

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING AND GIVING NOTICE, ON ITS OWN MOTION, FOR A SPECIAL MUNICIPAL ELECTION TO BE CONSOLIDATED WITH THE NEXT GENERAL ELECTION ON NOVEMBER 3, 2026, THE SUBMISSION TO THE ELECTORS OF THE CITY OF SAN JOSE A BALLOT MEASURE PROPOSAL TO AMEND THE SAN JOSE CITY CHARTER TO ALLOW THE CITY COUNCIL THE OPTION TO UTILIZE RANKED CHOICE VOTING ONLY IN AN ELECTION TO FILL A VACANCY IN THE OFFICE OF THE MAYOR OR COUNCIL MEMBER

WHEREAS, San José City Charter Sections 1600 and 1601 authorize the City Council to set the date for a Special Municipal Election; and

WHEREAS, pursuant to California Elections Code Sections 9255(b)(1) and 1415(a)(2)(A) and Government Code Section 34458(a), the City Council desires to submit to the electors of the City of San José (the “City” or alternatively, “San José”) at a Special Municipal Election a ballot measure proposal to amend the San José City Charter to allow the City Council the option to utilize Ranked Choice Voting only in an election to fill a vacancy in the office of the Mayor or Council Member, and to place the measure on the ballot for the next General Election on November 3, 2026, a Statewide General Election;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

SECTION 1. A Special Municipal Election is hereby called and ordered to be held in the City of San José on November 3, 2026, to vote on a ballot measure to amend the San José City Charter to allow the City Council the option to utilize Ranked Choice Voting in an election to fill a vacancy in the office of the Mayor or Council Member, which shall be deemed ratified, pursuant to Government Code Section 34459, if a majority of the

electors voting on the measure vote to approve the measure. The full text of the proposed City Charter amendment is attached as Exhibit A and incorporated by reference in this Resolution.

SECTION 2. The ballot measure will be placed on the ballot for the November 3, 2026, election in the following form:

MEASURE ____

Shall the City Charter be amended to allow the City Council the option to utilize Ranked Choice Voting only in an election to fill a vacancy in the office of the Mayor or Council Member?	YES	
	NO	

SECTION 3. The City Council hereby requests the Board of Supervisors of the County of Santa Clara, California to permit the Registrar of Voters of Santa Clara County to render to the City of San José such services as the City Clerk of the City of San José may request relating to the conduct of the above-described Special Municipal Election with respect to the following matters:

Coordination of election precincts, polling places, voting booths, voting systems and election officers; Printing and mailing of voter pamphlets; Preparation of tabulation of result of votes cast; and all other services necessary to conduct an election.

SECTION 4. The City Council hereby requests that the Registrar of Voters of the County of Santa Clara consolidate the Special Municipal Election called and ordered to be held on November 3, 2026, with any other election that may be held on that date.

SECTION 5. The City Council hereby authorizes the Board of Supervisors of Santa Clara County, California to canvass the returns of the Special Municipal Election.

SECTION 6. The City Council hereby directs the City Clerk to reimburse the County of Santa Clara in full for any of the above-mentioned services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

SECTION 7. The City Council hereby directs the City Clerk to take all actions necessary to facilitate the Special Municipal Election in the time frame specified herein and comply with provisions of the Elections Code of the State of California, City Charter, Ordinances, Resolutions and Policies regarding the conduct of the Special Municipal Election.

SECTION 8. Pursuant to Section 12111 of the California Elections Code, the City Council hereby directs the City Clerk to: (a) cause a synopsis of the proposed measure to be published at least one time not later than one week before the election in the San José Mercury News, a newspaper of general circulation within the City of San José; (b) consolidate the Notice of Measure to be Voted with the Notice of Election into a single notice; (c) cause the following statement to be printed in the impartial analysis to be prepared by the City Attorney: “If you would like to read the full text of the measure, see [insert website URL] or call 408-535-1260 and a copy will be sent at no cost to you.”; and (d) do all other things required by law to submit the specified measure above to the electors of the City of San José at the Special Municipal Election, including causing the

full text of the proposed measure to be made available in the Office of the City Clerk at no cost and posted on the City Clerk’s website.

SECTION 9. Pursuant to Sections 9282 and 9285 of the California Elections Code, the City Council hereby approves the submittal of direct arguments for and against the ballot initiative, if any, and authorizes the City Council or any member or members of the Council to author and submit a ballot initiative argument in support of the ballot initiative and approves the submittal of rebuttal arguments in response to arguments for and against the ballot initiative and authorizes the City Council or any member or members of the City Council to author and submit a rebuttal, if any.

SECTION 10. The City Council hereby directs the City Clerk to transmit a copy of the measure qualifying for placement on the ballot to the City Attorney for preparation of an impartial analysis.

SECTION 11. The City Council hereby acknowledges that the consolidated election will be held and conducted in the manner prescribed in California Elections Code Section 10418.

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ADOPTED this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk

EXHIBIT A TO RESOLUTION NO. RES2026-_____ OF THE CITY OF SAN JOSE

That the citizens of the City of San Jose do hereby enact the following amendments to the City Charter:

Section 1. That Section 1600 of the City Charter be amended to read as follows:

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.
- b) **GENERAL ELECTIONS.** Elections which are held simultaneously in all districts of the City, whether municipal, county or state elections are referred to as General Elections.
- c) **SPECIAL MUNICIPAL ELECTIONS.** Special Municipal Elections are elections scheduled pursuant to Section 1601. The dates of any Special Municipal Election shall be set by resolution.
- d) **RUN-OFF QUALIFICATION.** The two candidates who poll the greatest number of votes for office in the Primary Municipal Election shall be the only candidates whose names shall appear on the ballot as candidates for such office at the following Runoff Municipal Election.

- e) TIES. Anything elsewhere to the contrary notwithstanding, all ties in any municipal election shall be decided by lot during open meeting of the Council, under the direction of the Council.
- f) DEATH OF A CANDIDATE. If a candidate dies after the filing of nomination papers for the primary election, the deceased candidate is treated as a candidate for all election purposes. If the deceased candidate is elected, the office will be declared vacant as of the beginning of the term of office for which the election was held. The position shall be filled in accordance with Section 410.
- g) MAJORITY OF VOTES. No person shall be declared elected to the office of the Mayor or Council member at any municipal election unless the person receives a majority of the votes cast for such office.
- h) VACANCIES. Anything else to the contrary notwithstanding, an election to fill a vacancy in the office of Mayor or Council member called pursuant to Section 410 may be conducted utilizing ranked choice voting. A ranked choice voting election shall be conducted as follows:
 - 1. The ballot shall allow voters to rank candidates in order of preference equal to the number of candidates for that office; provided however, if the voting tabulation system cannot accommodate ranking all of the candidates for that office, the elections official conducting the election may limit the number of choices to the maximum allowed by the voting tabulation system.
 - 2. The ballot shall in no way interfere with a voter's ability to cast a vote for a write-in candidate.
 - 3. If a candidate receives a majority of first choice votes, that candidate shall be declared elected.
 - 4. If no candidate receives a majority, the candidate who received the fewest first choice votes shall be eliminated and each vote cast for that candidate shall be transferred to the next ranked candidate (continuing candidate) on that voter's ballot.
 - 5. Multiple candidates may be eliminated if the combined votes for these candidates are fewer than the number of votes for the candidate currently receiving the most votes.
 - 6. If, after this transfer of votes, any candidate has received a majority of the votes from the continuing ballots, that candidate shall be declared elected.

7. The process of eliminating candidates and transferring their votes to the next-ranked continuing candidates shall be repeated until a candidate receives a majority of the votes.
8. During any round to eliminate candidates, a ballot will not count if the ballot has no candidates indicated at any ranking, has more than one candidate indicated for that ranking, or no further continuing candidates are ranked on the ballot.
9. If a ballot reaches a ranking with no candidate indicated for that ranking, that ballot shall immediately be transferred to the next ranked continuing candidate.
10. If two or more candidates tie for the fewest votes, and they are not eliminated pursuant to subsection 1600(h)(5), a candidate shall be decided by lot during open meeting of the Council to proceed to the next round.

NOTE: Additions to the text are underlined and deletions are shown in ~~strikethrough~~.