

Memorandum

TO: CHARTER REVIEW
COMMISSION

FROM: Mark Vanni
Senior Deputy City Attorney

SUBJECT: Draft Charter Amendment to
Move Mayoral Election to
Presidential Election

DATE: September 29, 2021

For October 4th meeting, the Charter Review Commission will discuss Voting and Elections Subcommittee's Draft Recommendation #1 related to moving the mayoral election to the presidential election cycle beginning in 2024.

To implement the recommendation, Charter sections 402(a), 500, and 1600(a) would need to be amended. Included below is draft language for a charter amendment to these sections. Deletions are in ~~striketrough~~ and additions are in underline.

This amendment may be subject to change in accordance with Council direction or to accommodate additional recommendations that are made.

1. SECTION 402. Mayor and Council Member Term Limits.

The regular term of office of each member of the Council shall be four (4) years. The Mayor and Council members shall be subject to the following term limits:

(a) MAYOR. No person who has been elected to the office of Mayor for two (2) successive four-year terms shall be eligible to run for election to the office of Mayor, nor to serve as such, for any additional successive term; but the above shall not disqualify any person from running for election to the office of Mayor, nor from further service as Mayor, for any term or terms which are not successive; nor for any parts of terms which are not successive. Notwithstanding any other provision of the Charter, to transition the election of the office of Mayor to the same year as the presidential election beginning in 2024, the term for the office of Mayor beginning on January 1, 2023 shall be for two (2) years concluding on December 31, 2024. However, the person holding the office of Mayor as the incumbent for this two-year term may be eligible to serve for two (2) additional successive four-year terms.

2. SECTION 500. Mayor.

There shall be a Mayor of the City of San José, elected at large, who shall be the eleventh member of the Council. Except as otherwise provided elsewhere in the Charter, the Mayor shall be elected by a majority of the votes cast citywide at a Regular

Municipal Election, for a term of four (4) years from and after the first day of January following the year of the election. Notwithstanding any other provision of the Charter, to transition the election of the office of Mayor to the same year as the presidential election beginning in 2024, the term for the office of Mayor beginning on January 1, 2023 shall be for two (2) years concluding on December 31, 2024. However, the person holding the office of Mayor as the incumbent for this two-year term may be eligible to serve for two (2) additional successive four-year terms.

The office of each member of the Council, including the office of the member who is Mayor, is a separate office to be separately filled. Any incumbent member of the Council may run for the seat of Mayor, and the Mayor may run for the seat of Mayor or for any other seat on the Council for which the Mayor is otherwise eligible; however, no member of the Council shall hold more than one seat, and no person may be a candidate for more than one seat.

3. SECTION 1600. Municipal Elections.

All municipal elections shall be held in accordance with the following:

(a) REGULAR MUNICIPAL ELECTIONS. A Regular Municipal Election is either a regularly scheduled Primary or Run-off Municipal Election. Such elections shall be held every two years, with the election for Mayor and for the odd numbered Council Districts being every four (4) years beginning with 1994, and the election for the even numbered Council Districts being every four (4) years beginning in 1996. Beginning in 2024, the election for Mayor and for the even numbered Council Districts will be held every four (4) years, and the election for the odd numbered Council Districts will be held every four (4) years beginning in 2026. Each member's term shall commence on the first day of January next following, and end on the last day of December in the fourth calendar year succeeding, the date of the member's election, except the member elected to the office of Mayor whose term began January 1, 2023 as set forth in Section 402 of Article IV and 500 of Article V. A regularly scheduled Primary Election shall be held on the same date that the State of California holds its Direct Primary Election. A Run-off Municipal Election shall be held on the same date the State of California holds its Statewide General Election.