

City of San José

June 5, 2012 Municipal Election

Districts 2, 4, 6, 8, and 10

The information provided is a summary of the rules and procedures in effect at the time of publication and is applicable to candidates running for municipal office in the City of San José. Please refer to the Office of the City Clerk, San José Municipal Code, California Secretary of State, California Fair Political Practices or other appropriate authority for additional information. This information is subject to change and updated information will be provided during the nomination process.

VACANCIES

Registered voters will vote on the following offices:

Office	District	Incumbent
Council Member	2	Ash Kalra
Council Member	4	Kansen Chu
Council Member	6	Pierluigi Oliverio
Council Member	8	Rose Herrera
Council Member	10	No Incumbent*

* Councilmember Nancy Pyle is ineligible to run due to term limits

TERM

The term of office for all vacancies is January 1, 2013 through December 31, 2016, a 4-year term.

ELIGIBILITY

Who may run for office? (Section 404 – Charter of the City of San José)

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

- 1) A citizen of the United States for at least one year immediately preceding the commencement of the term -- by January 1, 2012 for terms beginning January 1, 2013.
- 2) For Council Member, a resident of the Council District in which the Candidate is running, and for Mayor, a resident of the City of San José at least 30 days immediately preceding the last day for filing of Nomination Papers, i.e.,

- By February 8, 2012

OR

- By February 13, 2012, if the incumbent does not run.

If the City Clerk cannot confirm a candidate's residency by the stated dates, proof of residency will be required.

3) For Council Member, a registered voter in the district in which the candidate is running and for Mayor, a registered voter in the City of San José by the last day for filing of Nomination Papers.

- By March 9, 2012 at 12:00 Noon.

OR

- By March 14, 2012 at 12:00 Noon if an Incumbent of District 2, 4, 6, or 8 does not run.

FEES

There is a \$25 filing fee to run as a candidate for Mayor or Council Member. In addition, if a candidate chooses to submit a candidate statement of qualifications for the Voter's Sample Ballot, the candidate is responsible to reimburse the City for those costs (see "CANDIDATE STATEMENTS" for more information).

CANDIDATE DECLARATION

Candidates must declare their intention to run on the [Form 501, Candidate Intention Statement](#) before raising or spending any money and/or accepting a loan. This includes any expenditure by the candidate of his/her personal funds.

ELECTION CYCLE

The Election Cycle begins Friday, December 9, 2011. Candidates may set up a campaign committee by filing a [Statement of Organization \(Form 410\)](#) and open a bank account prior to this date, however, no solicitations may be made or contributions received until December 9. (City of San José Municipal Code 12.06.290)

FUNDRAISING and CAMPAIGN DISCLOSURE

Before money is raised or spent in connection with the election, the candidate, his/her committee treasurer and other principal officers (i.e., a campaign manager) should become familiar with campaign finance and disclosure regulations, as well as the

various campaign disclosure statements requirements. See the California Fair Political Practices Commission (FPPC) [Campaign Disclosure Manual 2: Important Information for Local Candidates](#)).

- 1) **The Campaign Contribution Period begins Friday, December 9, 2011 and ends at midnight on Monday, June 4, 2012. No candidate may solicit, accept, or deposit contributions outside of the Campaign Contribution Period.**
- 2) Candidates must comply with both State and local laws regulating campaign fundraising, recordkeeping and campaign disclosure. Please consult FPPC's [Manual 2](#) as well as [Chapter 12.06 of the San José Municipal Code](#) regarding local campaign regulations.
- 3) Contribution limits are \$1,000 per "person" per election for Mayoral candidates; and \$500 per "person" per election for Councilmember candidates. (San José Municipal Code 12.06.210) (See the regulations for definition of "person").
- 4) 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.
- 5) **Prohibited Contributions from Cardrooms:** Under Municipal Code Section 12.06.260, a cardroom, cardroom owner, officer of a cardroom, key management employee of a cardroom, spouse of a cardroom owner or spouse of a cardroom officer may not make any contribution to candidates or candidate controlled committees. Cardroom and cardroom owner are defined in Municipal Code Section 16.02. A key management employee of a cardroom is any person who has the authority to hire or fire other employees.
- 6) Personal funds may be deposited into the campaign through Monday, June 4, 2012, subject to the limits established in Chapter 12.06.295. Candidates must disclose the source of all personal funds deposited into his or her campaign bank account. If the source of the funds is a loan to the candidate, the name and address of the lender and the terms of the loan must also be disclosed. The information required must be reported on a [form provided by the City Clerk](#), on or before the date of the next pre-election statement which must be filed after the funds are deposited into the campaign bank account.
- 7) 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, as of November 1, 2011, the City has adopted the following formula for

Expenditure Limits for Council office: (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 .4 (Resolution 76038).

District	Population ¹	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

¹ District populations are based upon the approved Redistricting Plan which reflects the 2010 Census.

8) 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 City Clerk's website. See also www.fppc@ca.gov for more information. The following are key disclosure filing dates:

- **January 31, 2012** (Semi-Annual report for the period July 1, 2011 through December 31, 2011)
- **March 22, 2012** (1st Pre-election Statement for the period January 1, 2012 through March 17, 2012)
- **May 24, 2012** (2nd Pre-election Statement for the period March 18, 2012 through May 19, 2012)
- **July 31, 2012** (Semi-Annual report for the period May 20, 2012 through June 30, 2012)

9) Deadline for debt retirement. Under Municipal Code Section 12.06.710, no money can be collected for debt retirement after the end of the campaign contribution collection period. A candidate must retire all campaign-related debts, including loans, within six months after the date of the election. A campaign-related debt, including any loan, which remains unpaid more than six months after the election is deemed to have been a campaign contribution which was accepted at the time the debt was incurred.

10) Surplus campaign funds. Under Municipal Code Section 12.06.720, any remaining campaign funds in excess of expenses incurred for allowable expenses as specified under the Political Reform Act, shall be deemed to be surplus campaign funds. Within ninety days after withdrawal,

defeat, or election to office, the surplus campaign funds shall be returned to the contributors on a pro rata basis, or turned over to the general fund.

NOMINATION PERIOD

The nomination period begins Monday, February 13, 2012 and ends Friday, March 9, 2012 at 12:00 Noon . If an incumbent who is eligible to run does not file, the deadline for that particular office will be extended to Wednesday, March 14, 2012 at 12:00 Noon.

- **NOMINATION PAPERS**

Nomination Papers will be available in the Office of the City Clerk beginning Monday, February 13, 2012. Appointments are highly recommended, but not required. To schedule an appointment, please call the Office of the City Clerk at (408) 535-1252. A representative of the candidate *may* pick up papers on behalf of a candidate; however candidates are encouraged to come in personally so that they have the opportunity to learn very important information regarding running for office in San José.

Nomination Papers include several forms, including the nomination petition, and must all be filed concurrently. Nomination Papers are considered confidential until the close of the Nomination Period.

1) Who may circulate the nomination petition?

Anyone who is a registered voter in the City may circulate Nomination Papers for Mayor, including the candidate. Anyone who is a registered voter in the District, including the candidate, may circulate the nomination the petition for Council Member.

2) Who may sign it?

Anyone who is an eligible, registered voter in the District at the time of signing, including the circulator and the candidate, may nominate a candidate for City Council by signing the nomination petition. For a Mayoral candidate, anyone who is an eligible, registered voter in the City of San José, including the circulator and the candidate, may sign the nomination petition.

No voter may sign more than one nomination petition 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 petition).

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 March 9, 2012 at 12:00 noon. One supplemental nomination petition 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. (City of San José Municipal Code 12.05.040)

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, March 9, 2012 at 12:00 Noon (or by Wednesday, March 14, 2012 at 12:00 Noon if the deadline is extended). It is strongly recommended that candidates file papers sooner than the deadline. By doing so, there may be additional time to gather necessary signatures should the initial petition fall short of the requisite number of valid signatures.

5) May Nomination Papers be withdrawn after they are filed?

Once filed with the City Clerk, the Nomination Papers may be withdrawn until 12:00 Noon on Friday, March 9, 2012 or until 12:00 Noon on Wednesday, March 14, 2012 if the deadline is extended. Otherwise, a person who has submitted Nomination Papers may not withdraw as a candidate once the Nomination Period has closed.

6) When do Nomination Papers become public records?

Nomination Papers filed with the City Clerk are considered confidential until the nomination period closes. The papers are not released to the public until the nomination period has officially closed, at which time they become public records subject to disclosure and copying, with one exception: the nomination petition containing the names, addresses and signatures of voters is considered a protected document and may not be photocopied.

• CANDIDATE STATEMENTS

Each candidate may file, for a cost, a 200-word Candidate Statement of Qualifications for inclusion in the Voter's Sample Ballot prepared by the Santa Clara County Registrar of Voters (ROV). A deposit to cover the actual printing costs in the amount estimated by the ROV will be collected by the City Clerk at the same time the Candidate Statement is filed. The Candidate Statement and deposit for payment must be filed with and at the same time as the Nomination Papers. The Candidate is entitled to a refund if the actual

cost is less than the deposit. The Candidate is also obligated to pay the difference should the actual cost be more than the deposit. A Candidate Statement cannot be changed after it is filed, but it may be withdrawn by 5 p.m. on Monday, March 12, 2012 (or Thursday, March 15, 2012 if the deadline is extended).

➤ **Estimated Candidate Statement Costs:**

Candidates who choose to include a statement in the sample ballot must reimburse the City for the actual costs charged by the Santa Clara County Registrar of Voters. The City collects an estimated charge for each candidate who chooses to include a statement. The payment of the ballot statement estimate fee is due at the time the statement is filed, which is at the same time as candidates file their nomination paperwork. The average cost for Council candidate's ballot statement in 2010 was approximately \$1,857 per candidate. The Registrar of Votes has provided the following cost estimates for each Council District.

Office	Estimated Cost per Candidate
Councilmember, District 2	\$ 2,300.00
Councilmember, District 4	\$ 2,300.00
Councilmember, District 6	\$ 2,400.00
Councilmember, District 8	\$ 2,400.00
Councilmember, District 10	\$ 2,400.00

At the conclusion of the election, the Registrar will invoice the City for the actual publication costs. Candidates may be required to pay additional fees if the estimate does not cover the actual costs; or funds will be refunded if the estimated fees paid exceed the actual costs.

- ***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 issued.

STATEMENTS OF ECONOMIC INTERESTS

Each candidate will be provided, as part of the Nomination Papers, a Form 700 - Statement of Economic Interests. 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. The Form 700 shall be filed with the Nomination Papers in the Office of the City Clerk no later than Friday, March 9, 2012 at 12:00 Noon, or by March 14, 2012 at 12:00 Noon if the deadline is extended.

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 June 5, 2012 election may not be displayed prior to February 14, 2012 and must be removed by June 15, 2012. *Exception:* Candidates who successfully move on to the run-off election may leave their signs up through November 6, 2012. See Municipal Code Section 23.04.700 for further information.

MULTILINGUAL VOTER INFORMATION PAMPHLETS

Election materials, including the candidate statements of qualifications, are translated into Chinese, Spanish, Tagalog and Vietnamese.

SALARIES/BENEFITS

The Offices of Mayor and Council Member are full-time positions. The Mayor's annual salary is set at \$114,000. Council Members' annual salaries are currently set at \$81,000. In addition, each member of the City Council may receive a monthly car allowance in the amount of \$350 and other benefits available to management employees.

ADDITIONAL INFORMATION

- 1) The Secretary of State will conduct a drawing of the letters of the alphabet on Thursday, March 15, 2012. The result of the drawing is known as a "randomized alphabet" which will be used to determine the order of candidate names on the ballot.

- 2) A candidate must receive a majority of all votes cast for the office being sought on June 5, 2012 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 November 6, 2012.

The above information is general information for candidates running for the Offices of Mayor and Council Member and is subject to change. Additional information will be issued, as it becomes available.

For questions, contact the City Clerk at (408) 535-1252.

