



Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: LEE PRICE, MMC
CITY CLERK

**SUBJECT: CALLING FOR MUNICIPAL
ELECTIONS ON JUNE 8, 2010
AND NOVEMBER 2, 2010**

DATE: January 15, 2010

RECOMMENDATION

Adopt a resolution calling for a Regular Municipal Election on June 8, 2010 and a Run-Off Municipal Election on November 2, 2010, if need be, for the purpose of electing a Mayor and Council Members for Districts 1, 3, 5, 7 and 9 and requesting consolidation with the County of Santa Clara.

OUTCOME

By adopting the attached Resolution, the City Council authorizes the City Clerk and the County Registrar of Voters to take the next steps necessary to consolidate and coordinate the elections.

BACKGROUND

State Election law provides that the governing body of a City may, by resolution, request the Board of Supervisors of the County to permit the County elections official (the Registrar of Voters) to render specified services to the City relating to the conduct of an election. Adoption of a resolution calling for a General Municipal Election to be held on June 8, 2010, and a run-off election if needed, will also request consolidation with any other elections being held in Santa Clara County on June 8, 2010 and November 2, 2010 as well as initiate the publication process.

The purpose of the Election is to ask the voters of San José to elect a Mayor and one Council Member each from Districts 1, 3, 5, 7 and 9 to four year terms beginning January 1, 2011 and ending December 31, 2014.

ANALYSIS

The nomination period for the June 8, 2010 election opens on Tuesday, February 16th and closes at noon on Friday, March 12th. It is timely and appropriate for the City Council to establish the election dates and procedures for the conduct of the General Municipal Election and to request consolidation with the County. Should no person or persons be declared elected on June 8th because of a failure to receive a majority of the votes cast for an office, a Runoff Municipal Election on November 2, 2010 will be necessary.

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If the Council wishes to refer ballot measures to the June 8, 2010 election, any action to do so would have to be taken not later than the statutory deadline of March 12, 2010. Should the Council refer ballot measures, on its own motion, to the June 8, 2010 election, such a Resolution would include the title, ballot language, and an exhibit of changes, if any, to existing documents, should the proposals be approved by the electorate.

PUBLIC OUTREACH

The California Elections Code provides public noticing requirements which are carried out by the City Clerk and the County Registrar of Voters.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office and the County Registrar of Voters.

COST SUMMARY/IMPLICATIONS

The Office of the City Clerk reimburses the County of Santa Clara in full for any of the election services which may be performed by the Registrar of Voters upon presentation of a bill to the City. Election expenses are determined by voter turnout and the number of candidates and ballot measures. The Office of the City Clerk has been appropriated \$1.1 million per election within its annual non-personal budget appropriation. The Office of the City Clerk will return to Council for an appropriation adjustment should the invoice for the June 8, 2010 election exceed the amount appropriated.



LEE PRICE, MMC
City Clerk

Attachment: Draft Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF A REGULAR PRIMARY MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN JOSE ON JUNE 8, 2010, AND, IF NECESSARY, A REGULAR RUN-OFF MUNICIPAL ELECTION ON NOVEMBER 2, 2010, FOR THE PURPOSE OF ELECTING ONE PERSON TO THE OFFICE OF MAYOR, ONE PERSON EACH FROM COUNCIL DISTRICTS ONE, THREE, FIVE, SEVEN AND NINE TO THE COUNCIL OF THE CITY OF SAN JOSE FOR FULL FOUR-YEAR TERMS; REQUESTING THE CONSOLIDATION OF THE PRIMARY ELECTION WITH THE STATEWIDE DIRECT PRIMARY ELECTION TO BE HELD IN SANTA CLARA COUNTY ON JUNE 8, 2010 AND THE RUN-OFF ELECTION WITH THE GENERAL ELECTION TO BE HELD IN SANTA CLARA COUNTY ON NOVEMBER 2, 2010; REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA TO CANVASS THE RETURNS OF SAID ELECTIONS AND TO PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER CERTAIN SERVICES TO THE CITY OF SAN JOSE RELATING TO THE CONDUCT OF SAID ELECTIONS; AND DIRECTING THAT CERTAIN OTHER ACTIONS BE TAKEN WITH REGARD TO THE ELECTION

WHEREAS, the Charter of the City of San José and the San José Municipal Code require that a Regular Primary Municipal Election be held in the City on the same date that the State of California holds its Direct Primary Election and that a Regular Run-off Municipal Election be held in the City on the same date that the State of California holds its General Election.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. A Regular Primary Municipal Election is hereby called and ordered to be held in the City of San José on Tuesday, June 8, 2010, for the following purpose:

To elect one person to the Office of Mayor and one person each from Council Districts 1, 3, 5, 7 and 9 to the Council of the City of San José for a term commencing January 1, 2011, and ending December 31, 2014.

SECTION 2. The above-mentioned offices shall be placed on the ballots used in the above-specified election in the following form:

CITY OF SAN JOSE

MAYOR	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 1	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 3	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 5	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 7	VOTE FOR ONE
MEMBER, CITY COUNCIL, DISTRICT 9	VOTE FOR ONE

SECTION 3. Should no person be declared elected to the offices listed in Section 2, above, because of a failure to receive a majority of the votes cast for such offices, a Regular Run-off Municipal Election to fill the vacancy or vacancies will be conducted on November 2, 2010.

SECTION 4. In accordance with the provisions of California Elections Code Sections 10400, 10402 and 10403, the Council of the City of San José (the "City Council") hereby requests the Board of Supervisors of the County of Santa Clara, California to consolidate the Regular Primary Municipal Election with the Statewide Direct Primary Election which is to be held in Santa Clara County on Tuesday, June 8, 2010 and, further, to consolidate a Regular Run-off Municipal Election with the General Election on November 2, 2010, if necessary.

The election precincts, polling places, voting booths, voting systems and election officers for the City's Regular Primary Municipal Election shall be the same as provided for the Statewide Direct Primary Election in the City of San José; the election precincts,

polling places, voting booths, voting systems and election officers for the City's Regular Run-off Municipal Election, if necessary, shall be the same as provided for the General Election in the City of San José.

The Board of Supervisors of Santa Clara County, California is hereby authorized to canvass the returns of the Regular Primary Municipal Election and the Regular Run-off Municipal Election in accordance with Section 10411 of the Elections Code of the State of California.

SECTION 5. Pursuant to the provisions of California Elections Code Section 10002, the City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of the County of Santa Clara, California to render to the City of San José such services as the City Clerk of the City of San José may request, relating to the conduct of the above-mentioned elections with respect to the following matters: coordination of election precincts, polling places, voting booths, voting systems and election officers; checking of nomination petitions; printing and mailing of voter pamphlets; and preparation of tabulation of result of votes cast.

The City Clerk is directed to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with monies heretofore appropriated to the City Clerk for election purposes.

SECTION 6. Pursuant to Elections Code Section 13307, the City Council hereby determines to retain the limit of 200 words for each candidate's statement.

SECTION 7. The City Clerk is directed to comply with provisions of federal, State and local law with regard to the conduct of the election.

RD:LH
01-08-10

ADOPTED this 26th day of January, 2010, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

CHUCK REED
Mayor

ATTEST:

LEE PRICE, MMC
City Clerk