



COUNCIL AGENDA: 11/1/11

ITEM: 2.7

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: DENNIS HAWKINS, CMC
CITY CLERK

SUBJECT: SEE BELOW

DATE: OCTOBER 21, 2011

**SUBJECT: CALLING FOR MUNICIPAL ELECTIONS ON JUNE 5, 2012 AND
NOVEMBER 6, 2012 AND SETTING VOLUNTARY EXPENDITURE LIMITS**

RECOMMENDATION

Adopt a resolution calling for:

1. A Regular Municipal Election on June 5, 2012 and a Run-Off Municipal Election November 6, 2012, if need be, for the purpose of electing Council Members for Council Districts 2, 4, 6, 8, and 10 and requesting consolidation with the County of Santa Clara; and,
2. Establishing the Voluntary Expenditure Limits for candidates running in Council Districts 2, 4, 6, 8, and 10 during the 2012 Elections

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 5, 2012, and a run-off election if needed, will also request consolidation with any other elections being held in Santa Clara County on June 5, 2012 and November 6, 2012 as well as initiate the publication process.

The purpose of the Election is to ask the voters of San José to elect one Council Member each from Districts 2, 4, 6, 8, and 10 to four year terms beginning January 1, 2013 and ending December 31, 2016.

HONORABLE MAYOR AND CITY COUNCIL

Subject: Calling Elections and Establishing Voluntary Expenditure Limits for June and November 2012

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If the Council wishes to refer ballot measures to the June 5, 2012 election, any action to do so would have to be taken not later than the statutory deadline of March 9, 2012. Should the Council refer ballot measures, on its own motion, to the June 5, 2012 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.

In addition, the City's Campaign Finance Ordinance establishes a Voluntary Expenditure Limit (VEL) Program. The (VEL) Program goes in to effect following Council's adoption of a Resolution which establishes population figures citywide and by District. For the 2012 election cycle, the population data is supplied by the Director of the Department Planning, Building and Code Enforcement and is based on the 2010 Federal Census count for the 2012 Election cycle. These are the same population numbers used in the creation of the adjusted City Council District boundaries which the Council recently adopted as a result of the Redistricting Advisory Commission's recommendations.

The formula for setting Voluntary Expenditure Limits was recently modified and is set forth in the Campaign Finance Ordinance approved by the Council on October 18, 2011. For the 2012 election cycle, the VEL is calculated as follows:

Council Candidates: (1) one dollar twenty-five cents (\$1.25) per resident of the district for candidates for Council office; (2) plus the cost of each candidate's statement of qualifications printed in the ballot pamphlet as established by the Santa Clara County Registrar of Voters for the last Council district election; and (3) plus the bulk mailing rate (C24 basic automation letter) as set forth on U.S. Postal Service Form 3602-R (or other comparable form), multiplied by the numbers of residents in each Council district and multiplied by .40

ANALYSIS

The campaign fundraising period for the June 2012 election commences on December 9, 2011 and ends at midnight on June 4, 2012. The nomination period for the June 5, 2012 election opens on Monday, February 8, 2012, and closes at noon on Friday, March 9, 2012. It is timely and appropriate for the City Council to establish the Voluntary Expenditure Limits, 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 5th in any district(s) because of a failure to receive a majority of the votes cast for an office, a Runoff Municipal Election on November 6, 2012 will be necessary in one or more Council Districts.

The Director of the Department Planning, Building and Code Enforcement has provided the latest population figures. The revised Voluntary Expenditure Limits for the 2012 election cycle are outlined below and are set as follows:

District	Population	Dollar Amount Per Resident	Base Amount	Ballot Statement Cost	Postage Cost	Total Expenditure Limits
2	91,379	\$1.25	\$114,224	\$1,857	\$4,459	\$120,540
4	99,892	\$1.25	\$124,865	\$1,857	\$4,875	\$131,597
6	91,837	\$1.25	\$114,796	\$1,857	\$4,482	\$121,135
8	97,336	\$1.25	\$121,670	\$1,857	\$4,750	\$128,277
10	92,094	\$1.25	\$115,118	\$1,857	\$4,494	\$121,469

PUBLIC OUTREACH

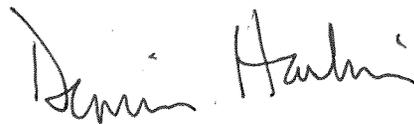
The California Elections Code provides public noticing requirements which are carried out by the City Clerk and the County Registrar of Voters.

COORDINATION

Preparation of this report has been coordinated with the City Attorney's Office.

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 funds to pay for the June 2012 election within its FY 2011-12 non-personal budget appropriations. The Office of the City Clerk will return to Council for an appropriation adjustment should the invoice for the June 5, 2012 election exceed the amount appropriated.



DENNIS D. HAWKINS, CMC
City Clerk

Attachment: Draft Resolution