



# Memorandum

**TO:** HONORABLE MAYOR  
AND CITY COUNCIL

**FROM:** TONI J. TABER, CMC

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

**DATE:** March 23, 2020

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## **RECOMMENDATION**

Adopt a resolution declaring and recording a statement of the results of the March 3, 2020 Primary 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 Sergio Jimenez to the Office of Councilmember – District 2, Sylvia Arenas to the Office of Councilmember – District 8, and Matt Mahan to the Office of Councilmember – District 10;
- That Measure E, the City of San José’s Real Property Transfer Tax, passed by majority vote; and
- The candidates who will proceed to the Run-off Election on November 3, 2020, having received the greatest number of votes in the Primary Election but not a majority of all votes case for such office, are:
  - Office of Councilmember—District 3: Lan Diep and David Cohen
  - Office of Councilmember—District 6: Dev Davis and Jake Tonkel

## **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.

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In addition, on December 3, 2018, the City Council adopted Resolution No. 79325, calling for a Special Municipal Election to be held on March 3, 2020 to place a measure on the ballot to amend Title 4 of the San Jose Municipal Code to add Chapter 4.59 related to a new real property transfer tax.

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 March 3, 2020 so the results should be certified by April 2, 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 E – Real Estate Transfer Tax:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
<b>Yes</b>	<b>120,833</b>	<b>53.45</b>
No	105,214	46.55

**District 2:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
<b>Sergio Jimenez</b>	<b>12,881</b>	<b>58.50</b>
Jonathan Fleming	9,136	41.50

**District 4:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
<b>David Cohen</b>	<b>7,410</b>	<b>36.48</b>
<b>Lan Diep</b>	<b>6,748</b>	<b>33.23</b>
Huy Tran	4,737	23.32
Jamal Khan	1,415	6.97

**District 6:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
<b>Devora “Dev” Davis</b>	<b>13,168</b>	<b>48.38</b>
<b>Jake Tonkel</b>	<b>7,590</b>	<b>27.88</b>
Ruben Navarro	4,552	16.72
Marshall Woodmansee	1,910	7.02

**District 8:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
<b>Sylvia Arenas</b>	<b>13,869</b>	<b>60.57</b>
Jim Zito	9,027	39.43

**District 10:**

	<b>Total Votes</b>	<b>Percentage of Votes</b>
<b>Matt Mahan</b>	<b>15,381</b>	<b>58.56</b>
Helen P. Wang	5,859	22.31
Jenny Higgins Bradanini	5,027	19.14

**EVALUATION AND FOLLOW-UP**

Approval of this item will declare and record a statement of the election results from the March 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 April 28, 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.

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**CEQA**

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

A handwritten signature in brown ink, appearing to read "Toni J. Taber". The signature is stylized and cursive.

TONI J. TABER, CMC  
City Clerk

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