

RESOLUTION NO. 22-9097

A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA CALLING AND GIVING NOTICE OF A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2022, FOR THE PURPOSE OF ELECTING TWO COUNCILMEMBERS ONE FOR EACH COUNCIL DISTRICT 2 AND 3, AND ONE MAYOR; REQUESTING THE CONSOLIDATION OF THE GENERAL MUNICIPAL ELECTION WITH THE GUBERNATORIAL GENERAL ELECTION TO BE HELD IN SANTA CLARA COUNTY ON NOVEMBER 8, 2022; AND ADOPT REGULATIONS FOR CANDIDATE STATEMENTS OF QUALIFICATIONS SUBMITTED TO THE VOTERS FOR AN ELECTION AND LEVYING A SHARE OF THE COST OF THE CANDIDATES' STATEMENTS ON THE CANDIDATES

BE IT RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, on July 24, 2018, Judge Thomas E. Kuhnle of Santa Clara County Superior Court issued an "Amendment Statement of Decision: Remedies of Trial; Judgment" in a lawsuit filed against the City under the California Voting Rights Act (CVRA);

WHEREAS, in its Amended Statement of Decision dated July 24, 2018 in Yumori-Kaku et al. v. City of Santa Clara, Santa Clara County Superior Court Case No. 17CV319862, the Superior Court of the State of California for the County of Santa Clara ordered the City to adopt district-based elections, and ordered the Santa Clara County Registrar of Voters to immediately begin implementing district-based elections for the 2018 and 2020 elections;

WHEREAS, as result of the above-referenced litigation, the City Council entered into a Settlement Agreement, dated April 20, 2021, and agreed to continue district-based elections and submit a ballot measure to the voters at a special municipal election to amend the City Charter to establish six council districts; said ballot measure has been placed on the ballot for the June 2022 election;

WHEREAS, the City and the Registrar of Voters are obligated to conduct the elections consistent with the Court Orders and Settlement Agreement and, therefore, the City hereby calls a general municipal election for Districts Two and Three;

WHEREAS, the terms of the following elected officials will be expiring November 2022: Council

District 2 – Councilmember Raj Chahal, Council District 3 – Councilmember Karen Hardy, Mayor Lisa Gillmor.

WHEREAS, the City Council intends to consolidate the City of Santa Clara General Municipal Election with the Gubernatorial General Election to be held on the same date, and that the County Elections Department 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 it were only one election.

WHEREAS, California Elections Code Section 13307 contains certain requirements regarding a candidate's ballot statement of qualifications, including that the governing body of any local agency may adopt regulations pertaining to materials prepared by any candidate for a municipal election; and

WHEREAS, California Elections Code Section 13307 further provides that a local agency may require candidates to bear all or part of the costs attributable to the candidate's statement.

NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. Pursuant to the requirements of the laws of the State of California relating to elections and the Amended Statement of Decision, there is an election to be called and ordered to be held in the City of Santa Clara, California, on Tuesday, November 8, 2022, a General Municipal Election for the purpose of electing the following officers of the City of Santa Clara: Two Councilmembers one for each Council District 2 and 3, and one Mayor for a four-year term each commencing December 2022 and expiring November 2026.
2. Pursuant to the requirements of Section 10403 of the Elections Code, the Board of Supervisors of the County of Santa Clara is hereby requested to consent and agree to the consolidation of a General Municipal Election with the Gubernatorial General Election on Tuesday, November 8, 2022, for the purpose of electing three City officers as stated above meeting the requirements set forth in the California Constitution and applicable state law.
3. The Board of Supervisors is requested to issue instructions to the Santa Clara County

Registrar of Voters to take any and all steps necessary to hold the consolidated election which shall be held in all respects as if there were only one election.

4. The Santa Clara County Registrar of Voters is authorized to canvass the returns of the General Municipal Election.

5. That the Board of Supervisors is requested to direct the County Registrar of Voters to provide all necessary election services in order to properly and lawfully conduct said election including precinct workers and the procurement and furnishing of all official ballots, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

6. The City of Santa Clara recognizes that additional costs will be incurred by the County by reason of this consolidation and agrees to reimburse the County for those costs.

7. That the City Clerk is authorized, instructed and directed to coordinate with the Santa Clara County Registrar of Voters Office as necessary in order to properly and lawfully conduct the election.

8. The vote centers 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 until 8:00 p.m. of the same day when the vote centers shall be closed, except as provided in Section 10242, except as provided in Section 14401, of the Elections Code of the State of California.

9. Notice of the time and place of holding the election is given and the City Clerk and Santa Clara County Registrar of Voters are authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

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

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NOW THEREFORE, BE IT FURTHER RESOLVED BY THE CITY OF SANTA CLARA AS FOLLOWS:

1. That pursuant to Sections 10002 and 10520 of the Elections Code of the State of California, each district involved in a district general election in an affected county shall reimburse the county for the actual costs incurred by the county elections official in conducting the district general election for that district.
2. Each candidate for elective office to be voted for in the General Municipal Election held in the City of Santa Clara on November 8, 2022 may prepare a candidate's ballot statement of qualifications on the 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 regarding the candidate's education and qualifications. The statement shall not include any reference to party affiliation of the candidate, including membership or activity in partisan political organizations. The statement shall be filed in typewritten form in the office of the City Clerk at the same time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, until 5:00 p.m. of the next working day after the close of the nomination period.
3. **Foreign Language Policy.** Pursuant to the Federal Voting Rights Act of 1965 (42 U.S.C. Section 1973 et seq., as amended from time to time), the County of Santa Clara Registrar of Voters is required to translate and print the candidate's statement into five languages: Chinese, English, Spanish, Tagalog and Vietnamese.
4. **Payment.** That each candidate shall be required to pay for the cost of printing the candidate's statement in English in the voter's pamphlet and translating and printing the candidate's statement into any of the languages referred to in Paragraph 2. If a candidate agrees to adhere to the City of Santa Clara Voluntary Campaign Expenditure Limit, as stated in Section 2.130.160 of the City Code of the City of Santa Clara, the candidate will be responsible for one-half of the estimated cost of the voter's pamphlet, calculated on a pro-rata shared basis per candidate. It is estimated that each candidate is responsible for the following toward the cost

of the voter's pamphlet, which shall be paid at the time of filing of nomination papers to the City of Santa Clara:

- \$1,435 for Council District 2
- \$1,425 for Council District 3
- \$1,770 for Citywide (Mayor).

If the ultimate cost to the City of the voter's pamphlet exceeds the estimated amounts, the City will pay the additional costs. If the actual cost is less than the estimation, there will be no refund to the candidate. Based on the foregoing, the City Council of the City of Santa Clara hereby determines to levy the pro-rata charges as follows:

- \$2,870 for Council District 2, to be reduced to \$1,435
- \$2,850 for Council District 3, to be reduced to \$1,425
- \$3,540 for Citywide (Mayor), to be reduced to \$1,770

if the expenditure limit is accepted for each candidate's statement of 200 words or less.

5. No candidate will be permitted to include additional materials in the sample ballot package (voter's pamphlet).

6. That Pursuant to Section 10522 of the Elections Code of the State of California, a current map showing the boundaries of the district and the boundaries of the divisions of the district is herewith submitted.

7. Pursuant to Section 15651 of the California Elections Code and Santa Clara City Code section 2.125.080, in the event of a tie vote between candidates who received an equal number of votes and the highest number of votes for an elective position enumerated in Section 600 of the City Charter, the tie vote shall be resolved by the following procedure:

(a) The first tie-break procedure will be counting precinct success. The candidate who prevails in the largest number of precincts shall be deemed the winning candidate.

(b) If the precinct determination does not resolve the tie vote, the City Council, by majority vote of a quorum present, shall select an alternate "by lot" procedure and then

proceed with that procedure to determine the winning candidate.

(c) The "by lot" procedure will be resorted to only after certified results of the election have been received from the registrar of voters.

8. The City Clerk shall provide a copy of this Resolution to each candidate or the candidate's representative at the time nominating petitions are issued.

9. This resolution shall take precedence over all previous and/or conflicting resolutions establishing Council policy on payment for candidate's statements.

10. That the following is listed below:

<u>Member Names</u>	<u>Term</u>	<u>Seats Elected by District/ At Large</u>
Councilmember Kathy Watanabe	Full Term ending November 2024	District 1
Councilmember Raj Chahal	Full Term ending November 2022	District 2
Councilmember Karen Hardy	Full Term ending November 2022	District 3
Councilmember Kevin Park	Full Term ending November 2024	District 4
Councilmember Sudhanshu "Suds" Jain	Full Term ending November 2024	District 5
Councilmember Anthony J. Becker	Full Term ending November 2024	District 6
Mayor Lisa Gillmor	Full Term ending November 2022	At Large

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

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12. The City Clerk shall certify the passage and adoption of this Resolution and enter it into the book of original resolutions.

13. Effective date. This resolution shall become effective immediately.

I HEREBY CERTIFY THE FOREGOING TO BE A TRUE COPY OF A RESOLUTION PASSED AND ADOPTED BY THE CITY OF SANTA CLARA, CALIFORNIA, AT A REGULAR MEETING THEREOF HELD ON THE 7TH DAY OF JUNE, 2022, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Becker, Chahal, Hardy, Jain, Park, and Watanabe, and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

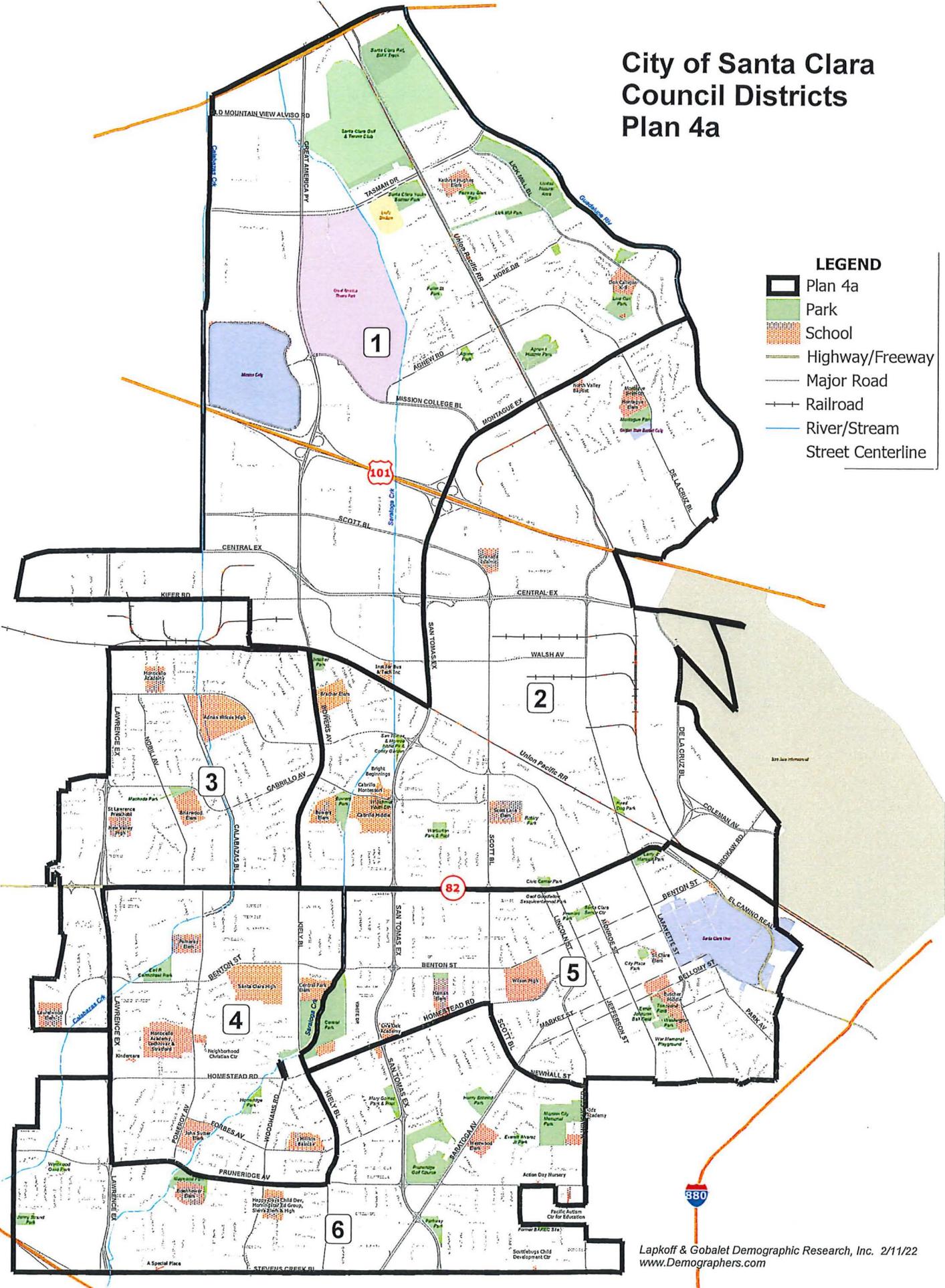
ATTEST: 

HOSAM HAGGAG
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:

Current District Map

City of Santa Clara Council Districts Plan 4a



LEGEND

-  Plan 4a
-  Park
-  School
-  Highway/Freeway
-  Major Road
-  Railroad
-  River/Stream
-  Street Centerline