



Memorandum

TO: HONORABLE MAYOR
AND CITY COUNCIL

FROM: TONI J. TABER, CMC

**SUBJECT: DECLARATION AND
RECORDING A STATEMENT
OF THE RESULTS OF THE
NOVEMBER 3, 2020 GENERAL MUNICIPAL ELECTION
AND SPECIAL MUNICIPAL ELECTION**

DATE: November 24, 2020

RECOMMENDATION

Adopt a resolution declaring and recording a statement of the results of the November 3, 2020 General Municipal Election and Special Municipal Election per Elections Code Sections 10263, 10264, and 15400.

OUTCOME

The resolution will declare the results of the election, as certified by the Santa Clara County Registrar of Voters, and record a statement of:

- The election of David Cohen to the Office of Councilmember – District 4, and Devora “Dev” Davis to the Office of Councilmember – District 6;
- That Measure G, Charter Amendment regarding Independent Police Auditor, Planning Commission, and Redistricting; and
- That Measure H, the City of San José’s Cardroom Tax, passed by majority vote.

BACKGROUND

The City Council adopted Resolution No. 79267 on October 22, 2019 calling for a Primary Municipal Election on March 3, 2020 and a Run-Off Election, if necessary, on November 3, 2020 to elect one person each for the Office of Councilmember for Council Districts 2, 4, 6, 8, and 10 for full four-year terms. The Resolution also requested that the County of Santa Clara Board of Supervisors consolidate the City’s elections with the Statewide Primary and Statewide General Elections. Council Districts 2, 8, and 10 were decided in the Primary election, with Districts 4 and 6 continuing to the General election.

In addition, on August 4, 2020, the City Council adopted Resolution No. 79658, calling for a Special Municipal Election to be held on November 3, 2020 to place a measure on the ballot to amend the City Charter to expand the review authority for the Independent Police Auditor in accordance with the amended side letter agreement between the City of San José and the San

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José Police Officers Association; change the size and composition of the Planning Commission from 7 to 11 members with council appointing one member from each council district and one “at-large” member; and allow the council by ordinance to establish timelines to conduct redistricting when census results are late.

In addition, on August 4, 2020, the City Council adopted Resolution No. 79657, calling for a Special Municipal Election to be held on November 3, 2020 to place a measure on the ballot to increase the cardroom tax on the gross revenues of cardrooms, add a new tax on the gross revenues of third party providers of proposition player services, and increase the number of card tables.

All Municipal Elections were consolidated with the County of Santa Clara and held in accordance with established procedures governing the conduct of elections. Under the Elections Code, the County Registrar of Voters has thirty days to certify the results of an election. The election was conducted on November 3, 2020 so the results should be certified by December 3, 2020. As of the posting of this memorandum, the City Clerk has not received the official Certificate of Election Results, Official Results, and Statement of Votes for all the contests held in the City of San José. Once the Clerk’s office receives the Certificate of Election Results, a supplemental memorandum will be submitted and a complete Statement of Votes and Official Final Results will be retained on file in the Office of the City Clerk.

ANALYSIS

According to the County Registrar of Voters website, 99% of all ballots submitted for the March 3, 2020 have been counted as of March 23, 2020. The Registrar of Voter’s preliminary results as of this date are as follows:

Measure G – Charter amendment regarding Independent Police Auditor, Planning Commission, Redistricting:

	Total Votes	Percentage of Votes
Yes	302,232	77.25
No	89,019	22.75

Measure H – Cardroom Tax:

	Total Votes	Percentage of Votes
Yes	285,674	72.63
No	107,645	27.37

District 4:

	Total Votes	Percentage of Votes
David Cohen	20,025	51.33

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Lan Diep	18,989	48.67
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District 6:

	Total Votes	Percentage of Votes
Devora “Dev” Davis	24,337	53.87
Jake Tonkel	20,837	46.13

EVALUATION AND FOLLOW-UP

Approval of this item will declare and record a statement of the election results from the November 3, 2020 Primary Municipal Election and Special Municipal Election as required under the California Elections Code.

PUBLIC OUTREACH

This action does not meet the criteria for public outreach; however, the Office of the City Clerk will post the item on the City’s website for the December 8, 2020 City Council agenda. Registered voters in the City of San José received all appropriate ballot materials for the election.

COORDINATION

Preparation of this report has been coordinated with the City Attorney’s Office.

COMMISSION RECOMMENDATION/INPUT

No Commission input was solicited as this is a routine item required under the California Elections Code.

CEQA

Not a Project, File No. PP17-008, General Procedure & Policy Making resulting in no changes to the physical environment.



TONI J. TABER, CMC
City Clerk

For questions, please contact Toni J. Taber, City Clerk, at (408) 535-1260.