

RESOLUTION NO. 24-

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CUPERTINO
CALLING A GENERAL MUNICIPAL ELECTION TO BE HELD ON
TUESDAY, NOVEMBER 5, 2024 TO FILL TWO CITY COUNCIL SEATS, AND
REQUESTING CONSOLIDATION AND PERFORMANCE OF SERVICES
FROM THE COUNTY OF SANTA CLARA REGISTRAR OF VOTERS**

WHEREAS, pursuant to Municipal Code Section 2.04.005, general municipal elections shall be held on the first Tuesday after the first Monday in November of even-numbered years to coincide with the statewide general elections; and

WHEREAS, pursuant to Section 1001 of the Elections Code of the State of California, there is an established General Statewide election to be held on Tuesday, November 5, 2024; and

WHEREAS, pursuant to Part 3, Consolidation of Elections, and commencing with Section 10400 of the Elections Code of the State of California, such municipal election may be either completely or partially consolidated and held on the same day as a statewide election, upon order of this Cupertino City Council; and

WHEREAS, the City Clerk is enjoined by law to take all steps necessary for the holding of said election.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Cupertino:

1. That pursuant to Section 10403 of the Elections Code of the State of California, the City Council of the City of Cupertino calls a municipal election to be held on Tuesday, November 5, 2024; and requests the Board of Supervisors of the County of Santa Clara to completely consolidate the election with the General Statewide election. The consolidated municipal election will be held, regulated, and conducted in accordance with the provisions of the law.
2. That pursuant to Sections 10597-10508 of the Elections Code of the State of California, a municipal election is necessary for purposes of filling two City Councilmember seats for the offices listed below and to be voted upon at such election. These seats are now occupied by Councilmembers Kitty Moore and Hung Wei.

Title of Each Office	Length of Term	Number of Seats	At-Large or District Number
City Councilmember	4-year full term	2	At Large

3. That pursuant to Section 10002 of the Elections Code of the State of California, the City of Cupertino requests the services of the Board of Supervisors of the County of Santa Clara and the Registrar of Voters of the County of Santa Clara to render such services to the City as requested by the City Clerk, and shall reimburse the County for the costs incurred by the County of Santa Clara Registrar of Voters in conducting the General Statewide election for the City. The City requests the County of Santa Clara Board of Supervisors to permit the County of Santa Clara Registrar of Voters to prepare the City’s election materials. The election services to be performed shall include the preparation, printing and mailing of official ballots and county voter information guides; the establishment of precincts, election ballots, return mail envelopes, ballot drop boxes, vote centers, election officers, and producing such publications as are required by law in connection therewith; the furnishing of ballots, envelopes, and other necessary supplies and materials for voting places; the canvassing of the returns of the election; the furnishing of the results of such canvassing to the City Clerk; and, the performance of other election services as may be requested by the City Clerk.

4. That the City Council of the City of Cupertino requests the Board of Supervisors of the County of Santa Clara to hold and conduct the municipal election in the manner prescribed in Section 10418 of the Elections Code of the State of California, and to further provide that the Registrar of Voters canvass the returns of the municipal election. The County of Santa Clara is hereby authorized to certify the returns of the municipal election.

5. That pursuant to Section 13307 of the Elections Code of the State of California, each candidate for elective office to be voted upon in the City of Cupertino on Tuesday, November 5, 2024, may prepare a candidate’s statement on an appropriate form provided by the City Clerk, as the City’s election official, or their designee. 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. The candidate shall be required to pay for the cost of printing, translating, and distributing said candidate’s statement. Each candidate who files such a

- statement shall be required to pay in advance their pro rata share of the estimated costs of printing, handling, and mailing said candidate statement, and such estimated costs shall be determined by the Registrar of Voters.
6. That pursuant to Section 15651 of the Elections Code of the State of California, the method of determining the winner or winners in the event of a tie vote (two or more persons receive an equal and the highest number of votes for an office) as certified by the County of Santa Clara Registrar of Voter, the City Council of the City of Cupertino, in accordance with Section 15651(a), any tie vote shall be resolved and winner determined by lot.
 7. In all particulars not recited in this resolution, the municipal election shall be held and conducted as provided by law for holding municipal elections.
 8. The City Clerk is authorized and directed to certify to the adoption of this resolution and to transmit a copy hereof so certified to the Registrar of Voters and to the Board of Supervisors of Santa Clara County.
 9. The City Clerk is authorized and directed to publish a notice of election within the time and in the manner prescribed in the Elections Code of the State of California Division 12, Chapter 2, commencing with Section 12101.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Cupertino this 4th day of June, 2024, by the following vote:

Members of the City Council

AYES:

NOES:

ABSENT:

ABSTAIN:

SIGNED: _____ Sheila Mohan, Mayor City of Cupertino	_____ Date
ATTEST: _____ Kirsten Squarcia, City Clerk	_____ Date