

MEASURE A

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE A

This ballot measure would amend Santa Clara City Charter Sections 600 and 700.1, and add a new Section 700.2 to establish a by-district election system and implement a new method of voting: single transferable vote method of ranked choice voting. The City of Santa Clara currently elects its Council Members from the entire City at large and each candidate must designate which numbered seat they are running for. If the ballot measure is approved by the voters, there would be two districts, with three Council Members representing each district, and all elected officers would be elected using the single transferable vote method of ranked choice voting. Candidates could only represent the district in which they reside, and could only be elected by voters residing in that district. If approved, each district will elect three Council Members to four year terms every other election using the single transferable vote method of ranked choice voting. The Mayor, City Clerk, and Police Chief would continue to be elected at large, but using the single transferable vote method of ranked choice voting.

In order to transition to the new election system (three Council Members per district elected every other election), the measure provides:

- Two members to be elected to four year terms in District 1 in 2018;
- One member to be elected to a two year term in District 1 in 2020; and,
- Three members to be elected to four year terms in District 2 in 2020.

The single transferable vote method of ranked choice voting allows voters to rank up to three candidates in order of preference, and votes are tallied in rounds using the voters' indicated preferences. If approved, City Council would be required to adopt an ordinance to implement the new voting method in time for the November 2020 election. If the Registrar of Voters is unable to support the new voting method by 2020, then implementation would be delayed until the next election at which it could be implemented and plurality elections to continue to be used in the interim.

A "Yes" vote would serve to establish two districts in the City, comprised of three Council Members each of whom shall be elected by means of a form of ranked choice voting. A "No" vote would leave the by seat and at large election system as is.

This measure was placed on the ballot by action of the Santa Clara City Council on March 6, 2018.

/s/ Brian Doyle
City Attorney

COMPLETE TEXT OF MEASURE A

The Charter of the City of Santa Clara shall be amended as follows:

Section 600 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 600 City elected officers.

No person shall be eligible to hold ~~any the~~ elective office ~~in the City including of Mayor, City Council, Chief of the Police Department and or City Clerk, unless he or she is a resident and a qualified registered elector of the City.~~ No person shall be eligible to hold the elective office of City Council Member other than Mayor unless he or she is a resident and a qualified elector of the City in the district represented by the Council Member office.

The elective officers of the City shall consist of a City Council composed of seven members, the Chief of the Police Department and the City Clerk. The members of the City Council, (which includes the office of the Mayor), the Chief of the Police Department and the City Clerk shall be elected from the City ~~at large~~ at the times and in the manner provided in this Charter. Except as otherwise herein provided, a person elected to an office for other than an unexpired term shall serve a term of four years and shall serve until a successor is elected and qualified. The term shall commence on the date the City Council certifies the canvass of the election returns submitted to it by the County Registrar of Voters.

~~The person receiving the most votes cast for a particular City office shall be declared duly elected. Ties shall be broken as provided from time to time by ordinance.~~

The office of Mayor shall be separately voted upon and is a separate office. The person elected at any election to the office designated "Mayor" shall be deemed elected, both as a Mayor and as a member of the Council. Although the Mayor is a Council member, his or her election does not change the number of Council members from seven.

No person shall be a candidate for both Mayor and a City Council seat at the same election. However, an incumbent member of the City Council may run for the elective office of Mayor, and the Mayor may run for the separate office of Mayor or other City Council office. However, at no time shall a member of the Council, including the Mayor, hold more than one City elective office. Except as otherwise provided elsewhere in this Charter, no incumbent member of the City Council while serving in such office with an unexpired term of more than six months shall be a candidate for any ~~numbered~~ Council seat other than the one which he or she holds.

Section 700.1 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Sec. 700.1 Elections—City Council Designation of seats.

Members of the City Council shall be elected by district. There shall be two districts to be known as District 1 and District 2, with elections to be conducted as follows:

- (a) Each District shall be represented by three (3) Council Members.

COMPLETE TEXT OF MEASURE A-Continued

- (b) In the election to be held in November 2018, the voters of District 1 shall nominate and elect two (2) Council Members who meet the qualifications set forth in Section 600 of this Charter for four year terms each.
- (c) In the election to be held in November 2020, the voters of District 1 shall nominate and elect one (1) Council Member who meets the qualifications set forth in Section 600 of this Charter for a two year term; and the voters of District 2 shall nominate and elect three (3) Council Members who meet the qualifications set forth in Section 600 of this Charter for four year terms each.
- (d) In the election to be held in November 2022 and each district election held thereafter, the voters of District 1 shall nominate and elect three (3) Council Members who meet the qualifications set forth in Section 600 of this Charter for four year terms each.
- (e) In the election to be held in November 2024 and each district election held thereafter, the voters of District 2 shall nominate and elect three (3) Council Members who meet the qualifications set forth in Section 600 of this Charter for four year terms each.
- (f) The method by which Districts are to be drawn and redrawn and the method of voting for City Council shall be enacted by ordinance of the City Council. Upon any redistricting pursuant to the provisions of this section of the Charter or the ordinances enacted hereunder, each incumbent member of the Council will continue, during the remainder of the member's term, to hold office and represent the district by which the member was elected prior to such redistricting, notwithstanding any provision of Section 600 requiring a member to be a resident of the district represented by such member.

Section 700.2 of the Charter of the City of Santa Clara is amended to be entitled and to read as follows:

Section 700.2 Method of Elections.

- (a) In the general municipal election in November 2018 Members of the City Council shall be elected by the method of election set forth in Elections Code Section 15450.
- (b) The single transferable vote form of ranked choice voting shall be used for electing the Mayor, Police Chief, City Clerk and Members of the City Council in the general municipal election in November 2020 and all subsequent elections. If the Registrar of Voters will not be ready to implement ranked-choice balloting in November 2020, then the City shall use the method of election provided for in Elections Code Section 15450 until the Registrar of Voters is able to implement ranked-choice voting.
- (c) The City Council shall, by ordinance, establish the ballot format and the rules for casting and counting the vote.

ARGUMENT IN FAVOR OF MEASURE A

Two Districts and One Santa Clara.

Santa Clara elections have always been clean and open to all types of candidates. We are proud of our history. Now we can make it even better and more accessible.

Your yes vote will create two districts to ensure that all parts of Santa Clara are represented on the city council. Today, candidates run citywide. That means the majority of candidates can be concentrated in one area or one neighborhood. With two districts, Santa Clarans will be more evenly represented.

Two districts will help all candidates--especially those that represent a neighborhood or grassroots organization or ethnic group. Two districts will make the cost of running for office less expensive because candidates will not have to run citywide. They can rely on small-dollar contributions rather than big checks from developers. Two districts will increase the importance of neighborhoods and decrease the influence of special interests.

In addition, our elections will use rank-choice voting when the technology is available. This will allow you to vote for multiple candidates, not just one. Many experts believe it improves the quality and diversity of candidates. Communities across the nation have seen increased voter turnout, proportionally diverse representation and less negative campaigning.

This plan to establish two districts was created by a citizens' Charter Review Committee, a diverse group of Santa Clarans who care about our city. We ask you to join them and us as we create two districts and one Santa Clara.

This is the right plan for our city. Please vote YES on Measure A.

/s/ Lisa M. Gillmor
Mayor-City of Santa Clara

/s/ Hazel Alabado
Member, Charter Review Committee-Northside Resident

/s/ Teresa O'Neill
Councilmember-City of Santa Clara

/s/ Hosam Haggag
Member-Charter Review Committee

/s/ Dominic J. Caserta
Councilmember-City of Santa Clara

REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE A

Measure A is the City Council's attempt to get out of a lawsuit against the City's current at-large election system--but Measure A does not fix the City's problems. Splitting the City into two at-large elections won't get the City out of the lawsuit, and it won't make the City Council more responsive and inclusive to all of Santa Clara's voters.

Voting should be straightforward for *all* Santa Clara voters. But Measure A's complicated and unpredictable formula used for "ranked-choice voting with single-transferrable vote" makes it difficult for voters to make informed, strategic decisions. Governor Jerry Brown says ranked-choice voting "is overly complicated and confusing. I believe it deprives voters of genuinely informed choice."

Studies of ranked-choice voting in Oakland, Berkeley, and San Francisco have found that older voters and minority voters are more likely to make mistakes on ranked-choice ballots, or to not rank candidates at all. Maybe that's why cities like Menlo Park and Fremont are moving towards district elections.

The Mercury News Editorial Board says Measure A is a "potentially costly, bad joke." "As a voting rights remedy, it would be subject to a new court challenge, while simple district elections would be immune to further litigation."

Vote No on Measure A to allow room for a proven solution that will make City government more responsive and inclusive: smaller, neighborhood districts.

Don't vote for an expensive, experimental, and risky change to Santa Clara's election system. Vote No on Measure A.

/s/ Shirley Odou

Co-founder of the Santa Clara County Democratic Club--Old Quad Resident

/s/ Regina "Jeannie" Mahan

Vice Chair of the Historic and Landmarks Commission, City of Santa Clara--Old Quad Resident

/s/ Victor R. Garza

Chairperson of La Raza Roundtable

/s/ Paul Fong

Chair Emeritus, Elections and Redistricting Committee, Former Member of the California State Assembly

/s/ Anna E. Song

Governing Board Member of the Santa Clara County Board of Education--Resident

ARGUMENT AGAINST MEASURE A

Vote "No" on Experimenting with Santa Clara's Votes

Measure A seeks to change the City Charter--our Santa Clara constitution--to impose a radical voting system that almost no one understands.

Measure A would force Santa Clara to use the "single transferable vote form of ranked choice voting"--an overly complicated voting method being pushed by an outside interest group. Even Measure A's proponents have a hard time explaining how the system is going to work.

Since Santa Clara's city charter was adopted in 1951, the candidate with the most initial first-place votes has won each election. But in the "single transferable vote form of ranked choice voting," the candidate with the most initial first-place votes may NOT be elected. Instead, a complicated formula decides who represents you.

Read the actual text of Measure A's Exhibit A. Measure A REMOVES this requirement: "The person receiving the most votes cast for a particular City office shall be declared duly elected." Deep in the fine print, the proponents of Measure A are trying to change "most votes wins" to a weird system that even they cannot adequately explain.

Elections should be more transparent, not less. Both first-time voters and long-time voters will be confused by the "single transferable vote form of ranked choice voting."

A judge has called the plan in this ballot proposal "suspect." We don't need a "suspect" plan, particularly when an alternative neighborhood-based district plan can be adopted. A neighborhood plan would reduce elections costs, empower grassroots campaigns, and result in more transparent government that reflects the City's diversity.

The right to vote is sacred. Don't replace your ballot with a formula. Don't change our City Charter to make government less transparent.

Vote "No" on Measure A. Santa Clara is not a political experiment. It is our home.

/s/ Wesley K. Mukoyama

Chair, Cultural Competence Advisory Committee, County Board of Behavioral Health/Resident

/s/ Mike Kaku

Board Member, Japanese American Citizens League-Sequoia Chapter/Resident

/s/ Jethroe Moore II

President of San Jose/Silicon Valley NAACP

/s/ Umar Kamal

Member, Asian Law Alliance Advisory Board/Resident

/s/ La Donna Yumori-Kaku

Founding Board Member, Silicon Valley APA Democrats/Resident

REBUTTAL TO ARGUMENT AGAINST MEASURE A

Two Districts and One Santa Clara. Please Vote "Yes" on Measure A.

A diverse group of Santa Clarans on the Charter Review Commission recommended this plan. It was unanimous.

The Commissioners are people who care about our city first and foremost. Some of the people who signed the opposition argument don't even live in Santa Clara and may have other agendas to advance.

The opposition believes rank-choice voting is too complicated for Santa Clarans. They underestimate our intelligence.

Rank-choice voting has been used successfully for elections in San Francisco and Oakland--for over a decade. It's also used in Australia, Canada, England, India, Ireland, Hong Kong and many other places. There's evidence that it increases voter participation and decreases negative campaigning. We'll only use it in Santa Clara when the best technology is available in our County.

The Commission's only interest was to come up with a plan that's good for our city--and they did.

Two districts will help ensure that all Santa Clara neighborhoods are represented--not just a few.

Two districts makes it cheaper to run for office since candidates won't have to communicate across the entire city. Elections will be more accessible to all people, especially candidates from neighborhoods and ethnic groups that may be underrepresented.

Candidates need to raise money, sometimes from developers and special interests. With Two Districts, Santa Clara elections will be less expensive, decreasing the impact of political contributions.

We urge you to support the plan created by Santa Clarans for Santa Clarans. Please vote Yes for Measure A.

/s/ Karl J. Watanabe
Trustee, West Valley-Mission Community College District

/s/ Louis Samara
Cultural Commissioner, City of Santa Clara

/s/ Tino J. Silva
Chairperson, Charter Review Committee

/s/ Peter Kuo
Executive Director, Venture Capital Roundtable

/s/ Harbir K. Bhatia
Community Activist/Santa Clara Library Foundation Board