



## CITY OF SAN JOSE, CALIFORNIA

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### SAN JOSE ELECTIONS COMMISSION

Fred de Funiak, Chair  
Michael Smith, Vice Chair  
Leon Louie  
Robert Shepard  
Erica Cosgrove

### SAN JOSE ELECTIONS COMMISSION MEETING MINUTES

July 8, 2009

#### I CALL TO ORDER

The members of the San José Elections Commission convened at 5:36 p.m. in Room W-242 of City Hall, 200 E. Santa Clara Street, San José, CA 95113.

PRESENT: COMMISSIONERS: Louie, Smith, and de Funiak; Shepard and Cosgrove (via telephone conference)

ABSENT: COMMISSIONER: None

STAFF PRESENT: Senior Deputy City Attorney Lisa Herrick  
City Clerk Lee Price  
Deputy City Clerk Michelle Radcliffe

#### II APPROVAL OF MINUTES

The following minutes were approved:

a. June 10, 2009

#### III REPORT OF THE CHAIR

No report.

#### IV REPORT OF THE CLERK/ATTORNEY

Document Filed: Copy of lawsuit filed by San Jose Silicon Valley Chamber of Commerce Political Action Committee against the City of San José and the San José Elections Commission.

Senior Deputy City Attorney Lisa Herrick informed the Commission of the lawsuit filed by San Jose Silicon Valley Chamber of Commerce Political Action Commission challenging the fine imposed by the Commission on April 20, 2009, and the constitutionality of the section of the ordinance regarding the violation. Ms. Herrick stated that further information would be provided to the Commission in August in Closed Session.

#### V DISCUSSION ITEMS

- A. Continued consideration of a draft ordinance amending Titles 2 and 12 of the San José Municipal Code as it relates to the Elections Commission and Campaign Finance Regulations

Documents Filed: 1) Draft Ordinance amending Titles 2 and 12 of the San José Municipal Code; and 2) Correspondence from Bianca Pirayou dated July 8, 2009.

Senior Deputy City Attorney Lisa Herrick provided an in-depth overview of proposed changes to the campaign finance regulations and responded to questions from the Commission and public.

Public Comments: Bianca Pirayou thanked the Commission and the City Attorney's Office for their work on amending the ordinance and urged the Commission to look at Federal rules regarding independent contributions. Ms. Pirayou also suggested that the Form 496 in lieu of a special City form, be used to disclose electioneering communications and requested that candidates and treasurers be allowed to contact the City Attorney or City Clerk for advice on how to disclose electioneering communication.

Ash Pirayou suggested that the Commission adopt the same process that the Fair Political Practices Commission utilizes when a candidate or treasurer is seeking advice on interpretation and compliance. This issue was referred to the City Attorney.

Motion: Upon motion by Commissioner Smith, seconded by Commissioner Louie, and unanimously passed, the Commission accepted the draft ordinance as amended and authorized the City Attorney and City Clerk to make minor edits as needed. (Vote: 5-0-0)

VI MEETING SCHEDULE AND AGENDA ITEMS

The next Regular meeting is scheduled for August 12, 2009, at 5:30 p.m. The following items will be placed on the agenda: 1) Discussion of lawsuit filed by San Jose Silicon Valley Chamber of Commerce (possible Closed Session discussion); 2) Referral to the City Attorney's Office regarding seeking advice; 3) Sub-committee report regarding anonymous complaints; 4) Continued discussion on the status of Instant Run-Off Voting; 5) Status of recommendations from the MGT of America, Inc analysis; and 6) Status of Elections Commission contracts with Hanson Bridget, LLC and Rivera and Associates. Commissioner Louie stated that he will be on vacation and may wish to attend next month's meeting via telephone conference call.

VII PUBLIC COMMENTS

There were none.

VIII ADJOURNMENT

The meeting adjourned at 6:27 p.m.

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FRED DE FUNIAK, CHAIR

ATTEST:

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LEE PRICE, MMC  
CITY CLERK and SECRETARY TO THE COMMISSION