



Date: October 19, 2017
To: Charter Review Committee
From: Interim City Attorney
Subject: Draft Ballot Language

On October 5, 2017, the Charter Review Committee reviewed the City Attorney's draft ballot language to amend the City Charter in accordance with the Committee's recommendation to 1) Elect Council Members by two districts (e.g., District A and District B) with three (3) Council Members representing each district; 2) Elect three (3) Council Members at the same time per district alternating/staggering between gubernatorial and presidential election years; 3) Utilize Ranked Choice Voting by means of Single Transferrable Vote as soon as the Santa Clara County Registrar of Voters Office can support such a system and continue with the City's current voting method until the County can support the new voting method; and, 4) Transition to include: in 2018, elect two (2) Council Members to four year terms in District A; and in 2020, elect one (1) Council Member to a two year term in District A and three (3) Council Members to four year terms in District B.


Attached is the draft ballot language with the changes recommended by the Committee to consider.

In addition, the Committee requested further information with regard to the following:

- a) Length of residency requirement;
- b) Moving out of district and its effect on office abandonment.

In *Thompson v Mellon*, 9 Cal.3d 96 (1973) the California Supreme Court ruled that a public entity "may constitutionally require that the prospective candidate be a resident at the time he files his nominating papers or equivalent declaration of candidacy and for a period of not more than 30 days next preceding such date of filing." The City of Santa Clara may not impose a greater residency requirement.

We have not had sufficient time to analyze the effect of potentially carving out moving out of a district and being able to stay in office on the rights of the voters or other candidate to bring back any substantive recommendation on the idea. We do, however, recommend not including the concept within this Charter amendment because of its potential to complicate the electorate's understanding of the new election procedures.



Brian Doyle
Interim City Attorney

Charter Amendment – Council Districts – Method of Election

1. Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any the~~ elective office in the City including ~~of~~ Mayor, ~~City Council~~, Chief of the Police Department ~~and or~~ City Clerk, unless he or she is a resident and a qualified registered elector of the City. No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified registered elector of the City in the district represented by the City Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City at-large at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term shall serve a term of four years and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

~~The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.~~

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any numbered City Council seat other than the one which he or she holds.

2. Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections – City Council ~~Designation of seats.~~

Members of the City Council shall be elected from two districts to be known as District 1 and District 2, with elections to be conducted as follows:

- (a) Each District shall be represented by three (3) Council Members.
- (b) In the election to be held in November 2018, the voters of District 1 shall nominate and elect two (2) Council Members who meet the qualifications set forth in Section 600 of this Charter for four year terms each.
- (c) In the election to be held in November 2020, the voters of District 1 shall nominate and elect one (1) Council Member who meets the qualifications set forth in Section 600 of this Charter for a two year term; and the voters of District 2 shall nominate and elect three (3) Council Members who meet the qualifications set forth in Section 600 of this Charter for four year terms each.
- (d) In the election to be held in November 2022, the voters of District 1 shall nominate and elect three (3) Council Members who meet the qualifications set forth in Section 600 of this Charter for four year terms each.
- (e) In each election held in or after November 2024, Council Members who meet the qualifications set forth in Section 600 of this Charter shall be elected for a four year term.
- (f) The method by which Districts are to be drawn and redrawn and the method of voting for City Council shall be enacted by ordinance of the City Council.

3. Section 700.2 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Section 700.2 Method of Elections – City Council.

- (a) In the general municipal election in November 2018 Members of the City Council shall be elected by the method of election set forth in Elections Code Section _____.
- (b) Ranked choice voting or single transferable vote shall be used for electing the Members of the City Council in the general municipal election in November 2020 and all subsequent elections. If the Registrar of Voters will not be ready to implement ranked-choice balloting in November 2020, then the City shall use the method of election provided for in Elections Code Section _____ until the Registrar of Voters is able to implement ranked-choice voting.
- (c) The City Council shall, by ordinance, establish the ballot format and the rules for casting and counting the vote.