

2014 City of San José
City Councilmember and Mayoral Primary Election
General Information

On June 3, 2014, City of San José voters will vote on the following offices:

Office	District	Incumbent
Council Member	1	No Incumbent *
Council Member	3	No Incumbent *
Council Member	5	Xavier Campos
Council Member	7	No Incumbent *
Council Member	9	Donald Rocha
Mayor	Citywide	No Incumbent *

*Council Members Pete Constant (District 1), Sam Liccardo (District 3), Madison Nguyen (District 7) and Mayor Chuck Reed are ineligible to run due to term limits.

TERM

The term of office for all vacancies is a four year term: January 1, 2015 through December 31, 2018.

ELIGIBILITY (*Section 404 – Charter of the City of San José*)

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 -- by January 1, 2014 for terms beginning January 1, 2015.
- 2) A resident of the Council District in which the Candidate is running at least 30 days immediately preceding the last day for filing of Nomination Papers (by February 5, 2014 or by February 10, 2014, if the Incumbent for District 5 or 9 does not run).
- 3) A registered voter in the district in which the candidate is running by the last day for filing of Nomination Papers. (March 7, 2014 or by March 12, 2014 if an Incumbent for District 5 or 9 does not run).

To be eligible to run for the **Office of Mayor** 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 -- by January 1, 2014 for terms beginning January 1, 2015.

- 2) A resident of the City of San José at least 30 days immediately preceding the first day for filing of Nomination Papers (February 5, 2014).
- 3) A registered voter in the City of San José at least 30 days immediately preceding the last day for filing of Nomination Papers (March 7, 2014).

PLEASE NOTE: If the City Clerk cannot confirm a candidate's residency (for any office) by the stated dates, proof of residency will be required.

RUNOFF ELECTION

A candidate must receive a majority of all votes cast for the office being sought on Tuesday, June 3, 2014 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 4, 2014 (Charter Section 404).

COUNCIL COMPENSATION

The Offices of Council Member is a full-time position. The annual salaries as established by Ordinance 29252 are currently set at \$81,000. In addition, each member of the City Council may receive a monthly car allowance in the amount of \$350 and other benefits available to management employees.

MAYOR COMPENSATION

The Office of the Mayor is a full-time position. The annual salary as established by Ordinance 29252 is set at \$114,000. In addition, the Mayor may receive a monthly car allowance in the amount of \$350 and other benefits available to management employees.

NOMINATION PAPERS

The Filing period for Nomination Papers in the City of San José is: **Monday, February 10, 2014 through Friday, March 7, 2014 at 12:00 Noon.** If the incumbent in District 5 or 9 does not file nomination papers by March 7, 2014, the filing period will be extended to March 12, 2014 at Noon.

Nomination Papers are issued by the City Clerk, or a Deputy 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, Wing—Second Floor, San José, CA 95113. Nomination Papers will be available in the Office of the City Clerk beginning **Monday, February 10, 2014.** Appointments are highly recommended, but not required.

To schedule an appointment, please call the Office of the City Clerk at (408) 535-1252. 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 an hour for your appointment.

Nomination Papers include several forms, including the nomination petition and candidate statement of qualifications, and must all be filed concurrently. Candidate statements are confidential until the next business day following the close of the Nomination Period.

Nomination Papers must all be filed 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 (optional)
7. Form 500 Voluntary Expenditure Limits (optional)
8. Other forms, as required by the County Registrar of Voters

FEES

The filing fee is \$25 for all candidates for Council Member or Mayor. 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 2014 Primary are: \$2,490 (Council District 1), \$2,350 (Council Districts 3 and 7), \$2,250 (Council District 5), \$2,680 (Council District 9) or \$11,220 for Mayor.

Fees are due and payable at the time Nomination Papers are filed.

NOMINATION PETITION

At least fifty (50) **valid** signatures are required to qualify as a candidate. No more than seventy-five (75) will be **accepted or counted**. One supplemental nomination petition may be issued before the closing date, if a candidate fails to gather 50 valid signatures.

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 for each candidate who chooses to include a statement. The payment of the ballot statement estimate fees 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 p.m. on Monday, March 10, 2014 (or Thursday, March 13, 2014 if the deadline is extended for Districts 5 and/or 9).

BALLOT DESIGNATION

Ballot designations may be no more than three words designating either the current principal profession, vocation or occupation or elective office of the candidate. Ballot designations are regulated by the California Elections Code (Section 13107).

Detailed information will be provided to candidates during the Nomination Period. See also the [Secretary of State Ballot Designations](#) for more information.

FORM 700 - STATEMENT OF ECONOMIC INTEREST

The Political Reform Act (Gov. Code Sections 81000-91014) 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 Statement of Economic Interests - Form 700 with the City Clerk at the time nomination papers are filed. Additionally, candidates for local elective office may not accept honoraria payments and may not accept gifts from any single source totaling more than \$440 in a calendar year. This amount changes annually and is current for 2013-14. [See the FPPC website](#) for more information about who must file.

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

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 (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 will file periodic campaign finance disclosure statements during the election cycle on dates established by State law. The City Clerk will provide a schedule of campaign disclosure deadlines.
- The City Clerk is the filing official for the City of San Jose 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 (www.fppc.ca.gov). Contact the City Clerk for more information regarding filing campaign statements electronically.
- The Campaign Contribution Period for the June 3, 2014 election is December 5, 2013 to midnight on June 2, 2014. No candidate may solicit, accept, or deposit contributions outside of the Campaign Contribution Period. (City of San José Municipal Code 12.06.290)
- Contribution limits are \$500 per "person" per election for Council Member candidates and \$1,100 per "person" per election for Mayoral 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. The contribution is determined by multiplying the base amount (\$500/\$1000) by the CPI difference from December 2010-June 2013 and rounded to the nearest one hundred dollars. (San José Municipal Code 12.06.210)
- 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 Chapter 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 loan must also be disclosed. The information required must be reported on a form provided by the City

Clerk, ([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.

- A Voluntary Expenditure Limit is in effect in the City of San José. All candidates must determine if they will participate, or not, prior to accepting contributions (Form 500). If a candidate chooses to participate in the program, as of November 1, 2013, the City has adopted the following formula for Expenditure Limits for office: (1) one dollar twenty-five cents (\$1.25) per resident of the district for candidates for Council office; or seventy-five cents (\$.75) per resident of the Citywide population for the candidates for Mayoral office. (Resolution 76038).

VOLUNTARY EXPENDITURE LIMITS

District	Population	Rate + CPI rounded	Population x Rate	Ballot statement estimate	Postage	TOTAL
Citywide	967,487	\$0.80	\$773,990	\$11,220	\$9,133	\$ 794,342.68
Council District 1	97,482	\$1.35	\$131,601	\$2,490	\$905	\$ 134,995.23
Council District 3	98,689	\$1.35	\$133,230	\$2,350	\$916	\$ 136,495.34
Council District 5	99,204	\$1.35	\$133,926	\$2,250	\$920	\$ 137,096.47
Council District 7	100,751	\$1.35	\$136,014	\$2,350	\$935	\$ 139,298.48
Council District 9	92,290	\$1.35	\$124,592	\$2,680	\$856	\$ 128,128.29

District populations are based upon the State of California Department of Finance population estimates.

CAMPAIGN SIGNS

Signs for the June 3, 2014 election may not be displayed prior to February 10, 2014 and must be removed by June 13, 2014. EXCEPTION: Candidates who successfully move on to the runoff election may leave their signs up through November 14, 2014. See Municipal Code 23.04.700 for further information.

The above information is general information for candidates running for the Offices of Mayor and Council Member in San José and is subject to change. See next page for election resources and contact information.

RESOURCES

Office of the City Clerk, City of San José

200 E Santa Clara Street Wing—Second Floor San José, CA 95113

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

Open Monday-Friday 8:00 am-5:00 pm

California Fair Political Practices Commission

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

Open Monday-Thursday, 9:00am - 11:30am & 1:30pm - 3:30pm

www.fppc.ca.gov

Santa Clara County Registrar of Voters

1555 Berger Dr, Building 2 San José, CA 95112

Open Monday-Friday 8:00 am-5:00 pm

Phone:

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: PO Box 611360, San José, CA 95161-1360

Voter Registration: PO Box 611300, San José, CA 95161-1300

Vote by Mail: PO Box 611750, San José, CA 95161-1750

Precinct Operations: PO Box 612350, San José, CA 95161-2350

California Secretary of State

Political Reform Division

1500 11th Street

Sacramento, CA 95814

(916) 653-6224

NetFile Campaign Disclosure System

Email: filerhelp@netfile.com

<https://netfile.com/Filer/Authentication/RegisterUser> (for new users)

<https://netfile.com/Filer> (for existing users)