

# San José Charter Review Commission

## Recommendation Memo Template

*Drafted April 19th, 2021; Revised July 2nd, 2021*

### **Instructions**

1. Complete sections 1-3 below.
2. Rename document. Replace everything after the "-" in the document name with the proposal name.
  - a. Example: "SJ CRC Recommendations Memo - **Ranked Choice Voting**"
3. When ready, email to the Commission Secretary ([CharterReview@sanjoseca.gov](mailto:CharterReview@sanjoseca.gov)) for posting to the appropriate subcommittee or full Commission. Final deadline for submitting subcommittee recommendations is 12 noon on the following dates:
  - a. Friday, July 26 for Voting & Elections Subcommittee
  - b. Friday, August 23rd for Governance Structure Subcommittee
  - c. Friday, September 3rd for Policing & Municipal Law, Accountability & Inclusion Subcommittee

### **1) Proposal Name**

<b>Proposal Name:</b>	Moving San Jose Mayoral Elections from Gubernatorial to Presidential Election Years
<b>Submitted by:</b>	Garrick Percival `
<b>Date submitted:</b>	7/5/2021

### **3) Proposal Details**

<b>1) What problem(s) are you trying to address?</b>	Elections are pillars of a representative democracy. They allow the people to choose representatives who make decisions on behalf of the public and help hold elected officials accountable. Low turnout in city elections weaken the bonds between the people and their elected representatives. When turnout increases, local government
--	--

*Before suggesting a solution, it is important to be clear about the problem you aim to solve.*

becomes more representative and responsive to the broader public. A more responsive and representative government is particularly important in a racially and ethnically diverse city like San Jose.

Historically, voter turnout in city elections is lower than in races for elected office in higher levels of government. The low rate of participation is partly a product of the timing of many city elections.(1) Political reformers more than a century ago advocated for “isolated” or “off-cycle” city elections which are scheduled in years separate from state (gubernatorial) and national (presidential) contests. Off-cycle elections, it was argued, allowed voters to concentrate on local issues and candidates. They were also seen as tool to combat the power of 19<sup>th</sup> and early 20<sup>th</sup> century urban political machines who relied on the political support of racial and ethnic minorities and newly naturalized citizens. Middle-and-upper class, predominately white, voters were often seen as protectors of “good government.” (2)

In elected contests for San Jose mayor—the only at-large elected position in the city—voter turnout rates are relatively low. Although mayoral contests are not isolated elections in the traditional use of the term, the placement of the mayor’s race in gubernatorial election years depresses turnout. Voter registration and turnout data covering the past four mayoral election cycles (2018, 2014, 2010, 2006) reveal that on average, less than half of city’s registered voters (43.4%) cast ballots in the mayor’s race. Research suggests moving the timing of San Jose’s mayoral elections to presidential years would increase voter turnout in a range of 28% to 33%. In San Jose, this would equate to 148,203 to 169,375 additional voters in any given mayoral election using current voter registration figures (529,299) in the city. (3)

Moving San Jose’s mayoral elections to presidential years would position the city as a leader behind statewide efforts designed to increase voter participation in our local elections. It would help signal that San Jose values a larger more racially and ethnically inclusive electorate that reflects the city’s demographic and socio-economic characteristics. The change would give greater voice to people too often left out of our city’s politics and political discourse. It would strengthen our democracy in ways that match the city’s 21<sup>st</sup> century ideals.

<p><b>2) How has this problem possibly benefited or burdened people, especially BIPOC, low-income, undocumented and immigrant, those experiencing houselessness, etc.?</b></p> <p><i>Is there data that speaks to the impact of this problem? What does the disaggregated data tell us?</i></p>	<p>Moving the mayoral elections to presidential years should increase the likelihood that the winner of the contest has competed for votes in an electorate that more closely resembles the racial, ethnic, and socio-economic characteristics of the city.</p> <p>The city’s current mayoral election process, characterized by relatively low turnout, would be less problematic if members of the voting public shared the same policy preferences, or had the same experiences with government, as nonvoters do.</p> <p>Political science research, however, shows this is not the case. White residents, and residents with higher incomes and greater financial resources are, on average, more likely to vote in city elections. On issues surrounding policing, housing, or the environment (among other issues) where the interests and experiences of racial and ethnic minorities and lower income residents diverge from White residents and those with greater incomes, low voter participation can restrict the scope of political and policy debates. Low participation can indirectly skew city policy by not only influencing who gets elected but also who the mayor feels most accountable to.</p>
<p><b>3) What change are you proposing?</b></p> <p><i>Describe the revision to <a href="#">San José’s Charter</a> that you are proposing. Include relevant Charter section numbers.</i></p>	<p>Change the timing of San Jose’s mayoral elections from the gubernatorial cycle to the presidential cycle beginning in 2024. This change would require amending Article XVI Section 1600 “Municipal Elections” of the City Charter. To initially sequence the city’s mayoral elections to the presidential cycle, the candidate elected mayor in 2022 would serve a 2 year term with that term expiring in 2024. All candidates for mayor, including the incumbent mayor, would be eligible to run for a regular 4 year mayoral term in 2024. Thereafter, a mayoral election would be held every four years during the presidential cycle. A mayoral candidate elected to office in 2022 would be eligible to serve the initial two year term plus two additional (regular) four year terms as currently allowed under Section 402 of the City Charter. A person’s total time in the mayor’s office could reach a total of 10 years if they win office in 2022 and are reelected in 2024 and 2028.</p>

<p><b>4) Is this change feasible?</b> <i>Think through the revision you are proposing. Is it legally possible? Is it practical? If there are questions you cannot answer, list them here.</i></p>	<p>Yes. Peer-reviewed political science research provides clear evidence that if the goal is to increase voter turnout in mayoral elections, then most impactful reform is to move the timing of those elections to presidential years. (4) (5) The change is legally possible but it would require a change to the charter since the charter structures the timing of San Jose’s mayoral elections.</p>
<p><b>5) Who might benefit from or be burdened by this change?</b> <i>Is there data that speaks to the potential impact of this change? What are the potential unintended consequences of this change?</i></p>	<p>All residents of San Jose could potentially benefit from this change as it would strengthen the connection between voters and their elected representatives in city government. This could potentially increase public confidence and/or trust in city government. Racial and ethnic minorities and lower income residents with traditionally lower rates of participation in gubernatorial election years would experience benefits that are especially impactful. These residents are much more likely to vote in presidential year contests which will likely increase the mayor’s responsiveness to their concerns and policy preferences. As noted above, publicly available data suggests voter turnout in the city’s mayoral race would likely increase by 28% to 33% when averaged over time.</p>
<p><b>6) What are the arguments against this proposal?</b> <i>Summarize the arguments you expect or data you have found in opposition to this recommendation.</i></p>	<p>Several arguments have been made against moving the time of mayoral elections to presidential years. First, it is argued city issues would get lost in the “noise” of presidential year contests. As a result, voters would not have enough information to make “good” choices about local candidates or local issues.</p> <p>These claims are false and have no supporting evidence in peer-reviewed academic research. Under current policy, the city’s mayoral elections held in gubernatorial years already compete for attention with “up ballot” races (e.g. governor, attorney general, secretary of state, etc.) and numerous statewide ballot initiatives. Researchers have long documented that American voters have low levels of “textbook” knowledge about politics and government. (6) Instead of gathering complex or technical policy information, voters often use what political scientists call “information shortcuts” (such as candidate or issue endorsements issued by a political party, interest group, newspaper, or other trusted source), to help make more informed decisions at election time. There is no data or evidence that suggests voters become less knowledgeable (or more</p>

	<p>confused) about local issues or candidates when mayoral elections are held in presidential years.</p> <p>Second, it is argued that removing the mayor’s race from the gubernatorial cycle will depress turnout in odd-numbered City Council district elections which are held at the same time. This presumes, however, that a large share of voters cast ballots for city council because of the mere presence of a mayor’s race. Political science research on California municipal elections shows mayoral races have no statistically significant effect on voter turnout in city council races. (7)</p>
<p><b>7) Must this be a Charter revision?</b> <i>Can this problem be addressed without changing the charter (e.g., Council action, cultural change)? If not, should this be a policy recommendation to be included in the Commission’s report?</i></p>	<p>Yes. As noted above, the San Jose’s City Charter structures the timing of city elections. Moving the timing of the mayoral elections can thus only be done by a change to the City Charter.</p>
<p><b>8) Are there other examples of this change?</b> <i>If you have found other examples of this change, please share them and any outcomes that have been observed.</i></p>	<p>A number of cities in California hold mayoral election in presidential years including Fresno, Riverside, Sacramento, and San Diego. A formal study of turnout in these cities has not been done, but research indicates moving the timing of mayoral elections to presidential years has the largest effect on turnout of any potential policy change.</p>

### 3) Proposal Research & Citations

List below the results of any research conducted to inform this memo.

<p><b>List of citations</b></p> <p><i>All data must be cited so that Commissioners who are not part of the Subcommittee in question may locate the source of information as needed.</i></p>	<p>1) <a href="https://www.pewresearch.org/fact-tank/2014/07/24/voter-turnout-always-drops-off-for-midterm-elections-but-why/">https://www.pewresearch.org/fact-tank/2014/07/24/voter-turnout-always-drops-off-for-midterm-elections-but-why/</a></p> <p>2) Terry Christensen and Tom Hogen-Esch (2006), <i>Local Politics: A Practical Guide to Governing at the Grassroots</i>. Routledge.</p> <p>3). Please see memo submitted by Commissioner Garrick Percival on March 17, 2021. <a href="https://sanjose.legistar.com/MeetingDetail.aspx?ID=862242&amp;GUID=0EC9026E-D91D-4439-951C-5657602D9E01&amp;Options=&amp;Search=">https://sanjose.legistar.com/MeetingDetail.aspx?ID=862242&amp;GUID=0EC9026E-D91D-4439-951C-5657602D9E01&amp;Options=&amp;Search=</a></p> <p>4) Zoltan Hajnal and Paul Lewis “Municipal Institutions and Voter Turnout in Local Elections,” <i>Urban Affairs Review</i> (2003), 38, 5: 645-668.</p> <p>5) Melissa Marschall and John Lappie’s 2016 report “Mayoral Elections in California, 1995-2014” at <a href="https://kinder.rice.edu/sites/default/files/documents/FINAL_CA_LEAP_REPORT_0310.pdf">https://kinder.rice.edu/sites/default/files/documents/FINAL_CA_LEAP_REPORT_0310.pdf</a></p> <p>6) Samuel L. Popkin. 1991. <i>The Reasoning Voter. Communication and Change in Presidential Campaigns</i>. University of Chicago Press.</p> <p>7) See again, Zoltan Hajnal and Paul Lewis “Municipal Institutions and Voter Turnout in Local Elections,” <i>Urban Affairs Review</i> (2003), 38, 5: 645-668.</p>
<p><b>Any speakers who presented to the subcommittee must be listed.</b></p> <p><i>Include name, title, affiliations, etc., along with a brief summary of the information presented by them.</i></p>	<p>Dr. Terry Christensen. Political Science Professor Emeritus, San Jose State University</p> <p>Dr. Mary Currin-Percival, Associate Professor of Political Science, San Jose State University</p> <p>On March 17, 2021 Professor Christensen provided the Charter Review Commission an overview of previous changes made the San Jose City Charter including changes to city election law. Professor Currin-Percival provided the Commission with an analysis of voter turnout rates in recent San Jose’s mayoral elections and discussed the potential effects of moving mayoral elections to presidential years.</p>
<p><b>Relevant Links</b></p> <p><i>Provide links or locations of the information in this research as much as</i></p>	<p>Voter registration data used to calculate voter turnout rates can also be found at the Registrar of Voters’ website <a href="https://www.sccgov.org/sites/rov/Resources/Pages/Statistics.aspx">https://www.sccgov.org/sites/rov/Resources/Pages/Statistics.aspx</a></p>

*possible, otherwise provide  
attachments.*