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CITY COUNCIL STAFF REPORT

Meeting: December 6, 2018

Subject

Statement of results of the General Municipal Election held on November 6, 2018 and declaration of candidates who received the most votes and were elected for the position of City Councilmember. Note: The Registrar of Voters of the County of Santa Clara will not be able to certify the final election results until December 6 and after the date of this agenda publication; the final Draft Resolution showing the total number of votes cast in the City and total number of votes candidates received, and Certificate of Election Results will be distributed on the dais and available to the public at the meeting on December 6.

Recommended Action

Adopt the Draft Resolution stating the election results for the General Municipal Election held on November 6, 2018 and declaring the candidates who received the most votes and were elected for the position of City Councilmember. Note: The Registrar of Voters of the County of Santa Clara will not be able to certify the final election results until December 6 and after the date of this agenda publication; the final Draft Resolution showing the total number of votes cast in the City and total number of votes candidates received, and Certificate of Election Results will be distributed on the dais and available to the public at the meeting on December 6.

Discussion

The City of Cupertino conducted a general municipal election on November 6, 2018, to elect three members to the City Council. The Registrar of Voters of the County of Santa Clara conducts the official canvass of the returns and certifies the Certificate of Election Results of the votes cast. At the time of the City Council agenda production on December 4, the Registrar's office was still continuing to perform a post-election canvass, including counting all remaining valid ballots. The Unofficial Election Results of the ballot counting process was at 99.00% of the total votes cast as of December 4. The Registrar estimates the timing to complete counting and provide the Certificate of Election Results will be done shortly before the commencement of the Cupertino City Council meeting on December 6.

As reported on the Registrar of Voter's Unofficial Election Results webpage with 99.00% of the votes cast, the candidates who received the most votes for the position of City Councilmember were Darcy Paul, Liang-Fang "Liang" Chao, and Jon Robert Willey.

The Board of Supervisor's Policy Resolution B05-2018-4 approved on February 27, 2018 sets out the required conditions for automatic recounts. Those conditions are that the Registrar of Voters shall conduct, prior to certification of election results, manual recounts in all contests wholly contained within Santa Clara County where the margin of victory is either less than 0.25 percent of the ballots cast, or less than 25 votes. The exceptions are for countywide races or citywide races in the City of San Jose for which machine recounts may be used. The Registrar of Voters confirmed that due to the delay in certifying the initial results, the automatic manual recount would begin after certification.

Five out of eight cities in Santa Clara County that responded to a question regarding how they would handle a recount noted that they would seat members as per the Registrar of Voters Certification of Election and would handle any change in membership after receipt of the recount results.

After the declaration of the election results for the General Municipal Election is made per Elections Code Sections 10262 and 10263, the City Council will also choose a Mayor and Vice Mayor from one of its members per Government Code 10262, 10263 as noted as a separate item on the agenda.

Fiscal Impact

None

Sustainability Impact

None

Prepared by: Grace Schmidt, City Clerk

Approved for Submission by: Amy Chan, Interim City Manager

Attachments:

A - Draft Resolution