the Council is returning from its July recess. I recommend that we take this step in June so that we can provide clear early direction to the City Clerk, potential candidates, and the public. The candidate nomination period would open on July 17 and close August 11. Our action is contingent on the certification of the results of the June 6, 2006, election, which will be coming to the City Council from the Registrar of Voters in the coming weeks.

This memo has been coordinated with the City Clerk and City Attorney.

RECEIVED
San Jose City Clerk
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