



MEETING DATE: 06/07/04
ITEM NO. 11

COUNCIL AGENDA REPORT

DATE: May 26, 2004

TO: MAYOR AND TOWN COUNCIL

FROM: MARIAN V. COSGROVE, TOWN CLERK/ELECTION OFFICER *MC*

SUBJECT: RESOLUTION OF THE TOWN OF LOS GATOS ORDERING AND CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE TOWN OF LOS GATOS ON NOVEMBER 2, 2004; REQUESTING SANTA CLARA COUNTY BOARD OF SUPERVISORS TO AUTHORIZE REGISTRAR OF VOTERS TO PROVIDE ELECTION SERVICES; REQUESTING CONSOLIDATION OF GENERAL STATE ELECTION WITH LOS GATOS MUNICIPAL ELECTION AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATED ELECTION; DETERMINING TO LEVY THE COST OF CANDIDATES' STATEMENTS; REQUIRING PAYMENT OF CANDIDATES' FILING FEES; AND PROVIDING FOR GIVING NOTICE OF ELECTION FOR THE PURPOSE OF ELECTING TWO COUNCIL MEMBERS, TOWN CLERK AND TOWN TREASURER.

RECOMMENDATION:

Adopt resolution of the Town of Los Gatos ordering and calling a general municipal election to be held in the Town of Los Gatos on November 2, 2004; requesting Santa Clara County Board of Supervisors to authorize Registrar of Voters to provide election services; requesting consolidation of general state election with Los Gatos municipal election and specifying certain procedures for the consolidated election; determining to levy the cost of candidates' statements; requiring payment of candidates' filing fees; and providing for giving notice of election for the purpose of electing two council members, town clerk and town treasurer.

DISCUSSION:

Proposition 73, approved by the voters June 1988, prohibits public financing of candidates for elected office in California. Specifically Government Code Section 85300 provides as follows:

"No public officer shall expend and no candidate shall accept any public moneys for the purpose of seeking elective office."

PREPARED BY: MARIAN V. COSGROVE
Town Clerk

Reviewed by: *OC* Attorney *MC* Finance *MS* Manager *RSS* Revised: 6/13/00 10:07

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MAYOR AND TOWN COUNCIL
SUBJECT:
June 7, 2004

DISCUSSION CONTINUED:

Therefore, this resolution provides that each candidate is required to pay the actual costs of printing, handling and translating the candidate's statement which is incurred by the Town, up to the maximum allowed by the Elections Code. The resolution further directs that the Town Clerk is required to provide written notice to such effect with each set of nomination papers issued. Per Registrar of Voters, the estimated fee per candidate is \$1,630.00. Of this amount \$1,630.00 goes to the County Registrar of Voters for the translation of the candidate's statement into four other languages and the printing of the candidate's statement in the Registrar's choice of two languages.

Under Section 10228 of the Elections Code there is also a required filing fee of \$25.00 which covers some of the Town's costs for the processing of candidates' nomination papers.

For your information the schedule issued by the Registrar of Voters for the November 2, 2004 election is included with this report as Attachment 2.

FISCAL IMPACT:

Presently the cost of our municipal election is approximately \$43,375 or nearly four times the cost of our last municipal election. This amount is covered in the 2004-05 budget. The fees charged to the candidates will offset some of the costs of the services rendered for filing and printing candidate statements. The increased cost of \$2.25 per registered voter that the Town will be assessed includes the sur charge for the new electronic voting equipment, the absentee ballots which the state no longer funds, and the translation and printing charges for the requested 200 word candidate statements.

Attachments:

1. Resolution ordering consolidation of elections
2. Registrar of Voters Schedule for November 2, 2004 Election
3. Registrar of Voters Estimated Costs of Candidate's Statement

RESOLUTION 2004-

RESOLUTION OF THE TOWN OF LOS GATOS ORDERING AND CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD IN THE TOWN OF LOS GATOS ON NOVEMBER 2, 2004; REQUESTING SANTA CLARA COUNTY BOARD OF SUPERVISORS AUTHORIZE REGISTRAR OF VOTERS TO PROVIDE ELECTION SERVICES; REQUESTING CONSOLIDATION OF GENERAL STATE ELECTION WITH LOS GATOS MUNICIPAL ELECTION AND SPECIFYING CERTAIN PROCEDURES FOR THE CONSOLIDATED ELECTION; DETERMINING TO LEVY THE COST OF CANDIDATES' STATEMENTS; REQUIRING PAYMENT OF CANDIDATES' FILING FEES; AND PROVIDING FOR GIVING NOTICE OF ELECTION FOR THE PURPOSE OF ELECTING TWO COUNCIL MEMBERS, TOWN CLERK AND TOWN TREASURER

WHEREAS, Los Gatos Town Code Section 2.30.010 provides that the general municipal election for the Town of Los Gatos shall be held on the day of the state wide general election;

WHEREAS, pursuant to Part 3 of Division 10 of the California Elections Code, a general municipal election may be consolidated with a statewide election; and

WHEREAS, a statewide election will be held on November 2, 2004;

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Los Gatos:

1. A general municipal election hereby is called to be held in and for the Town of Los Gatos on Tuesday, November 2, 2004, to elect two (2) Council Members, the Town Clerk and the Town Treasurer, each for a full term of four (4) years.
2. Pursuant to Elections Code Section 10002, the Town Council hereby requests the Board of Supervisors of the County of Santa Clara to make available the services of the Registrar of Voters for the purpose of performing the usual services necessary in the conduct of the consolidated general municipal election, including the provisions of election supplies and voters' pamphlets; and that upon approval of such requests, the Registrar of Voters of the County of Santa Clara shall be reimbursed for all costs incurred by said services.
3. Pursuant to Elections Code commencing with Section 10400, the Town Council hereby requests the Board of Supervisors of the County of Santa Clara to order the consolidation of the general municipal election to be conducted within the boundaries of the Town of Los Gatos on November 2, 2004, with respect to which the Board of Supervisors of the County of Santa Clara has the power to order a consolidation. The Town Council further consents to and orders the consolidation of the general municipal election hereby called with the statewide general election. Upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened at 7:00 a.m. and closed at 8:00 p.m., ballots counted and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by the Registrar of Voters of the County of Santa Clara in accordance with the provisions of law regulating the elections so consolidated.

4. The Town Clerk is hereby authorized and directed to publish a notice of the general municipal election within the time and in the manner specified in the Elections Code Section 12110. The Town Clerk is further authorized and directed to do all other things required by law to hold the general municipal election above provided.
5. Pursuant to Section 13307 of the Elections Code, the Town Council hereby determines to levy against each candidate availing himself or herself of the service of including a candidate's statement not to exceed two hundred (200) words in length in the voter's pamphlet, the actual costs of printing, handling and translating the candidate statement, incurred by the Town of Los Gatos. The Town Clerk shall provide written notice to such effect with each set of nomination papers issued and shall require payment of the estimated cost at the time the candidate statement is filed.
6. Pursuant to Section 10228 of the Elections Code, and Town Code Section 2.30.011, each candidate shall pay a filing fee in the amount of twenty five dollars (\$25.00), which amount the Town Council hereby determines to be the amount which is proportionate to the costs of processing a candidate's nomination papers by the Town of Los Gatos. The Town Clerk shall provide written notice to such effect with each set of nomination papers issued.
7. The Town Clerk is hereby authorized and directed to certify to the adoption of this resolution and to transmit a certified copy to the Board of Supervisors of the County of Santa Clara and to the Registrar of Voters of the County of Santa Clara.

PASSED AND ADOPTED at a regular meeting of the Town Council of the Town of Los Gatos this 7th day of June, 2004 by the following vote:

COUNCIL MEMBERS:

AYES:

NAYS: NONE
ABSTAINED: NONE
ABSENT: NONE

SIGNED:

/s/ Steve Glickman
MAYOR OF THE TOWN OF LOS GATOS

ATTEST:

/s/ Marian V. Cosgrove
CLERK OF THE TOWN OF LOS GATOS

November 2, 2004
Candidate Services Abbreviated General Election Calendar
Santa Clara County

DATES	ACTIVITIES / DOCUMENTS
June 30, 2004	<p><u>RESOLUTIONS DUE FOR GOVERNING BOARD ELECTIONS*</u></p> <p>Deadline for jurisdictions to submit resolutions for a governing board election.</p>
July 12, 2004	<p><u>NOMINATION PERIOD OPENS</u></p> <p>First day candidates may pick up nomination packets either at the district office or at the Office of the Registrar of Voters.</p>
August 6, 2004	<p><u>RESOLUTIONS AND TAX RATE STATEMENTS DUE FOR MEASURES*</u></p> <p>Deadline for jurisdictions to submit resolutions to place a measure on the ballot and, if applicable, tax rate statements.</p>
August 6, 2004	<p><u>NOMINATION PERIOD CLOSSES*</u></p> <p>Deadline to file (in the Office of the Registrar of Voters only) all necessary nomination documents.</p> <p><u>WITHDRAWAL OF CANDIDATE</u></p> <p>No candidate may withdraw her or his candidacy after 5:00 p.m. on this date.</p>
August 7 thru August 11, 2004	<p><u>EXTENSION PERIOD</u></p> <p>If an incumbent in a specific district fails to file a Declaration of Candidacy by August 6th, there will be a 5-calendar day extension during which any candidate, other than the incumbent, may file or withdraw from said office.</p>
August 11, 2004	<p><u>DUE DATE FOR ARGUMENTS*</u></p> <p>Deadline for submitting arguments for and against a measure.</p>
August 12, 2004	<p><u>RANDOMIZED ALPHABET DRAWING</u></p> <p>Day the Secretary of State and the Office of the Registrar of Voters conduct a drawing of letters of the alphabet to determine the order in which candidate names appear on the ballot.</p>
August 18, 2004	<p><u>DUE DATE FOR REBUTTAL ARGUMENTS AND IMPARTIAL* ANALYSES</u></p> <p>Deadline for submitting rebuttals to arguments in favor and against a measure and impartial analyses.</p>

November 2, 2004
Candidate Services Abbreviated General Election Calendar
Santa Clara County

DATES	ACTIVITIES / DOCUMENTS
September 7 thru (due to Holiday) October 19, 2004	<u>WRITE-IN CANDIDACY OPENS AND CLOSSES</u> Timeframe for write-in candidates to obtain and file nomination documents at the Office of the Registrar of Voters.
October 5, 2004	<u>F.P.P.C. PRE-ELECTION STATEMENT</u> Deadline for financial disclosure report for the period of 1/1/04 to 9/30/04 or 7/1/04 to 9/30/04.
October 4, 2004	<u>FIRST DAY FOR MAILING OF ABSENTEE BALLOTS</u> First day to mail absentee ballots.
October 21, 2004	<u>F.P.P.C. PRE-ELECTION STATEMENT</u> Deadline for financial disclosure report for the period of 10/1/04 to 10/16/04. Reports must be filed by personal delivery or guaranteed overnight service.
October 17 thru November 1, 2004	<u>LATE CONTRIBUTION/INDEPENDENT EXPENDITURES</u> Sums over \$1000 to/from a single source must be reported within 24 hours by fax, telegram, personal delivery, or overnight service.
October 18, 2004	<u>LAST DAY TO REGISTER TO VOTE IN NOVEMBER ELECTION</u> Deadline to register to vote for the November 2, 2004 election.
TUESDAY November 2, 2004	<u>ELECTION DAY</u> Polls are open from 7:00 a.m. to 8:00 p.m.
November 30, 2004	<u>OFFICIAL CANVASS OF VOTE</u> Deadline for the Registrar of Voters to certify election results.

The Office of the Registrar of Voters is not open for filings on Saturday, Sunday or holidays.

* The legal 10-calendar-day public examination period in which a writ of mandate may be sought begins immediately following the filing deadline for submission of those documents. The writ of mandate request shall be filed no later than the end of the 10-calendar-day public examination period.

SANTA CLARA COUNTY REGISTRAR OF VOTERS
 ESTIMATED COSTS OF CANDIDATE STATEMENT
 NOVEMBER 2004 GENERAL PRESIDENTIAL ELECTION

JURISDICTIONS	REG VOTERS 04/16/04	PROJECTED REGIS- TRATION	BALLOT ORDER	FIXED COST PER STATEMENT (200 WORDS)				PRINTING COST PER HALF PG \$ 0.010430	ESTIMATED COST PER STATEMENT		ESTIMATED DEPOSIT	
				TYPESET \$ 275	HANDLING \$ 425	TRANSL \$ 360	TOTAL \$ 1,060		200-WORD	400-WORD	200-WORD	400-WORD
CITY DISTRICTS												
CITY OF CAMPBELL												
City Council (2 seats)	20,626	22,689	29,495	275	425	360	1060	\$ 615	\$ 1,675	\$ 2,460	\$ 1,680	\$ 2,460
City Clerk	20,626	22,689	29,495	275	425	360	1060	\$ 615	\$ 1,675	\$ 2,460	\$ 1,680	\$ 2,460
City Treasurer	20,626	22,689	29,495	275	425	360	1060	\$ 615	\$ 1,675	\$ 2,460	\$ 1,680	\$ 2,460
TOWN OF LOS ALTOS HILLS												
Town Council (3 seats)	5,814	6,395	8,314	275	425	360	1060	\$ 173	\$ 1,233	\$ 2,018	\$ 1,230	\$ 2,020
TOWN OF LOS GATOS												
Town Council (2 seats)	19,140	21,054	27,370	275	425	360	1060	\$ 571	\$ 1,631	\$ 2,416	\$ 1,630	\$ 2,420
Town Clerk	19,140	21,054	27,370	275	425	360	1060	\$ 571	\$ 1,631	\$ 2,416	\$ 1,630	\$ 2,420
Town Treasurer	19,140	21,054	27,370	275	425	360	1060	\$ 571	\$ 1,631	\$ 2,416	\$ 1,630	\$ 2,420
CITY OF MILPITAS												
Mayor	24,318	26,750	34,775	275	425	360	1060	\$ 725	\$ 1,785	\$ 2,570	\$ 1,790	\$ 2,570
City Council (2 seats)	24,318	26,750	34,775	275	425	360	1060	\$ 725	\$ 1,785	\$ 2,570	\$ 1,790	\$ 2,570
CITY OF MONTE SERENO												
City Council (2 seats)	2,439	2,683	3,488	275	425	360	1060	\$ 73	\$ 1,133	\$ 1,918	\$ 1,130	\$ 1,920
CITY OF MORGAN HILL												
Mayor	17,405	19,146	24,889	275	425	360	1060	\$ 519	\$ 1,579	\$ 2,364	\$ 1,580	\$ 2,360
City Council (2 seats)	17,405	19,146	24,889	275	425	360	1060	\$ 519	\$ 1,579	\$ 2,364	\$ 1,580	\$ 2,360
City Clerk	17,405	19,146	24,889	275	425	360	1060	\$ 519	\$ 1,579	\$ 2,364	\$ 1,580	\$ 2,360
City Treasurer	17,405	19,146	24,889	275	425	360	1060	\$ 519	\$ 1,579	\$ 2,364	\$ 1,580	\$ 2,360
CITY OF MOUNTAIN VIEW												
City Council (4 seats)	36,336	39,970	51,960	275	425	360	1060	\$ 1,084	\$ 2,144	\$ 2,929	\$ 2,140	\$ 2,930
CITY OF SANTA CLARA												
City Council #3	45,683	50,251	65,327	275	425	360	1060	\$ 1,363	\$ 2,423	\$ 3,208	\$ 2,420	\$ 3,210
City Council #4	45,683	50,251	65,327	275	425	360	1060	\$ 1,363	\$ 2,423	\$ 3,208	\$ 2,420	\$ 3,210
City Council #6	45,683	50,251	65,327	275	425	360	1060	\$ 1,363	\$ 2,423	\$ 3,208	\$ 2,420	\$ 3,210
City Council #7	45,683	50,251	65,327	275	425	360	1060	\$ 1,363	\$ 2,423	\$ 3,208	\$ 2,420	\$ 3,210
City Clerk	45,683	50,251	65,327	275	425	360	1060	\$ 1,363	\$ 2,423	\$ 3,208	\$ 2,420	\$ 3,210
Police Chief	45,683	50,251	65,327	275	425	360	1060	\$ 1,363	\$ 2,423	\$ 3,208	\$ 2,420	\$ 3,210
CITY OF SARATOGA												
City Council (2)	19,661	21,627	28,115	275	425	360	1060	\$ 586	\$ 1,646	\$ 2,431	\$ 1,650	\$ 2,430
SPECIAL DISTRICTS												
EL CAMINO HOSPITAL (3)	100,446	110,491	143,638	275	425	360	1060	\$ 2,996	\$ 4,056	\$ 4,841	\$ 4,060	\$ 4,840
GUADALUPE-COYOTE RES CONS DIST(122,017	134,219	174,484	275	425	360	1060	\$ 3,640	\$ 4,700	\$ 5,485	\$ 4,700	\$ 5,480
LOMA PRIETA RES CONS DIST (3)	39,627	43,590	56,667	275	425	360	1060	\$ 1,182	\$ 2,242	\$ 3,027	\$ 2,240	\$ 3,030
MID-PENINSULA REGIONAL OPN SPC DI	39,262	43,188	56,145	275	425	360	1060	\$ 1,171	\$ 2,231	\$ 3,016	\$ 2,230	\$ 3,020
MID-PENINSULA REGIONAL OPN SPC DI	51,438	56,582	73,556	275	425	360	1060	\$ 1,534	\$ 2,594	\$ 3,379	\$ 2,590	\$ 3,380
PACHECO PASS WATER DIST. (3)	60	66	2,000	275	425	360	1060	\$ 42	\$ 1,102	\$ 1,887	\$ 1,100	\$ 1,890
PACHECO STORM WATER DIST (2)	21	23	2,000	275	425	360	1060	\$ 42	\$ 1,102	\$ 1,887	\$ 1,100	\$ 1,890
PURISSIMA HILLS WTER DIST (3)	4,213	4,634	6,025	275	425	360	1060	\$ 126	\$ 1,186	\$ 1,971	\$ 1,190	\$ 1,970
RANCHO RINCONADA RECREATIONAL I	1,837	2,021	2,627	275	425	360	1060	\$ 55	\$ 1,115	\$ 1,900	\$ 1,110	\$ 1,900
STATE SENATE												
11TH SENATORIAL DISTRICT	276,315	303,947	395,130	275	425	360	1060	\$ 8,242	\$ 9,302	\$ 10,087	\$ 9,300	\$ 10,090
13TH SENATORIAL DISTRICT	337,219	370,941	482,223	275	425	360	1060	\$ 10,059	\$ 11,119	\$ 11,904	\$ 11,120	\$ 11,900
15TH SENATORIAL DISTRICT	115,001	126,501	164,451	275	425	360	1060	\$ 3,430	\$ 4,490	\$ 5,275	\$ 4,490	\$ 5,280

