

**RESOLUTION NO. 73051**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE OF A REGULAR MUNICIPAL ELECTION TO BE HELD IN THE CITY OF SAN JOSE ON JUNE 6, 2006 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 SAID ELECTION WITH THE STATE DIRECT PRIMARY ELECTION TO BE HELD IN SANTA CLARA COUNTY ON JUNE 6, 2006 REQUESTING THE BOARD OF SUPERVISORS OF THE COUNTY OF SANTA CLARA TO CANVASS THE RETURNS OF SAID ELECTION AND TO PERMIT THE COUNTY REGISTRAR OF VOTERS TO RENDER CERTAIN SERVICES TO THE CITY OF SAN JOSE RELATING TO THE CONDUCT OF SAID ELECTION AND A RUNOFF MUNICIPAL ELECTION IF NECESSARY 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 requires that a Regular Municipal Election be held in said City on the same date that the State of California holds its Direct Primary Election.

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

**SECTION 1.** A Regular Municipal Election is hereby called and ordered to be held in the City of San José on Tuesday, June 6, 2006, for the following purpose:

- (a) 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, 2007, and ending December 31, 2011.

**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 Runoff Municipal Election to fill the vacancy or vacancies will be conducted on November 7, 2006.

**SECTION 4.** In accordance with the provisions of California Elections Code § 10403, the Council of the City of San José (the "City Council") does hereby request the Board of Supervisors of the County of Santa Clara, California to consolidate said Regular Municipal Election with the State Direct Primary Election which is to be held in Santa Clara County on Tuesday, June 6, 2006 and further to consolidate a Runoff Municipal Election with the General Election on November 7, 2006 if necessary.

The election precincts, polling places, voting booths, voting systems and election officers for the above-mentioned Regular Municipal Election shall be the same as provided for the above- mentioned State Direct Primary Election in the City of San José.

The Board of Supervisors of Santa Clara County, California is hereby authorized to canvass the returns of said Regular 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 § 10002, the City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the County Clerk of said 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 election with respect to the following matters, to wit:

Publications including the Notice of Election;  
Coordination of election precincts, polling places, voting booths,  
voting systems and election officers;  
Checking of nomination petitions;  
Printing and mailing of voter pamphlets;  
Preparation of tabulation of result of votes cast.

The City Clerk is hereby 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 § 13307, the City Council hereby determines to retain the limit of 200 words for each candidate's statement.

**SECTION 7.** Pursuant to Elections Code §§ 9282 and 9285, the City Council hereby approves the submittal of direct arguments for and against ballot measures, if any, but determines that rebuttal arguments shall not be allowed.

**SECTION 8.** In accordance with the provisions of Elections Code § 9280, the City Council hereby directs the City Clerk to transmit a copy of any measure qualifying for a place on the ballot, other than a measure affecting the organization or salaries of the Office of the City Attorney, to the City Attorney for preparation of an impartial analysis.

**SECTION 9.** Pursuant to Section 13116 of the Elections Code of the State of California, the City Clerk of the City of San José and the Registrar of Voters of Santa Clara County are hereby authorized to mutually agree to use, and to use, a letter designation for the City ballot measures set forth above that will not conflict with other measures on the ballot or confuse the voters.

**SECTION 10.** Pursuant to Section 12114 of the Elections Code of the State of California and to Section 6061 of the Government Code of the State of California, the City Clerk is hereby ordered to cause a synopsis of proposed measures, if any, to be published in the San Jose Mercury News, a newspaper of Regular circulation within the City of San José, said Notice of Measure to be Voted on to be consolidated with the Notice of Election into a single notice; to cause copies of proposed measures to be printed in convenient pamphlet form and in type of not less than 10-point; to cause copies of that pamphlet to be mailed to each of the qualified electors of the City of San José; and to do all other things required by law to submit the specified measures above to the electors of the City of San José at the Election.

**SECTION 11.** The City Clerk shall comply with provisions of Federal, State, and Local law with regard to the conduct of the election.

ADOPTED this 7<sup>th</sup> day of February, 2006, by the following vote:

AYES: CAMPOS, CHAVEZ, CHIRCO, CORTESE, LeZOTTE,  
NGUYEN, PYLE, REED, WILLIAMS, YEAGER;  
GONZALES

NOES: NONE

ABSENT: NONE

DISQUALIFIED: NONE

---

RON GONZALES  
Mayor

ATTEST:

---

LEE PRICE, MMC  
City Clerk