



OFFICE OF THE CITY CLERK

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CITY COUNCIL STAFF REPORT

Meeting: June 4, 2024

Subject

A resolution calling for a consolidated General Municipal Election on November 5, 2024 to fill two City Council seats and requesting election services from the Santa Clara County Registrar of Voters.

Recommended Action

Adopt the Draft Resolution calling for a consolidated General Municipal Election on November 5, 2024, to fill two City Council seats and requesting performance of services from the Registrar of Voters of the County of Santa Clara.

Reasons for Recommendation

Cupertino Municipal Code Section 2.04.005 sets Cupertino elections to take place on the first Tuesday after the first Monday in November of even-numbered years to coincide with the statewide general elections. A general statewide election has been established for Tuesday, November 5, 2024 (Elections Code (EC) § 1001). The City Council may call the municipal election to be held on Tuesday, November 5, 2024 and request the Board of Supervisors of the County of Santa Clara to consolidate the election with the General Statewide election (EC § 10400). The Board of Supervisors and the Registrar of Voters may provide election services in conducting the General Statewide election for the City (EC § 10002). A municipal election is necessary to fill two at-large City Council seats (Elections Code § 10597-10508). Councilmembers Kitty Moore and Hung Wei are each eligible to run for one additional full term of four years.

The Draft Resolution (Attachment A) approves calling and giving notice to hold a general municipal election in the City of Cupertino on November 5, 2024 for the election of two City Council members and requests the Board of Supervisors to consolidate with the General Statewide election and render specified services to the City related to the conduct of the General Municipal Election, establishes guidelines and costs associated with candidate statements, and provides the process to resolve a tie vote. The deadline to

submit the City's resolution specifying the date of election, permitting consolidation, and requesting Registrar of Voters' services to govern the election is July 3.

Election services from the Santa Clara County Registrar of Voters includes the appointment of election officers, designation of voting precincts, printing and mailing of ballots, operation of voting centers, counting of ballots, canvassing of the vote, providing for the process in the event of a tie vote at the election, and other proceedings required in connection with the election.

Each qualified candidate has an option to include a Candidate Statement in the Sample Ballot and Voter Information Guide. The proposed resolution sets the maximum allowance of 200 words for the Candidate's Statement of Qualifications and the candidate's responsibility of payment for the cost to prepare and print the statement in advance. The estimated cost this year is \$3,640.00 (Attachment C). The Elections Code provides the City Council with the option to increase on the words allowed for candidate statements from a maximum of 200 to 400 words (EC §13307(a)). Staff is not recommending this option given that the word limit has traditionally been 200 words in Cupertino and because an increase would increase the costs to candidates for filing statements at the maximum word count.

The County has requested that each jurisdiction confirm the method to be used in the event of a tie vote. In the event of a tie where two or more persons receive an equal and the highest number of votes for an office, the Draft Resolution adopts the provision of determining the winner or winners to be resolved by lot (EC § 15651(a)). Due to the cost of conducting a special runoff election, many jurisdictions use the lot method to resolve tie votes, which is the method that staff is recommending.

The nomination period for the 2024 General Municipal Election runs from Monday, July 15, 2024 through Friday, August 9, 2024 at 5:00 p.m. If an incumbent fails to file a Declaration of Candidacy before 5:00 p.m. on Friday, August 9, 2024, the period for candidates to file for office, other than incumbents, is extended to Wednesday, August 14, 2024 at 5:00 p.m. (Attachment B – 2024 Election Calendar).

Sustainability Impact

No sustainability impact.

Fiscal Impact

If the City Council adopts the proposed resolution, the estimated cost of the 2024 Cupertino General Municipal Election for two City Council seats is \$140,877 (Attachment C). The estimated cost is based on the Registrar of Voters Fiscal Year 2024-25 updated Fee

Schedule which was adopted by the Board of Supervisors on June 4. The fees will become effective on July 1, 2024. This is an increase of \$532 from the previously estimated amount of \$140,345 that is included in the City's Fiscal Year (FY) 2024-2025 adopted budget. The remainder costs will be covered using savings from this year. If the City were to conduct a special runoff election in the event of a tie, there would be an additional unbudgeted cost for a special election.

California Environmental Quality Act

Not applicable.

Prepared by: Kirsten Squarcia, City Clerk

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A - Draft Resolution

B – 2024 Election Calendar

C - Election Cost Estimate