

City of San José
Primary Municipal Election

On Tuesday, March 3, 2020, San José voters will vote on the following City offices:

| Office | District | Incumbent |
|---------------|----------|----------------|
| Councilmember | 2 | Sergio Jimenez |
| Councilmember | 4 | Lan Diep |
| Councilmember | 6 | Dev Davis |
| Councilmember | 8 | Sylvia Arenas |
| Councilmember | 10 | No Incumbent* |

*Incumbent is termed out.

TERM

The term for all offices is January 1, 2021 through December 31, 2024.¹

ELIGIBILITY

To be eligible for office, a candidate must be a:

- 1) United States citizen by January 1, 2020.²
- 2) Resident of the District in which the candidate is running by November 6, 2019.³
- 3) Registered voter of the City of San José by December 6, 2019.⁴ If an incumbent does not seek re-election, the deadline for that District is extended by five calendar days.⁵

The City Clerk will determine whether a candidate meets the eligibility requirements when nomination papers are filed.⁶

RUNOFF ELECTION

To be elected to office, a candidate must receive a majority of all votes cast for the office being sought.⁷ If no candidate receives a majority, the top two candidates will run against each other in a runoff election on November 3, 2020.⁸

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COUNCIL COMPENSATION

The Offices of Mayor and Councilmember are full-time, compensated positions.⁹ Currently, the annual salary for the Office of Councilmember is \$125,000.¹⁰ The Council may also receive a \$500 monthly vehicle allowance and other benefits available to management employees.

NOMINATION PAPERS

The filing period for Nomination Papers is:

Tuesday, November 12, 2019 through Friday, December 6, 2019 at 12:00 p.m.¹¹

If an incumbent does not seek re-election, the filing deadline for that District is extended five calendar days to December 11, 2019 at 12:00 p.m.¹²

Nomination Papers are issued by the City Clerk and must be filed with the City Clerk. The Office of the 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, November 12, 2019.**

A representative may pick up Nomination Papers for the candidate with the candidate's written authorization. Candidates are encouraged, however, to come in personally so they can receive important election information. Although not required, appointments are also highly recommended. To schedule an appointment, call the Office of the City Clerk at (408) 535-1260. Allow at least one hour for the appointment.

All Nomination Papers must be filed at the same time in hard copy form. Nomination Papers 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; but submittal of the form is required)
6. Code of Fair Campaign Practices (voluntary)¹³
7. Declaration by Candidate or Committee Treasurer (Form 503)
8. Other forms, as required by the Santa Clara County Registrar of Voters (ROV)

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NOMINATION PETITION¹⁵

At least 50 **valid** signatures are required to qualify as a candidate, but no more than 75 signatures will be **accepted or counted**. Persons signing for Councilmember candidates must be registered voters of the Council District in which the candidate is running.

One supplemental nomination petition may be issued before the closing of the nomination period if a candidate fails to gather 50 valid signatures.

FEES & ESTIMATED COSTS

The filing fee is \$25 for all candidates.¹⁴

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 printing as estimated by the ROV, which are:

- District 2: \$2,860
- District 4: \$2,840
- District 6: \$2,990
- District 8: \$2,990
- District 10: \$2,970

Fees and estimated costs are due when Nomination Papers are filed, and may be paid by cash, check (payable to the "City of San José"), or credit card.

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CANDIDATE STATEMENT OF QUALIFICATIONS¹⁶

Each candidate may file a 200-word *Candidate Statement of Qualifications* for inclusion in the Voter's Sample Ballot prepared by the 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 deposit (listed previously) from each candidate who chooses to include a statement. The deposit 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 of printing is less than the deposit but must pay the difference if the actual cost of printing is more than the deposit.

A candidate statement cannot be changed after it is filed, but may be withdrawn before 5:00 p.m. on Monday, December 9, 2019 (or 5:00 p.m. on Thursday, December 12, 2019 if an incumbent fails to file nomination papers).¹⁷ Candidate statements are available for public examination after 5:00 p.m. on Friday, December 6, 2019.

BALLOT DESIGNATION¹⁸

A ballot designation may not exceed 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 under the California Elections Code. The California Secretary of State website (<http://www.sos.ca.gov/>) has additional information on ballot designations.

STATEMENT OF ECONOMIC INTEREST (Form 700)

The Political Reform Act¹⁹ requires government officials and designated employees to publicly disclose their personal assets and income, and to disqualify themselves from participating in decisions which may affect their personal economic interests. All candidates must file a hard copy of a Form 700 with the City Clerk when nomination papers are filed.

The Fair Political Practices Commission (FPPC) is the state agency responsible for interpreting the Political Reform Act and issues the Form 700. The FPPC website (<http://www.fppc.ca.gov/>) has more information about the Form 700 and what information must be disclosed.

Form 700s are public records available for public review.

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GENERAL GUIDELINES FOR FUNDRAISING AND CAMPAIGN DISCLOSURE

- Candidates must comply with both California and the City of San José laws regulating campaign fundraising, expenditures, recordkeeping and campaign disclosure. See *both* the FPPC [Campaign Disclosure Manual 2: Important Information for Local Candidates and Chapter 12.06 of the San José Municipal Code](#) (SJMC) for campaign information and regulations.
- Candidates must file a *Candidate Intention Statement* ([Form 501](#)) before soliciting campaign contributions. Candidates may also 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 California law and SJMC [Chapter 12.06](#). 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. 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 March 2020 election is September 5, 2019 through March 2, 2019.²⁰ No candidate may solicit, accept, or deposit contributions outside of the Campaign Contribution Period.²¹ Any contribution received outside the Campaign Contribution Period must be returned to the contributor or donor within 5 business days.²²
- Contribution limits for the 2020 elections are \$600 per “person” per election for Councilmember candidates.²³ “Person” includes an individual, business entity, foundation, organization, committee or association, nonprofit corporation, and any other organization or group of people acting in concert.²⁴
- Personal funds may be deposited into the campaign bank account, subject to limits under SJMC [Section 12.06.295](#). Candidates must disclose the source of all personal funds deposited into their 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 loan must also be reported on a form provided by the City Clerk ([Form 502](#)) on or before the date of the next pre-election statement is due. No candidate may make a loan to his or her campaign or campaign committee where the outstanding total, at any point in time, is more than \$20,000.

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CAMPAIGN SIGNS

Signs for the March 3, 2020 election may not be displayed before November 12, 2019 and all signs must be removed by March 13, 2020. However, candidates who advance to the runoff election may leave their signs up through November 13, 2020. See SJMC [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=5694>

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/>

SouthTech Campaign Disclosure System: CampaignDocs

HelpDesk (software-related questions only)

Email both: Natalie.Dominguez@southtechsystems.com and

Dale.Bradford@southtechsystems.com

Website: <https://campaigndocssupport.southtechsystems.com/>

eCampaign Filer Access:

<https://www.southtechhosting.com/SanJoseCity/eCampaign/>

View Campaign Forms:

<https://www.southtechhosting.com/SanJoseCity/CampaignDocsWebRetrieval/>

¹ [City Charter § 402.](#)

² City Charter § 404(a).

³ City Charter § 404(b).

⁴ City Charter § 404(c).

⁵ Elec. Code § [10225.](#)

⁶ City Charter § 404.

⁷ City Charter § 1600(g).

⁸ City Charter § 1600(d).

⁹ City Charter § 407.

¹⁰ Ordinance No. 29973.

¹¹ Elec. Code § [10220 et seq.](#)

¹² Elec. Code § [10225.](#)

¹³ Elec. Code § [20440.](#)

¹⁴ Resolution No. 77382.

¹⁵ SJMC § [12.05.040.](#)

¹⁶ Elec. Code § [13307.](#)

¹⁷ Elec. Code § [13307\(a\)\(3\).](#)

¹⁸ Elec. Code § [13107.](#)

¹⁹ Gov. Code §§ [81000 et seq.](#)

²⁰ SJMC § [12.06.290\(B\).](#)

²¹ SJMC § [12.06.290\(A\).](#)

²² SJMC § [12.06.290\(F\).](#)

²³ Contribution limits established by Council Resolution per SJMC § [12.06.210.](#)

²⁴ SJMC § [12.06.210.](#)

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