



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** RICHARD DOYLE  
City Attorney

**SUBJECT:** Elections Commission -  
Applications

**DATE:** January 9, 2009

## **BACKGROUND**

The City Council will interview applicants for the San Jose Elections Commission on January 20, 2009. This Office routinely reviews applications to City Boards and Commissions. The applications generally do not provide complete information but they do occasionally disclose potential conflicts of interest or incompatible offices. The purpose of this memorandum is to highlight any potential conflicts that may be disclosed by the applications.

## **ELECTIONS COMMISSION DUTIES**

The San Jose Elections Commission monitors compliance with all campaign and certain ethics ordinances in the San Jose Municipal Code. The Commission reviews and investigates allegations of violations of the City's campaign contributions provisions and issues formal decisions where appropriate. The Commission also makes recommendations to the Council about the City's campaign and ethics regulations and policies.

## **ELECTIONS COMMISSION REQUIREMENTS**

Members of the Elections Commission are required to have some demonstrated familiarity and experience with campaign laws. While serving on the five-member Elections Commission, no member can hold any other public office, publicly endorse any candidate for City office or engage in any political or campaign activity on behalf of any candidate for City office. Furthermore, no member can participate as a candidate in any election to public office for a period of one year before and after tenure on the Commission.

## **APPLICANTS**

**Michael Smith** – Mr. Smith's application indicates that he retired from General Electric Co. as an engineering manager. He has served on the Elections Commission since March of 2007, and, among other committees, he has served as a commissioner of the Santa Clara County Juvenile Justice Commission and as a member of the Santa Clara County Civil Grand Jury. Since he is a current Commissioner, he has some familiarity and experience with San Jose's campaign laws. His application discloses neither incompatible offices nor apparent conflicts of interest.

**Erica Cosgrove** – Ms. Cosgrove's application indicates that she is a consultant and researcher for the Woodrow Wilson School of Public and International Affairs at Princeton University. She has worked as a lobbyist for the International Campaign for Tibet and as a legislative research assistant for United States Senator Daniel Patrick Moynihan. She has also volunteered for the Obama Presidential Campaign and former Mayor Susan Hammer's Mayoral Campaign. She therefore appears to have some recent familiarity and experience with national campaigns and some remote familiarity and experience with San Jose's campaigns. Her application discloses neither incompatible offices nor apparent conflicts of interest.

**CONCLUSION**

We do not have sufficient information from the applications to fully assess whether the applicants meet the requirements in the Municipal Code for the Elections Commission. We note that Mr. Smith is a current member of the Elections Commission.

The applicants do not appear to have any incompatible offices or pervasive conflicts which would prevent them from serving on the Elections Commission. The Council may wish to ask the applicants to provide additional information during the interviews.

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By   
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