

ELECTIONS COMMISSION

Meeting Minutes

June 9, 2010

ROLL CALL

PRESENT: Chair de Funiak, Vice Chair Smith, Commission Members Louie and Shepard

ABSENT: Commission Member Cosgrove

STAFF: Senior Deputy City Attorney Lisa Herrick, Assistant City Clerk Dennis Hawkins,
and Deputy City Clerk Nora Pimentel

ORDER OF BUSINESS

I. Call to Order

The members of the San Jose Elections Commission convened at 5:37 p.m. in Room W- 262 of City Hall, 200 E. Santa Clara Street, CA 95113.

II. Closed Session

None

III Approval of Minutes

The April 29 Study Session (Amended) minutes May 12 Regular Meeting minutes were deferred to July 14, 2010.

IV. Report of the Chair

None.

V. Reports of the Clerk/Attorney

A. Outcome of the Rules and Open Government Committee Review of the Elections Commission Response to the Council Referral on Instant Runoff Voting (IRV)

Senior Deputy City Attorney Lisa Herrick reported that at the May 26, 2010 Rules and Open Government Committee asked staff to do additional research on IRV: (1) Who has repealed IRV and Why?; (2) What does it take to get voting machines that support IRV certified?; (3) What is the cost to implement IRV (get information from entities that will implement IRV in this November election). The Committee asked for an update report back early next year 2011.

VI. Discussion Items

**A. Continued discussion about the City Council Referral to consider whether the Voluntary Expenditure Limits (VEL) should be adjusted.
Deferred from May 12, 2010**

After further discussion, the Commission questioned whether a change in the formula used to calculate the VEL is necessary as the population of the City has increased and, as a result, the expenditure limits have increased proportionally as well. The Commission, by consensus, agreed to submit a memo to the Rules and Open Government Committee stating if the Council wishes the Commission to discuss this referral further and develop a recommendation, the Commission requests additional information explaining why the formula should be adjusted.

B. Receive the Subcommittee's report on "Pay to Play Regulations" for certain contractors.

Document Filed: Memorandum from Subcommittee members Shepard and DeFuniak dated June 9, 2010 regarding Pay to Play.

Chair Defuniak and Commissioner Shepard reported that they were not sure that it was necessary to regulate contributions from contractors. They based their conclusion on the fact that neither Los Angeles nor San Diego has "pay to play" regulations. They also reported that according to the contact in San Francisco, the burden to implement another campaign finance regulation would fall on staff; in a time of declining resources, they were not comfortable imposing an additional task on staff. The Commission agreed with the subcommittee and is not recommending that the Council implement a "pay to play" prohibition.

Upon motion by Commissioner Shepard, seconded by Commissioner Louie, and unanimously passed, approved the subcommittee report and that in the event Council decided to adopt an ordinance prohibiting contributions from contractors, the Commission advised using a higher threshold for the value of the contract that triggers the prohibition against making campaign contributions - \$50,000 was perceived as too low of an amount.

The Commission suggests that a better threshold for imposing a prohibition against contributions would be the amount of the City Council Appointees' contracting authority (currently set at \$250,000). (Vote: 4-0-1)

VII. Meeting Schedule and Agenda Items—The next Regular Meeting scheduled for Wednesday, July 14, 2010 is being held for a special meeting.

The Commission agreed to cancel the next regular meeting for July 14 and to keep the date available for a special meeting to hear any outstanding complaints, if needed.

IX. Public Comment

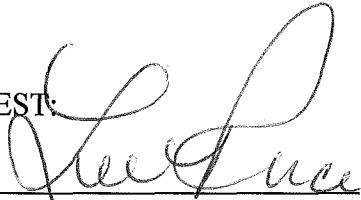
Jim Stuffin asked if the Instant Runoff Voting item would return to the Commission for further analysis and consideration.

Steve Chessin thanked the Commission for their consideration of the Instant Runoff Voting issue.

X. Adjournment

The meeting adjourned at approximately 6:14 p.m.

ATTEST:



LEE PRICE, MMC

CITY CLERK and SECRETARY TO THE COMMISSION



FRED DE FUNIAK, CHAIR