

2016 City of San José
 City Councilmember Primary Election
 General Information

On June 7, 2016, City of San José voters will vote on the following offices:

Office	District	Incumbent
Council Member	2	No Incumbent*
Council Member	4	Manh Nguyen
Council Member	6	No Incumbent*
Council Member	8	No Incumbent*
Council Member	10	Johnny Khamis

*Incumbent is termed out.

TERM

The term of office for all vacancies is a four year term: January 1, 2017 through December 31, 2020.

ELIGIBILITY (*San José City Charter Section 404*)

To be eligible to run for the **Office of Council Member** a candidate must be and have been:

- 1) A citizen of the United States for at least one year immediately preceding the commencement of the term for which the person is elected. This means by January 1, 2016 for terms beginning January 1, 2017.
- 2) A resident of the City of San José and of the District in which the Candidate is running at least thirty (30) days immediately preceding the last day for filing of Nomination Papers, by February 10, 2016.
- 3) A registered voter of the City of San José on the last day specified by law for the filing of Nomination Papers, by March 11, 2016.
- 4) Note that if the incumbent for District 4 or 10 does not run, the deadline is extended by five (5) calendar days.

The above information is general information for candidates running for the San José City Council Primary Election on June 7, 2016 and is subject to change.

RUNOFF ELECTION (San José City Charter Section 404)

A candidate must receive a majority of all votes cast for the office being sought on Tuesday, June 7, 2016 in order to be elected. If no candidate receives such a majority, then the two candidates who received the greatest number of votes shall run against each other at a runoff election to be held on November 8, 2016.

COUNCIL COMPENSATION (San José City Charter Section 407)

The Offices of Council Member is a full-time position. The annual salary as established by City Council Ordinance No. 29679 is currently set at \$92,000. In addition, each member of the City Council may receive a monthly vehicle allowance in the amount of \$500 and other benefits available to management employees.

NOMINATION PAPERS

The filing period for Nomination Papers in the City of San José is:

Monday, February 15, 2016 through Friday, March 11, 2016 at 12:00 NOON.

Due to observance of Presidents' Day on Monday, February 15th, the first day candidates will be issued nomination papers is Tuesday, February 16, 2016.

If the incumbent in either District 4 or 10 does not file nomination papers by March 11, 2016, the filing period for that particular seat will be extended to March 16, 2016 at 12:00 NOON.

Nomination Papers are issued by the City Clerk and must be filed with the City Clerk. The Office of the San José City Clerk is located at 200 E. Santa Clara Street, 14th Floor Tower, San José, CA 95113. Nomination Papers will be available in the Office of the City Clerk beginning **Tuesday, February 16, 2016**. Appointments are highly recommended, but not required.

To schedule an appointment, please call the Office of the City Clerk at (408) 535-1260. A representative of the candidate may pick up papers on behalf of a candidate with written authorization from the candidate. However, candidates are encouraged to come in personally so they have the opportunity to receive important information and resources regarding running for office in San José. Please allow at least one hour for the appointment.

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Nomination Papers must all be filed in hard copy form at the same time and include:

1. Nomination Paper (also known as the “petition”).
2. Certificate of Residency
3. Ballot Designation Worksheet and Form
4. Statement of Economic Interests – FORM 700
5. Candidate Statement of Qualifications Form (A candidate statement is optional; a form is required)
6. Code of Fair Campaign Practices (voluntary) (Elections Code Section 20440)
7. SJMC FORM 503 Declaration By Candidate or Committee Treasurer
8. Other forms, as required by the County Registrar of Voters

FEES & ESTIMATED COSTS

The filing fee is \$25 for all candidates for Council Member (City Council Resolution No. 77382). In addition, if a candidate chooses to submit a Candidate Statement of Qualifications for printing in the Santa Clara County Voter’s Sample Ballot, the candidate must pay a deposit towards the printing charges as estimated by the Registrar of Voters. The estimates for the June 7, 2016 Primary Election are:

- \$2,100 for Council District 2;
- \$2,070 for Council District 4;
- \$2,190 for Council District 6;
- \$2,160 for Council District 8; and
- \$2,200 for Council District 10.

Fees and estimated costs are due and payable at the time Nomination Papers are filed, and may be paid by check (made payable to the “City of San José”) or by credit card.

NOMINATION PETITION (San José Municipal Code 12.05.040)

At least fifty (50) **valid** signatures are required to qualify as a candidate. No more than seventy-five (75) signatures will be **accepted or counted**. Persons signing nomination papers for a council member candidate shall be registered voters of the council district by which the member is to be elected. One supplemental nomination petition may be issued before the closing date if a candidate fails to gather 50 valid signatures.

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CANDIDATE STATEMENT OF QUALIFICATIONS

Each candidate may file, for a cost, a 200-word Candidate Statement of Qualifications for inclusion in the Voter's Sample Ballot prepared by the Santa Clara County Registrar of Voters (ROV). Candidates who choose to include a statement in the sample ballot must reimburse the City for the actual costs charged by the ROV. The City collects an estimated charge from each candidate who chooses to include a statement. The payment of the ballot statement estimate is due at the time the statement is filed. All election materials, including the Candidate Statement of Qualifications are translated into Chinese, Spanish, Tagalog and Vietnamese. The Candidate is entitled to a refund if the actual cost is less than the deposit. The Candidate is also obligated to pay the difference should the actual cost be more than the deposit. A Candidate Statement cannot be changed after it is filed, but it may be withdrawn by 5:00 p.m. on Monday, March 14, 2016 (or Thursday, March 17, 2016 if the deadline is extended for Districts 4 and/or 10). Candidate statements will be available for public examination after 5:00 p.m. on Friday, March 11, 2016.

BALLOT DESIGNATION (Elections Code Section 13107)

The ballot designation may be no more than three words designating either the current principal profession, vocation, or occupation of the candidate or principle profession, vocation or occupation of the candidate during the calendar year immediately preceding the filing of nomination documents. Ballot designations are regulated by the California Elections Code. See also the California Secretary of State website for more information on ballot designations.

FORM 700 - STATEMENT OF ECONOMIC INTEREST (Government Code Section 87201)

The Political Reform Act (Gov. Code Sections 81000 et seq.) requires most state and local government officials and employees to publicly disclose their personal assets and income. They also must disqualify themselves from participating in decisions which may affect their personal economic interests. The Fair Political Practices Commission (FPPC) is the state agency responsible for issuing the FORM 700 - Statement of Economic Interests, and for interpreting the law's provisions.

In compliance with the Political Reform Act, all candidates are required to file a hard copy of Statement of Economic Interests - FORM 700 with the City Clerk at the time nomination papers are filed. [See the FPPC website](#) for more information about the Form and what must be disclosed.

Statements of Economic Interest are public records and are available for public review.

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FUNDRAISING AND CAMPAIGN DISCLOSURE

The following are general guidelines:

- Candidates must comply with both State and local laws regulating campaign fundraising, expenditures, recordkeeping and campaign disclosure. See *both* the California Fair Political Practices Commission (FPPC) [Campaign Disclosure Manual 2: Important Information for Local Candidates](#) and Title 12, [Chapter 12.06 of the San José Municipal Code](#) regarding local campaign regulations.
- Candidates must file a Statement of Intent (SJMC FORM 501) before soliciting contributions and may be required to organize a candidate-controlled campaign committee by filing a Statement of Organization ([Form 410](#)). Candidate-controlled committees must file periodic campaign finance disclosure statements during the election cycle on dates established by State law and [Chapter 12.06 of the San José Municipal Code](#). The City Clerk will provide a schedule of campaign disclosure deadlines.
- The City Clerk is the filing official for the City of San José and prescribes the format for campaign finance reports submitted electronically. The City Clerk will provide a schedule of campaign disclosure deadlines. All State and Local Forms are available in the Office of the City Clerk, on the City Clerk's website or on the FPPC website. Contact the City Clerk for more information regarding filing campaign statements electronically.
- The Campaign Contribution Period for the June 2016 election is December 10, 2015 through June 6, 2016. No candidate may solicit, accept, or deposit contributions outside of the Campaign Contribution Period. (San José Municipal Code Section 12.06.290)
- Contribution limits for the 2016 elections are \$600 per "person" per election for Council Member candidates. "Person," is defined in the Municipal Code as an individual, business entity, foundation, organization, committee or association, nonprofit corporation, and any other organization or group of people acting in concert. (San José Municipal Code 12.06.210; City Council Resolution No. 77583)
- Any contribution received outside the Campaign Contribution Period shall not be accepted or deposited, and shall be returned to the contributor or donor within 5 business days.
- Personal funds may be deposited into the campaign, subject to the limits established in San José Municipal Code Section 12.06.295. Candidates must disclose the source of all personal funds deposited into his or her campaign bank account. If the source of the funds is a loan to the candidate, the name and address of the lender and the terms of the

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loan must also be disclosed. The information required must be reported on a form provided by the City Clerk, ([SJMC Form 502](#)) on or before the date of the next pre-election statement which must be filed after the funds are deposited into the campaign bank account.

CAMPAIGN SIGNS

Signs for the June 7, 2016 election may not be displayed prior to February 16, 2016 and must be removed by June 17, 2016. However, candidates who successfully move on to the runoff election may leave their signs up through November 18, 2016. See San José Municipal Code Section 23.04.760 for further information.

See next page for election resources and contact information.

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RESOURCES

Office of the City Clerk, City of San José

200 E Santa Clara Street, Tower - 14th Floor, San José, CA 95113

Ph. (408) 535-1260 Fax: (408) 292-6207

Open Monday-Friday 8:00 a.m. - 5:00 p.m.

Email: elections@sanjoseca.gov

Website: <http://www.sanjoseca.gov/index.aspx?NID=446>

Office of the City Attorney, City of San José

200 E Santa Clara Street, Tower - 16th Floor, San José, CA 95113

Ph. (408) 535-1900 Fax: (408) 998-3131

Open Monday-Friday 8:00 a.m. - 5:00 p.m.

Email: SJElections@sanjoseca.gov

Website: <http://www.sanjoseca.gov/index.aspx?NID=4796>

California Fair Political Practices Commission (FPPC)

FPPC Toll-Free Number [1-866-ASK-FPPC](tel:1-866-ASK-FPPC) (1-866-275-3772)

Open Monday-Thursday, 9:00 a.m. - 11:30 a.m. & 1:30 p.m. - 3:30 p.m.

Email: advice@fppc.ca.gov

Website: www.fppc.ca.gov

Santa Clara County Registrar of Voters

1555 Berger Drive, Building 2, San José, CA 95112

Open Monday - Friday 8:00 a.m. - 5:00 p.m.

General: (408) 299-VOTE [8683]

Election Officers: (408) 299-POLL [7655]

Toll Free: (866) 430-VOTE [8683]

Chinese: (408) 282-3086

Spanish/Español: (408) 282-3095

Tagalog: (408) 535-3916

Vietnamese/TiếngViệt: (408) 282-3097

Mailing Addresses:

General: P.O. Box 611360, San José, CA 95161-1360

Voter Registration: P.O. Box 611300, San José, CA 95161-1300

Vote by Mail: P.O. Box 611750, San José, CA 95161-1750

Precinct Operations: P.O. Box 612350, San José, CA 95161-2350

Email: registrar@rov.sccgov.org

Website: <https://www.sccgov.org/SITES/ROV/Pages/Registrar-of-Voters.aspx>

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RESOURCES (continued)

California Secretary of State

Political Reform Division

1500 11th Street

Sacramento, CA 95814

Ph. (916) 653-6224

Website: <http://www.sos.ca.gov/>

NetFile Campaign Disclosure System

Email: filerhelp@netfile.com

Websites:

New Users: <https://netfile.com/Filer/Authentication/RegisterUser>

Existing Users: <https://netfile.com/Filer>

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