



Memorandum

**TO: HONORABLE MAYOR
AND CITY COUNCIL**

FROM: DENNIS HAWKINS

**SUBJECT: CERTIFICATION OF THE
RESULTS OF THE PRIMARY
AND SPECIAL MUNICIPAL ELECTIONS
HELD JUNE 5, 2012**

DATE: JULY 26, 2012

RECOMMENDATION

Adoption of a resolution declaring the results of the June 5, 2012 Municipal Election pursuant to Elections Code Section 15400.

OUTCOME

The resolution will certify the results of the election and confirm the election of Ash Kalra to the Office of Council Member – District 2; Kansen Chu to the Office of Council Member – District 4; Pierluigi Oliverio to the Office of Council Member – District 6 and the adoption of Measure B, the Pension Modification Charter amendment. In addition, the resolution determines the two candidates with the highest number of votes in the Primary Election for the Run-off election to be held on November 6, 2012 in City Council District 8 (Rose Herrera and Jimmy Nguyen) and District 10 (Johnny Khamis and Robert Braunstein).

BACKGROUND

The City Council adopted Resolution No. 76038 on November 1, 2011 calling for a Regular Municipal Election to be held on June 5, 2012 for the purpose of electing one person each from Council Districts 2, 4, 6, 8, and 10 to the Council for full four-year terms. The resolution also requested that the County consolidate the election with the Statewide Primary. In addition, on March 6, 2012 City Council adopted Resolution No. 76158, calling for a Special Election on June 5, 2012 for the purpose of placing a measure on the June ballot to amend the City Charter to modify pension benefits for current and future employees.

All Municipal Elections are consolidated with the County of Santa Clara and held in accordance with established procedures governing the conduct of elections. The election was conducted and the County has certified the results of the election and provided to this Office the Certificate of Election Results, Official Results and Statement of Votes for all the contests held in the City of San Jose.

HONORABLE MAYOR AND CITY COUNCIL

July 26, 2012

Subject: Certification of Election Results for June 5, 2012

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(See Certificates of Election Results and relevant excerpt from the Official Final Results, attached as Exhibit A). The complete Statement of Votes and Official Final Results are on file in the Office of the City Clerk.

ANALYSIS

On July 3, 2012, the Santa Clara County Registrar of Voters issued the Certification of Election Results for the June 5, 2012 Presidential Primary Election with the following results:

Measure B:

	Total Votes	Percentage of Votes
Yes	95,716	69.02%
No	42,964	30.98%

District	Total Registered Voters	Total Votes Cast	Voter Turnout Percentage
Citywide	386,804	144,424	37.34%
District 1	38,228	15,183	39.72%
District 2	39,585	13,874	35.05%
District 3	31,551	9,719	30.80%
District 4	37,476	13,930	37.17%
District 5	28,430	8,757	30.80%
District 6	43,770	18,306	41.82%
District 7	31,788	9,910	31.18%
District 8	43,366	16,091	37.11%
District 9	46,583	19,255	41.33%
District 10	46,941	19,617	41.79%

District 2

Candidate	Votes Received	Percentage of Votes Received
Ash Kalra	6,671	53.03%
Tim Murphy	5,909	46.97%

District 4

Candidate	Votes Received	Percentage of Votes Received
Kansen Chu	7,089	54.48%
Tam Truong	4,975	38.23%
Rafael Sabic	948	7.29%

District 6

Candidate	Votes Received	Percentage of Votes Received
Pierluigi Oliverio	11,209	67.78%
Steve Kline	4,148	25.08%
Bill Chew	1,180	7.14%

District 8

Candidate	Votes Received	Percentage of Votes Received
Rose Herrera	7,242	47.87%
Jimmy Nguyen	4,278	28.27%
Patricia Martinez-Roach	3,610	23.86%

For the Office of Councilmember – District 8, the Run-off in the November 6, 2012 General Election will be between Rose Herrera and Jimmy Nguyen.

District 10

Candidate	Votes Received	Percentage of Votes Received
Johnny Khamis	3,483	19.71%
Robert Braunstein	3,482	19.70%
Edesa Bitbadal	3,392	19.19%
Leslie Reynolds	3,174	17.96%
Brian O'Neill	2,152	12.18%
Denelle Fedor	1,990	11.26%

For the Office of Councilmember – District 10, the Run-off in the November 6, 2012 General Election will be between Johnny Khamis and Robert Braunstein.

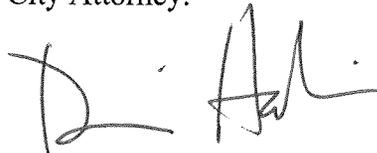
PUBLIC OUTREACH/INTEREST

This action does not meet the criteria set below; however, the Office of the City Clerk will post the item on the City's Website for the August 7, 2012 City Council Agenda. Registered voters in the City of San José received all appropriate ballot materials for the election.

- Criterion 1:** Requires Council action on the use of public funds equal to \$1 million or greater. **(Required: Website Posting)**
- Criterion 2:** Adoption of a new or revised policy that may have implications for public health, safety, quality of life, or financial/economic vitality of the City. **(Required: E-mail and Website Posting)**
- Criterion 3:** Consideration of proposed changes to service delivery, programs, staffing that may have impacts to community services and have been identified by staff, Council, or a Community group that requires special outreach. **(Required: E-mail, Website Posting, Community Meetings, Notice in appropriate newspapers)**

COORDINATION

This memo was coordinated with the Office of the City Attorney.



DENNIS D. HAWKINS, CMC
City Clerk

For questions please contact Dennis Hawkins, City Clerk at (408) 535-1275

CERTIFICATE OF ELECTION RESULTS

STATE OF CALIFORNIA)
) ss.
COUNTY OF SANTA CLARA)

I, Barry Garner, Registrar of Voters of the County of Santa Clara, State of California, hereby declare:

1. A Presidential Primary Election was held in the County of Santa Clara, in the City of San Jose, on June 5, 2012 for the purpose of submitting the following measure to the voters:

B PENSION MODIFICATION Shall the Charter be amended to modify retirement benefits of City employees and retirees by: increasing employees' contributions, establishing a voluntary reduced pension plan for current employees, establish pension cost and benefit limitations for new employees, modify disability retirement procedures, temporarily suspend retiree COLAs during emergencies, require voter approval for increases in future pension benefits?

2. The official canvass of the returns of the election was conducted by the Office of the Registrar of Voters in accordance with the appropriate provisions of the Elections Code of the State of California.

3. The Statement of Votes Cast, now on file at my office, shows the whole number of votes cast for **Measure B** in each of the precincts and the total shown is true and correct.

WITNESS my hand and Official Seal this 3rd day of July, 2012.



Barry Garner
Barry Garner, Registrar of Voters

OFFICIAL FINAL RESULTS

Cumulative Totals

PRIMARY ELECTION

June 5, 2012

Santa Clara County

<p>Mbr Brd Sups Dist 5</p> <p>Completed Precincts 190 of 190</p> <p>JOE SIMITIAN 39,131 58.27%</p> <p>KRIS HUYILAN WANG 15,367 22.88%</p> <p>BARRY CHANG 12,654 18.84%</p>	<p>CITY OF SAN JOSE City Council, Dist 8</p> <p>Completed Precincts 47 of 47</p> <p>ROSE HERRERA 7,242 47.87%</p> <p>JIMMY NGUYEN 4,278 28.27%</p> <p>PATRICIA MARTINEZ-ROACH 3,610 23.86%</p>	<p>MEASURE A - County of Santa Clara, County Jails</p> <p>Completed Precincts 874 of 874</p> <p>YES 199,301 77.59%</p> <p>NO 57,566 22.41%</p>
<p>CITY OF SAN JOSE City Council, Dist 2</p> <p>Completed Precincts 41 of 41</p> <p>ASH KALRA 6,671 53.03%</p> <p>TIM MURPHY 5,909 46.97%</p>	<p>CITY OF SAN JOSE City Council, Dist 10</p> <p>Completed Precincts 47 of 47</p> <p>JOHNNY KHAMIS 3,483 19.71%</p> <p>ROBERT BRAUNSTEIN 3,482 19.70%</p> <p>EDESA BITBADAL 3,392 19.19%</p> <p>LESLIE REYNOLDS 3,174 17.96%</p> <p>BRIAN O'NEILL 2,152 12.18%</p> <p>DENELLE FEDOR 1,990 11.26%</p>	<p>MEASURE B - City of San Jose Pension Modification</p> <p>Completed Precincts 415 of 415</p> <p>YES 95,716 69.02%</p> <p>NO 42,964 30.98%</p>
<p>CITY OF SAN JOSE City Council, Dist 4</p> <p>Completed Precincts 40 of 40</p> <p>KANSEN CHU 7,089 54.48%</p> <p>TAM TRUONG 4,975 38.23%</p> <p>RAFAEL SABIC 948 7.29%</p>	<p>PROPOSITION 28 - Term Limits</p> <p>Completed Precincts 874 of 874</p> <p>YES 185,097 66.78%</p> <p>NO 92,089 33.22%</p>	<p>MEASURE C - West Valley-Mission CCD Bonds</p> <p>Completed Precincts 217 of 217</p> <p>BONDS YES 41,679 59.89%</p> <p>BONDS NO 27,916 40.11%</p>
<p>CITY OF SAN JOSE City Council, Dist 6</p> <p>Completed Precincts 50 of 50</p> <p>PIERLUIGI OLIVERIO 11,209 67.78%</p> <p>STEVE KLINE 4,148 25.08%</p> <p>BILL CHEW 1,180 7.14%</p>	<p>PROPOSITION 29 - Cigarette Tax</p> <p>Completed Precincts 874 of 874</p> <p>YES 187,064 65.58%</p> <p>NO 98,181 34.42%</p>	<p>MEASURE E - Milpitas Unified SD Bonds</p> <p>Completed Precincts 28 of 28</p> <p>BONDS YES 5,412 64.05%</p> <p>BONDS NO 3,037 35.95%</p>
<p>MEASURE G - Mtn. View-Whisman SD Bonds</p> <p>Completed Precincts 28 of 28</p> <p>BONDS YES 7,341 67.58%</p>		