



CITY OF SAN JOSE, CALIFORNIA

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**SAN JOSE
BOARD OF FAIR CAMPAIGN
AND POLITICAL PRACTICES**

Policy Analysis of the City Council's Proposal to Shift Mayoral Elections February 6, 2019

Summary

On October 16, 2018, the City Council referred a policy study to the Board of Fair Campaign and Political Practices (Board) to evaluate the implications for shifting mayoral elections from the gubernatorial election cycle to the presidential election cycle. After requesting data and documentation from the City Clerk, and reviewing the written and oral testimony submitted by the public, we provide a summary of our observations and recommendations:

- 1) From 1980 through 2018, voter turnout in the City of San Jose was over 13 percent higher for presidential general elections compared to gubernatorial general elections, and over 8 percent higher for presidential primaries compared to gubernatorial primaries, indicating that voter turnout may increase for mayoral elections if shifted to a presidential election cycle.
- 2) If the mayoral election is shifted from the gubernatorial cycle to the presidential cycle, the City must decide whether to extend the Mayor's term starting in 2019 from four years to six years, or hold a special election for a mayoral term that will last two years. Since the Board has no benchmark or legal criteria in which to evaluate this issue, and public comment on this matter was mixed, the Board recognizes this as a policy issue best determined by the City Council and declines to opine on this matter.
- 3) If the City Council decides to host a special election for a mayoral term from 2022 through 2024, the City will incur costs for administering a citywide election. In reviewing the City's election data dating back to 1980, the City has not held a special election for this citywide office, so the Board does not have financial information to estimate the potential cost. We refer this question to the City Manager and City Clerk who have more resources to better estimate the potential costs for administering such an election.

Election Turnout Analysis

After receiving this referral from the City Council, the Board asked the City Clerk to provide voter turnout data for previous elections. The City Clerk's office provided data for every election dating back to 1980, in which we present summarized analytical statistics of this raw data for your consideration. The City Clerk's raw data is also attached to this agenda item for additional review.

According to the City Clerk’s data, since 1980 there have been 10 primary elections for each of the gubernatorial and presidential cycles. On average, gubernatorial primaries resulted in a 37 percent voter turnout compared to 45 percent for presidential primaries, as demonstrated in Exhibit 1 below.

Exhibit 1
City of San Jose Primary Election Voter Turnout from 1980 - 2018

Primary Elections	Number of Elections	Average Turnout
Gubernatorial Primary	10	37.18%
Presidential Primary	10	45.57%
Difference in Average Turnout		8.39%

Although this data is reflective of a nearly forty year average, recent primary election voter turnout was not far from the average. For example, in the last election cycle, voter turnout was 52.83 percent for the 2016 presidential primary compared to 41 percent for the 2018 gubernatorial primary, a difference of about 11.83 percent.

Voter turnout for general elections also indicate that presidential general elections result in higher turnout than gubernatorial general elections, as reflected in Exhibit 2 below.

Exhibit 2
City of San Jose General Election Voter Turnout from 1980 – 2018

General Elections	Number of Elections	Average Turnout
Gubernatorial General	6	54.49%
Gubernatorial General (Measure only)	1	52.50%
Gubernatorial General (no Mayor, but with measures)	3	58.53%
Average of Gubernatorial General		55.17%
Presidential General	9	74.31%
Presidential General (no runoffs, Measures only)	1	62.90%
Average of Presidential General		68.61%
Difference in Average Turnout		13.43%

According to the City Clerk’s data, from 1980 to 2018, voter turnout was more than 13 percent higher for presidential general elections compared to gubernatorial general elections. While this statistic is based on a forty year average, recent elections suggest a higher discrepancy. For example, the 2016 presidential general election resulted in a turnout of 80.5 percent compared to 61.04 percent for gubernatorial general elections, a difference of 19.46 percent.

Based on our review of historical voter data and recent elections, the Board affirms that shifting the City’s mayoral election from the gubernatorial cycle to the presidential cycle should result in an increase in voter turnout. In addition, written and oral testimony from the public during the Board’s hearings on this matter unanimously support shifting the mayoral election to the presidential cycle.

Impact on the Mayor's Term in Office

Should the City Council adjust its mayoral election cycle from the gubernatorial cycle to the presidential cycle, the City Council will need to decide whether to:

- 1) Extend the current Mayor's term from four years to six years, or
- 2) Hold a special election for the Mayor's Office for a two year term from 2022 through 2024.

The Board did not identify any industry best practice, peer benchmark, or legal criteria in which to evaluate this matter. In addition, written and oral testimony from the public before the Board on this matter has been mixed with some parties expressing support for extending the current Mayor's term, and others opposing the option to extend the Mayor's term. Most public comments focused primarily on the voter turnout benefits, and less so on the implications for the Mayor's term in office. Therefore, the Board declines to opine on this matter and recognizes this question as a policy decision best decided by the City Council.

Although the Board declines to make a recommendation regarding the Mayor's term, we do recognize that should the City pursue the second option of not extending the current Mayor's term, there will be costs associated with holding a special election. The Board asked the City Clerk's office if there is historical data to rely on for administering a mayoral special election, but according to the City's election history, dating back to at least 1980, the City has not prior encountered this situation in which a citywide special election has been administered for the Mayor. Therefore, the Board did not have historical financial data to reference as an estimate. We refer this question of estimating the possible financial costs of hosting a citywide election to the City Manager and City Clerk who maintain the staffing and resources to better respond to this concern.

Please feel free to call the City Clerk's Office if you have questions at (408) 535-1260.

Sincerely,



Adrian Gonzales
Chair, Board of Fair Campaign and Political Practices