

**RESOLUTION NO. 19-8762**

**A RESOLUTION OF THE CITY OF SANTA CLARA, CALIFORNIA CALLING AND GIVING NOTICE OF A SPECIAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, MARCH 3, 2020, FOR THE PURPOSE OF ELECTING ONE PERSON TO THE OFFICE OF ELECTED CHIEF OF POLICE; REQUESTING THE CONSOLIDATION OF THE SPECIAL MUNICIPAL ELECTION WITH THE STATEWIDE PRESIDENTIAL PRIMARY ELECTION TO BE HELD IN SANTA CLARA COUNTY ON MARCH 3, 2020; 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**, the City of Santa Clara is duly organized a charter city, and pursuant to Section 703 of the City Charter of the City of Santa Clara, a vacancy in any elective office of the City, including Mayor, City Council, Chief of Police Department, and City Clerk, from whatever cause arising, shall be filled by appointment by the City Council. In the event the City Council shall fail to fill a vacancy by appointment within thirty (30) days after such office shall have been declared vacant, it shall forthwith cause an election to be held to fill such a vacancy;

**WHEREAS**, the City Council intends to consolidate the City of Santa Clara Special Municipal Election with the Statewide Presidential Primary 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 Special 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 there is called and ordered to be held in the City of Santa Clara, California, on Tuesday, March 3, 2020, a Special Municipal Election for the purpose of electing one person to the office of Chief of Police for a partial term commencing March 2020 and expiring November 2020.
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 Special Municipal Election with the Statewide Presidential Primary Election on Tuesday, March 3, 2020, for the purpose of the electing one person to the City officer 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 Special 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.

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8. 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 until 8:00 p.m. of the same day when the polls 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.

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

1. **General Provisions.** Each candidate for elective office to be voted for in the Special Municipal Election held in the City of Santa Clara on March 3, 2020 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.

2. **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.

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3. **Payment.** The 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 such candidate is responsible for \$1,845 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. If the ultimate cost to the City of the voter's pamphlet exceeds the \$1,845 estimated amount, the City will pay the additional costs. If the \$1,845 is more than the actual cost, 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 charge of \$3,690 (to be reduced to the \$1,845 amount if the expenditure limit is accepted) for each candidate's statement of 200 words or less.

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

5. 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.

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

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

9. 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 8<sup>TH</sup> DAY OF OCTOBER 2019, BY THE FOLLOWING VOTE:

AYES:	COUNCILORS:	Chahal, Hardy, Mahan, O'Neill and Watanabe and Mayor Gillmor
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	Davis
ABSTAINED:	COUNCILORS:	None

ATTEST:

  
HOSAM HAGGAG  
CITY CLERK  
CITY OF SANTA CLARA

Attachments incorporated by reference: None

FILED  
OCT, 09 2019

REGISTRAR OF VOTERS  
COUNTY OF SANTA CLARA

By  Deputy