



Council Meeting: June 11, 2013

SUBJECT: Adopt the Resolution Calling a General Municipal Election for November 5, 2013 for the Election of Councilmembers for Seat Numbers 1, 2 and 3; Requesting Consolidation with Other Legislative Districts within the County and Requesting County Services

DISCUSSION

The City of Sunnyvale will hold a general municipal election November 5, 2013 for the purpose of filling elective offices for City Councilmember Seats 1, 2 and 3. Pursuant to state election code, the Council must adopt resolutions calling the election and requesting consolidation with other legislative districts within the County.

The City's municipal election will be consolidated with the County's Uniform District Election Law (UDEL) elections with Sunnyvale Elementary School District and Cupertino Union School District on November 5, 2013 if those agencies have sufficient candidates or measures on the ballot.

The resolution specifies the County's responsibility throughout the filing and election process (Attachment A). An election calendar highlighting dates of interest to candidates and the public is included (Attachment B).

The nomination period for the November 5, 2013 election opens Monday, July 15, 2013 and closes at 5 p.m. Friday, August 9, 2013.

Pursuant to Sunnyvale City Charter Section 602, Qualifications, no individual may serve more than two successive four-year elective terms, and shall not serve again until at least four years have passed since that person last held office. Councilmember Griffith (Seat No. 3) will have served one full term and is eligible to serve a second term. If an eligible incumbent for an office does not file by 5 p.m. August 9, the nomination period will be extended five days with a deadline of 5 p.m. on Wednesday, August 14 to nominate candidates other than the incumbent. Mayor Spitaleri (Seat No. 1) and Councilmember Moylan (Seat 2) will each have served two full terms and are not eligible to serve another term at this time.

If the consolidation of election services with other legislative districts within the County is approved, the City's responsibilities will include: issue, receive and process candidate nomination papers and statements; forward candidates'

statements to the County for translation, printing and mailing to the voters; forward any vote by mail applications and write-in declarations received by the Office of the City Clerk to the Registrar of Voters; and publish notices of election, nominees and polling places.

EXISTING POLICY

Section 1400 of the Sunnyvale City Charter requires that the General Municipal Election to fill City elective offices be held in odd-numbered years on the date established under General Law for the election of governing board members of elementary school districts.

FISCAL IMPACT

The County Registrar of Voters estimates the cost of publishing candidate statements at approximately \$2,445 for each candidate, plus the cost of ballot printing in five languages. This cost is generally paid by each candidate who elects to have their candidate statement published in the voter information pamphlet. However, the Sunnyvale Municipal Code (Chapter 2.28) allows for the fee to be waived if the candidate submits 250 valid signatures, and prorated if fewer valid signatures are submitted. For candidates who submit qualifying signatures, the City of Sunnyvale pays in full (for 250 signatures) or in part (pro-rated at \$10.00 per signature) for the cost of publishing candidate statements.

The estimated cost of conducting the 2013 UDEL Municipal Election of Officers by the County of Santa Clara is estimated to be \$421,560 to \$445,711, depending upon shared costs with other jurisdictions. The proposed FY 2013/14 budget for election costs is \$441,176. Following the election, the County will determine the actual costs and will bill the City for its pro-rata share. Should costs exceed the approved budget amount, staff will return to Council to request additional funds via a Budget Modification.

PUBLIC CONTACT

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, at the Sunnyvale Senior Center, Community Center and Department of Public Safety; and by making the agenda and report available at the Sunnyvale Public Library, the Office of the City Clerk and on the City's website.

RECOMMENDATION

Adopt the Resolution Calling a General Municipal Election for November 5, 2013 for the Election of Councilmembers for Seat Numbers 1, 2 and 3; Requesting Consolidation with Other Legislative Districts within the County and Requesting County Services.

Reviewed by:

Robert Walker, Assistant City Manager
Prepared by: Lisa Natusch, Deputy City Clerk

Approved by:

Gary M. Luebbers
City Manager

Attachments

- A. Resolution Calling a General Municipal Election for November 5, 2013 for the Election of Councilmembers for Seat Numbers 1, 2 and 3; Requesting Consolidation with Other Legislative Districts within the County and Requesting County Services
- B. 2013 Election Calendar

Attachment A

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE CALLING THE GENERAL MUNICIPAL ELECTION FOR THE ELECTION OF COUNCILMEMBERS FOR SEAT NUMBERS 1, 2 AND 3 TO BE HELD IN THE CITY OF SUNNYVALE ON NOVEMBER 5, 2013, REQUESTING CONSOLIDATION OF ELECTIONS, PROVIDING REGULATIONS FOR CANDIDATES' STATEMENTS AND DETERMINING TO LEVY COSTS OF CANDIDATES' STATEMENTS

WHEREAS, Article XIV, Section 1400, of the Charter of the City of Sunnyvale requires that a General Municipal Election to fill elective offices be held in the odd numbered years on the date established by General Law for the election of governing members of elementary school districts; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with Santa Clara County's Uniform District Election Law ("UDEL") elections to be held on the same date, and that within the city, the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters of the County of Santa Clara canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, Section 13307 of the Elections Code of the State of California ("Elections Code") provides that the City Council may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE AS FOLLOWS:

1. Pursuant to Section 1400 of the Charter of the City of Sunnyvale, a General Municipal Election hereby is called to be held in and for the City of Sunnyvale on Tuesday, November 5, 2013, for the purpose of electing three Councilmembers, each for a full term of four years, one to the office of "Councilmember Seat No. 1," one to the office of "Councilmember Seat No. 2" and one to the office of "Councilmember Seat No. 3."

2. The City Clerk is authorized, instructed, and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

3. The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time 8:00 p.m. of the same day when the polls shall be closed.

4. Pursuant to the requirements of Part 3 (Consolidation of Elections; §§10400 et seq.) of Division 10 of the Elections Code, the City Council hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely

consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by any body or official authorized to perform such functions and canvass the returns of the elections; and that this City Council consents to such consolidation.

5. Pursuant to Section 10002 of the Elections Code, the City Council hereby requests the Santa Clara County Board of Supervisors to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of Sunnyvale's General Municipal Election to be held on Tuesday, November 5, 2013, and instruct the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election. Services shall be of the type normally performed by the Registrar of Voters assisting municipalities in the conduct of their elections, including, but not limited to, those services listed in paragraph 6 hereof.

6. Pursuant to the Federal Voting Rights Act, candidates' statements will be translated into all languages required by the County of Santa Clara. The County is required to translate candidate's statements into the following languages: Spanish, Chinese, Vietnamese and Tagalog. The County will print and mail separate sample ballots and candidates statements in Spanish, Chinese, Vietnamese and Tagalog to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

7. The City of Sunnyvale recognized that additional costs will be incurred by the County by reason of this consolidation, and agrees to reimburse the County for the cost of services, provided that no payment shall be made for services that the Registrar of Voters is otherwise required by law to perform.

8. Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the General Municipal Election on November 5, 2013, may prepare a candidate statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate, and a brief description of no more than **200 words** of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the Office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 pm of the next working day after the close of the nomination period. Candidates shall not be permitted to submit materials other than the candidate's statement with the sample ballot and the voter's pamphlet.

9. Pursuant to Section 13307 of the Elections Code, the City Council hereby determines to levy against each candidate availing him or herself of the service of including a candidate statement in the voter pamphlet, the actual prorated costs of printing, handling, translating, and mailing the candidate's statements incurred by the City. The County's estimated cost for the candidate statement is \$2445.00. The candidate shall be required to pay for the cost in advance, and shall make a deposit of **\$2445.00** at the time his or her nomination papers are filed. The candidate shall be refunded any overage or billed for any additional costs within 30 days of the actual accounting of costs by the Santa Clara County Registrar of Voters. The provisions of this

section are subject to the provisions of Chapter 2.28 of the Sunnyvale Municipal Code relating to in-lieu petitions. The City Clerk shall provide written notice to such effect with each set of nomination papers issued.

10. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

11. Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

12. That this Resolution shall apply only to the election to be held on Tuesday, November 5, 2013.

13. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors, the County Registrar of Voters and the County Clerk of the County of Santa Clara.

Adopted by the City Council at a regular meeting held on _____, 2013, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

City Clerk
(SEAL)

Mayor

APPROVED AS TO FORM:

City Attorney

Attachment B

**City of Sunnyvale General Municipal Election
Tuesday, November 8, 2013**

ELECTION CALENDAR

<u>DATE</u>	<u>ACTIVITY</u>
<u>July 15, 2013</u> (E-113)	<u>Nomination Period Opens (8 a.m.)</u> First day candidates may pick up nomination packets at the Office of the City Clerk
<u>August 7, 2013</u> (E-90)	<u>Placement of Political Signs</u> First day City of Sunnyvale City Council candidates may display political signs.
<u>August 9, 2013</u> (E-88)	<u>Nomination Period Closes (5 p.m.)</u> Deadline to file all necessary nomination documents with the City Clerk
<u>August 9, 2013</u> (E-88)	<u>Withdrawal of Candidacy</u> No candidate shall withdraw his/her candidacy after 5 p.m. on this date for offices which do not have an extension period.
<u>August 10, 2013</u> through <u>August 14, 2013</u> (E-87 to E-83)	<u>Extension Period</u> If an incumbent who is eligible to be elected does not file nomination documents by 5 p.m. August 12, 2013 for his or her office, there will be a five-calendar-day extension during which any candidate, other than the incumbent, may file or withdraw his/her nomination papers.
<u>August 15, 2013</u> (E-82)	<u>Randomized Alphabet Drawing</u> The Secretary of State will conduct a drawing of letters of the alphabet to determine the order in which candidates will appear on the ballot.
<u>September 9, 2013</u> through <u>October 22, 2013</u> (E-57 – E-14)	<u>Write-in Candidacy Opens and Closes</u> Period during which a Write-in Candidate may obtain and file nomination documents.
<u>September 26, 2013</u> (E-40)	<u>First Pre-election Statement Due</u> Deadline for Fair Political Practices Commission financial disclosure report Form 460, for candidates with controlled committees, covering the period of January 1, 2013 through September 21, 2013 (for new candidates) or July 1, 2013 through September 21, 2013 (for incumbent officeholders).*

* The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.

<u>October 7, 2013</u> (E-29)	<u>First Day for Mailing of Vote by Mail Ballots</u> First day <i>Vote by Mail</i> ballots will be mailed
<u>October 21, 2013</u> (E-15)	<u>Last Day to Register to Vote for the Election</u> Deadline to register to vote to be eligible to vote in the November 5, 2013 election.
<u>October 24, 2013</u> (E-12)	<u>Second Pre-election Statement Due</u> Deadline for second Fair Political Practices Commission financial disclosure report Form 460, for candidates with controlled committees, covering the period of September 22, 2013 through October 19, 2013.*
<u>October 20, 2013</u> through <u>November 4, 2013</u> (E-16 – E-1)	<u>Late Contribution Reports</u> Sums over \$1,000 received from a single source, during the late contribution period, must be reported within 24 hours.
<u>October 29, 2013</u> (E-7)	<u>Last Day to Request Vote by Mail Ballot by Mail</u> Deadline at 5 p.m. to submit to the Santa Clara County Registrar of Voters a request for an absentee ballot to be mailed to you.
<u>November 5, 2013</u> (E)	<u>Election Day</u> Polls are open from 7 a.m. to 8 p.m.
<u>November 25, 2013</u> (E+20)	<u>Official Canvass of Vote</u> Santa Clara County Registrar of Voters to certify election results.

* *The period covered by any statement begins on the day after the closing date of the last statement filed, or January 1, if no previous statement has been filed.*