RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SUNNYVALE CALLING A GENERAL MUNICIPAL
ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016
FOR THE ELECTION OF COUNCILMEMBERS TO SEAT
NUMBERS 4, 5, 6 AND 7; REQUESTING CONSOLIDATION
WITH THE STATEWIDE GENERAL ELECTION AND
ELECTION SERVICES FROM THE SANTA CLARA COUNTY
BOARD OF SUPERVISORS; PROVIDING REGULATIONS
FOR CANDIDATES' STATEMENTS AND DETERMINING TO
LEVY COSTS OF CANDIDATES' STATEMENTS

WHEREAS, Article XIV, Section 1400, of the Charter of the City of Sunnyvale requires that a General Municipal Election to fill elective offices be held on the first Tuesday after the first Monday in November of each even-numbered year, commencing with the year 2016, and the same shall be known as the General Municipal Election; and

WHEREAS, it is desirable that the General Municipal Election be consolidated with the Statewide General Election to be held on the same date, and that within the city, the precincts, polling places and election officers of the two elections be the same, and that the Registrar of Voters of the County of Santa Clara canvass the returns of the General Municipal Election and that the election be held in all respects as if there were only one election; and

WHEREAS, Section 13307 of the Elections Code of the State of California ("Elections Code") provides that the City Council may adopt regulations pertaining to materials prepared by any candidate for a municipal election, including costs of the candidate's statement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE THAT:

1.   Pursuant to Section 1400 of the Charter of the City of Sunnyvale, a General Municipal Election hereby is called to be held in and for the City of Sunnyvale on Tuesday, November 8, 2016, for the purpose of electing four Councilmembers, each for a full term of four years, one to the office of "Councilmember Seat Number 4," one to the office of "Councilmember Seat Number 5," one to the office of "Councilmember Seat Number 6" and one to the office of "Councilmember Seat Number 7."

2.   The City Clerk is authorized, instructed, and directed to coordinate with the County of Santa Clara Registrar of Voters to procure and furnish any and all official ballots, notices, printed matter and all supplies, equipment and paraphernalia that may be necessary in order to properly and lawfully conduct the election.

3.   The polls for the election shall be open at 7:00 a.m. of the day of the election and shall remain open continuously from that time 8:00 p.m. of the same day when the polls shall be closed.

4.   Pursuant to the requirements of Part 3 (Consolidation of Elections; §§10400 et seq.) of Division 10 of the Elections Code, the City Council hereby requests the governing body of any other political subdivision, or any officer otherwise authorized by law, to partially or completely consolidate such elections, and to further provide that, upon consolidation, the consolidated election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots opened and returned, returns canvassed, and all other proceedings in connection with the election shall be regulated and done by anybody or official authorized to perform such functions and canvass the returns of the elections; and that this City Council consents to such consolidation.

5.   Pursuant to Section 10002 of the Elections Code, the City Council hereby requests the Santa Clara County Board of Supervisors to permit the Registrar of Voters to render services to the City of Sunnyvale relating to the conduct of Sunnyvale's General Municipal Election to be held on Tuesday, November 8, 2016, and instruct the Registrar of Voters to take any and all steps necessary for the holding of the consolidated election. Services shall be of the type normally performed by the Registrar of Voters assisting municipalities in the conduct of their elections, including, but not limited to, those services listed in paragraph 6 hereof.

6.   Pursuant to the Federal Voting Rights Act, candidates' statements will be translated into all languages required by the County of Santa Clara. The County is required to translate candidate's statements into the following languages: Spanish, Chinese, Vietnamese and Tagalog. The County will print and mail separate sample ballots and candidates statements in Spanish, Chinese, Vietnamese and Tagalog to only those voters who are on the county voter file as having requested a sample ballot in a particular language. The County will make the sample ballots and candidates statements in the required languages available at all polling places, on the County's website, and in the Election Official's office.

7.   The City of Sunnyvale recognizes that additional costs will be incurred by the County by reason of this consolidation, and agrees to reimburse the County for the cost of services, provided that no payment shall be made for services that the Registrar of Voters is otherwise required by law to perform.

8.   Pursuant to Section 13307 of the Elections Code, each candidate for elective office to be voted for at the General Municipal Election on November 8, 2016, may prepare a candidate statement on an appropriate form provided by the City Clerk. The statement may include the name, age, and occupation of the candidate, and a brief description of no more than **200 words** of the candidate's education and qualifications expressed by the candidate himself or herself. The statement shall not include party affiliation of the candidate, nor membership or activity in partisan political organizations. The statement shall be filed in the Office of the City Clerk at the time the candidate's nomination papers are filed. The statement may be withdrawn, but not changed, during the period for filing nomination papers and until 5:00 pm of the next working day after the close of the nomination period. Candidates shall not be permitted to submit materials other than the

candidate's statement with the sample ballot and the voter's pamphlet.

9.   Pursuant to Section 13307 of the Elections Code, the City Council hereby determines to levy against each candidate availing him or herself of the service of including a candidate statement in the voter pamphlet, the actual prorated costs of printing, handling, translating, and mailing the candidate's statements incurred by the City. The County's estimated cost for the candidate statement is **$2,123**. The candidate shall be required to pay for the cost in advance, and shall make a deposit of **$2,123** at the time his or her nomination papers are filed. The candidate shall be refunded any overage or billed for any additional costs within 30 days of the actual accounting of costs by the Santa Clara County Registrar of Voters. The provisions of this section are subject to the provisions of Chapter 2.28 of the Sunnyvale Municipal Code relating to in-lieu petitions. The City Clerk shall provide written notice to such effect with each set of nomination papers issued.

10.   In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.

11.   Notice of the time and place of holding the election is given and the City Clerk is authorized, instructed and directed to give further or additional notice of the election, in time, form and manner as required by law.

12.   That this Resolution shall apply only to the election to be held on Tuesday, November 8, 2016.

13.   The City Clerk is hereby directed to file a certified copy of this Resolution with the Santa Clara County Board of Supervisors and the County Registrar of Voters of the County of Santa Clara.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:
RECUSAL:

ATTEST: APPROVED:

_____   _____
        City Clerk   Mayor
(SEAL)

APPROVED AS TO FORM:

_____
        City Attorney