



CITY OF PALO ALTO OFFICE OF THE CITY CLERK

June 20, 2016

The Honorable City Council
Palo Alto, California

2016 GENERAL MUNICIPAL ELECTION, Tuesday, November 8, 2016 Preliminary Information

RECOMMENDATION

This is an informational report. The Preliminary Information regarding the November 8, 2016, General Municipal Election is attached.

EXECUTIVE SUMMARY

PRELIMINARY INFORMATION RE GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, NOVEMBER 8, 2016

This is preliminary information for persons interested in the 2016 General Municipal Election to be held in Palo Alto on Tuesday, November 8, 2016. No official nomination papers may be issued until the nomination period opens on Monday, July 18, 2016. Prospective candidates, campaign managers, and treasurers are advised to review the following information. The City Clerk is available to answer any questions.

TIME AND MANNER OF CONDUCTING ELECTIONS

The Palo Alto City Charter, Article III, Council, states:

"Section 3. Time of Election. A regular election shall be held in the City of Palo Alto on the first Tuesday after the first Monday in November of each even numbered year, and the same shall be known as the general municipal election. All other municipal elections that may be called under the authority of this charter, or by the general laws, shall be known as special elections."

"Section 4. Elections. All elections called and held in said City shall be held and conducted in manner and form as required by the general laws of the state governing elections within municipalities, provided that the council may by ordinance determine the manner of holding elections, the number of voting

precincts, the naming of election officers, and shall act as a canvassing board to canvass the results of such elections."

California Elections Code, Section 10418 provides that for a consolidated election, candidate nominations and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of the law regulating the statewide or regularly scheduled election.

OFFICES TO BE VOTED ON

Four Council offices for full terms (4 years) commencing January 1, 2017, are to be filled. Terms of Council Members Marc Berman, Pat Burt (Termed out), Liz Kniss, and Greg Schmid (Termed out) will expire December 31, 2016.

QUALIFICATIONS FOR CANDIDATES

The Palo Alto City Charter, Article III, Council, states:

"Section 2. Number; term. Commencing July 1, 1971, said council shall be composed of nine members, each of whom shall be an elector and shall have been a resident of the city of Palo Alto for at least thirty days next preceding the final filing date for nomination papers for such office. The members of said council shall be known as councilmen, councilwomen, or council members and their terms of office shall be four years, commencing on the first day of January next succeeding their election.."

A candidate in the 2016 General Municipal Election must reside in Palo Alto as of Wednesday, July 13, 2016, 30 days preceding August 12, 2016, which is the final date for filing nomination papers.

The Palo Alto Municipal Code Section 2.40.030 states:

"Filing of nomination petitions. Any person otherwise qualified may be a candidate for an elective office at any election, regular or special, by filing with the clerk within the time prescribed in the Election Code of California a petition signed by at least twenty-five qualified and registered voters."

FILING FEES

The City of Palo Alto charges a \$25 candidate's fee for filing nomination papers.

The Palo Alto Municipal Code Section 2.40.030 states:

"...Any duly established candidacy filing fee shall be waived for each candidate who files a petition signed by at least four qualified or registered voters for each dollar of filing fee."

Therefore, in order to waive the \$25 candidate's fee, a candidate would need to file a petition signed by 100 valid registered voters.

Currently, the City of Palo Alto does not charge for candidates' statements.

NOMINATION PERIOD

The California Elections Code, Section 10407, Candidate Filing Time for Elections Consolidated with Regularly Scheduled Election, states:

"Notwithstanding any other provision of law, whenever other elections are consolidated with a regularly scheduled election, the period for the filing of nomination documents by candidates in elections consolidated with the regularly scheduled election shall commence on the 113th day prior to the election. The nomination documents shall be filed not later than the close of business on the 88th day prior to the regularly scheduled election in the office of the appropriate officer, during regular office hours."

The California Elections Code, Section 10225, Time Extension if Incumbent Fails to File, states:

"Notwithstanding Sections 10220 and 10224, if nomination papers for an incumbent officer of the city are not filed by or on the 88th day before the election, during normal business hours, as posted, the voters shall have until the 83rd day before the election during normal business hours, as posted, to nominate candidates other than the person who was the incumbent on the 88th day, for that incumbent's elective office."

"This section is not applicable where there is no incumbent eligible to be elected. If this section is applicable, notwithstanding Section 10224, a candidate may withdraw his or her nomination paper until the 83rd day before the election during normal business hours, as posted."

Nomination papers and complete information packets will be available from the City Clerk commencing Monday, July 18, 2016. All candidates should set an appointment with the City Clerk for both pulling and filing of nomination paperwork. All forms shall be issued by the City Clerk, shall be stamped "Official Filing Form," and signed by the Clerk when issued.

The nomination period will close at 5:00 p.m. on Friday, August 12, 2016 except that if an incumbent elective officer does not file within the period above, the voters shall have until 5:30 p.m. on Wednesday, August 17, 2016 to nominate candidates other than incumbents.

COUNCIL MEMBERS' COMPENSATION

Council Members receive \$600 per month stipend. The Mayor receives an additional \$150 per month expense allowance, and the Vice-Mayor an additional \$100 per month expense allowance.

CAMPAIGN REPORTING AND FINANCIAL DISCLOSURE

It is incumbent upon every candidate and campaign treasurer to become personally familiar with the requirements of the laws relating to campaign reporting and financial disclosure.

DISCLOSURE OF CAMPAIGN RECEIPTS AND EXPENDITURES

The Political Reform Act requires all candidates for state and local elective office, all state and local elected officeholders, proponents of state ballot measures and committees supporting or opposing state and local candidates, ballot measures and petition circulation drives, to file campaign statements disclosing contributions received and expenditures made. Failure to file the appropriate statements and reports in compliance with the Act can result in criminal and civil penalties. Failure to file by the prescribed deadlines also can lead to late filing penalties of \$10 per day up to \$100, or the amount stated on the late campaign statement or report, whichever is greater.

By August 1, 2016, candidates and committees for the November 8, 2016 election must file a semi-annual statement if they have made any expenditures or received or made any contributions during the period starting January 1, 2016, or the day after the closing day of the last statement, if applicable. Closing date of statement is June 30, 2016. There are no provisions in the law for extension of due dates for filing campaign statements.

ANONYMOUS CONTRIBUTIONS BETWEEN \$50 AND \$100

The Palo Alto Municipal Code, Section 2.40.050, states:

"No person shall make an anonymous contribution or contributions to a candidate, committee, or any other person totaling \$50.00 or more in a calendar year. An anonymous contribution between \$50.00 and \$100.00 shall not be kept by the intended recipient, but instead shall be promptly paid to the city clerk for deposit in the general fund of this city."

DISCLOSURE OF FINANCIAL INTERESTS

All candidates will be required to file a Statement of Economic Interests Form 700, reporting investments, interests in real property and, if applicable, business positions held on the date of filing your nomination papers. In addition, candidates will disclose income received during the 12 months prior to the date of filing in accordance with Section 84200, Government Code. This statement, disclosing interests held at the date of declaration of candidacy, must be filed no later than the final filing date for declaration of candidacy. The City Clerk will provide forms at the time nomination papers are issued.

INFORMATION

Questions regarding personal reporting obligations under the Political Reform Act should be addressed to the Palo Alto City Attorney 650-329-2171, or the Fair Political Practices Commission, 1100 K Street, Sacramento, CA 95814. Call the Fair Political Practices Commission toll free at 866-275-3772.

Department Head: Beth Minor, City Clerk