

# **CITY of SAN JOSE – March 6, 2007 Special Election**

## **Candidate Information – Council District 4**

### **VACANCY**

In anticipation of an upcoming vacancy in Council District 4, the San José City Council has decided to fill the vacancy by special election. The election will be held on Tuesday, March 6, 2007 and a runoff election will take place on Tuesday, June 5, 2007, if needed.

### **TERM**

This is an unexpired term of office which will end on December 31, 2008.

### **ELIGIBILITY – (Section 404 – Charter of the City of San José)**

To be eligible to run for the Office of Council Member a candidate must have been:

- 1) A citizen of the United States for at least one year immediately preceding the commencement of the term -- by April 1, 2006.
- 2) A resident of Council District 4, at least 30 days immediately preceding the last day for filing of nomination papers, i.e., by Nov. 1, 2006. If the City Clerk cannot confirm a candidate's residency by the stated dates, proof of residency will be required.
- 3) A registered voter in Council District 4 by the last day for filing of nomination papers, i.e., by Dec. 1, 2006 at Noon.

### **FEES**

There are no fees to run as a candidate for Council Member.

### **ELECTION CYCLE**

Candidates may declare their intention to run (Form 501), set up a campaign committee and bank account (Form 410), and begin fundraising (Form 500).

### **FUND RAISING and CAMPAIGN DISCLOSURE**

- 1) No candidate may solicit, accept, or deposit contributions outside of the Campaign Contribution Period. Any contribution received outside the Campaign Contribution Period shall not be accepted or deposited, and shall be returned to the contributor or donor within 5 business days. Personal funds may also be deposited into the campaign account through 5 p.m. Feb. 27, 2007, subject to the limits established in San José's Election Law (Chapter 12.06 of the San José Municipal Code).

2) A Voluntary Expenditure Limit is in effect in the City of San José. All candidates must determine if they will participate, or not, prior to accepting contributions (Form 500). If a candidate chooses to participate in the program, the formula for determining the limits is \$1.00 (One Dollar) per resident of the District for Council candidates. The population figures and expenditure limits are as follows:

<b>City Council District</b>	<b>Number of Residents</b>	<b>Expenditure Limit</b>
<b>District 4</b>	<b>98,686</b>	<b>\$98,686</b>

3) Each candidate will file periodic campaign financial disclosure statements during the election cycle. The filing schedule will be provided by the City Clerk. All State and Local Forms are available in the Office of the City Clerk and on the web.

### **NOMINATION PERIOD**

The nomination period begins Monday, November 20, 2006 and ends Friday, December 1, 2006 at **5:00 p.m.**

### **NOMINATION PAPERS**

Nomination papers will be available in the Office of the City Clerk beginning on Monday, November 20, 2006. Appointments are highly recommended, but not required. To schedule an appointment, please call (408) 535-1252. Please allow thirty (30) minutes to meet with the City Clerk.

#### **1) Who may circulate nomination papers for the candidate?**

Anyone who is a registered voter in City Council District 4 may circulate nomination papers, including the candidate.

#### **2) Who may sign?**

Anyone who is an eligible, registered voter in District 4 at the time of signing, including the circulator and the candidate, may nominate a candidate for City Council by signing the nomination papers. No voter may sign more than one nomination paper for the same office. If a voter signs a petition for more than one candidate for the same office, the voter's signature shall be valid only on the petition which, taken in the order they were filed, was filed first. Each voter shall sign his/her own name and print his/her name and address in his/her own hand (Note: State Law does provide an exception: if a voter is unable to personally affix his/her own signature and/or name and address, he/she may designate a witness, who must also subscribe his/her own name on the nomination paper)

### **3) How many signatures are needed?**

At least fifty (50) valid signatures are required to qualify as a candidate. No more than sixty (60) will be accepted or counted. Prospective candidates are encouraged to submit the maximum of 60. Candidates are also encouraged to submit their petitions well before the deadline of December 1, 2006 at 5:00 p.m.

Supplemental nomination papers may be issued if a candidate fails to gather 50 valid signatures, provided there is still sufficient time to do so before the closing date.

### **4) Where/When to file?**

Office of the City Clerk, Second Floor of the Wing, 200 East Santa Clara Street, San José, California 95113, by Friday, December 1, 2006 at 5:00 p.m. As noted above, it is strongly recommended that you file your papers sooner than the deadline. By doing so, you may have additional time to gather necessary signatures should your initial petition fall short of the requisite number of valid signatures. Late papers will not be accepted.

### **5) May nomination papers be withdrawn after they are filed?**

Once filed with the City Clerk, nomination papers may be withdrawn until 12:00 Noon on Monday, December 4, 2007. Otherwise, a person may not withdraw as a candidate.

## **CANDIDATE STATEMENTS**

Each candidate may prepare a *Statement of Qualifications* (up to 200 words) on a form provided by the City Clerk for inclusion in the sample ballot which is mailed to voters prior to the March 6, 2007 Special Election by the Santa Clara County Registrar of Voters. Any use of endorsements in the Candidate Statement must be accompanied by written authorization by the endorsers and must be filed with the Candidate Statement. Candidate Statements must be filed with the nomination papers in the Office of the City Clerk by 5:00 p.m. on Friday, December 1, 2006. A Candidate Statement cannot be changed after it is filed, but it may be withdrawn until 5 p.m. on Monday, December 4, 2006.

Runoff Candidates may submit a new Candidate Statement for the Runoff Election on June 5, 2007 (if one is required). The deadline to file a new Candidate Statement for runoff candidates *only* is Noon, March 9, 2007.

## **WHAT BALLOT DESIGNATION MAY BE USED?**

1) No more than three words designating either the current principal profession, vocation or occupation of the candidate, or the profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents.

2) Words designating the elective office the candidate holds at the time of filing the nomination papers to which he/she was elected by the vote of the people.

Detailed instructions will be provided to candidates at the time nomination papers are taken out.

## **STATEMENT OF ECONOMIC INTERESTS**

Each candidate will be given Form 700, Statement of Economic Interests, with the nomination documents. The candidate must disclose investments and interests in real property held on the date of filing, and income received during the 12 months prior to the date of filing. Form 700 shall be filed with the Nomination Papers in the Office of the City Clerk no later than Friday, December 1, 2006 at 5:00 p.m.

## **CODE OF FAIR CAMPAIGN PRACTICES**

The California State Legislature has established a Code of Fair Campaign Practices, and encourages each candidate for public office to subscribe to it. The purpose of the Code is to give the voters guidelines in determining fair play, and to encourage candidates to discuss issues, not untruths or distortions. Subscription to the Code is voluntary. The code, if signed, should be returned with the candidate's nomination papers.

## **ELECTION SIGNS**

Election signs for the March 6, 2007 Special Election may not be displayed prior to November 21, 2006 and must be removed by March 16, 2007, unless there is a runoff election. In that case, the two candidates for the runoff may display signs until June 16, 2007. All other signs must be removed. See Municipal Code Section 23.04.700 for further information.

## **BILINGUAL VOTER INFORMATION PAMPHLETS**

Election materials, including the candidate statements of qualifications, are translated into Chinese, Spanish, Tagalog and Vietnamese. The City of San José pays for translation services and for the printing and distribution of the voter information pamphlets, also known as the "sample ballot".

## **SALARY**

Council Member salaries are currently \$75,000 annually. The Office of Council Member is a full-time position. In addition, a monthly car allowance of \$350.00 is provided (subject to Council approval).

## **ADDITIONAL INFORMATION**

- 1) The Secretary of State will conduct a drawing of the letters of the alphabet on December 14, 2006 to determine the order of candidate names on the ballot.
- 2) A candidate must receive a majority of all votes cast on March 6, 2007 in order to be elected. If no one candidate receives such a majority, then the two candidates who received the greatest number of votes shall run against each other at a runoff election to be held on June 5, 2007.

## **CONCLUSION**

The information contained herein is general information for candidates running for the Office of Council Member, District 4 and is subject to change. Additional information will be issued, as it becomes available.

Check out these links for more information regarding campaign fund collection and expenditure:

1. Candidates' Campaign Disclosure Filings [NEW!](#)
2. Fair Political Practices Commission - State of California
3. Elections & Voter Information - State of California
4. Title 12 Ethics Provisions - San José Municipal Code
5. Important Dates for Candidates - Special Election – Council District 4 (2006-07)

Contact the Office of the City Clerk at (408) 535-1252 for more information