



# Memorandum

**TO: HONORABLE MAYOR  
AND CITY COUNCIL**

**FROM: TONI J. TABER, CMC**

**SUBJECT: ACTIONS RELATED TO THE  
INITIATIVE RELATED TO  
FAIR ELECTIONS**

**DATE: March 11, 2020**

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## INFORMATION MEMO

On July 31, 2019, proponents of an initiative measure filed a Notice of Intent to Circulate a Petition with the City Clerk for the purpose of placing an initiative on the November 3, 2020 ballot. According to the title and summary of the proposed measure, prepared in accordance with Elections Code section 9203, the measure would:

- (1) Amend the City Charter to hold mayoral elections at the same time as presidential elections starting in 2024 and to create a two-year term for the mayor elected in 2022 to accomplish this transition from the current mayoral election cycle; and
- (2) Amend the San José Municipal Code to prohibit certain “special interests,” as defined by the measure, from making campaign contributions to candidates for city office and fundraising at the behest of an elected city official.

Elections Code section 9255(c)(1) requires that a petition to amend a city charter be signed by at least 15% of the total registered voters of the city. At the time the Notice of Intent was filed, the voter registration report on file with the California Secretary of State showed 460,161 eligible registered voters within the City of San José. Based on that registration, the initiative requires 69,024 valid signatures to qualify. Per Elections Code section 9208, the proponents of the initiative had 180 days from the receipt of the title and summary prepared by the City Attorney to gather the required signatures and file the petition with the City Clerk. The deadline for submission was February 12, 2020.

On February 12, 2020, at 4:59 p.m., the proponents of the initiative measure submitted the signatures in sealed boxes, which, because of the late hour, were moved by the Office of the City Clerk into a locked office on the 14th Floor of City Hall for safekeeping. On February 13, 2020, from 7:30 a.m. to 8:00 p.m., the Office of the City Clerk conducted a raw count and *prima facie* review of the signatures on the petition as required under Elections Code section 9210. The Office of the City Clerk determined that there appeared to be a sufficient number of signatures to accept the petition for filing and to deliver to the Santa Clara County Registrar of Voters (ROV)

for signature verification. City Clerk staff sealed all signatures in boxes, labeled each box and locked them in an office on the 14th Floor of City Hall for safekeeping.

On February 14, 2020, the petition was delivered to the ROV by the City Clerk and Assistant City Clerk. In accordance with Elections Code Section 9115, the City Clerk requested that the ROV conduct a random sample to verify the signatures. When a random sampling technique is used, the ROV must complete the examination of the sample of signatures within 30 days, excluding Saturdays, Sundays, and holidays of the filing of the petition. Under this process, the random sample should include at least 500 or 3% of the signatures, whichever is greater, and the random sample is to be drawn so that every signature filed has an equal opportunity to be included in the sample.

If the random sampling shows that the number of valid signatures is within 95% to 110% of the number of signatures needed, the ROV must examine and verify each signature filed, and has an additional 30 days from the date of the filing of the petition, excluding Saturdays, Sunday, and holidays, to do this full count. If the random sampling shows that the number of valid signatures is over 110% of the number of signatures needed, the petition is considered qualified without further verification. And, if the number of valid signatures is less than 95% of the number of signatures needed, the petition is considered insufficient and, per Elections Code section 9115(e), “no action shall be taken on the petition. However, the failure to secure sufficient signatures shall not preclude the filing later of an entirely new petition to the same effect.”

On March 11, 2020, the ROV provided the Clerk’s Certificate to Initiative (attached) which stated the “statistical sampling shows that the estimated number of valid signatures is 64,390 which is under the 95% of the number of signatures of qualified voters needed to declare the petition sufficient, 95% of the 69,024 valid signatures needs is 65,573. Therefore, pursuant to California Elections Code Section 9115(e), no further action will be taken on the petition.”



**CLERK'S CERTIFICATE TO INITIATIVE**

I, SHANNON BUSHEY, Registrar of Voters of the County of Santa Clara, State of California, hereby certify:

That the initiative "**An Initiative Measure to: (1) Amend the City Charter to Hold Mayoral Elections at the Same Time as Presidential Elections Starting in 2024 and to Create A Two-Year Term for the Mayor Elected in 2022 to Accomplish This Transition from the Current Mayoral Election Cycle; and (2) Amend the San Jose Municipal Code to Prohibit Certain "Special Interests," as Defined by the Measure, from Making Campaign Contributions to Candidates for City Office and Fundraising at the Behest of an Elected City Official**" was submitted for signature verification on February 14, 2020.

That said petition consists of 14,651 sections;

That each section contains signatures purporting to be the signatures of qualified electors of the City of San Jose;

That the affiant stated his or her own qualification, that he or she had solicited the signatures upon that section, that all of the signatures were made in his or her presence, and that to the best of his or her knowledge and belief each signature to that section was the genuine signature of the person whose name it purports to be;

Pursuant to California Elections Code Section 9115(a), the Registrar of Voters conducted a random sampling technique to verify the signatures. A random sampling shall include an examination of at least 500, or 3% of the signatures, whichever is greater.

That after the proponent filed this petition, I verified the required number of signatures by examining the records of registration in this county, current and in effect at the respective purported dates of such signing to determine what number of qualified electors signed the petition, and from that examination I have determined the following facts regarding this petition:

1.	Number of unverified signatures filed by proponent	<u>94,202</u>
2.	Number of signatures verified	<u>2,826</u>
	a. Number of signatures found SUFFICIENT	<u>2,061</u>
	b. Number of signatures found NOT SUFFICIENT	<u>765</u>
	1. NOT SUFFICIENT because DUPLICATE	<u>4</u>

In accordance with California Administrative Code Section 20530, the Registrar of Voters computed the percent of valid signatures by dividing the total number of signatures found valid, 2,061 by the total number of signatures found in the sample, 2,826. The Registrar of Voters then multiplied the raw count of 94,202 by the same sample validity rate to determine the number of total valid signatures. A duplicate signature factor of 1,078 was subtracted for each duplicate.

Per California Elections Code Section 9115(b), the statistical sampling shows that the estimated number of valid signatures is 64,390, which is under 95% of the number of signatures of qualified voters needed to declare the petition sufficient, 95% of the 69,024 valid signatures needed is 65,573. Therefore, pursuant to California Elections Code Section 9115(e), no further action will be taken on the petition.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal this 11<sup>th</sup> day of March 2020.

**Shannon Bushey**  
**Registrar of Voters**

By: \_\_\_\_\_  
Deputy